

**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
SPECIAL MEETING NO. 8  
APRIL 29, 1998**

**01. CALL TO ORDER:**

The meeting was called to order by Chairman Russell Mason at 11:00 a.m. who asked those present to take a moment to remember those who are ill and less fortunate.

**02. ROLL CALL:**

**Members Present:** Councilman Tex Hall, Councilman Ed Hall, Councilman Mark Fox, Councilman Daylon Spotted Bear, Councilman Austin Gillette and Chairman Russell Mason. A quorum was established with six members present.

Councilman Tom Bird Bear entered the meeting at 12:00 Noon.

**03. RTC LITIGATION UPDATE:**

Kipp Quale informed the Councilmen present on the update of RTC attempted settlement. He stated on April 14<sup>th</sup> the Council had directed the Washington D.C. attorneys to attempt to negotiate a settlement with RTC and the other two smaller telephone cooperatives concerning taxation. Mike Roy and Hans Walker wrote a memorandum to the Tribal Business Council on their recommendations in which the council members reviewed. A conference call was placed to Mike Roy whereby Mr. Roy informed members present he received a call from Mike Maus, attorney, and he concurred the meeting in Fargo would not work. Mr. Roy said his recommendation to the Tribal Business Council would be to form a small negotiating team and to request the other parties do the same and Mr. Maus said he would support this. Mr. Roy further informed the council representatives the concern the RTC board had with their proposed settlement. He felt that if anything was to be accomplished it would have to be with the RTC Board; second, involve the other cooperatives as they don't agree with RTC, they think there should be a settlement; third, the business council and tax commission set up a small joint committee and both bodies authorize this body to conduct the meeting with some representatives from the telephone cooperatives.

Mr. Roy further informed the Council representatives depositions are set for June 10 and 11, 1998. If there is not a settlement by then, depositions would go forth. A date of May 18<sup>th</sup> was set for a joint negotiating team meeting. Chairman Mason said Diane Avery and Tom Disselhorst will be working on a press release in the meantime.

Councilman Austin Gillette motioned to set up the work group which would consist of Diane Avery, ElMarie Conklin, Mark Fox, Russell Mason and Mike Roy. Seconded by Councilman Tex Hall.

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

**04. TERO COMPLAINT INVOLVING MCLEAN ELECTRIC:**

Attorney, Tom Disselhorst passed out a memo from himself involving Dennis Poitra and McLean Electric. The same attorney who is handling the RTC case is also the attorney for McLean Electric. McLean Electric would like to go to federal court and resolve the jurisdictional question. This is the same issue as the RTC case stated Mr. Disselhorst. Mr. Disselhorst further stated that it was his intention to bring the information about the Poitra case to the attention of the TERO Commission and rather than go through a formal hearing process, the TERO Commission could make the informal recommendation to Mr. Poitra and his counsel to consider dismissing their complaint as there was no contract to be let and no bidding process. Under the TERO law, there was no requirement to give Poitra's company any preference in doing the work. Chairman Mason asked if the issue was still there in the Tribe having to defend a non-Tribal member. Mr. Disselhorst said the issue is still there if the TERO Commission doesn't dismiss the case or if Poitra wants to appeal any decision the Commission ultimately made. A ten thousand dollar fine imposed in a previous case where there was a contractual relationship and where the TERO Commission had fined McLean Electric ten thousand dollars for non-compliance with TERO. It hasn't been collected, McLean hasn't paid it but they did pay ten thousand dollars to Poitra and his attorney fees so that ten thousand dollar fine is still out there. Discussion followed on TERO laws and its jurisdiction.

There will be a joint negotiating team meeting tentatively set for May 18<sup>th</sup>. The press release will include the Three Affiliated Tribes efforts with McLean Electric and the other two who are willing to negotiate said Chairman Mason. He further stated to stress the length of time and money spent and that it has not been heard in Tribal Court yet.

**05. OTHER:**

Ms. Diane Avery asked the council members present what they would like her to do with Blue Star. Their attorney has been contacting her two/three times a day and she don't have an answer for them. He has no choice now but to litigate, as he's being sued by his subcontractors for payment and he in turn has not been paid by the Tribe so he can't pay his subs. Discussion followed on JTAC and how this affected the payment.

Councilman Tex Hall stated at 1:00 p.m. he would like to add Joe Phillips on to the agenda for economic development plans on financing.

Councilman Ed Hall motioned to add New Town Elementary School on the agenda. Seconded by Councilman Austin Gillette.

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

Councilman Hall stated the New Town Elementary School fifth grade students is requesting \$120.00 to take six students to Minot. They met the criteria for the presidential academic fitness awards, they're all fifth graders. Mr. Hall further stated they have to have high grades and score in the 85% on a standardized test.

Councilman Ed Hall motioned to approve \$120.00 for the New Town Elementary School's request. Seconded by Councilman Tom Bird Bear.

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

Councilman Austin Gillette motion to add a land sale on to the agenda. Seconded by Councilman Ed Hall.

**VOTE:** 4 Ayes, 1 Nay, 0 Abstentions, 2 Not Voting  
Motion carried.

Councilman Gillette stated it is pretty self explanatory. It's a fee patent lot owned by Toni Starr Skipsrud located on Dakota Drive.

Councilman Austin Gillette moved to approve this purchase. Seconded by Councilman Ed Hall. Discussion: Councilman Bird Bear asked who appraised this lot. Councilman Gillette stated no one did. Councilman Hall stated the information they received yesterday from Texx Lone Bear was water and sewer was available to this lot, it's a city lot and compared to other sales it was fair market value.

**VOTE:** 4 Ayes, 0 Nays, 2 Abstentions, 1 Not Voting

(Note for the record: the Council meeting was adjourned until 1:00 p.m.)

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in which Mr. Fullups replied he would be willing to help in any way he can. Mr. Fullups also talked about economic development and financing. He said the key to economic success is learning how to use other people's money. He stated his program allows the business to raise enough money to do it right in the first place without giving up control or incurring personal debt. Mr. Tex Hall stated for the record the reason why he brought Joe here was he felt a financial institution was needed here and number two, the Tribe needs to look at alternative forms of financing based on what is known on how tough the banking laws are in instigating a conventional loan. Discussion was held on this topic.

Councilman Tex Hall motioned to adjourn the meeting. Seconded by Councilman Daylon Spotted Bear.

**VOTE:** 6 Ayes, 0 Nays, 0 Abstentions, 1 Not Voting

Meeting adjourned at 2:35 p.m.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1998  
Transcribed this 16<sup>th</sup> day of JANUARY/VJB, 2001.

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Daylon Spotted Bear, Executive Secretary  
Tribal Business Council, Three Affiliated Tribes  
**ATTEST:**

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Tex G. Hall, Chairman for Russell Mason, Sr., Chairman  
Tribal business Council, Three Affiliated Tribes