



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
MEETING NO. 05-19-NH
SEPTEMBER 12, 2005**

CALL TO ORDER:

Chairman Hall called the meeting to order at 11:17 a.m. and took a moment for a silent prayer.

ROLL CALL:

Members Present: Councilman Frank Whitecalfe, Councilman Marcus D. Wells, Jr. Councilman Malcolm Wolf, Councilman Mervin Packineau and Councilman Nathan Hale. A quorum for the meeting was established with six members present.

Members absent: Councilman Daylon Spotted Bear (On travel)

01. APPROVAL OF THE AGENDA:

Councilman Wells moved for approval of the agenda as amended. Councilman Hale seconded the motion.

Additions: Request for Admin.Lv (MWJR) Personnel Tribal Court- Melanie Brugh (Closed session) Jody Johnson (Finance) – Financial Request Thomas Matthews- Land Exchange (Anita Deane) Indigenous Democratic Network

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

02. INJURY PREVENTION GRANT:

Councilman Hale moved for approval to extend the Injury Prevention Grant for 30 days and pay Jody Johnson at her current rate/with benefits with General Budget funds, to allow the Director to do a proposal, and to work with the Treasurer to find more money to fund the program that could be reimbursable back to the tribe. Councilman Packineau seconded the motion.

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

03. 2004 AUDIT REPORT:

Councilman Wells moved for approval of the FY-2004 Audit, with the exclusion of Finding No. 9. Councilman Hale seconded the motion.

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



**04. GENERAL FUND REVENUES/TRANSFERS AND EXPENDITURES-
EXCLUDING DEBT: Executive Session**

05. RIBAL, STAUFFER ACCOUNTING SERVICES:

Ribail and Stauffer will be reverted into accountants for the tribe to prepare for audit services, and paid with \$140,000 for outside accounting services line item. Brandon Hand will put out a bid for a CPA firm to audit.

Councilman Wells moved for approval to direct the Treasurer, Acting Chief Financial Officer and other appropriate staff to send out an RFP, "Auditing Services for the Three Affiliated Tribes for FY-2005." Councilman Hale seconded the motion.

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

**06. RESOLUTION NO. 05-131-NH; "FOUR BEARS SEGMENT
REPRESENTATIVE ADMINISTRATIVE LEAVE TO ATTEND ARMY
RESERVE TRAINING, MARCUS D. WELLS, JR.**

Councilman Wolf moved for approval of a Resolution entitled, "Four Bears Segment Representative, Councilman Marcus D. Wells, Jr., and request for approval of administrative leave to attend army reserve training for eight weeks; also for Councilman Packineau to assume the duties of Vice Chairman until Councilman Wells returns from active duty and reassumes the duties. Councilman Packineau seconded the motion.

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

Correction to Minutes on November 21, 2005:

Councilman Wolf moved for approval of a Resolution entitled, Four Bears Segment Representative, Councilman Marcus, D. Well, Jr request for approval of administrative leave to attend army reserve training for eight weeks; and for Councilman Packineau to assume the duties of Vice-Chairman. Councilman Packineau seconded the motion.

DISCUSSION: This Resolution will set precedence "for appointed officials to make quorum by teleconference for attendance of meetings.

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

**07. RESOLUTION NO. 05-132-NH; MISSOURI SEDIMENT ACTION
COALITION:**



Councilman Whitecalfe moved for approval to become a member of the Missouri Sediment Action Coalition, and to designate Councilman Daylon Spotted Bear as the delegate and Paul Danks as the alternate for the coalition. Councilman Wolf seconded the motion.

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

08. CHAIRMAN HALLS REPORT:

A. CEDS UPDATE

B. UTTC FOR PROFIT LLC INTERTRIBAL HOTEL BISMARCK, ND.

Councilman Wells moved for approval for the Three Affiliated Tribes to provide up to \$25,000 planning money, subject to the final adoption of the LLC. Councilman Packineau seconded the motion.

DISCUSSION: This will show that the shares are owned equally by the Tribes. This will get this moving to the next level which is the final approval with LLC and lease with the City or UTTC land.

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

C. FOUR BEARS BRIDGE OPENING

D. UTTC RESOLUTIONS PASSED

09. NUXBAAGA CELEBRATION GROUNDS:

Councilman Hale moved for approval to give authority to Doyle Bell to meet with Mountrail County commissioners and ask to work in conjunction with them in reconstructing the road to the Nuxbaaga Pow-wow grounds, which is approximately one and one half mile. Councilman Packineau seconded the motion.

DISCUSSION: Councilman Hale informed the members that the Roads Department might not be able to pave it but it can be widened and graveled, with authority given to Doyle to go ahead with the project possibly funded with FYkl-05 budget. The gravel can be hauled from the White Shield area.

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

10. SMALL LOAN SHAWNA WELLS:

Councilman Packineau moved for approval of an educational loan of \$2,500 to Shawna Wells, subject to the repayment plan of the Educational Loan Program. Councilman Wolf seconded the motion.



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

11. FORT BERTHOLD HOUSING AUTHORITY:

Councilman Wells moved for approval to amend the Minutes of March 10, 2005, Motion 29. Fort Berthold Housing Authority – “change the years from 05 to 06 / 06 to 07, money used for exterior renovation of 5-4 project rental units with the payments of money to come in phases of \$150,000. Councilman Wolf seconded the motion.

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

12. FRU-CON BUILDING PURCHASE:

Councilman Hale moved for approval to purchase the Fru-Con Building at \$162,500, subject to legal and administrative review of all records. Councilman Wells seconded the motion.

DISCUSSION: Richard Mayer reported that the negotiations process included monetary amount of \$162,500 to purchase the building with the fence included, plus concrete slabs located adjacent to the building with the lightning at the easement area included in the purchase. Fru-Con offered a clause in the contract to purchase the two overhead cranes at \$50,000 each, for a total of \$100,000 which is Option A. Councilman Wells said that Cam Green faxed a letter offering the tribe the building after the bridge was completed as it would cost the company more to dismantle it.

The Tribal Business Council accepted the offer. Richard Mayer did research it and was told by Ed Hall that the building they were referring it was a 20X30 small building.

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

13. MEDICAL LOAN OF \$3,500 TO VAL FINLEY, JR:

Councilman Hale moved for approval of a medical loan up to \$3,500 to Val Finley, Jr., subject to the requirements of the program. Councilman Wells seconded the motion.

DISCUSSION: The applicant still owes \$800 to the Small Loan Program, so his current loan will have to be refinanced. The office will be closed until after October 1, 2005.

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

Continuation Meeting will be scheduled for September 22, 2005 at 10:00 a.m.



14. PATTY MCKING MEDICAL GRANT:

Councilman Wells moved for approval of a \$1,000 medical grant to Patty McKing, subject to the requirements of the programs funded by the general fund. Councilman Hale seconded the motion.

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

15. THREE AFFILIATED TRIBES DOG CATCHER:

Councilman Wells moved for approval to hire Faroll Conklin who will be a dog catcher

Reservation -wide; at \$10.00 per hour for 60 days and be under the supervision of the Fish and Game Administrator. Councilman Packineau seconded the motion.

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

16. NATURAL RESOURCES ADMINISTRATOR- SALARY MODIFICATION:

Councilman Wells moved for approval of a salary increase to Paul Danks to \$26.00 per hour, subject to an evaluation process. Councilman Whitecalfe seconded the motion.

DISCUSSION: The increase will be funded under the Indirect Cost Budget.

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

17. MEDICAL EMERGENCY LOANS:

The Tribal Business Council's Treasurer Councilman Whitecalfe directed Terri Logg to draft a notice that the Small Loan Program will be closed until October 1, 2005; with the exception of Medical Emergency Loans.

18. CULTURAL INTERPRETATIVE CENTER UPDATE:

- John Erickson story line contract presentation
- Lay out of displays
- Preliminary approval for final complete conceptual design plan.
- Put on the agenda for the next meeting
- Painted mural seating
- Projected images above central part day and night sequences star ceiling used to talk about things that happened during the seasons.
- Make it into a theatre with a dramatic effect.



- Nature of tribal museums across the country are almost art galleries
- Focus on the time line
- Learn the similarities of the language spoken and translated.
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19. RICHARD E. MAYER EDUCATIONAL REQUEST:

Councilman Packineau moved for approval to allow Richard E. Mayer to exchange the \$6,000 tuition money he received from an Internship Grant with MIS in trade for payment of three classes to obtain his MBA. Councilman Wolf seconded the motion.

VOTE: 4 Ayes, 1 Nay, 0 Abstentions, 0 Not voting. Motion carried.

20. THREE AFFILIATED TRIBES PENDING HISTORICAL CLAIMS

AGAINST BUREAU OF RECLAMATION: *FOR THE RECORD: The tape was changed because of the Executive Session. The agenda item was discussed via a teleconference.*

Councilman Wells moved for approval to authorize the Sonosky, Chambers, Sachse, Miller & Munson, LLP to negotiate the pre-mediation settlement offer and the Nation's mediating position in October, 2005; which will settle the Three Affiliated Tribes historical claims against the Bureau of Reclamation for 2.1 Million. Councilman Whitecalfe seconded the motion.

Councilman Wells amended his motion to include the following language, "for the Tribal Business Council to give the Committee, {Chairman Hall, Councilman Whitecalfe, and Councilman Hale} the authority to settle the historical claims against the BOR."

(\$3 Million) Councilman Whitecalfe concurred with the amendment.

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

Councilman Wells will vote in favor of the motion

FOR THE RECORD: Councilman Wolf left the meeting at 6:00 p.m. (The tape was exchanged back to tape 2 of the meeting for the conclusion of the meeting.).

21. RESOLUTION NO. 05-133-NH APPROVAL OF APPLICATION TWIN BUTTES INTAKE:

Steve Kelly will do a resolution for the TBC. Councilman Whitecalfe moved for approval to ratify an Executive Committee Resolution No. 05-01-NH entitled, "Approval of Applications for Emergency Community Water Assistance Grant from the USDA Rural Development in the amount of \$500,000 for the Twin Buttes Emergency Intake Extension." Councilman Packineau seconded the motion.



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

22. TWIN BUTTES CUSTOM HOMES -\$100,000 LETTER OF CREDIT; \$400,000 LINE OF CREDIT:

Councilman Whitecalfe moved for approval to give the Treasurer the authority to cash in two CD' (\$100,000 and \$400,000) to pay for the Twin Buttes Custom Homes for their debt obligations and for the remaining balance (from interest) of approximately \$33,000 to go back to the Twin Buttes Custom for payroll purposes and charged off as a loan. Councilman Packineau seconded the motion.

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

23. EXPIRATION DATE OF TAX EXEMPT BOND: *Bring back on September 22, 2005*

Steve Kelly gave a report on the expiration date of the "Tax Exempt Bond."

- Formula is based on 1.25% of the total interest on JTAC the principal account of \$149.2
- The balance of that bond gets an interest rate of 5.35%. so payments are about \$36,000, to \$39,000, a month
- Certification requirement every three months that says if all of assets are included not just the principal amount of \$149.2 and the interest on that account, but also \$30,000, with the interest accrued...
- Funds aren't encumbered so we're able to come within that \$1.25% formula.
- The language says we can express our intent to refinance no sooner those 45 days and no later than 30 days before the expiration of the bond which is in November of this year.
- An options is to do nothing and hope that everything continues as it has Interest rates right now are tax exempt (5.35) Marshall reviewed the loan in which the balance on that note is \$4.5 or \$4.7 Million.
A recommendation sitting at OTFM is to take care of TBCH so our ratio can be lowered to 1.25 levels.

24. RURAL DEVELOPMENT USDA LOAN TO BUILD INTERPRETATIVE CENTER:

The Council approved a loan of \$8 Million for the construction of the Interpretative Center that is to come from the United States Department of Agriculture. (USDA) Proceeds from the Casino will be used as security. The \$8Million dollar loan from USDA will be repaid with funds raised by a 5013C- The Tribal Business Council directed the CEO to do a "Request for Proposal," to seek out interested companies, do a background, and to structure the contract payment by percentages and to make sure the Tribe is paid back. All fund raising money should come to the Finance Department for disbursement. Also, the tribe should consider legal action against Jackson & Associates.



25. FINANCE FULL-TIME PERMANENT EMPLOYEES:

Councilman Hale moved for approval to change the employment status of Amy Grady, Administrative Assistant; and Donna Howling Wolf, Contracting Officer to permanent status remaining at the same salaries. Councilman Whitecalfe seconded the motion.

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

26. FINANCE DEPARTMENT CONTRACTING OFFICER PART-TIME TEMPORARY:

Councilman Packineau moved for approval to hire Donny Dickens as a part-time temporary Contracting Officer for \$900.00 per month: Councilman Wells seconded the motion.

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

27. MELANIE BRUGH: EXECUTIVE SESSION

The Tribal Business Council authorized Richard Mayer to do a letter to the Chief of Police requesting an explanation of Melanie Brugh's situation.

28. CORRECTIONS OFFICER HIRE:

Councilman Wells moved for approval to hire Melanie Brugh as a permanent full-time employee as a Corrections Officer for the Gerald "Texx" Fox Justice Center, subject to the requirements of the background check. Councilman Whitecalfe seconded the motion.

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

29. COPS FAST OFFICER, FOUR BEARS AREA:

Councilman Wells moved for approval to reassign Rick Little Swallow as a Cops Fast Officer for the Four Bears area. Councilman Whitecalfe seconded the motion.

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

30. RESOLUTION NO. 05-134-NH, REQUEST TO RE-CONTRACT BIA PROGRAMS IN FY-2006 REQUEST TO CONTRACT CRIMINAL



**INVESTIGATION, ROAD MAINTENANCE, FIRE MANAGEMENT,
AGENCY EDUCATION/EARLY CHILDHOOD UNDER P.L. 638
CONTRACTS IN FY2006.**

Councilman Whitecalfe moved for approval of the Resolution entitled, "Request to Re-contract BIA Programs in FY-2006; Request to contract Criminal Investigation, Road Maintenance, Fire Management, Agency Education/Early Childhood under P.L. 638 Contracts in FY-2006. Councilman Wells seconded the motion.

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

31. THOMAS NASH EDUCATIONAL REQUEST:

Councilman Wells moved for approval for the Tribe to cost share \$3,500 with the Four Bears Casino and Lodge to pay for a paramedic program degree for Thomas Nash who also is involved with the EMT. Councilman Hale seconded the motion.

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

**32. RESOLUTION NO. 05-135-NH, ESTABLISH AND REESTABLISH
AGRICULTURAL LANDS LEASING POLICY, RENTAL RATES, LEASE
PREPARATION FEES AND TRIBAL TAX."**

Councilman Wells moved for approval of a Resolution entitled, "Establish and Re-establish Agricultural Lands Leasing Policy, Rental Rates, Lease preparation Fees and Tribal Tax, subject to legal review. Councilman Hale seconded the motion.

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

33. YOUNGHAWK, BEAR POST 253 REQUEST:

Councilman Whitecalfe moved for approval of a request from Young Hawk-Bear Legion Post 253, "Old Scouts Society" to help obtain 20 sections of side railings from the "Old Four Bears Bridge," to be used for the front of the "Old Scouts Cemetery," by negotiating the request with the contractor that's demolishing it. Councilman Wells seconded the motion.

DISCUSSION: Councilman Hale reminded the members that Fru-Con Contraction Company did inform the tribe if anyone wanted parts of the bridge that they would have to negotiate with the contractor.



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

34. JUDICIAL COMMITTEE RECOMMENDATIONS FOR TRIBAL COURT STAFF COLA:

Councilman Wells moved for approval to ratify the Judicial Committee's recommendations for approval of a 3% COLA for Tribal Court, effective on August 16, 2005, with the funds to come out of the federal contract. Councilman Whitecalfe seconded the motion.

DISCUSSION: Judge Conklin will be exempt from receiving the cost of living allowance (COLA) because she is paid out of a different fund; and with the District Judge's contract up for renewal, that could be part of the negotiations. Norma Baker is also exempt from the COLA paid out of the federal contract because she is paid out of a separate contract.

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

35. RATIFICATION OF JUDICIAL COMMITTEE RECOMMENDATIONS TO HIRE OF TRIBAL PROSECUTOR:

Councilman Wells moved for approval to hire of Mr. Woods as the Prosecutor for the Tribe at a rate of \$59,343.41 which includes benefits, effective on September 12, 2005. Councilman Whitecalfe seconded the motion.

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

36. CLARIFICATION OF TBC COMMITTEE AUTHORITY PROCEDURES:

It was clarified by the Tribal Business Council that all decisions made in committee meetings must be ratified by full Tribal Business Council at their next regularly scheduled meeting.

37. RENEWAL OF CONTRACT TRIBAL DISTRICT JUDGE:

Councilman Wells moved for approval to renew the contract of the Tribal District Judge Conklin. No second. Motion dies

DISCUSSION: It was the consensus of the members that the two absent members be present when an important decision as such is made. Also, the Judicial Committee Chairman recommended an evaluation should be completed before the contract is renewed. The agenda item will be brought to full council on Thursday, September 22, 2005.



38. WIC BUILDING LAND LEASE:

Councilman Whitecalfe moved for approval to authorize Verlee Saylor to meet with the auditor and New Town City Council, with the Tribe to pay half of one percent (\$700) of the total cost of the project, (\$140,000) upfront to the auditor before the lot can be rezoned to construct the WIC Office. (The one-half lot at the end of the Head start Complex-Casino Apartments is zoned commercially.) Councilman Hale seconded the motion.

Discussion: When the Building Contract is awarded, the \$700 will be reimbursed back to the tribe.

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

39. CONSULTANT AGREEMENT GERALD "TEXX" FOX:

Councilman Hale moved for approval of a consultant agreement for six months between Gerald Texx Fox and the Circle of Life (SYDE Group) not to exceed \$6,000. Councilman Wells seconded the motion.

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

40. RAMONA WOODS SMALL LOAN REQUEST:

Councilman Packineau moved for approval of an emergency loan of \$3,500 loan for Ramona Woods to travel with her husband to assist in relocating his parents from the gulf coast. Councilman Wells seconded the motion.

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

41. THOMAS MATTHEWS FINANCIAL REQUEST:

Councilman Packineau moved for approval of emergency assistance grant of \$500 to Thomas Matthews to help with travel expenses to return to his home in the gulf coast after his mother's funeral. Councilman Hale seconded the motion.

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

42. TASHINA.WHITE TAIL SYLVAN LEARNING CENTER:

The Treasurer and Chairman will grant the payment of \$180 to pay for a correspondence chemistry course for Tashina White Tail.

43. DARREN KHEGA EDUCATIONAL REQUEST:



Councilman Wells moved for approval of a \$3,500 educational loan for Darren Kihega, subject to the repayment policy of the program; and if funds become available to be reconsidered for a grant. Councilman Hale seconded the motion.

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

44. RECESSED MEETING:

Chairman Hall recessed the meeting at 7:00 p.m. until Thursday, September 22, 2005 at 10:00 a.m.

45. APPROVAL OF MINUTES; AUGUST 15, 2005:

Councilman Wells moved for approval of the Minutes of August 15, 2005 with corrections. Councilman Hale seconded the motion.

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

46. APPROVAL OF MINUTES; AUGUST 22, 2005:

Councilman Wells moved for approval of the Minutes of August 22, 2005 as corrected. Councilman Hale seconded the motion.


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

CERTIFICATION

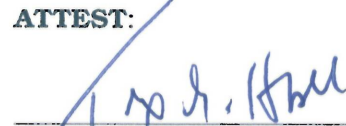
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum_ were present at the Regular Meeting thereof duly called, noticed, convened and held on the 21 day of November, 2005; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 6 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman Voting. Not voting.

Dated this 21 day of November, 2005.



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

ATTEST:


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