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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING NO. 05-14-NH
JUNE 06, 2005**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:00 a.m. Councilman Malcolm Wolf said the invocation.

ROLL CALL:

Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Frank Whitecalfe, Councilman Marcus D. Wells, Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilman Nathan Hale. A quorum was established with all seven members present.

01. APPROVAL OF THE AGENDA:

Councilman Whitecalfe moved for approval to accept the agenda as amended. Councilman Packineau seconded the motion.

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

02. ACCOUNTING SOFTWARE PRESENTATIONS:

- A. The sunguard/AS/400 current software used by Finance
- B. DFC Consulting Services: \$250,000 \$275,000
- C. Accufund: CFO recommendation Accufund software proposal \$470,000.

03. CONSULTANT MARK NORBY:

Mark Norby was requested to draft a memorandum explaining the approximate cost to upgrade the current software. [\$90,000] if the system fixable, specifying an amount to train staff to be competent with the software. He was asked to explain his consultant agreement describing exactly what his duties consisted of and what exact responsibility he has to the tribe, does the accounting system solve through his point of view and perspective; and what he does to keep the tribe operating when auditors come in.

04. PROPERTY & SUPPLY OFFICER TEMPORARY APPOINTMENT:

Councilman Wells moved for approval of the temporary hire of Randy Baker at \$12.00 in the position of Property & Supply Clerk. Councilman Packineau seconded the motion.

VOTE: 4 Ayes, 2 Nays, 0 Abstentions, 0 Not voting. Motion carried.

05. LAKE SAKAKAWEA CASINO:

Councilman Whitecalfe stated his concerns: On June 6, 2005, when we rescinded the resolutions. the only issues that the TBC was looking at were, 1) there was no obligation from the tribe's general fund, it was strictly with Dale Little Soldier and the Marshall Group and 2) the percentages of payback to the tribe or how it was going to work was the negotiating part of the percentages from 7%, or whatever they were.



Councilman Whitecalfe moved for approval to **rescind** all the previous Tribal Resolutions [04-129-RP, and 04-131-RP], 1) to make clear there was no obligation from the tribe's general fund, it was strictly between Dale Little Soldier and the Marshall Group and 2) to authorize Steve Kelly to work with Dale Little Soldier in detailing a plan for negotiating the 7% percentages of payback to the tribe. Councilman Wells seconded the motion.

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

06. **RESOLUTION NO. 05-100-NH, OIL LEASE BETWEEN BLACK ROCK RESOURCES INC. AND FORT BERTHOLD RESERVATION:** *Number is out of sequence because the Resolution was turned in after the Meeting of June 9, 2005.*

Councilman Frank Whitecalfe moved for approval to adopt a Resolution that adopts the Oil and Gas Lease with Black Rock Resources, LLC, with the amendments reflected in the agreement that was discussed and negotiated, included the governing law in construction and limited waiver of sovereign immunity. Councilman Spotted Bear seconded the motion.

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

DISCUSSION: The Bureau of Indian Affairs, Superintendent has authority to request bids for an Oil Lease for allotted lands for without a directive from the Tribe.

07. **RESOLUTION NO. 05-101-NH, DEVELOPMENT OF OIL AND GAS RESOURCES:** *Number is out of sequence because the Resolution was turned in after the Meeting of June 9, 2005.*

Councilman Whitecalfe moved for approval to authorize Steve Kelly, Legal Counsel, to draft a Resolution authorizing the Tribe to work with the Office of Energy and Resources out of Golden, Colorado regarding development of oil and gas resources on the Fort Berthold Reservation. Councilman Hale seconded the motion.

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

08. **STERLING REED FINANCIAL REQUEST:**

Councilman Wolf moved for approval to grant \$500 financial assistance to Sterling Reed to subsidize his costs while attending an Internship in Washington, D.C., with the funds to be taken out of grants and donations. Councilman Packineau seconded the motion.

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

09. **DOE GRANT #DE-FC-36-99GO10472 UTILITY-SCALE WIND TURBINE DEMONSTRATION PROJECT:**

Councilman Wells moved for approval to request concurrence from the Four Bears Community to reconsider the action taken on November 10, 2004 and keep at the original



turbine site for the Utility Scale Wind Turbine Demonstration Project in the Four Bears area. Councilman Wolf seconded the motion.

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

10. **RESOLUTION NO. 05-83-NH, TRIBAL BUSINESS COUNCIL REQUIREMENT THAT ALL SCHOOLS ON FORT BERTHOLD RESERVATION RECEIVING FUNDS UNDER THE TRIBALLY CONTROLLED SCHOOL GRANTS ACT ADOPT TRAVEL AND TRAINING POLICIES TO ENSURE FINANCIAL ACCOUNTABILITY:**

Councilman Wells moved for approval of a Resolution entitled, “Tribal Business Council requirement that all schools on Fort Berthold Reservation receiving funds under the Tribally Controlled School Grants Act, adopt travel and training policies to ensure financial accountability.” Councilman Packineau seconded the motion.

Councilman Wells amended his motion to include language, “school boards will establish reasonable budgetary line items for travel, and the school board shall submit copies to the Council.” Councilman Packineau concurred with the amendment.

FOR THE RECORD: Councilman Hale said, “We gave local control to the school boards, and for every action that we got to take that’s similar to this, we take control away, and I think we’re punishing some for the sake of others.”

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

11. **RESOLUTION NO. 05-84-NH, REPRESENTATIVE TO THE INTERTRIBAL BISON COOPERATIVE:**

Councilman Wells moved for approval of a Resolution entitled, “James Pete Hale, appointed as representative to the Intertribal Bison Cooperative.” Councilman Hale seconded the motion.

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

12. **SALLY IRWIN WHITE SMALL LOAN:**

Councilman Packineau moved for approval to refinance Sally White’s small loan of \$3,300, and approve an additional amount of \$350.00, because of special circumstances. Councilman Hale seconded the motion.

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

13. **FORT BERTHOLD GOLFERS:**

Councilman Packineau moved for approval to grant \$250 per individual, 1) Cletus Foote, 2) Neil Packineau, 3) Couley Lewis, 4) Nathaniel Packineau, and 5) one more name.



to participate in the National Golf tournament held in San Diego, California. Councilman Hale seconded the motion.

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

14. FOUR BEARS SEGMENT C-STORE BUDGET:

Councilman Wells moved for approval of a budget amendment of \$579,000 for the Four Bears Segment's C-Store. Councilman Wolf seconded the motion.

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

15. TBC SUMMER INTERN BUDGETS:

Councilman Wells moved for approval of a \$27,300 budget for the Tribal Business Council's Summer Intern Program for 10 weeks, X 7 Interns @ \$10.00 per hour. Councilman Packineau seconded the motion.

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

16. APPLICATION FOR FEDERAL ASSISTANCE GRANT OF \$12,620.00 HEADSTART PROGRAM:

Councilman Whitecalfe moved for approval of a Head Start Program's Application for Federal Assistance in the amount of \$12,620.00, with a \$3,155 non-federal In-kind contribution. Councilman Spotted Bear seconded the motion.

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

17. APPLICATION FEDERAL ASSISTANCE GRANT OF \$26,053.00-HEADSTART PROGRAM:

Councilman Wells moved for approval of a Head Start Programs Application for Federal Assistance in the amount of \$26,053.00, with a \$6,513.00 of non-federal in-kind contribution. Councilman Whitecalfe seconded the motion.

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

18. TEX WOUNDED FACE FINANCIAL REQUEST:

Councilman Wells moved for approval to purchase 2 sculptured ornaments for \$1,000 from Tex Wounded Face, and for the Four Bears Casino to cost share the amount @\$500.00. Councilman Whitecalfe seconded the motion.

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



19. CEDERIC WILKINSON FIRE ASSISTANCE GRANT:

Councilman Wells moved for approval of a \$1,000 Natural Disaster grant to Cederic Wilkinson to help with expenses incurred from a fire in his home. Councilman Hale seconded the motion.

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

20. MAINTENANCE TRANSFER:

Councilman Wells moved for approval of a transfer of Gilbert Mann, Jr. from Utilities to Tribal Maintenance at \$9.75 per hour. Councilman Wolf seconded the motion.

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

21. ADJOURNMENT:

Councilman Wells moved to adjourn the meeting. Councilman Wolf seconded the motion. The motion adjourned at 5:40 p.m.

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

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 22 day of August, 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 22nd day of August, 2005.

ATTEST:

Tribal Secretary, Nathan Hale
Tribal Business Council,
Three Affiliated Tribes

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