

**Three Affiliated Tribes
Tribal Business Council
Special Meeting
January 17, 2000**

No tapes were found for special meeting dated 1-17-00. The transcribe minutes are from the crib notes of Councilman Marcus Wells Jr.

1. CALL TO ORDER:

Chairman Hall called the meeting to order with a moment of silence for the elderly and the young people.

2. ROLL CALL:

Members Present: Councilman Daylon Spotted Bear, Councilman Mark Fox, Councilman Marcus Wells Jr., Councilman Pete Hale, Councilman Austin Gillette, Chairman Tex Hall. 6 Members present.

3. ANNOUNCEMENTS:

Chairman Tex Hall:

- Department of Justice, monitoring division will have an on site grant monitoring visit January 25, 2000. Will be tracking all progress of our program to ensure the police department are in compliance with the regulations, terms and conditions for each COPS grant.
- Government Capital Cooperation is requesting the financials for 98/99 Fiscal Year audit for the Roads Department on the tax exempt loan, made for equipment.
- American Indian Livestock Association scheduled annual meeting in Rapid City, S.D. On agenda FHA court case & National Indian Bank.
- 75% of Federal Funds are in. Higher Education monies & JTAC educational funds will need to be looked at.
- Tribal Chairmans Meeting in Aberdeen scheduled January 24, 2000.
- First National Bank & Trust Company requesting payment of \$5000.00, for the casino loan.

Marcus Wells Sr. Summary of Indirect - Financial Advisor

- Recovered deficit for the years 1987 to 1992. 1993 through 1999 are still not yet recovered, which is between 5 to 7 million dollars. Scheduled meeting to see actual figures on how to recover through payroll is set for January 18, 2000 at 10:00AM.

Councilman Mark Fox:

- Inquiring when the next council meeting will be. February 10, 2000 will be the next meeting.

Councilman Austin Gillette:

- Request a work session meeting to focus on the financials. March 8, 2000, A-Frame at 10:00 AM.

4 APPROVAL OF AGENDA:

Motion to approve agenda made by Councilman Gillette. Seconded by Councilman Hale.

Discussion: Need to prioritize what on the agenda needs to be heard. Councilmen have other important meetings to attend.

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

5 Office of Emergency Management - #00-05-DSB:

The T.A.T will become a member of the Tribal Association on Solid Waste and Emergency Response (TASWER). The T.A.T. will also delegate authority to represent the Tribe as Official Delegates to TASWER. Delegate: Martina M. Mckinney. Alternates: Cliff Whitman and Jim Heckman. Councilman Fox motioned to approve action. Seconded by Councilman Gillette.

Vote: 6 Ayes, 0 Nays, 0 Abstentions, 1 Voting. Motion carried.

6 Legal Department:

Updates: Tribal Referendum Election with the JTAC plans will be held on March 28, 2000. February 17, 2000 is the deadline for notice of election to be mailed out. March 7, 2000 is the deadline for the return of affidavit to vote in the election. Staff Attorney, Christopher Quale is here to inform the Council of upcoming election and to seek direction from the council on what proposed plan to submit to the people for vote.

Discussion: Al Nygard Conference Call to discuss plan of action:
Recommendation plan to submit to the people is a reinvestment plan and allowed percentage to spend. Referendum language will be saying 75/25 on the OTMF Monies and 50/50 on the private placement monies.

Councilman Gillette:

Suggestion for a panel of 9 member Compliance Committee for

Legal Department (cont.):

JTAC funds. 6 District Chairmen, Tribal Chairman, the Treasurer for the Tribe and the BIA Superintendent. For long term stability. Must see final plan.

Christopher Quale request the Council to approve a final plan by the February 10, 2000 Tribal Business Council Meeting. Request is granted for final approval.

7. FOUR BEARS CASINO & LODGE UPDATES:

- High Stakes Room Grand Opening will be February 5, 2000.
- Marketing incentives will be given to the top 800 monthly players.
- Compensation Policies will be change to make who comes more accountable for their actions.

Motion made by Councilman Hale to stop the complimentary services for Gaming Board Members. Seconded by Councilman Wells Jr.

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

Amended motion will state if a need for more than 2 meetings a month for the gaming board is allowed to present to Executive Committee for approval.

Vote: 5 Ayes, 0 Nays, 1 Abstentions, 1 Not Voting. Motion carried.

Four Bears Casino Purchase of slot machines #00-06-DSB:

Motion made by Councilman Wells Jr. to accept proposal to purchase 8 video poker slot machines in the amount of \$126,051.00 Seconded by Councilman Gillette.

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

TERO FEES:

The board has asked the council to wave the 2.5% TERO fees on expansion project for the casino which could run into the summer of 2001. Motion made by Councilman Fox to amend proposed TERO fee to 1.25 % . Seconded by Councilman Hale.

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

8. **GRAVEL ISSUES:**

Resolution is in place that upon gravel being taken from tribal members land payment will be made. Since resolution is in place, agreement made is that 1/3 of payment will be made up front when gravel action takes place. Motion made by Councilman Fox to approve. Seconded by Councilman Spotted Bear.

Vote: 5 Ayes, 0 Nays, 1 Abstentions, 1 Not Voting. Motion carried.

09. **FINANCIAL REQUESTS-JUNE EAGLE:**

Motion made by Councilman Fox for a medical emergency grant in the amount of \$250.00. Seconded by Councilman Gillette.

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

10. **NATIVE AMERICAN NATIONAL BANK COOPERATION #00-007-DSB:**

The NANB has requested a pledge of equity capital in the amount of one million dollars from those tribes who are wishing to become permanent board members of the Board of Directors of NANB. Monies will be invested in an escrow account. Motion made by Councilman Gillette to approve the pledge. Councilman Hale seconded the motion.

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

11. **KMHA-CONSULTANT:**

Consultant will act as project director for repairs and initiate planning and installation of additional satellite downlink equipment to enhance programming. Contract will be retained from 01-04-00, ending 04-04-00. Retainer fee per month is allocated at \$3,000 per month. Not to exceed \$10,000 for three months. Motion made by Councilman Fox to accept contract. Seconded by Councilman Hale.

Vote: 5 Ayes, 0 Nays, 1 Abstentions, 1 Not Voting. Motion carried.

12. **WAYNE WHITE EAGLE-CONSULTANT:**

Renewal of consultant contract 1 year temporary full time with benefits. Councilman Fox motioned for approval with an amendment to duties and assigned work. Duties to include assistance to seeking more funding for Drug and Alcohol programs. Seconded by Councilman Hale.

CONSULTANT (cont):

Discussion: Reports on school districts and focusing on how to use these government funds, possible a middle school project in New Town. Amended duties and added benefits to increase salary to \$15.00 an hour.

Vote: 5 Ayes, 0 Nays, 1 Abstentions, 1 Not Voting. Motion carried.

13. **FORT BERTHOLD DEVELOPMENT COOP. FIRE STATION CONTRACTS:**

Motion to renew contract for January 4, 2000 to September 30, 2000, \$100.00 a day with the availability of funds made by Councilman Fox. Seconded by Councilman Hale.

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

14. **M.I.S. CONSULTANT EXTENSION: DELVIN RABBIT HEAD:**

Motion made by Councilman Fox to extend the consulting contract for 90 days. Seconded by Councilman Bird Bear.

Discussion: Development of the M.I.S. department. Advertise for M.I.S. Director.

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

15. **LEGAL DEPARTMENT ISSUES:**

- Corp of Engineers Contract to the Three Affiliated Tribes will be a proposal to conduct a cultural resources site survey on the shorelines of South Dakota. Pemina Yellow Bird would be the performing the scope of the work contract. Councilman Spotted Bear motioned to accept proposed contract. Seconded by Councilman Fox.

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

PENDING LITIGATION:

- Fort Berthold District Court decision on the motion to dismiss filed by RTC supported by West River Telephone Coop. The decision also indicated a 54 page opinion would rule in favor of the T.A.T authority to impose a posses interest tax on trust lands rights-of-way. Give authorization for Staff

PENDING LITIGATION(cont):

- Attorney Hans Walker to file motion for summary judgement. Motion made by Councilman Fox to include discussion of all options in effort for settlement. Seconded by Councilman Hale.

Vote: 5 Ayes, 0 Nays, 1 Abstentions, 1 Not Voting. Motion carried.

LEGAL-CLOSED SESSION.

LEGAL DEPARTMENT(cont):

- **Mandaree Community Center Construction Project:**
Review Action of Change Orders with Blue Star Construction Company, primary contractor. Motion made by Councilman Hale to approve change orders and to develop incurment policy.

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

- **Twin Buttes Custom Homes, Inc. Board of Directors:**
December 16, 1999, Council did appoint 4 representatives to the board. Appointees to the board are: Chairmen Hall, Councilman Hale, Councilman Marcus Wells Jr., Councilman Spotted Bear. Chairman of the Board Hall's term is concurrent with the term of the Tribal Business Council. Charter provides the other 3 appointees, will serve 4 year term, 3 year term and a one year term. Councilman Fox motioned to appoint Councilman Spotted Bear to the 4 year term, Councilman Wells Jr. to the 3 year term and Councilman Hale to a 1 year term. Seconded by Councilman Spotted Bear.

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

Tribal Grievance Procedures: Closed Session.

LEGAL ISSUES:

Consultant- Gary Beaudry, Attorney -Child Welfare Program:

Councilman Fox motioned to approve Hearing Officer enrolled member of Fort Peck Agency in Montana. Salary \$75.00 per hour and 31 cents in mileage. Seconded by Councilman Spotted Bear.

Discussion: Consultant Agreement should include \$5,000 cap over a 6 month period.

LEGAL ISSUES(cont.):

Vote: 5 Ayes, 0 Nays, 1 Abstentions, 1 Not Voting. Motion carried.

- **Wolf's Trading Post-Tribal Business License:**
Motion made by Councilman Bird Bear to approve. Seconded by Councilman Hale.

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

16. **FINANCIAL REQUESTS:**

- **John Malnorie:**
Motion made by Councilman Fox to grant request in the amount of \$500.00. Seconded by Councilman Spotted Bear.

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

- **Sally Johnson:**
Motion made by Councilman Bird Bear to grant loan request in the amount of \$500.00. Seconded by Councilman Spotted Bear.

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

- **Sherri Steele:**
Motion made by Councilman Bird Bear to grant loan request \$500.00. Seconded by Councilman Hale.

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

Motion made by Councilman Marcus Wells Jr. to amend the Loan Cap to \$500.00. Seconded by Councilman Fox.

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

- **Ramona Foolish Bear:**
Request to release of IIM Account to pay off loan, half to release to her. Motion to Councilman Fox. Seconded by Councilman Marcus Wells Jr.

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

FINANCIAL REQUESTS(cont):

Delia Danks:

Motion to approve of \$1000.00 loan by Councilman Fox. Seconded by Councilman Hale.

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

• **Terri Logg:**

Motion to approve of \$1000.00 loan by Councilman Marcus Wells Jr. Seconded by Councilman Fox.

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

Martha Bird Bear:

- Motion to approve a \$400.00 loan made by Councilman Fox. Seconded by Councilman Hale.

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

Melva Warren:

- Motion made by Councilman Hale to approve of an \$800.00 loan. Seconded by Councilman Fox.

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

Minna Fox:

- Requesting Education leave. Motion made by Councilman Marcus Wells Jr. Seconded by Councilman Fox.

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

Kandi Knight:

- Motion made by Councilman Marcus Wells Jr. to approve of a \$1000.00 loan request. Seconded by Councilman Hale.

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

Bridget Charging:

- Motion made by Councilman Marcus Wells Jr. to grant loan request

FINANCIAL REQUEST(cont):

\$875.00. Seconded by Councilman Bird Bear.

Vote: 4 Ayes, 0 Nays, 2 Abstentions, 1 Not Voting. Motion carried.

Anna Bird Bear:

- Motion made to approve loan of \$400.00 by Councilman Hale. Seconded by Councilman Wells Jr.

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

Diane Hale:

- Motion made by Councilman Fox to approve loan of \$1000.00. Seconded by Councilman Hale.

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

17. PERSONNEL ISSUES CLOSED SESSION.

18. BOXING EQUIPMENT: VIRGIL CHASE #00-010-DSB:

In previous Tribal Business Council equipment was approved for \$2,000.00 for New Town Boxing Club. Motion to amend to include Parshall Boxing Club. Motion by Councilman Fox for \$4,000.00 divided between each segment. Seconded by Councilman Hale.

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

19. HEAD START CENTRAL OFFICE:

Motion made by Councilman Wells Jr. to approve of grant request of \$1000.00 by the TAT Head Start Program for consulting contract by the CDBD presentation fee. Seconded by Councilman Hale.

Discussion: Obligating the Tribe before getting the approval of the Tribal Business Council is not proper procedure.

Motion to be amended to approve a verbal warning to be included as a reminder of policy any contracts has to be approved by the Tribal Business Council. Motion made by Councilman Wells Jr. Seconded by Councilman Hale.

Vote: 3 Ayes, 2 Nays, 1 Abstentions, 1 Not Voting. Motion carried.

20. PERSONNEL ISSUES-CLOSED SESSIONS.

21. TERO COMMISSION BOARD:

Motion made by Councilman Wells Jr. to appoint Clorraine Driver to the TERO board. Seconded by Councilman Spotted Bear.

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

22. COPS FAST APPOINTMENT:

Motion made by Councilman Fox to approve of appointing John Mossett to the Cops Fast Program subject to outcome of background check. Seconded by Councilman Spotted Bear.

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

RECESS UNTIL 10:00 AM, JANUARY 18, 2000. 9:22 PM

RECONVENE - JANUARY 18, 2000 12:46 PM

01. CALL MEETING TO ORDER.

02. ROLL CALL:

Members Present: Chairman Hall, Councilman Marcus Wells Jr., Councilman Spotted Bear, Councilman Hale, Councilman Fox.
Councilman Bird Bear. Absent: Councilman Gillette.

03. APPROVAL OF AGENDA:

Motion to approve agenda made by Councilman Hale. Seconded by Councilman Bird Bear.

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

04. KORSUNSKY, KRANK & ERICKSON:

Discussion of the architect agreement contract with the Four Bears Casino & Lodge. Motion to execute and direct contract made by Councilman Fox. Seconded by Councilman Spotted Bear.

KORSUNSKY, KRANK & ERICKSON(cont):

Vote: 3 Ayes, 0 Nays, 3 Abstentions, 1 Not Voting. Motion carried.

05. GAMING BOARD - FOUR BEARS CASINO & LODGE: #00-13-DSB:

The Tribal Business Council has determined the existing Gaming Board Enterprise is not serving the purposes for which it was established. Motion made to rescind prior resolutions 96-213-DSB., 97-16-DSB, 97-51-DSB, and 97-133-DSB. Any other resolution that appoints the board. Councilman Marcus Wells Jr. motioned to dissolve the Gaming Enterprise Board. Seconded by Councilman Spotted Bear.

Voting: 5 Ayes, 0 Nays, 1 Abstentions, 1 Not Voting. Motion carried.

06. PERSONNEL ISSUES: CLOSED SESSION.

07. FBCC-EMS #00-14-DSB:

Motion made by Councilman Fox to provide grant for the Fort Berthold Community College to purchase emergency medical equipment in the amount of \$2,2760.00. Seconded by Councilman Spotted Bear.

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

08. FINANCIAL REQUESTS:

Darryl Hall #00-15-DSB:

- Motion made to approve loan in the amount of \$3,500.00 by Councilman Bird Bear. Seconded by Councilman Hale.

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

Mary Ellen Knight #00-26-DSB:

- Motion made by Councilman Marcus Wells Jr. to approve loan in the amount of \$3,500.00. Seconded by Councilman Hale.

Vote: 5 Ayes, 0 Nays, 1 Abstentions, 1 Not Voting. Motion carried.

Marilyn Baker #00-25-DSB:

- Motion made by Councilman Spotted Bear to approve loan in the amount of \$4,000.00. Seconded by Councilman Marcus Wells Jr.

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

FINANCIAL REQUEST:(cont):

Tony Foote #00-26-DSB:

- Motion made by Councilman Marcus Wells Jr. to approve loan in the amount of \$2,000.00. Seconded by Councilman Bird Bear.

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

Mary Schoppert #00-27-DSB:

Motion made by Councilman Marcus Wells Jr. to approve of loan in the amount of \$2,500.00. Seconded by Councilman Bird Bear.

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

Arrow Wilkinson #00-28-DSB:

Motion made by Councilman Fox to approve of loan in the amount of \$2,000.00. Seconded by Councilman Hale.

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

Sidrick Baker #00-29-DSB:

Motion made by Councilman Marcus Wells Jr. to grant request for financial assistance for educational purposes in the amount of \$250.00. Seconded by Councilman Bird Bear.

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

Delores Sand:

Motion made by Councilman Hale to approve of loan in the amount of \$200.00. Seconded by Councilman Fox.

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

09. **PROJECT HOPE-EDUCATION DEPARTMENT#00-23-DSB:**

In recognition of Education Week the Tribal Business Council will grant monetary support in the amount of \$4,000.00. Motion made by Councilman Hale to support contribution. Seconded by Councilman Marcus Wells Jr.

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

10. **CENEX PIPELINE 00-17-DSB:**

Motion made by Councilman Gillette to renew agreement with Cenex Pipeline and the Tribe with amended terms of agreement. Agreement expires in the year 2002. Renewed agreement is for a period of 20 years. Seconded by Councilman Spotted Bear.

Discussion: Payment was negotiated in lieu of taxes.

Vote: 3 Ayes, 2 Nays, 0 Abstentions, 2 Not Voting. Motion carried.


11. **ADJOURNMENT:**

Motion made by Councilman Bird Bear to adjourn. Seconded by Councilman Marcus Wells Jr.

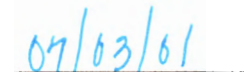
Vote: 5 Ayes, 0 Nays, 0 Abstentions, 2 Not Voting. Motion carried.

Meeting adjourned at 7:29 PM

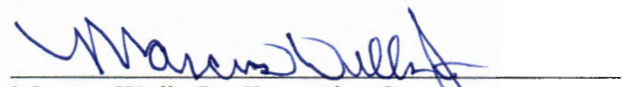
Respectfully Submitted,



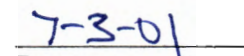
Jonelle D. Halsey, Recording Secretary
Tribal Executive Secretary Office



Date



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



Date

ATTEST:

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

Date