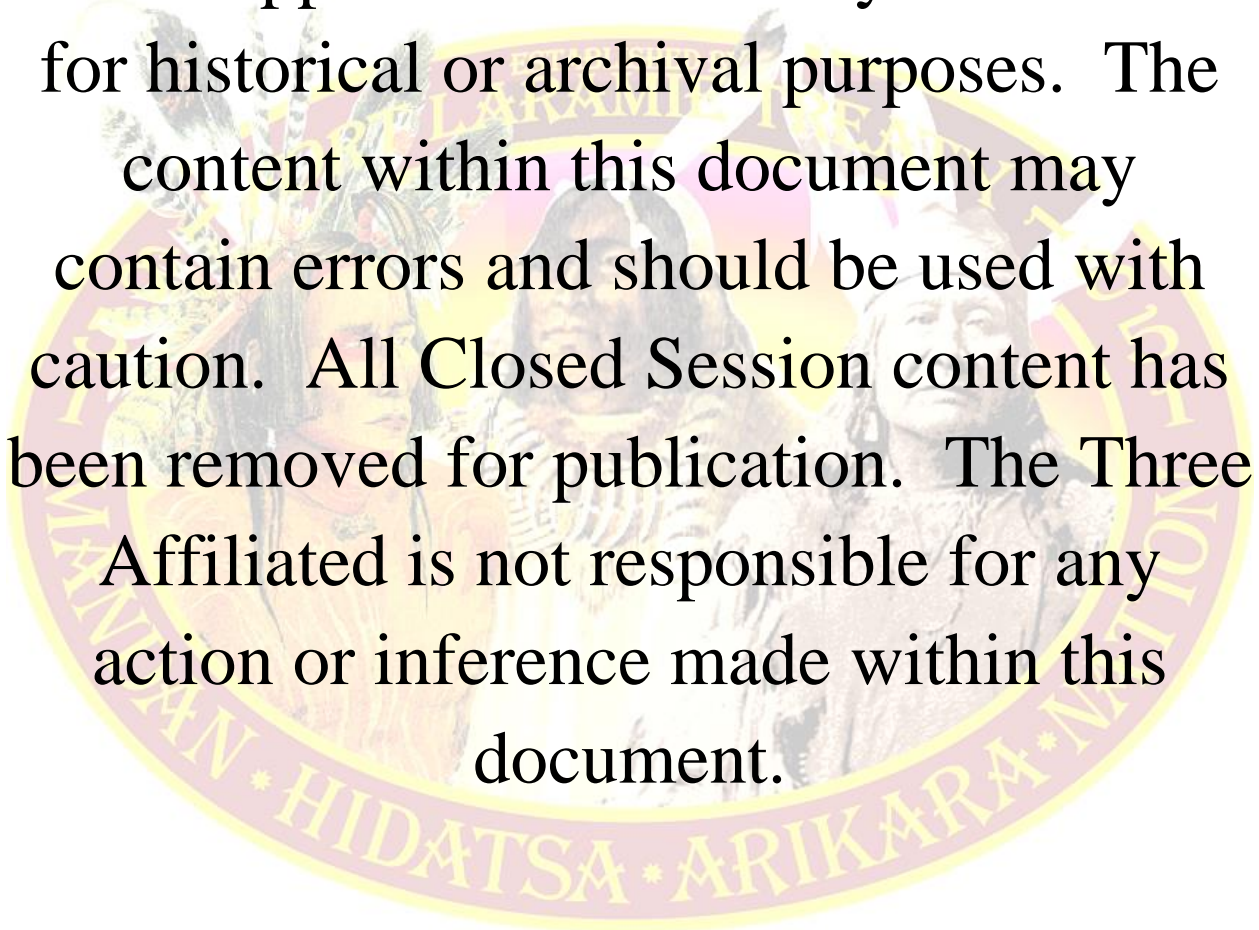


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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING NO. 31
OCTOBER 04, 2001**

01. CALL TO ORDER:

The meeting was called to order at 12:30 p.m. and asked all present for a silent prayer.

02. ROLL CALL:

Members present: Chairman Tex G. Hall, Vice-Chairman Randy Phelan, Secretary Marcus Wells, Jr., Councilman Malcolm Wolf, Councilman Daylon Spotted Bear and Councilman Mark Fox. Absent: Treasurer Austin Gillette

03. APPROVAL OF AGENDA:

Councilman Phelan motioned for approval of agenda as amended. Additions to agenda: Twin Buttes School; Mandaree Day Care; Fort Berthold Development Corporation/Four Bears Headstart; Tourism Office; Bismarck Office Space, Tourism Office Space/Public Works. Seconded by Councilman Wells.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

04. SMALL LOANS:

Treasurer Gillette motioned for approval of three Small Loans in the amount of \$2,500 each for the following: Al Garness, Elliot Windy Boy, and Rose Crow Flies High. Seconded by Council Phelan.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

Councilman Fox motioned for approval of a waiver of security collateral for Iva Gillies' loan. Seconded by Councilman Wells.

DISCUSSION: For the record, the waiver of the security collateral is based on Ms. Gillies eight years of employment as well as her good status with the Tribe. Also, a wage deduction will be utilized to secure the loan.

VOTE: 6 Ayes, 0 Nays, 1 Abstention, 0 Not Voting. Motion carried.

Councilman Phelan motioned for approval to authorize the C.E.O., Terry RedFox to develop criteria for a waiver policy for employee loans, including but not limited to, longevity and good standing.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

Councilman Phelan motioned for approval to authorize the C.E.O., Terry RedFox, in cooperation with Small Loans, to develop a Executive Authority proposal for review by the Full Council. Seconded by Councilman Gillette.

VOTE: 6 Ayes, 0 Nays, 1 Abstention, 0 Not Voting. Motion carried.

05. PHYSICIAN RECRUITMENT:

Councilman Gillette motioned for approval to extend an offer of employment to Dr. Loren Simpson and the invitation to visit the Indian Health Service facilities. Seconded by Councilman Wolf.

VOTE: 6 Ayes, 0 Nays, 1 Abstention, 0 Not Voting. Motion carried.

Councilman Gillette motioned for approval to offer a part-time position, at the standard rate of pay, to Dr. Linda Gourneau to comply with KDU requirements. Seconded by Councilman Wolf.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

06. INTERNATIONAL PROJECTS GROUP, INC.:

DISCUSSION: As defined in the Services Contract, funds are placed in an account by Tribal Authority; I.P.G. will commence services when income stream from the funding organization that I.P.G. represents begins then, releasing the escrow account funds. The start-up fee for I.P.G. is \$1 million. The Service Contract should include suggested language to require the exchange, as \$11 million from total from the Tribe; \$1 million is paid to I.P.G. and \$10 million remains in escrow. Chairman Hall requested to include a clause specifically clarifying the exchange and I.P.G.'s responsibility. Clause Three: Reimbursement of Funds stating that the consideration of \$1 million provided in Clause Two, shall be reimbursed by the income stream paid to the Tribe, in accordance with the private placement program. The Letter of Intent defines the private placement program. For the record, before money is allocated, the private placement memorandum must include the terms and conditions approved by the Tribal Business Council.

07. PARSHALL RESOURCE CENTER:

Councilman Wells motioned for approval of Resolution #01-244-MWJR contingent upon receipt of state reimbursement. Seconded by Councilman Phelan.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not Voting. Motion carried.

08. HEALTH DIRECTOR:

Councilman Phelan motioned for approval to authorize the Health Director to draft a proposal for the Alcohol and Drug Program consolidation. Seconded by Councilman Gillette.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not Voting. Motion carried.

09. MEDICAL EMERGENCIES:

Councilman Wells motioned for approval of \$5,000 for medical emergencies to be obtained from the Four Bears Casino medical line item. Seconded by Councilman Phelan.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

10. RESERVATION SCHOOLS:

Councilman Phelan motioned for approval of Resolution #01-245-MWJR for \$500,000 for the Fort Berthold Reservation Schools; \$100,000 for each school. Seconded by Councilman Wells.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

11. LANDFILL SITE VISIT:

Councilman Phelan motioned for all Councilmen to attend a site visit at the tribal landfill and to utilize the McKenzie County on the interim for ninety (90) days. Seconded by Councilman Gillette.

VOTE: 4 Ayes, 2 Nays, 1 Abstention, 0 Not Voting. Motion carried.

12. TWIN BUTTES GRAVEL PIT:

Councilman Spotted Bear motioned for approval of authorization to develop a tribal gravel pit in the Twin Buttes area and to research the possibility of obtaining a Corps of Engineer permit for gravel. Seconded by Councilman Wells.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

13. **FORT BERTHOLD COMMUNITY COLLEGE:**
Councilman Gillette motioned for approval of Resolution #01-246-MWJR to fund Fort Berthold Community College \$200,000 per year for a five-year period (\$1,000,000 total). Seconded by Councilman Wolf.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

14. **477 PROGRAM:**
Councilman Gillette motioned for approval to authorize to research the allocation given to 477 and Vocational Rehabilitation to provide an additional \$10,000 for the Adult Education Program. Seconded by Councilman Wolf.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

15. **KUM & GO CONVENIENCE STORE PROPOSAL:**
Councilman Phelan motioned for approval to defer the Kum & Go Convenience Store proposal to October 11, 2001. Seconded by Councilman Fox.

VOTE: 5 Ayes, 1 Nay, 1 Abstention, 0 Not Voting. Motion carried.

16. **ELDER HOME SITE PROPOSAL:**
Councilman Wells motioned for approval of Resolution #01-247-MWJR authorizing five Elder Home Sites to be constructed by Fort Berthold Development and for five Elder Home Sites to be constructed by Colby Little Soldier at \$17,000 each. Seconded by Councilman Fox.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

17. **FORT BERTHOLD DEVELOPMENT CORPORATION:**
Councilman Wells motioned for approval to authorize C.E.O., Terry RedFox, to negotiate with Fort Berthold Development Corporation for the cost of the Four Bears Headstart building (including mobilization and footings) not to exceed \$11,000. Seconded by Councilman Wolf.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

Councilman Fox motioned for approval to authorize Fort Berthold Development to draft documents to obtain a performance bond for Tribal Business Council review on October 11, 2001. Seconded by Councilman Phelan.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

18. FOUR BEARS HEAD START:

Councilman Wells motioned for approval to direct MR&I to install water and sewer for Four Bears Head Start. Seconded by Councilman Phelan.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

19. DOCKET FUNDS REVENUE:

Councilman Gillette motioned for approval of Resolution #01-248-MWJR. Seconded by Councilman Phelan.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

20. M3 ENERGY AGREEMENT:

Councilman Gillette motioned for approval of the M3 Energy Agreement. No Second; motion fails.

Councilman Phelan motioned for authorization to amend the M3 Energy Agreement for Tribal Business Council review on October 11, 2001. Seconded by Councilman

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

21. TWIN BUTTES RESOLUTION #01-249-MWJR:

Councilman Spotted Bear motioned for approval of Resolution #01-249-MWJR. Seconded by Councilman Gillette.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

22. DAY CARE:

Councilman Phelan motioned for authorization to draft a plan to consolidate all district day cares for review on October 11, 2001. Seconded by Councilman Gillette.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion

carried.

23. TOURISM VEHICLE:

Councilman Wells motioned for approval of the \$7000 monthly vehicle lease for the Tourism Department. Seconded by Councilman Fox.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

24. ELBOWOODSWORKS ANNUAL REPORT:

Councilman Phelan motioned to direct ElbowoodsWorks to provide an annual report to the Tribal Business Council. Seconded by Councilman Wells.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

25. COMMODITY WAREHOUSE:

Councilman Wolf motioned for approval of the USDA Agreement with the Three Affiliated Tribes for the new Commodity warehouse. Seconded by Councilman Wells.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

26. I.P.G. LETTER OF INTENT:

Councilman Spotted Bear motioned for approval of the Letter of Intent, as amended by the TAT Legal Department, between International Projects Group, Inc. and the Three Affiliated Tribes with final approval subject to a background check on Mr. Richard Thompson by the TAT Criminal Investigator. Seconded by Councilman Phelan.

VOTE: 4 Ayes, 3 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

27. ACTING TCSCC COORDINATOR:

Councilman Fox motioned for approval of the temporary appointment of Jennifer Mann as Acting TCSCC Coordinator until the position is advertised and filled. Seconded by Councilman Wells.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

28. LEAH YOUNG BIRD:

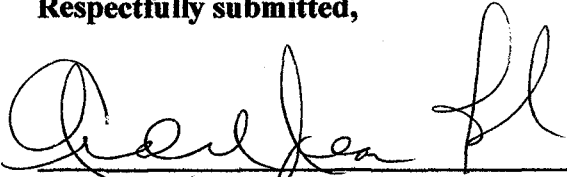
Councilman Wells motioned for approval of a 30-day temporary appointment of Ms. Leah Young Bird to . Seconded by Councilman Fox.

- VOTE:** 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.
29. **TCSCC COMMITTEE M.O.A.:**
Councilman Wells motioned for approval of Resolution #01-250-MWJR. Seconded by Councilman Spotted Bear.
- VOTE:** 5 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.
30. **SOCIAL SERVICES:**
Councilman Phelan motioned for authorization to use any tribal resources available for relocation and set-up of a trailer in Mandaree for emergency homeless situations. Seconded by Councilman Wells.
- VOTE:** 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.
31. **DISTRICT JUDGE:**
Councilman Gillette motioned for approval of the salary for the District Judge in the amount of \$55,000. Seconded by Councilman Wells.
- VOTE:** 5 Ayes, 0 Nays, 2 Abstentions, 0 Not Voting. Motion carried.
32. **ADJOURNMENT:**
Councilman Wolf motioned to adjourn the meeting at 10:55 p.m. Seconded by Councilman Phelan.
- VOTE:** 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.
33. **MEETING RECONVENE:**
The meeting was reconvened at 11:00 p.m.
34. **HOMESTEADER RECRUITMENT, INC.:**
Councilman Gillette motioned for approval of the Locum Tenum Agreement not to exceed \$12,000 with authorization to negotiate for a better rate. Seconded by Councilman Wells.
- VOTE:** 5 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.
35. **ADJOURNMENT:**

**Councilman Gillette motioned to adjourn the meeting at 11:04 p.m.
Seconded by Councilman Phelan.**

**VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion
carried.**

Respectfully submitted,



**Ardel Jean Baker, Recording Secretary
Tribal Business Council
Three Affiliated Tribes**

11-08-01
Date



**Marcus D. Wells, Executive Secretary
Tribal Business Council
Three Affiliated Tribes**

11-8-01
Date

ATTEST:

**Tex G. Hall, Tribal Chairman
Tribal Business Council
Three Affiliated Tribes**

Date