



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING
09-58-VJB
December 4, 2009, 2:00 P.M.**

I. CALL TO ORDER:

The meeting was called to order at 3:29 P.M.

This is meeting #172 of the Wells-Levings administration.

II. PRAYER:

Roger Bird Bear

III. ROLL CALL:

Councilman Frank Whitecalfe, Councilman Arnold Strahs, Chairman Marcus Levings, Councilman Scott Eagle, and Councilwoman V. Judy Brugh are present. A quorum is established. For the record Councilman Mervin Packineau and Councilman Barry Benson are not present.

IV. APPROVAL OF AGENDA:

Councilman Eagle moved to approve of the agenda, second by Councilman Strahs.

Discussion: Add-ons will be reserved. Council is late because they were at house openings.

VOTE: 5 Ayes 0 Nays Motion carried.

V. FINANCIAL: Lenny Abrams, CFO

A. Resolution 09-184-VJB: Loan Refinancing Indebtedness with Chairman, Vice-Chairman, or Secretary to Execute Documents 3:44

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of loan to refinance existing indebtedness and meet related financing needs; together with a pledge of revenues, including assignment of trust fund interest, met casino revenues and oil revenues as security for the loan; and authorization for the Chairman, Vice-Chairman or Secretary to execute documents in connection therewith." The motion is second by Councilman Eagle.

Discussion: Councilman Whitecalfe says this is just starting the process. He would like to have the covenants and expenditures closely looked at. This will be the only borrowing for the next three years. Damon advises that the excess beyond the debt service and the tribe gets their monthly allocation;

according to their approved budget (this year \$40 Million). Whatever is left over, half of that goes to the tribe, back to them to spend (back into your budget so you will have more money) and the other half is going to go back to debt service (to pay down the debt quicker). The information will be given out by the Chairman's office by pie charts and graphs when he goes out to meet with the people in the communities.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Resolution 09-185-VJB: Application for a Loan Guaranty from BIA

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of an application for a loan guaranty from secretary of the Department of Interior, Bureau of Indian Affairs, and the transaction described therein." The motion is second by Councilman Strahs.

Discussion: This will be brought back to the Tribal Business Council. It is a continuous process. Damon Williams explains using collateral and secondary loan.

VOTE: 5 Ayes 0 Nays Motion carried.

C. Resolution 09-186-VJB: Elder Disbursement

Councilman Eagle moved to approve of a resolution entitled, "Authorization for a Disbursement to the Elders." The motion is second by Councilwoman Brugh.

Discussion: December 18, 2009 will be the elder Christmas party to be hosted by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

VI. Student Financial Request for Midwest

No one was present.

VII. Resolution 09-183-VJB: Tax Commissioner: Marcus Wells, Roger Bird Bear 3:30

Councilman Whitecalfe moved to approve of a resolution entitled, "Authority of Tax Commissioner Marcus Wells under the TAT Code to negotiate Tax Agreement with the State of North Dakota." The motion is second by Councilman Eagle.

Discussion: The way the tax agreement looks, we will need to up it for the next 2 to 5 years to maintain our revenue stream for collateral for our loan. There is no room to negotiate that one. The tax agreement is part of our revenue.

VOTE: 5 Ayes 0 Nays Motion carried.

VIII. Legal Council for TAT Refinery 5:35

Discussion: TAT Legal will contact the eight law firms to present to the Tribal Business Council on December 21, 2009 for the Legal Counsel on the TAT Refinery.

IX. Scott Eagle Annual Leave Pay Out 5:56

Councilman Whitecalfe moved to approve to complete Scott Eagles previous employment payout of annual leave when employed with Tourism in the amount of 84 hours, prior to becoming Councilman. The motion is second by Councilman Strahs.

Discussion: This should have been paid out automatically. Sick can be gifted to someone to zero it out.

VOTE: 4 Ayes 0 Nays 1 Abstention (SE) Motion carried.

X. 4 Bears Casino: Spencer Wilkinson Jr.

A. 4 Bears Casino Update:

Spencer Wilkinson Jr. gave an update.

B. Employee Gambling Christmas Eve

Councilman Whitecalfe moved to approve to allow 4 Bears Casino employees to gamble from 3 P.M. to 4 P.M. while casino is closed to patrons during Christmas Eve. The motion is second by Councilman Strahs.

Discussion: This is for the employees that could not get off the clock. Gambling in the Coyote Den for 18 year olds like Standing Rock is discussed. It would be alcohol free. State of ND is o.k. with 18 year olds gambling but not alright with them drinking alcohol.

VOTE: 5 Ayes 0 Nays Motion carried.

B. 18 Years Old Gaming in C-Store Casino

Councilman Whitecalfe moved to approve to look further into permitting 18 year old gaming in the C-Store Casino only. The motion is second by Councilwoman Brugh.

Discussion: Reference is made to Standing Rock Casino.

VOTE: 5 Ayes 0 Nays Motion carried.

**C. Action on Meeting at 4 Bears Casino Arikara/Hidatsa
Room 6:15**

Councilman Whitecalfe moved to approve to address a letter of warning for the Gaming Executive Director for not following through with the correct protocol on an allegation or complaint, second by Councilman Eagle.

Discussion: November 2, 2009 is the date of the meeting on the Weed and Seed at the casino.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

XI. Resolution 09-187-VJB: PolyCom Maintenance Agreement with MHA Systems 5:25

Councilwoman Brugh moved to approve of a resolution entitled, "Approval of PolyCom Maintenance Agreement with MHA Systems." The motion is second by Councilman Eagle.

Discussion: The equipment is under warranty. The other agreement was to install the equipment and get it running. This agreement is to maintain it.

VOTE: 5 Ayes 0 Nays Motion carried.

XII. Comp Time Pay out for Dallas McGrady

Councilman Eagle moved to approve to pay out Dallas McGrady 60 comp time hours for previous employment, subject to the personnel policy and procedure handbook. The motion is second by Councilwoman Brugh.

Discussion: He has 127 hours of comp time that he accrued while working at the community center.

VOTE: 5 Ayes 0 Nays Motion carried.

XIII. ADJOURNMENT:

Councilman Eagle moved to adjourn the meeting, second by Councilman Whitecalfe.

The meeting is adjourned at 6:28 P.M.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum _____ were present at the Meeting thereof duly called, notice, convened and held on the _____ day of _____, 2009; that the foregoing Minutes were amended

Special Tribal Business Council Meeting

December 4, 2009

Carmen Halvorson


and duly adopted at such meeting by the affirmative vote of _____ members; _____ members opposed;
_____ members abstained; _____ Members not voting.

Chairman () Voting () Not Voting

Dated this _____ day of _____, 2009.

ATTEST:

Tribal Secretary, V. Judy Brugh
Tribal Business Council,
Three Affiliated Tribes



Tribal Chairman, Marcus D. Levings
Tribal Business Council,
Three Affiliated Tribes

