

**DISCLAIMER:** The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three Affiliated is not responsible for any action or inference made within this document.





**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
MEETING NO. 05-06-NH  
MARCH 10, 2005**

---

**CALL TO ORDER:**

Chairman Tex G. Hall called the meeting to order at 10:17 a.m.

**ROLL CALL:**

Members Present: Chairman Tex G. Hall Councilman Daylon Spotted Bear, Councilman Frank White Calf, Councilman Malcolm Wolf, Councilman Mervin Packineau and Councilman Nathan Hale. A full quorum was established with all members present.

**01. APPROVAL OF THE AGENDA:**

Councilman Packineau moved for approval of the agenda as amended.  
Councilman White Calf seconded the motion.

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

**02. INEZ PLENTY CHIEF REQUEST FOR ASSISTANCE:**

Councilman Wolf moved for approval to direct Elders Organization Administrator, Fred Baker, and the CEO follow-up on Inez Plenty Chief's need for Home Health Care that will be channeled through Indian Health Care. Chairman Hale seconded the motion.

VOTE: 7 Ayes, 0 Nay, 0 Abstentions, 0 Not voting. Motion carried

**03. ELDER STUDY GROUP:**

Councilman Hale moved for approval to form a 12 member Elder Study Group, consisting of twelve (12) members; [(2) Elders Organization, (1) CHR, (6) VA (1) SS (1) Segment appointments (6)] with the main focus to study the Health Care Needs of the Elders on Fort Berthold and bring back a written report with financial costs. Councilman Wells seconded the motion.

VOTE: 7 Ayes, 0 Nay, 0 Abstentions, 0 Not voting. Motion carried.

**04. RANGE UNIT TWO/TILLIE WALKER:**

Councilman Wells moved for approval for the Tribe to complete the fencing of Range Unit Two, and give to the Buffalo Project to be used for buffalo only. Councilman Spotted Bear seconded the motion.

VOTE: 6 Ayes, 1 Nay, 0 Abstentions, 0 Not voting. Motion carried.

**05. CHAIRMAN'S REPORTS:**

- *Trust Settlement Reform Hearing*
- *BIA Budget 2006-2007*



Councilman White Calf moved for approval to authorize staff to oppose 2 pg survey requested at Great Plains Regional Bureau of Indian Affairs. Councilman Packineau seconded the motion.

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

06. Social Service Budget will not be released until July or August remaining 40% Welfare Assistance dollars pretty much budgeted and already spent. They want to use tribe's quarterly Reports/ projection costs take off reports. Bureau can hold 40% back every tribe accountable. There is an issue on \$750. 103.14 provisions for carry over dollars they're to use- Bonnie Red Fox to provide report to the Council. Off Reservation Gaming Congress will address this issue. March 24, NIGA will meet with NCAI

07. **RESOLUTION NO. 05-50-NH-NATIONAL INDIAN EDUCATION CONFERENCE:**  
Councilmen moved for approval to direct the Legal Department to draft a Resolution opposing the 2007 Budget Request, No Child Left Behind, Line Officers Reorganization, and Budget. Councilman Hale seconded the motion.

DISCUSSION: Councilman Hale will present the written testimony. Also, the Fort Berthold Indian School Board Association and each school went on record opposing Element 10, which is how schools are funded.

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

- NIGA: April 10- 13, 2005 NIGA 13 at 1 is off reservation gaming topic  
San Diego, California Convention Center Contract Review Meeting: Review Master Comprehensive Contract
- Operation Maintenance: O&M funding. *Sakakawea Casino Update*
- *State Legislative Report*
- *White House NCAI Briefing*
  - *Conference on Aging*
- *BIA Reorganization Trust Officer Resolution*

**RECESSED MEETING AT 1:15 P.M. TBC PICTURES TAKEN  
at 2:00 p.m.**

08. **JESSE TAKEN ALIVE – COUTEAU PRESENTATION:**  
Councilman Hale moved for approval to authorize Councilman Wolf to work with the Standing Rock Sioux Territories dispute and Coteau Mining. Councilman Packineau seconded the motion.

NOTE: Jesse Taken Alive sang an honor song.



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

**10. CRIMINAL INVESTIGATOR:**

Councilman Wells moved for approval to hire Jack Craig permanent full-time as a Criminal Investigator, and continue to be paid from the Criminal Investigation budget. Councilman Wolf seconded the motion.

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

**11. CONTRACT OFFICER PURCHASE OF STORAGE SHED:**

Councilman White Calf moved for approval to authorize the Contracts Office to purchase a 20X20 Office storage shed with a cost estimation of \$3500. Councilman Packineau seconded the motion.

Councilman Whitecalfe amended his motion to change the cost estimation from \$3500 to \$5000. Councilman Packineau concurred with the motion.

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

**12. CONTRACT OFFICE VEHICLE PURCHASE:**

Councilman Packineau moved for approval to authorize the Contracts Office to purchase a used van at a cost of \$16,000 to \$17,000. Councilman Wells seconded the motion.

Councilman Packineau amended his motion: "to purchase a new vehicle not to exceed \$25,000." Councilman Wells concurred with the second.

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

**13. PROPERTY PROCUREMENT MANUAL:**

Executive Secretary office will research Nathan will bring that forward. BIA delayed contracts got a rejection with the Northern Lights.

**14. FINANCIAL REQUEST 1980 BASKETBALL CHAMPION HONORING:**

Councilman Hale moved for approval of a financial contribution of \$250 to the ND State Basketball Class B 1980 champion team to attend an honoring and to include any immediate live family members who will attend. Councilman Packineau seconded the motion.

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

**15. DELPHINE BAKER EDUCATIONAL LOAN:**

Councilman Wells moved for approval to pay off Delphine Baker student loan of



\$ 5,387.00, subject to the requirements of the Small Loan Program. Councilman White Calf seconded the motion.

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

**16. CROSS COUNTRY TEAM FINANCIAL REQUEST:**

Councilman Wolf moved for approval to grant Russell Dixon, Patrick Wolf and Joshua Kirkaldie each \$1,000 to attend the "Down Under International Games." Councilman Spotted Bear seconded the motion.

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

**17. 2005 NATIONAL AISES FINANCIAL REQUEST:**

Councilman Spotted Bear moved for approval to grant \$250 per student who is Chanda Fredericks, Luke Fox, including Helen Reed from United Tribes. Councilman Wolf seconded the motion.

**18. BUSINESS LICENSE KELLY/STEPHANIE FOOTE:**

The Tribal Business Council all concurred with approving a business license for Kelly & Stephanie Foote for the Tribal Goddess Productions.

**19. EXECUTIVE COMMITTEE/FOUR BEARS CASINO AND LODGE:**

Councilman Wells moved for approval of a feasibility study expansion of the Four Bears Casino and Lodge. Councilman White Calf seconded the motion.

DISCUSSION: Councilman Hale commented that he would like to see the Tribe invest in the Four Bears Casino and Lodge as opposed to the Lake Sakakawea Casino and to move into a different direction.

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

**20. CONTRACTS FOUR BEARS CASINO AND LODGE GENERAL MANAGERS:**

For the Record: Chairman Hall stated that Legal Counsel did not review the contracts, and that he opposed the performance contract. Councilman Hale said that he was not going to change his vote and the contract remained as approved on February 16, 2005.

**21. RESOLUTION NO. 05-51-NH, WELLS ROAD CONSTRUCTION:**

Councilman Wells moved for approval of a Resolution entitled, "Wells Road BIA 27# - Out to Bid for Project #27-10 (3). Councilman Hale seconded the motion.

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



**22. RESOLUTION NO. 05-52-NH, GRANT PROPOSAL TO THE UNITED STATES FISH AND WILDLIFE SERVICE:**

Councilman Wolf moved for approval of a Resolution entitled, "Grant Proposal to United States Fish and Wildlife Service up to \$250,000. Councilman Spotted Bear seconded the motion.

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

**23. BLACK ROCK RESOURCES LLC PROPOSAL FOR OIL/GAS DEVELOPMENT:**

This matter will be deferred until Monday, March 14, 2005.

]

**24. RESOLUTION NO. 05-53-NH, WASTE MANAGEMENT:**

Councilman Wells moved for approval of a Memorandum of Agreement between Indian Health Service and the Three Affiliated Tribes Business Council who will assist in providing solid waste equipment and facilities to serve housing on the Fort Berthold Indian Reservation. Councilman Spotted Bear seconded the motion.

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

**25. OIL REFINERY PROJECT REPORT**

Horace Pipe gave an update on the Oil Refinery Project.

**26. TRIAD CONTRACT:**

Councilman White Calf moved for approval to authorize the Legal Department to finalize the contract with Triad, who then will seek grants to pay for their contract. Councilman Wolf seconded the motion.

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

**27. Councilman Wells moved for approval of a legal opinion from a Law Firm Corporate estimated around \$10 Million dollars. Councilman Hale seconded the motion.**

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

**28. MOTOR TAX SETTLEMENT WITH ND:**

Councilman Wells moved for approval of a directive to Legal Counsel, Steve Kelly, who will assist the Tribal Tax Commissioner Marcus Sr. and Treasurer Frank Whitecalfe in resolving the tax settlement with the State of North Dakota; and to execute a consultant Agreement with attorney Vance Gillette to assist in the settlement. Councilman Whitecalfe seconded the motion.

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



**29. FORT BERTHOLD HOUSING AUTHORITY:**

Councilman Wells moved for approval a directive to the appropriate staff and the CEO to negotiate a Memorandum of Agreement between the Tribal Housing and the Fort Berthold Housing Authority. Councilman Hale seconded the motion.

Councilman Wells amended his motion, "to change \$750,000 to a commitment of \$500,000 for FY-05 and FY-06, subject to a memorandum of agreement."

VOTE: 5 Ayes, 0 Nays, 0 Abstention, 0 Not voting. Motion carried

**30. TRIBAL ENROLLMENT BUDGET:**

Councilman White Calfe moved for approval to grant Tribal Enrollment \$38,500 from the Tribal budget. Councilman Wells seconded the motion.

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

**31. MEETING RECESSED:**

The Meeting was recessed until Monday, March 14, 2005.

**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 five (5) constitute a quorum 7 were present at the Regular Meeting thereof duly called, noticed, convened and held on the 19<sup>th</sup> day of May, 2005; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 7 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman [  ] Voting. [  ] Not voting.

Dated this 19<sup>TH</sup> day of May, 2005.

**ATTEST:**

\_\_\_\_\_  
Executive Secretary, Nathan Hale  
Tribal Business Council,  
Three Affiliated Tribes

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