



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
Office (701) 627-4781
Fax (701) 627-3805

MINUTES OF

SPECIAL TRIBAL BUSINESS COUNCIL MEETING

TUESDAY, MARCH 28, 1995, 3:30 P.M.

I. CALL MEETING TO ORDER & PRAYER.

Chairman Russell D. Mason called the Special Meeting to order at 3:30 p.m., at which time he asked for a moment of silent prayer and meditation.

II. ROLL CALL.

Secretary Daylon Spotted Bear called the roll.

A. Members Present:

1. Chairman Russell D. Mason
2. Vice Chairman Edwin Hall
3. Treasurer Mark Fox
4. Councilman Austin Gillette
5. Councilman George Fast Dog
6. Secretary Daylon Spotted Bear

B. Members Absent:

1. Councilman Ivan Johnson

C. Six members present. Quorum Established.

D. Employees Present:

Gordon Grady, Sergeant at Arms; Marian Spotted Bear, Recording Secretary; Tribal Programs Analyst John Danks; Tribal Programs Manager Ed Lone Fight; Tax Commissioner Tom Bird Bear.

E. Others Present:

Dave Brendsel, Investment Consultant; Jeff Moore, President, and DuWayne J. Schwindt, Vice President, Community First National Bank and Trust Company, Dickinson, ND; Clarence O'Berry, CEO/MEC; Paul Fredericks, Twin Buttes Community; Visiting was Jeanette Spotted Bear Richardson, Billings, MT.

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III. APPROVAL OF AGENDA.

Councilman Mark Fox commented on the agenda, saying that the meeting would concern tribal finances and a proposal to work with the Community First National Bank of Dickinson. Legal Department has approximately four items for discussion. Mandaree Electronics request for minutes was also on agenda. FISBA has a request for a resolution.

At this time, Chairman Mason acknowledged the presence of one of our enrolled members, Jeanette Spotted Bear Richardson, who was visiting in the area from Billings, Montana.

Mark Fox then made a motion to approve the agenda, as amended.

Second: Austin Gillette
Vote: 6 in favor. 1 absent. Approved.

IV. NEW BUSINESS.

A. Community First National Bank, Dickinson, ND.

Introduction of guests from Community First National Bank was made by Dave Brendsel, who stated that as a part of the funding process for the tribes, on a short-term basis, he is looking at securing a loan of \$500,000 from the Community First National Bank. The president and vice president of the bank, Mr. Moore and Mr. Schwindt, respectively, were asked to make some comments. Mr. Moore shared the background and history of his bank. Both stated they looked forward to a good working relationship with the tribes.

NOTE: Mr. George Fast Dog entered the meeting at 3:45 p.m. and introductions were made accordingly.

B. Albuquerque, NM, Trust Services Meeting Report.

Mark Fox gave a presentation of the meeting in Albuquerque that he, Chairman Mason, Ed Lone Fight, Austin Gillette, and Dave Brendsel had with the Trust Services Division, the past week. He thought it had been a good, informative meeting, and felt our trust funds were presently being handled efficiently, since

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the division has made a lot of changes recently, and appears to have qualified, professional staff and equipment to work with at this time. The Tribes are going to have a lot more discretion and a lot more influence on how these funds are invested. There is a possibility that the tribes may opt to take out some of their trust funds or all of their trust funds, and manage these themselves, if they feel the Bureau is not doing a satisfactory job.

Chairman Mason thanked the council at this time for hiring Mr. Brendsel as an investment counselor, which he said was very appropriate and timely.

Mr. Brendsel said he had been impressed with the caliber of people and the monitoring and accounting process in the Trust Division at Albuquerque. At some point, he would like to develop an investment strategy for council's review and coordinate with BIA so we have input into our own investment ideas.

Chairman Mason said internal controls need to be put in place to protect these investments, so there is not a chance of any abuse of these funds in the future.

Austin Gillette asked if a Treasurer's Report could be completed and released to the tribal members shortly after this loan is received. Mark Fox said, as soon as possible, after the 1994 Audit is completed, he would formulate a Treasurer's Report which will show the current financial status of the tribes.

Mr. Austin Gillette moved for approval of the resolution to make a short term loan from the Community First National Bank. Seconded by Mr. Edwin Hall.

Discussion: Mark Fox wished to clarify in the resolution that whenever Mr. Brendsel does make a drawdown on this revolving line of credit to be set up, it will only be done upon verbal confirmation by the Tribal Treasurer. Mr. Brendsel said "Casino Revenue" will be used as collateral for this loan application.

Vote: 5 for, 1 opposed, 1 absent.
Motion Passed.

RESOLUTION NO. 95-076-DSB

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C. Directive to Finance Department.

Mr. Austin Gillette asked for a directive from the full council to the Finance Staff that Mr. Mark Fox and/or Mr. David Brendsel are to have all access needed to all financial documents so they can clear up our financial situation. Mr. Edwin Hall seconded this motion.

Vote: 6 for, 1 absent. Motion Carried.
Directive to Finance to be issued.

NOTE: Mr. Brendsel exited the meeting at 4:10 p.m. Five minute break. Council reconvened at 4:15 p.m.

D. United States Geological Survey Briefing.

Mr. Urban Bear Don't Walk, Staff Attorney, reported on a suit by the United States Geological Survey (USGS) that had been served on the tribes for non-payment of their services. The total amount owed, including interest and handling penalties of \$31,390.91, is \$244,540.91. Mr. Bear Don't Walk said this money was drawn down for the tribes under a PL 93-638 Contract, and had this money been saved and protected, and used for the purpose for which it was intended, we would not owe this money at this time.

The deadline for responding to this suit is April 7, 1995.

Mr. Mark Fox made a Motion to grant authority to Chairman Mason, after conference with Legal Counsel to negotiate or sign on behalf of the Three Affiliated Tribes any motion or any other legal documents necessary to resolve this matter with the USGS. Seconded by Edwin Hall.

Discussion: Other amounts owed were discussed, including \$200,000 to Flickertail Paving and the amount owed by the tribes on the MR&I Project. These three, alone, amount to \$1.3 million owed by the tribes.

Vote was called for the Motion on the floor.

Vote: 6 for, 1 absent. Motion Carried.

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V. OLD BUSINESS.

A. Medical Benefits for Tax Director.

Mr. Christopher D. Quale wished a clarification on Thomas Bird Bear's medical benefits, since he was transferred to the Tax Department. Council agreed that this transfer would not affect Mr. Bird Bear's medical benefits, and Mr. Quale was told to indicate this in the salary authorization memo to Personnel.

B. Briefing on Irene Meyers Burr Loan Situation.

Mr. Quale also reported on the corporate credit loan situation with Irene (Meyers) Burr, and the research and documentation that was located on this case. He advised that, based on the research and documentation, this loan should be resolved once and for all by granting the waiver requested of the remaining balance of \$1,236.87.

Motion moved by Mr. Edwin Hall, seconded by Mark Fox.

Discussion: Mr. Gillette was concerned that this would start a precedence among borrowers. Mr. Fox acknowledged those loans that exceeded the statute of limitations may have to be waived. Chairman Mason said he would support the motion that was made and seconded, due to the time frame involved and the recommendation of Mr. Quale. He then called for a vote.

Vote: 6 for, 1 absent. Motion Carried.

In accordance with Mr. Quale's recommendation, this is to be followed up with a resolution on Irene Burr's loan at their next regular-scheduled council meeting on April 14, 1995. Motion would stand as of today.

Mark Fox made a motion that Mr. Quale make sure that this waiver would be in line with federal guidelines. Seconded by Mr. Edwin Hall.

Vote: 6 for, 1 absent. Motion Carried.

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C. Briefing on McKenzie Bay Marina Club Easement Request.

Reference was made to the McKenzie Bay Marina Club Presentation on March 9, 1995, and their request for a 25-year easement to cross tribal land in the McKenzie Bay area to their cabin sites. Mr. Quale said he had reviewed documents in the Bureau of Indian Affairs and the Corps of Engineers, in addition to speaking with several persons, regarding the Marina Club's request for an easement. Corps has not taken any action on the Marina Club's request for an easement either. Two alternatives would be (1) council do nothing, since the Club does not have a present lease with the Corps; or, (2) council request the Bureau to grant an additional 90-day extension of the easement.

Mr. Gillette made a motion to request the Bureau to grant a 90-day extension of easement to the McKenzie Bay Marina Club, seconded by Mr. Edwin Hall.

Vote: 3 for, 2 abstentions,
1 stepped out, 1 absent.
Motion Carried.

Mr. Quale was requested by Chairman Mason to contact Mike Roy regarding inquiries the Chairman had received from Jamie Shepherd in the Washington Solicitor's Office. Mr. Quale said he would do so.

D. Mandaree Electronic Request for Minutes.

Mr. Clarence O'Berry, Chief Executive Officer, MEC, requested approval of the Minutes of February 27, 1995, so that he could take a copy of the Minutes to the Bank when he applies for an operating capital loan. He said a Rough Order Magnitude (ROM) had been issued by Mandaree Electronics to the B2 Division. Another Division in Northrop had also sent Mandaree Electronics a proposal.

Discussion: Council decided that they could approve the section of the minutes that pertains to Mandaree Electronics, and provide this to Mr. O'Berry, along with an official letter from the Executive Secretary.

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Mark Fox made a motion that council approve that portion of the minutes that relates to Mandaree Electronics, for the purpose of Mr. O'Berry to seek financial assistance he is looking for. Mr. Gillette seconded the motion, and requested a letter accompany the Minutes from the Executive Secretary. Mr. Fox concurred.

Vote: 6 for, 1 absent. Motion Carried.

VI. OTHER BUSINESS.

- A. Paul Fredericks, Twin Buttes, stated he represented the Fort Berthold Indian School Board Association (FISBA) and presented a copy of a resolution, which he said had been approved by the previous administration; however, the ORIGINAL cannot be found in the Tribal Record's Office, so there is nothing to show that this resolution had been approved. He was requesting the council to readdress and reapprove the resolution, which would allow FISBA to apply for the P.L. 638 contract for Facilities, which is presently being administered by the Aberdeen Area for the tribes.

Since Mr. Fredericks did not have all the necessary documentation with him, which would indicate all the school boards on the reservation (with the exception of New Town and Parshall) were in agreement with this, council requested that the necessary documentation be gathered, and the resolution be presented at a future meeting. Mr. Fredericks said he would do this. Deferred until April 14, 1995, Regular Meeting.

At this time, Mr. Fredericks inquired about the docket monies, and was advised that when these monies can be released, they will be released.

VII. ADJOURN.

Mr. Austin Gillette moved for adjournment. Seconded by Mr. Mark Fox. Meeting adjourned at 5:45 p.m.

NOTE: Due to this being a special meeting, with no prepared agenda, no minutes were approved.

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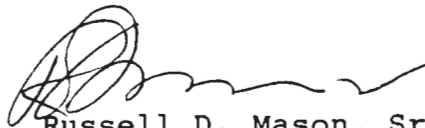
Minutes recorded, transcribed, and submitted to council for approval on April 14, 1995 by Marian Spotted Bear, Recording Secretary. ^{Trust}

DATE MINUTES APPROVED & ACCEPTED BY TRIBAL BUSINESS COUNCIL: May 26, 1995.

ACCEPTED:

ATTEST:

Daylon Spotted Bear
Daylon Spotted Bear
Executive Secretary
Tribal Business Council


Russell D. Mason, Sr.
Chairman
Tribal Business Council