

**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING NO. 33
OCTOBER 22, 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, Treasurer Austin Gillette, Councilman Daylon Spotted Bear and Councilman Mark Fox. Secretary Marcus Wells, Jr. and Councilman Malcolm Wolf

03. APPROVAL OF AGENDA:

Councilman Gillette motioned for approval of the agenda as amended with the consideration for the reserves of the absent members. Seconded by Councilman Phelan.

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

Councilman Wells joined the meeting at 12:45 p.m. 6 Members are now present.

04. OFFICE OF TRUST FUNDS MANAGEMENT:

Councilman Gillette motioned for approval of Resolution #01-269-MWJR clarifying the Tribes position and the terms of the JTAC principal amount and opposition to the interpretation by the Office of Trust Funds Management in regards to the interest determined to be principal or capital gains. Seconded by Councilman Phelan.

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

Councilman Wolf joined the meeting at 1:20 p.m. 7 Members are now present.

05. ELDER BUDGET ISSUES:

Councilman Gillette motioned for approval of \$400,000 for the Elder's Organization for FY 2002. No Second; Motion fails.

Councilman Phelan motioned for approval of an interim budget for the Elder's Organization in the amount of \$250,000, until the final Elder budget for FY 2002 is restructured and streamlined by January 1, 2002, to ensure that direct services will continue for the elders. Seconded by Councilman Gillette.

October 23, 2001

DUWAYNE SCHWINDT
COMMUNITY FIRST BANK

STEVE SALVESON
CHIEF FINANCIAL OFFICER

DuWayne:

With regard to CD#6420054937 maturing on 10-27-01, the following activity has been approved. With the CD proceeds, payoff Note #64250031110 and Note #6420033285 including interest in their entirety. Set aside a new CD with a balance of \$250,000 to be used for securing new one year letters of credit for Fort Berthold Development of \$100,000 and for Twin Buttes Custom Homes for \$100,000 for another year and establish a \$50,000 line of credit for Mandaree Solid Surface similar to line #6420032228 as far as authority of usage and required signatures for draws. The letters of credit are for Minot Builders Supply. The excess remaining amount of \$51,000+ would first be used to payoff the amount owed to Minot Builders Supply by Fort Berthold Development and then excess after that would be deposited into our central account 6425009129. A new line of credit would be setup for Fort Berthold Development Corporation in the amount of \$250,000 from the proceeds received from Krause which is paid as a two-party check to the bank and Development. Any excess monies received from Krause would be deposited into TAT account #6425009129 centralized checking to reimburse us for payments we have made on behalf of Development.

Thank you in advance for your prompt attention to this matter.

CONCURRENCE: Tex G. Hall
Tex G. Hall, Chairman
Three Affiliated Tribes

CONCURRENCE: Austin Gillette
Austin Gillette, Treasurer
Three Affiliated Tribes . 10-23-01.

CC: File

*Please find
discussion on
this in
minutes - need
for tomorrow
meeting
Banker w/
(95)*

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

06. BUREAU OF RECLAMATION:

For the record, the final engineering report is in final stages of preparation. The Segment Community meetings will be held in November 2001 to obtain input for the final water engineering report. The Tribe will be requesting additional funding for the water project to address unmet water needs. The MR&I Department will be coordinating the water surveys and community meetings.

07. PARSHALL RESOURCE CENTER:

Councilman Gillette motioned for approval of amended Resolution #01-261-MWJR to support the establishment of a budget of \$120,000 (\$10,000 per month) for FY 2002. Seconded by Councilman Fox.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Not Voting. Motion carried.

08. FOUR BEARS BRIDGE:

Councilman Gillette motioned for approval of Resolution #01-262-MWJR to request additional funding of \$9,500,000 for the Four Bears Signature Bridge from the Federal Highway Administration. Seconded by Councilman Wolf.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Not Voting. Motion carried.

09. FORT BERTHOLD DEVELOPMENT CORPORATION:

Councilman Fox motioned for approval of amended Resolution #01-263-MWJR to obtain a \$325,000 performance bond as a requirement of the Bid Proposal and project specifications. Seconded by Councilman Spotted Bear.

DISCUSSION: For the record, the waiver of sovereign immunity would be limited to the face value of the performance bond required for the Fort Berthold Development Corporation project.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 1 Not Voting. Motion carried.

10. PARSHALL CITY LOTS:

Councilman Fox motioned for approval of Resolution #01-264-MWJR wherein the Tribal Business Council agrees to make all efforts to negotiate and purchase the lots in the Couches Addition of the City of Parshall from ASK Management. Seconded by Councilman Phelan.

DISCUSSION: The property, four (4) lots valued at \$1,500 per lot; \$6,000 total, is for the Data Processing Center location.

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

11. MARSHALL, MILLER & SCHROEDER:

Councilman Gillette motioned for approval of Resolution #01-265-MWJR authorizing a taxable interim loan in the amount of \$3, 052,000 million to provide for the working capital of the Three Affiliated Tribes FY 2002, subject to final legal review utilizing 1) a general obligation or 2) JTAC pledge as security. Seconded by Councilman Phelan.

DISCUSSION: The Arbitration/UCC language and articles referenced will be summarized and included in Resolution #01-266-MWJR for clarification purposes. The interim loan will be secured by general obligation.

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

Councilman Phelan motioned for approval of a tax-exempt loan in the amount of \$9,035,000, subject to final legal review utilizing 1) a general obligation or 2) JTAC pledge as security in Resolution #01-266-MWJR, for the completion of the expansion and development within the Four Bears Casino & Lodge. No Second; Motion fails.

DISCUSSION: Resolution #01-266-MWJR will be amended to define that the JTAC interest pledge is limited to the annual debt service payment (\$851,736, the estimated annual payment based on 4.9 interest rate). Patty Fredericks, First Vice President of Marshall, Miller & Schroeder stated that the interest rate is for a maximum of 5%.

Councilman Phelan motioned for approval of a tax-exempt loan in the amount of \$9,035,000, subject to final legal review utilizing 1) a general obligation or 2) JTAC pledge as security in Resolution #01-266-MWJR, for the completion of the expansion and development within the Four Bears Casino & Lodge. Seconded by Marcus Wells, Jr.

ROLL CALL VOTE: 6 Ayes: AG, DSB, RP, MWOLF, HALL, MWJR; 0 Nays; 1 Abstention: FOX; 0 Not Voting. Motion carried.

Councilman Gillette motioned for approval of tax-exempt debt Resolution #01-267-MWJR. Seconded by Councilman Phelan.

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

DISCUSSION: For the record, the JTAC Budget, when approved, will reflect the omission of these projects. Mr. Salveson/TAT Legal will research and provide opinions.

12. FOUR BEARS ELDER GARAGE:

Councilman Wells motioned for approval to designate a Four Bears Segment Elder Garage for May Brugh who owns her home and resides within the Four Bears Segment at the Robert Brugh residence. Seconded by Councilman Fox.

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

13. VETERAN'S DAY:

Councilman Gillette motioned for approval of funding not to exceed \$10,000 for the November 11, 2001 Honoring of the Living Veterans to be held at the Four Bears Community Building. Seconded by Councilman Phelan.

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

14. 2002 TOURISM BUDGET:

Councilman Fox motioned for approval of an Interim Budget of \$150,000 for Tourism with review in April 2002. Seconded by Councilman Gillette.

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

15. LEWIS & CLARK SIGNATURE EVENT:

Councilman Gillette motioned for approval of a Resolution #01-268-MWJR for the Lewis & Clark Signature Event. Seconded by Councilman Phelan.

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

16. 2002 TRIBAL COURT BUDGET:

Councilman Gillette motioned for approval of the FY 2002 Tribal Court JTAC request in the amount of \$130,000, subject to Administrative review. Seconded by Councilman Phelan.

VOTE: 5 Ayes, 0 Nays, 2 Abstentions, 0 Not Voting. Motion carried.

17. TAT ANIMAL CONTROL:

Councilman Wells motioned for approval to authorize the transfer of Animal Control to TAT Game & Fish. Seconded by Councilman Gillette.

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

18. PERSONNEL-EMPLOYEE RELATIONS:

19. TAT SOCIAL SERVICES:

Councilman Gillette motioned to authorize TAT Social Services to submit a letter to the Aberdeen Area Office for budget clarification and revision of the

contract to allow for additional services with carry-over funds and to schedule a site visit. Seconded by Councilman Phelan.

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

Councilman Phelan motioned for approval to reimburse the Mandaree Segment budget for the amount expended to set up a mobile home for a homeless community member. Seconded by Councilman Fox.

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

20. PERSONNEL-EMPLOYMENT TRANSFER:

21. JTAC SEGMENT FUNDS FY 2002:

Councilman Wolf motioned for approval to establish a base amount of \$40,000 base for FY 2002 (\$25 per head count for all six (6) segments). Seconded by Councilman Gillette.

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

22. FY 2002 INTERIM GENERAL FUND BUDGET:

Councilman Gillette motioned for approval of the Draft #6 as the Interim Budget for payment of accounts payable, subject to changes as discussed at this meeting: Total Revenue \$19,000,000; Total Expenditures \$26,400,000 or a \$7,500,000 Deficit Budget-Interim Approval. Seconded by Wells.

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

23. SENIOR CITIZEN GARAGES:

Councilman Gillette motioned for approval to construct and complete the sixty (60) elder garages in the amount of \$60,000 (\$1,000 per garage). Seconded by Councilman Phelan.

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

24. EDWIN BENSON:

Councilman Gillette motioned for approval of an activity grant of \$500 for an Honoring Function. Seconded by Councilman Wells.

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

25. AUGUST LITTLE SOLDIER:

Councilman Spotted Bear motioned for approval of an activity grant of \$500 for an Honoring Function. Seconded by Councilman Fox.

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

26. SONNY BLACK FEATHER:

Councilman Wells motioned for approval of the amendment to Resolution #01-269-MWJR that authorizes an extension of the term of the contract to November 16, 2001 and the direct supervision of work schedule by Nathan Hale, TAT Roads Department. Seconded by Councilman Phelan.

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

27. ELDERS GARAGE APPROVAL ASSIGNED:

For the record, amendment of Resolution #01-212-MWJR was formally approved on April 3, 2001.

28. SEGMENT ROADS:

Councilman Phelan motioned for approval of graveling crushing for Mandaree in the amount of \$16,800. Seconded by Councilman Wells.

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

29. PERSONNEL ACTION-TAT FINANCE:

30. ROB COLLINS:

Councilman Gillette motioned for approval to hire Rob Collins within the TAT Finance Department, salary not to exceed \$55,000 per annum. Seconded by Councilman Wells.

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

31. CERTIFICATE OF DEPOSIT:

Councilman Gillette motioned for approval to reinvest the Certificate of Deposit as proposed by Steve Salvesson, C.F.O. of TAT Finance. Seconded by Councilman Wells.

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

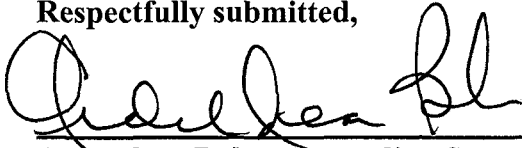
32. PERSONNEL ACTION-RECORDING SECRETARY:

33. ADJOURNMENT:

Councilman Phelan motioned to adjourn the meeting at 11:15 p.m. Seconded by Councilman Wells.

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

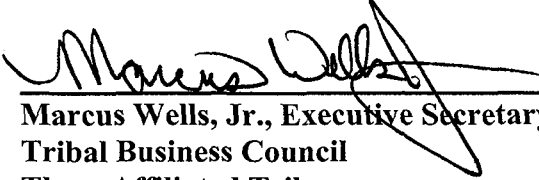
Respectfully submitted,



Ardel Jean Baker, Recording Secretary
Office of the Executive Secretary
Three Affiliated Tribes

11.14.01

Date

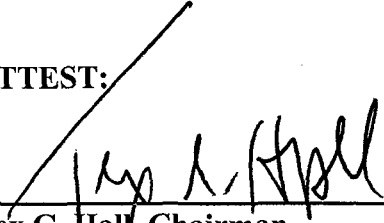


Marcus Wells, Jr., Executive Secretary
Tribal Business Council
Three Affiliated Tribes

11-14-01

Date

ATTEST:



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

11-14-01

Date