



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING NO. 06-06-NH  
February 10, 2006**

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**CALL TO ORDER:**

Vice-Chairman Packineau called meeting to order at 10:48 am.

**ROLL CALL:**

Members Present: Chairman Tex G. Hall, [11:55 a.m.] Vice-Chairman Mervin Packineau, Councilman Nathan Hale, Councilman Malcolm Wolf, Councilman Frank Whitecalfe, Councilman Daylon Spotted Bear, Councilman Marcus D. Wells.

**INVOCATION:**

Vice-Chairman Packineau called on Councilman Wolf to give the invocation.

**01. APPROVAL OF THE AGENDA:**

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

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

**02. MINOT STATE UNIVERSITY FINANCIAL REQUEST**

Councilman Hale moved for approval of \$3,500 for the Minot State University Pow-wow April 21-22, 2006. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting

**03. MARIAM SMITH FINANCIAL REQUEST:**

Councilman Wells moved for approval to award Miriam Smith a grant of \$1,796 for a down payment of a vehicle and to refinance her small loan to include \$1,796 for a total of \$3,592. Councilman Hale seconded the motion.

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

**04. LEVI BRUCE BUSINESS LOAN:**

Treasurer Whitecalfe will look into revenue from the Independence Program and will be in contact with Mr. Bruce regarding his business loan.

**05. FINANCE UPDATE:**

Informational

*Chairman Tex G. Hall entered the meeting at 11:55 a.m.*

Dale Little Soldier said the prayer for lunch

**06. RETIREMENT PLAN**

Councilman Whitecalfe moved for approval to allow tribal employees to apply for a maximum of 3 loans on their retirement pension plan. Councilman Packineau seconded the motion.





VOTE: 3 Ayes, 4 Nays, 0 Abstentions, 0 Not voting. *Motion failed.*

Councilman Wells moved for approval to consent to tribal employees making loans on their Retirement Pension, their net pay not to exceed 30% or 70% to be implemented by HHR. Councilman Spotted Bear seconded the motion

VOTE: 4 Ayes, 2 Nays, 1 Abstentions, 0 Not voting. Motion carried.

07. **PERSONNEL MATTERS:** Executive Session

08. **CONSULTANT AGREEMENT:**

Councilman Wells moved for approval to renew Gerald "Texx" Fox Consultant Agreement at \$12,000 with the funds to come out of the SYDE Program. Councilman Hale seconded the motion.

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

09. **RESOLUTION NO. 06-21-NH, RESUMPTION OF DUTIES AS A MEMBER OF HEALTH HUMAN SERVICES:**

Councilman Hale moved for approval for Councilman Wells to resume his duties as a member of the Health and Human Resources Committee. Councilman Wolf seconded the motion.

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

10. **SEVERANCE PAY KYLE BAKER:**

Councilman Wells moved for approval to direct the Health and Human Resources Administrator and the CEO to determine a formula of severance pay for Kyle Baker. Councilman Whitecalfe seconded the motion.

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

11. **CHIEF FINANCIAL OFFICER:**

Applications for the Ken Stauffer would do the CFO position and discuss and bring to the council.

12. **RESOLUTION NO. 06-22-06, RESUMPTION OF DUTIES AS VICE-CHAIRMAN THREE AFFILIATED TRIBES:**

Councilman Hale moved for approval of a Resolution entitled, "Resumption of Duties as Vice-Chairman of the Three Affiliated Tribes. Councilman Whitecalfe seconded the motion.

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

13. **DEB CHASE-BELL EMPLOYMENT STATUS:**

Councilman Wells moved for approval to change Deb Chase-Bell employment status from temporary to permanent. Councilman Whitecalfe seconded the motion.

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





14. **RESOLUTION NO. 06-23-NH CONTRACTING PLANNING PHASE OF HEALTH FACILITY:**

Councilman Wells moved for approval of a Resolution entitled, "To P.L. 638 \$300,000 for the Health Care Facility." Councilman Hale seconded the motion.

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

*The meeting was opened to the public at 3:30 p.m.*

14. **SMALL LOAN ARLIE KNIGHT:**

Councilman Wells moved for approval of a \$7,500 small loan to Arlie Knight for attorney fees with the appropriate collateral provided and once his son appears in court the money will be repaid to the Small Loan Program. Councilman Packineau seconded the motion.

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

15. **SMALL LOAN – COLLEEN STONE:**

Councilman Hale moved for approval of a \$6,000 small loan to Colleen Stone to purchase a mobile home, subject to the requirements of the loan program. Councilman Spotted Bear seconded the motion.

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

16. **SANDRA BLACKHAWK FINANCIAL REQUEST:**

Councilman Wells moved for approval to a \$5,000 loan, subject to the policy and procedure handbook. Councilman Whitecalfe seconded the motion.

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

***CEO REPORT CONTAINED THE FOLLOWING:***

17. **FINANCIAL GRANT TAMMY (LONG FOX) KELSCH:**

Councilman Spotted Bear moved for approval of a \$500 grant to help subsidize her costs to travel to go on a mission trip to Warangal, India. Councilman Whitecalfe seconded the motion.

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

18. **FINANCIAL REQUEST NDSU:**

Councilman Whitecalfe moved for approval of a financial grant of \$250 for the annual pow-wow of North Dakota State University-Fargo/Moorhead. Councilman Hale seconded the motion.

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

19. **BISMARCK-MANDAN POW-WOW**

Councilman Hale moved for approval to award \$500 for the Bismarck-Mandan Pow-wow. Councilman Whitecalfe seconded the motion.





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

**20. FINANCIAL REQUEST PHELAN FAMILY:**

Councilman Hale moved for approval to grant \$250 each to Brandi, Adele, Jessica and Randy Phelan to attend an AIHEC Conference. Councilman Packineau seconded the motion.

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

**21. 2006 DUES FOR MENTAL HEALTH INDIAN GAMING CONTRACT FOR PROBLEM GAMBLERS:**

Councilman Packineau moved for approval to refer to the Casino the \$16,000 mental health dues for the Indian Gaming Contract for problem gamblers. Councilman Hale seconded the motion.

DISCUSSION: The funds will be subtracted from the monthly tribal allocation.

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

**22. FINANCIAL GRANT STEPHANIE HALL:**

Councilman Wells moved for approval of a small loan of \$1,392 to pay the balance due \$1,392 to the Wayne State College for a federal pell grant of Stephanie Hall. Councilman Packineau seconded the motion.

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

**23. UNITED TRIBES TECHNICAL CENTER FINANCIAL REQUEST:**

Councilman Wells moved for approval of a \$500 sponsorship from the MHA Nation to United Tribes Technical Center for the 17<sup>th</sup> Annual Adult Vocational Training (AVT) Conference on March 6-8, 2006. Councilman Packineau seconded the motion.

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

**24. VOCATION PROGRAM-KENNETH FRYE:**

Councilman Whitecalfe moved for approval of a one-time school grant of \$200 to Kenneth Frye. Councilman Wells seconded the motion.

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

**25. MHA TIMES SUBSCRIPTION:**

Councilman Hale moved in lieu of paying for the elders subscriptions of the MHA Times because of budgetary restraints, and in agreement with the Elders Organization will provide minutes through the website and make available hard copies of minutes at the segment offices. Councilman Whitecalfe seconded the motion.

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





**26. TRANSFER LLOYD JOHNSON TO TERO OFFICE:**

Councilman Wells moved for approval to transfer Lloyd Johnson from the Game and Fish to the TERO Office as a compliance officer. Councilman Hale seconded the motion.

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

**27. CARLOS PINEUDA:**

Carlos Pineuda was awarded \$500 to subsidize costs in producing a documentary of the "flooding of the Garrison Dam."

**28. MARILYN OVERLIE:**

The TERO Office will provide assistance to Marilyn Overlie in negotiating a laundry contract with the Four Bears Casino and Lodge.

End of CEO Report:

**29. RESOLUTION NO. 06-24-NH, VOLUNTARY WAGES ASSIGNMENT:**

Councilman Whitecalfe moved for approval of a Resolution entitled, "Voluntary Wage Assignment." Councilman Hale seconded the motion.

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

**30. FRU-CON BUILDING:**

Scott Eagle (Cultural Interpretative Center) will work with the Maintenance Department (Marvin) and the Roads Department, (Doyle) in working out a plan for the use of the building.

**31. GTFJC CONSULTANT AGREEMENT – DORIS MCGRADY:**

*A preliminary consultant agreement between the Gerald "Texx" Fox Justice Center and Doris McGrady will be researched and Chairman Hall will be given final approval. Rich Mayer will look into providing school instructions for incarcerated juveniles. Richard Mayer will review the contract and verify hours needed.*

**32. SMALL LOAN -JUNE YELLOW LODGE:**

Councilman Packineau moved for approval to grant June Yellow Lodge \$500 for attorney fees. Councilman Hale seconded the motion.

Councilman Packineau amended his motion to refinance a past due loan and award an additional \$500 to June Yellow Lodge, subject to the Small Loan policy and procedures. Councilman Hale concurred with the amendment.

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

**32. RETIREMENT PLAN:**

This issue was informational only as it was discussed earlier in the meeting.





**33. PROGRAM INCENTIVES:**

Councilman Hale moved for approval of \$200 incentive per employee who didn't receive one at Christmas and will come out of the program's budgets. Councilman Whitecalfe seconded the motion.

VOTE: 3 Ayes, 2 Nays, 2 Abstentions, 0 Not voting. Motion carried.

**34. LC&C GROUP FINANCE REQUEST:**

Councilman Spotted Bear moved to direct the law offices of Hobbs, Straus to research the proposed contract and to do a background check on the LC&C Finance Group. Councilman Wells seconded the motion.

DISCUSSION: Councilman Wells stated that a Resolution Number is needed before Hobbs, Dean and Straus begins the background check.

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

**35. RESOLUTION NO. 06-25-NH, RECOMMENDATION OF LAWRIN HUGH BAKER TO POSITION OF HEALTH SYSTEM ADMINISTRATOR:**

Councilman Wells Jr. moved for approval of a Resolution entitled, "Recommendation of Lawrin Hugh Baker to the position of Health Systems." Councilman Whitecalfe seconded the motion.

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

**36. CULTURAL INTERPRETIVE CENTER:**

Councilman Wells moved for approval of a contract between the Cultural Interpretive Center and the Fort Berthold Development Corporation to construct six family size earth lodges (360-foot in diameter) with 30% mobilization amount; with funding made available by a grant of \$438,089.00. Councilman Hale seconded the motion.

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

**37. SIGNATURE EVENT FOR CITY OF NEW TOWN:**

Councilman Wells Jr. moved to have the City of New Town work with the advisory committee of the signatory event. Councilman Hale seconded the motion.

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

**38. BEAVER CREEK CASINO PROPOSAL**

Tabled till Monday

**39. NELSON HEART ADMINISTRATIVE LEAVE:**

Councilman Wells Jr. moved to approve administrative leave to Nelson Heart until a personnel matter is resolved. Councilman Spotted Bear seconded the motion.

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

The meeting was recessed at 8:15 p.m. until Monday Feb 13, 2006.




**CERTIFICATION**

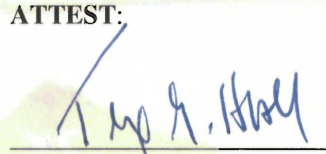
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum 6 were present at the Continuation Meeting thereof duly called, noticed, convened and held on the 30 day of MARCH, 2006; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 5 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman  Voting.     Not voting.

Dated this 30 day of MARCH, 2006.

ATTEST:

  
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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

