



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 06-08-NH
MARCH 09, 2006**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:15 a.m. and asked for a moment of silence from all present to remember those who need prayers.

ROLL CALL:

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

01. APPROVAL OF THE AGENDA:

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

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

02. OFFICE OF SPECIAL TRUSTEE: Austin Gillette-Jim James-Sonny Holiday

- Fort Berthold BIA OST-Open House March 10, 2006
- Office of Special Trustee for American Indians
- Individual Trust Account Unknown addresses IIM accounts found and disbursed (400)
- Fractionation Issues - Land Management Systems Integrated
- Fiduciary Trust Model -Trust Funds Accounting Systems
- Lock Box Initiative System Automated -Records Management System –build
- Tour of American Indian Records- Depository St. Louis, MO
- Surface and Mineral IIM Accounts Aggregate -Probate Backlog -Overnighters

03. DISCLOSURE OF CONFLICT OF INTEREST -CODE OF ETHICS, CHAIRMAN HALL:

Councilman Wells moved for approval that Chairman Hall be given the opportunity to provide the Tribal Business Council with a report on any connections he has with the National Alliances and to make a public disclosure on April 13, 2006 on any relationship he has with the Intertribal Economic Alliance. Councilman Hale seconded the motion.

VOTE: 5 Ayes, 2 Nays, 0 Abstentions, 0 Not voting. Motion carried.

04. DISCLOSURE OF CONFLICT OF INTEREST – CODE OF ETHICS TBC MEMBERS:

Councilman Whitecalfe moved for approval that the remaining six members of the Tribal Business Council also be given an opportunity to release information on any conflicts of Interests they may have within the Tribe and its Projects, Entities, and also, to make disclosure to the public on April 13, 2006. Councilman Wells seconded the motion.

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



04. RESOLUTION NO. 06-35-NH- DEVELOPMENT OF A UNIFORM COMMERCIAL CODE FOR THE MHA THROUGH THE ANA GRANT:

Councilman Wells moved for approval of a Resolution entitled, "Authorization for MHA Planning and Grants Management office to apply for grant funding for the development of a Uniform Commercial Code for the Three Affiliated Tribes through the Administration for Native Americans (ANA) CDFA-93.612. Councilman Whitecalfe seconded the motion.

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

05. RESOLUTION NO. 06-36-NH, "AUTHORIZATION FOR FY 2006 ECONOMIC DEVELOPMENT ADMINISTRATION.

Councilman Wells moved for approval of a Resolution entitled, "Authorization for FY2006 Economic Development Administration." Councilman Whitecalfe seconded the motion.

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

06. RESOLUTION NO. 06-37-NH, TRAFFIC SAFETY DEVELOPMENT."

Councilman Packineau moved for approval of a Resolution entitled, "Traffic Safety Development." Councilman seconded the motion.

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

07. UNIFORM ATHLETIC STANDARDS:

Councilman Wells moved for approval to establish a working group consisting of FISBA Reservation schools, Athletic Directors/Coaches, FISBA School Boards, and Tribal Officials to develop a Resolution to bring back to the Tribal Business Council to review uniform support and enforcement of the ND High School Activity Association policies for Native student athletics. Councilman Packineau seconded the motion.

Committee members: Karen Stevens, Jennifer Fyten, Clinton Wolf, Danile Henry, Delphine Baker. Committee can organize themselves and met and determine who else, schools, boards, coaching, Athletic Directors type and come back to next months meeting with a Resolution with language to support uniformity and support the gaps in terms of the records of the Bureau of Indian Affairs.

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

08. AMENDMENT OF RESOLUTION NO. 06-38-NH, DELVIN FOOTE

Councilman Packineau moved for approval to revise Resolution No. 05-82-NH, from \$64,000 to \$100,000 and for the tribe to guarantee the loan with the Native American Bank, subject to filing an appropriate signed agreement from Delvin Foote. Councilman Hale seconded the motion.

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

09. ELDER HANDICAP RAMPS CONSTRUCTION COSTS REQUEST:

Councilman Hale moved for approval to fund the cost of \$4,900 to construct four elderly handicap ramps @ four per segment, with the inclusion of the residences of Edith Likes Eagle and Lila Lones Arrow for the Mandaree area and Avis Mayer residence for the New Town area. Councilman Wells seconded the motion.



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

10. RESOLUTION NO. 06-39-NH, HIDATSA LANGUAGE REVITALIZED PROJECT AND LINGUISTIC STUDY:

Councilman Hale moved for approval of a Resolution No. 06-39-NH, entitled, "Hidatsa Language Revitalization Project. Councilman Wells seconded the motion.

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

11. APPLICATION OF THE TAT TO U.S. EPA FOR DELEGATION OF AUTHORITY TO SET WATER QUALITY STANDARDS FOR THE SURFACE WATERS OF THE FORT BERTHOLD INDIAN RESERVATION:

Councilman Wells moved for approval for the Tribal Environmental Program to move forward with the Water Quality Standard Treatment application and apply as a State Application. Councilman Packineau seconded the motion.

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

12. LYON WOLDING LAND STATUS CHANGE:

Councilman Spotted Bear moved for approval of Lyon Wolding's land initiatives with no objection from the Tribe and referred to the Bureau of Indian Affairs. Councilman Wells seconded the motion.

VOTE: 5 Ayes, 2 Nays, 0 Abstentions, 0 Not voting. Motion carried.

13. TRIBAL RANGE UNIT RATE:

Councilman Packineau moved for approval of the recommendation from the Natural Resources Director to leave the tribal range unit at a rate of \$4.31 per AUM. Councilman Spotted Bear seconded the motion.

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

14. TRIBAL BUFFALO PROJECT:

Councilman Hale moved for approval of the proposal from Peter Hale to find a different site in the New Town area for the Buffalo Project as it wouldn't be feasible to use the Solid Surfacing Building. Councilman Wolf seconded the motion.

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

15. MANDAREE COMMUNITY SOLID SURFACE BUILDING:

Councilman Hale moved for approval to direct the Tribe to reimburse the Buffalo Project the \$2100 they paid to have the lights reconnected and for the additional costs to hook-up the telephones, subject to submittal of any further receipts. Councilman Wells seconded the motion.

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

16. CONSULTANT AGREEMENT – JILL GILLETTE:

Councilman Hale moved for approval of the consultant Agreement executed with Jill Gillette and the "Gerald "Texx" Fox Justice Center," for a period of one year and paid \$20 per hour for all services



provided under this agreement not to exceed 40 hours in a two week period. Councilman Packineau seconded the motion.

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

17. PARSHALL DAYCARE CENTER:

Councilman Hale moved for approval of the consultant agreement executed between Jason Two Crow and the Parshall Daycare. Councilman Packineau seconded the motion.

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

18. CHIEF MEDICAL OFFICER:

Councilman Wells moved for approval to hire Dr. Penny Wilkie as the Chief Medical Officer for the Mine-Tohe Clinic. Councilman Hale seconded the motion.

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

19. HIRE OF NURSE PRACTITIONER:

Councilman Hale moved for approval to hire Vonnie Johnson as the Nurse Practitioner for the Mine-Tohe Clinic. Councilman Spotted Bear seconded the motion.

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

20. BRIDGET CHARGING APPEAL FBCL:

Councilman Wells moved for approval to provide Bridget Charging a hardship grant of \$500 and to support the FBCL General Manager's actions to place her into the position of Kitchen Supervisor at her same rate of pay while she was working for Surveillance. Councilman Wolf seconded the motion.

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

21. FINANCIAL REQUEST JOHUA AND JACOB SAYLER:

Councilman Wells moved for approval to provide Joshua and Jacob Sayler each \$500 grant to subsidize the costs of attending and participating in the National Intercollegiate Skeet and Trap Tournament in San Antonio, Texas. Councilman Spotted Bear seconded the motion.

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

22. RESOLUTION NO. 06-40-NH, TRANSPORTATION /SAFETY:

Councilman Wells moved for approval of a Resolution entitled, "Transportation Safety." Councilman Hale seconded the motion.

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

23. RESOLUTION NO. 06-41-NH, CHANGING RETIREMENT FUND INTEREST RATE FROM 9.5% TO PRIME RATE:

Councilman Wells moved for approval of a Resolution entitled, "changing Retirement Fund Interest Rate from 9.5% to Prime Rate." Councilman Whitecalfe seconded the motion.



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

24. **RESOLUTION NO. 06-42-NH, LIMIT LOANS ON 401K AND 403B:**

Councilman Wells moved for approval of a Resolution entitled, "Limit Loans on 401K and 403B." Councilman Whitecalfe seconded the motion.

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

25. **RESOLUTION NO. 06-43-NH, RESCINDS RESOLUTION 05-103-NH**

Councilman Hale moved for approval of a Resolution entitled, " . " Councilman Wells seconded the motion.

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

26. **477 PROGRAM BESSIE WELLS:**

Councilman Whitecalfe moved for approval to compensate Bessie Wells @\$408.00 for additional duties she had while the Case Manager was on a leave of absence for four weeks. Councilman Wells seconded the motion.

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

27. **TRIBAL HOUSING FOR ELDERLY:**

Councilman moved for approval of a budget modification of \$245,000 to Tribal Housing for the Elderly. Councilman seconded the motion.

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

28. **CONSULTANT AGREEMENT- DENNIS DEUTSCH**

Councilman Hale moved for approval of the Consultant Agreement executed with Dennis Deutsch and the Tribal Housing Project. Councilman Packineau seconded the motion.

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

29. **HILL TOP TRAILER COURT:**

Councilman Wells moved for approval of the Policy for the Hill Top Trailer Park. Councilman Whitecalfe seconded the motion.

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

30. **HIP RENOVATION:**

Councilman Hale moved for approval of the \$3,800 HIP Renovation Contract. Councilman Whitecalfe seconded the motion.

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



31. WALLACH & ASSOCIATES, P.C. (Tape Three)

Councilman Spotted Bear moved for approval for Steve Kelly to move forward with the Angel Investor and R.I.M. Grant Proposal and to continue the due diligence working with Michael Roy and if the Investor is up to standard, Mr. Wallach will be brought back to the April 13, 2006 Council Meeting. Councilman Whitecalfe seconded the motion.

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

32. TWIN BUTTES CUSTOM HOMES:

Councilman Spotted Bear moved for approval of a Resolution Legal Counsel will draft, "Describing the transfer of the \$100,000 from the FBDC to Twin Buttes Custom Homes." Councilman Whitecalfe seconded the motion.

VOTE: 3 Ayes, 1 Nay, 1 Abstention, 0 Not voting. Motion carried.

33. REFINERY CONTRACT:

This item was referred to the Executive Meeting on March 16, 2006.

34. HIRE OF TRIBAL ANALYST:

Councilman Whitecalfe moved for approval of a 30 day appointment of Lawrin Hugh Baker as the Tribal Analyst at \$64,000 per annum. Councilman Hale seconded the motion.

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

35. IVERS PLUMBING PAYMENT:

Councilman Whitecalfe moved for approval to pay Ivers Plumbing \$6,073.96 for services on the new WIC building. Councilman Spotted Bear seconded the motion.

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

36. ADJOURNMENT:

Councilman Hale moved for approval to adjourn the meeting. Councilman Whitecalfe seconded the motion.

VOTE: 5 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 6 were present at the Regular Meeting thereof duly called, noticed, convened and held on the 18 day of July, 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 18 day of July, 2006.



ATTEST:

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

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

