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**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
CONTINUATION MEETING  
FEBRUARY 02, 2006 MINUTES**

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**CALL TO ORDER:**

The meeting was called to order by Tribal Chairman, Tex G. Hall at 11:40 a.m.

**ROLL CALL: Members present:** Chairman Tex G. Hall, Councilman Frank Whitecalfe, Councilman Malcolm Wolf, Councilman Mervin Packineau and Councilman Nathan Hale. A quorum was established with five members present.

**Members absent:** Councilman Daylon Spotted Bear, and Councilman Marcus D. Wells, Jr. (Army Reservist Training)

**NORTH DAKOTA WATER DIRECTOR:**

They will be a meeting at 11: 00a.m. today regarding the “Proposed Missouri Transfer to City of Fargo, ND.” COEA released their annual operating plan and the Tribe was trying to get a forum of 40,000,000 because they have to do a spring rise, they have to release water because of the endangered species Act with Plato Sturgeon they dropped that floor to 36.5 Million acre feed. Alternative plan is their not taking water out of here when they’re trying to keep a floor of 40 and the Corp has 45 Million acre feed.

**01. APPROVAL OF THE AGENDA:**

Add-ons:

Allocation of RU 91, Pete Fredericks, Mike Huber, and Dennis Huber  
Allocation of RU-17 Casey Fredericks/August Little Soldier. Casey Fredericks would be willing to relinquish RU 17 to August Little Soldier if he was awarded RU 91. RU 12, RU-15, RU-108, RU-109

Councilman Hale stated that Trudy Walsh requested to address today before we finalize the minutes of the allocation January 10-11, 2006. If we don’t address her the appeal process will be ---. She was an applicant and she didn’t get one. Before we finalized the minutes and approve the allocations. She should understand that we awarded based on the material we had on hand. That would be alright awarded based on the information we had and there’s an appeal process. There was a request by Mr. Frederick to take some tribal land out of that range unit and there was a question on the cattle count. Talked to Mossett and Fredericks cows and question on cattle count Range units were discussed 91first - RU 5- RU -11; RU 405

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

VOTE: 5 Ayes. Motion carried.



**02. ALLOCATION OF RANGE UNIT 17- RANGE UNIT 91:**

Councilman Packineau moved for approval to divide Range Unit 91 between Casey Fredericks, north-east with the description being majority of the range unit awarded to Casey Fredericks; and to Dennis Huber-to the south-320 acres developed by himself, which is the EQUIP corrals; and to divide Range Unit 17 between with Newton Little Soldier and Casey Fredericks; and if there is a lack of compliance on Unit 17; Casey Fredericks be awarded RU 17 in its entirety. No second three times -- the motion dies.

Councilman Hale moved for approval to leave RU17 as awarded. No second. Motion failed.

Councilman Packineau moved for approval to award RU 17 to Casey Fredericks, No second —Motion failed.

***This issue was tabled for later discussion.***

**03. RANGE UNIT ALLOCATION TRUDY WALSH:**

Councilman Hale moved for approval to prioritize Trudy Chase-Walsh and give her first preference for range units that become available in the Twin Buttes area. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes. Motion carried.

**04. RANGE UNIT NO. 5:**

In reference to Range Unit No. 5: Pete Fredericks has a position and Jim Mossett has a position. Chairman's recommendation is to have the tribe gather its own information to make a proper decision, and to check the condition of the fence. The Natural Resources Director will do a check point and bring back a report sometime in March. The issue before was the cattle count.

*Lunch Break: Command Sergeant Army Reserves, Commander Ken Helter presented an Employee award to Councilman Nathan Hale that was submitted by Nathan Good Iron when working for him last summer.*

**05. APPROVAL OF MINUTES: JANUARY 10-11, 2006**

Councilman Hale moved for approval of the minutes of January 10-11, 2006, {excluding Item #16 and Item # 44 that will be addressed later in the meeting} as amended. Councilman Whitecalfe seconded the motion.

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

**06. RANGE UNIT 91 SPLIT:** Motion was re-presented again by Councilman Packineau. Councilman Packineau moved for approval to divide Range Unit 91 between Casey Fredericks, north-east with the description being majority of the range unit awarded



*to Casey Fredericks; and to Dennis Huber-to the south-320 acres developed by himself, which is the EQUIP corrals;  
and to divide Range Unit 17 between with Newton Little Soldier and Casey Fredericks; and if there is a lack of compliance on either range unit 17 or range unit 91—that Casey Fredericks be awarded RU 17 in its entirety, and Dennis Huber be awarded Range Unit 91 in its entirety. No second three times -- the motion dies.*

DISCUSSION: Casey Fredericks stated, “I didn’t apply for the unit, however, when the bureau awarded to me, they said it was exactly divided equally half and half which I paid for 6 years, but came up short 300 acres. I’m currently in negotiations with the bureau for a reimbursement.” Casey Fredericks stated for the record; “when the Tribal Business Council re-awarded Range Unit 17, it was based on “taking care of a tribal elder,” so don’t make it a cattle issue.”

**RANGE UNIT 91 SPLIT:** Motion was re-presented again by Councilman Packineau. Councilman Packineau moved for approval to divide Range Unit 91 between Casey Fredericks, north-east with the description being majority of the range unit awarded to Casey Fredericks; and to Dennis Huber-to the south-320 acres developed by himself, which is the EQUIP corrals; and to divide Range Unit 17 between Newton/August Little Soldier (everything to the East) 40 AUMS and Casey Fredericks (everything to West) 60 AUMS; and directed the Natural Resource Director to verify ownership of AUMS in RU 17, within one week of the date of this meeting and if found to be not in compliance with Resolution No. 05-170- NH, to award entire unit to the applicant that has 100% ownership with actual brand. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes. No-objection--Motion carried unanimously.

**07. MICHAEL DUANE FOX LIBERMAN:**

Councilman Whitecalfe moved for approval program tuition of \$2,274.00 for Michael Duane Fox Lieberman to participate as a member of the people to people, future leaders, “Summit on Medicine,” held in Baltimore, Maryland. Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

**08. UNITED TRIBES TECHNICAL COLLEGE -NOAMI FOX:**

This issue referred to the United Tribes Technical Center.

**09. INDIAN HEALTH SERVICES: Michelle Leach Acting Service Unit Director**

- Improvement in waiting time. Currently the waiting period is an average overall five hours.
- Pharmaceutical Contract research with Veterans Administration
- After hour transition 5:00 p.m. to 8:00 p.m.
- Third Party Billing Report eligibility
- Monthly Report 2<sup>nd</sup> Thursday of each month
- UTTC Meeting carry-over money earmarked for first come- first served



- AAO formula used for funding distribution - recurring money.

**Councilman Hale Comments:**

- Complaints regarding lack of services
- Prioritize elderly and sick
- Chairman of HHR will visit with her
- Prioritizing billings continuing education
- Prescription Policy
- More collaboration with Tribal Health

**Councilman Malcolm Wolf:**

- Dental practices, ethics, and professionalism
- Pharmacist expressing dissatisfaction towards membership – need more cooperation

**Councilman Mervin Packineau:**

- Michelle Leach's transfer to Aberdeen-- reprimand or promotion
- Challenging complaint of Nancy Davis with EEC August 18, 2004

**10. DR. HARCHANKO CONTRACT EXTENSION:**

Councilman Packineau moved for approval to extend Dr. Vern Harchanko's contract until April 15, 2006 -the date of his resignation. Councilman Whitecalfe seconded the motion.

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

DISCUSSION: Management experience - Deb Thompson stated that she contacted Dr. Vern Smith-Locum family practicum Council directives: Chief Medical Officer involved in the recruitment process Contract requires that he identify candidates to replace him

**11. TRIBAL FINANCE DEPARTMENT:**

Contract Supervisor Report

- List of department goals
- BIA Road maintenance draw downs
- Meeting with staff to get all of their draws for FY06 - list all contracts.
- Oil Refinery funding update
- Richard Mayer directed Bonnie Red Fox to generate construction reports. She said she needs access to Accufund to produce reports.

Councilman Hale stated that Richard Mayer was delegated the task of ensuring that construction contract reports were current now that the duty is transferred to Bonnie Red Fox, he needs to make sure they are current.

- Met with Bernie Fox regarding the gravel contract from FBDC and open it for the bid process.
- Request for a 3% salary increase for contracts personnel



- Dixie Howling Wolf – need justification for the substantial increase
- BIA Contracts- make sure 3% for COLAs are included in each budget.  
COLA'S are included in each budget funded by the Bureau of Indian Affairs.

**12. SALARY INCREASE FINANCE DEPARTMENT:**

Councilman moved for approval of a \$3.74 salary increase for Dixie Howling Wolf. Councilman Whitecalfe seconded the motion.

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

DISCUSSION: For the record: "Any proposals for salary increases have to be rated and ranked by the HHR before any action from the Tribal Business Council. Also retro-active pay is not a consideration. The request for all programs to submit a new salary authorization per each employee was because of new codes needing to be entered into Accufund. Committees can recommend salary increases but it has to have full council approval before any administrative action is taken.

**13. RESOLUTION NO. 06-16-NH-"TRIBAL HOUSING NO LONGER PURCHASE MOBILE HOMES:"**

Councilman Whitecalfe moved for approval of the Resolution No. 05- NH, as amended.

Delete: "The Three Affiliated Tribes." Councilman Hale seconded the motion.

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

**14. CLARIFICATION PURCHASE OF MOBILE HOME – CARLA CLARK:**

The Tribal Business Council was in agreement that a mobile home will be purchased from Carla Clark at a formal appraisal price at her own cost and subject to funds available. The appraisal will have to justify the amount requested.

**15. TRIBAL HOUSING INCENTIVES:**

Connie Wilkinson stated that she would like to give each of her staff a \$600 Incentive which will be paid from a Fannie Mae grant of \$4000 that was awarded for operating costs. The incentives will be dealt with at the next regularly scheduled meeting.

**16. FORT BERTHOLD DEVELOPMENT CORPORATION:**

Informational - FBDC Loan

**17. PROPOSAL-HIGH PLAINS HOLDING CONSORTIUM LLC, ERVIN LEE:**

Informational – The Legal Department was instructed to work with Ervin Lee by reviewing the letter of intent and make an opinion on how or if this venture would benefit the tribe, especially the commitment to place \$1,000,000 in an escrow account.

Recess at 4:45 p.m.



**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 5 were present at the Continuation Meeting thereof duly called, noticed, convened and held on the 2<sup>nd</sup> day of February, 2006; that the foregoing minutes were amended and duly adopted at such meeting by the affirmative vote of \_\_\_\_ members; \_\_\_\_ members opposed; \_\_\_\_ members abstained; \_\_\_\_ Members not voting.

Chairman [ ] Voting. [ ] Not voting.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2006.

**ATTEST:**

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

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

