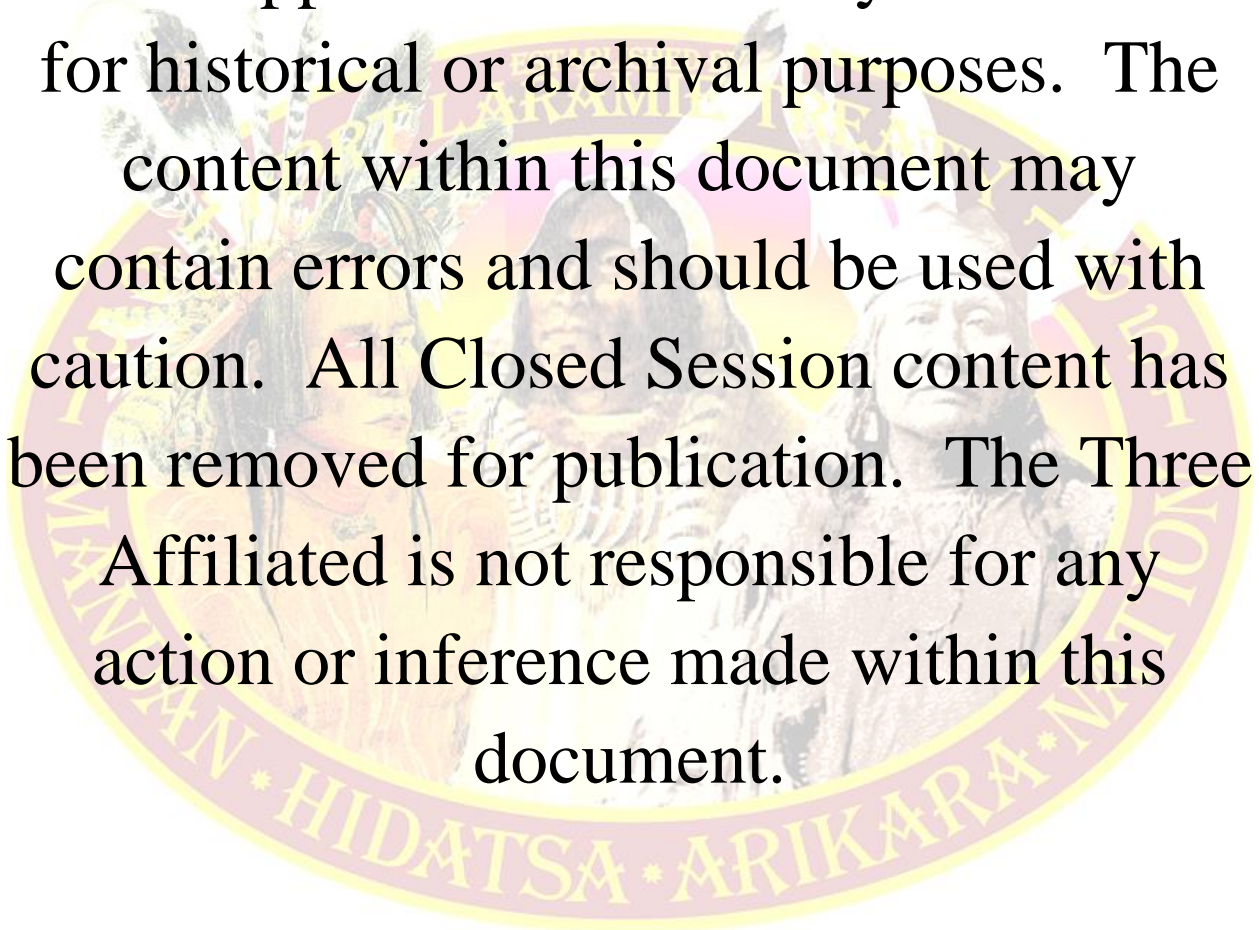
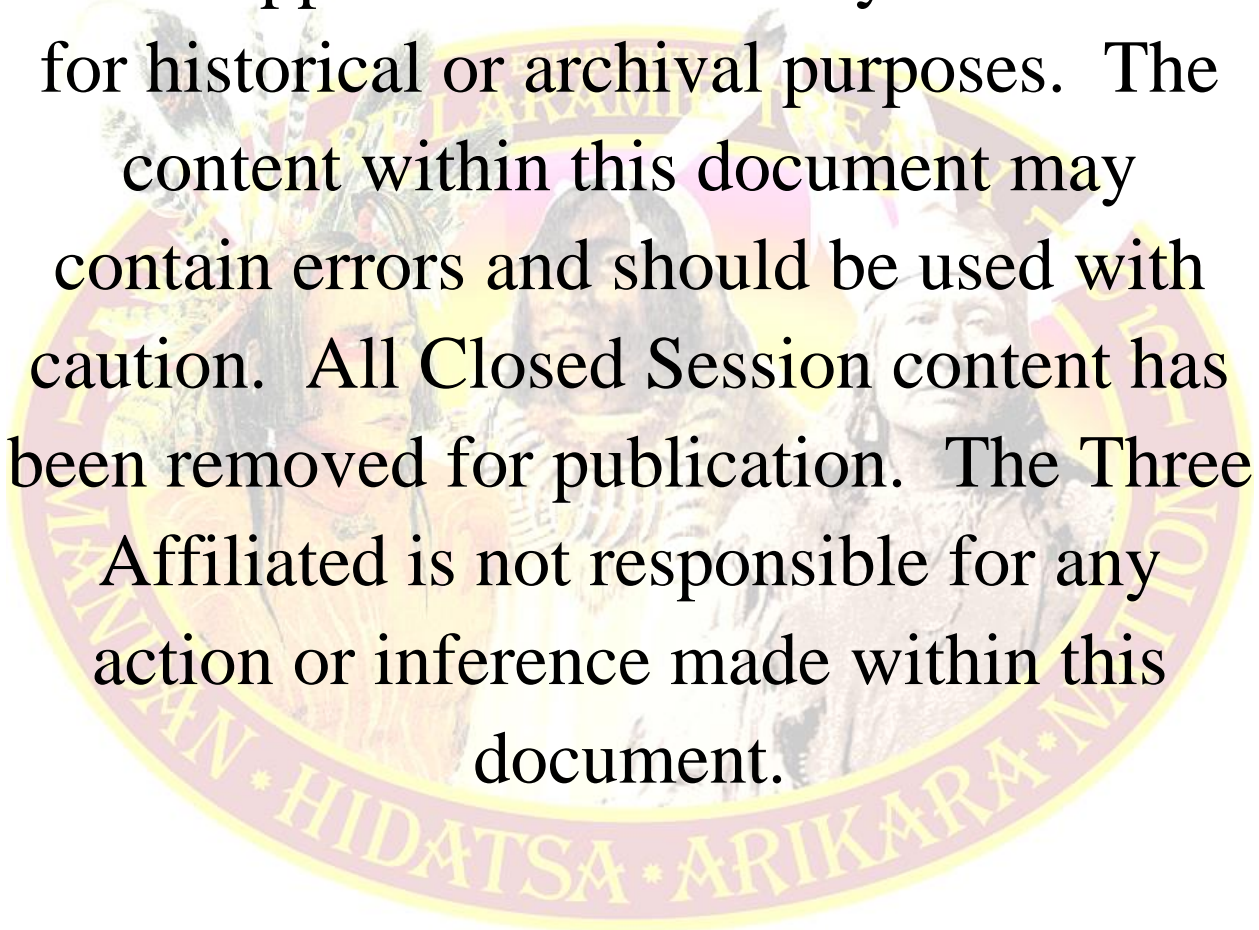


DISCLAIMER: The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three Affiliated is not responsible for any action or inference made within this document.



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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
CONTINUATION MEETING NO. 13
APRIL 24, 2006**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:00 a.m.

ROLL CALL:

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

Members absent: Councilman Daylon Spotted Bear.

Staff present: Legal Counsels, Jennifer Fyten, Steve Kelly, CEO Richard E. Mayer, Chairman Assistant, Karen Stevens, Britnee Fox, Marie Baker, Jean Baker, Recording Secretaries.

01. JUDY YOUNG BEAR REQUEST:

Councilman Hale moved for approval to direct the Natural Resources Director to coordinate the movement of a mobile home to Mandaree for Judy Young Bear, and to construct access roads at her home sites in Mandaree and Four Bears, in lieu of her receiving any financial compensation from the tribe regarding the debt owed to IRS by the MHA Communication Board. Councilman Wells seconded the motion.

DISCUSSION: The IRS withheld her tax return because she was the Chairperson for the Board at that time.

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

02. AUDIOVISUAL, INC.

Councilman Hale moved for approval of the \$11,003.00 proposal from the Audiovisual, Inc. to replace the audio equipment in the Tribal Chambers that will be paid from the contingency fund. Councilman Packineau seconded the motion.

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

03. BUREAU OF INDIAN AFFAIRS REALTY:

The Realty Office will be closed for two weeks while the TAMS software is installed but Mary Fredericks- Baker, Chris Many Deeds and Thomas Wells will be available for inquiries.

04. LISA YOUNG BEAR STUDENT LOAN:

Councilman Wells moved for approval of a student loan request of \$182.00 for Lisa Young Bear. Councilman Hale seconded the motion.



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

05. MANDAREE CONGREGATIONAL CHURCH:

Councilman Wells moved for approval to pay the electrical bill of \$987.17 for the Mandaree Congregational Church. Councilman Hale seconded the motion.

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

06. APPROVAL OF MINUTES-MARCH 20, 23, 31, - APRIL 13, 2006:

Councilman Whitecalfe moved for approval of the Minutes of the Tribal Business Council Meetings of March 20, 23, 31, 2006 and April 13, 2006 as corrected. Councilman Hale seconded the motion.

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

07. COPS FAST PROGRAM:

Jurisdictional issues
County Memorandum of Agreement

08. IMDA BLACKWELL:

- The Tribe and State are both claiming ownership of the riverbed.
- Assistant Attorney put Blackwell on notice and the bonus money went into an account until the matter is resolved.
- Memorandum of Agreement Tribe negotiated with Blackwell contrary to competition to correct problems with the whole issue.
- The first and second blocks are all tribal lands. The play includes block one and block two. Dakota 3 was brought in to negotiate for the block as a straight drill Check list needs to be developed to show the responsibility of each agency; BIA-Tribal-IMDA. There are assumptions that BIA is going to pay for Black Rock to expedite the process.

09. BUFFALO PROJECTS:

Councilman Hale moved for approval of an interim budget of \$73,968 for the Buffalo Project, and to permit Paul White Owl to continue living in the bunk house but to have the Figure Four Ranch be responsible for electrical payment because the main electrical meter is located in the bunk house as Pete Hale wants to make sure that the bill is paid on time, and for the Figure Four Ranch to be under the supervision of Pete Hale. Councilman Wells seconded the motion.

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

10. IVA DEANE AND MALCOLM WOLF

Paul Danks will look into this issue. We will know those numbers up front. A lot of people are declaring themselves as beginners.



11. MARY ALICE WELLS-PARSHALL AREA:

Councilman Wells moved for approval to prioritize Mary Alice Wells on the list for sewer and water excavation. Councilman Whitecalfe seconded the motion.

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

12. FORT BERTHOLD DEVELOPMENT CORPORATION:

- Construction schedule Earth Lodges
- Bonding- program had to turn down some projects- bring forward when audit is done.
- Informational: Meeting on May 10, 2006 Roads Bismarck, North Dakota Farm Market
- FBDC was to reimburse the tribe \$130,000 on April 8, 2004, Treasurer to negotiate for the gas station to offset amount and settle on the difference.

13. RESOLUTION NO.06-59-NH; ESTABLISH A SEPARATE ACCOUNT FOR THE GERALD"TEXX"FOX JUSTICE CENTER:

Councilman Packineau moved for approval of a Resolution entitled, "Establish a separate account for the "Gerald "Texx" Fox Justice Center. Councilman Hale seconded the motion.

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

14. RESOLUTION NO. 05-60-NH; TBC SUPPORT OF ENFORCEMENT OF ND HIGH SCHOOL ACTIVITIES ASSOCIATION POLICY REGARDING ALCOHOL AND DRUGS ON FORT BERTHOLD RESERVATION:

Councilman Hale moved for approval of a Resolution entitled, "Tribal Business Council support of enforcement of North Dakota High School Activities Association Policy Regarding use of Alcohol and Drug by students and recommendations that barriers to enforcement of this policy at the schools on Fort Berthold Indian Reservation be addressed. Councilman Whitecalfe seconded the motion.

DISCUSSION: The Judicial and Education Committee will be the reporting body for this assignment.

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

15. ALCOHOL AND DRUG TAX

Councilman Wells moved for approval of a Resolution "Adoption of a Tribal Tax on the Sale of Alcohol Beverages and Tobacco Products on the Fort Berthold Indian Reservation." Councilman Whitecalfe seconded the motion. The motion and second were withdrawn after a lengthy discussion.

Councilman Wells moved for approval to direct the Secretary to post a notice for a public hearing regarding "Taxation of Alcohol and Drugs on the Fort Berthold Reservation." Formal notice will be sent from the Secretary's office on proposed legislation to the local businesses. Councilman Whitecalfe seconded the motion.



Discussion: The tribal tax affect applies to Indian establishments and non-Indian establishments, Indians and non-Indians.

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

16. RESOLUTION NO. 06-61-NH; ADOPTION OF A THREE AFFILIATED TRIBES SEX OFFENDERS REGISTRATION AND NOTIFICATION STATUTE:

Councilman Wells moved for approval as amended a Resolution entitled, "Adoption of Three Affiliated Tribes Sex Offenders Registration and Notification Statute."

Councilman Whitecalfe seconded the motion.

Discussion: A registry will be made available to the public, tribal housing entities, and Social Service.

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

17. GARNISHMENT STATUTE:

Informational

18. CONTRACT WITH TRIBAL HOUSING AND DENNESCHEK HOMES:

Councilman Wells moved for approval of a contract with the Dennescheck Homes and Tribal Housing Division. Councilman Packineau seconded the motion.

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

19. RESOLUTION NO. 06-62-NH, AUTHORIZE BUDGET INCREASE OF \$110,000 FOR THE TRIBAL HOUSING DIVISION FOR CONSTRUCTION OF ELDERLY HOUSING:

Councilman Wells moved for approval of a Resolution entitled, "Authorize the Tribal Housing Division Budget Increase of \$110,000 for the construction of elderly homes." Councilman Whitecalfe seconded the motion.

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

20. SVEEN CONTSTRUCTION CONTRACT-TRIBAL HOUSING DIVISION:

Councilman Hale moved for approval of a contract of \$\$87,500.00 between Sveen Construction and Tribal Housing Division. Councilman Wells seconded the motion.

DISCUSSION: In consideration of the work to be performed under this contract, the owner shall pay the contractor \$17,500 X 5 foundations for a total of \$87,500.00.

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



21. CONTRACT SVEEN CONTSTRUCTION SANISH HOME/TRIBAL HOUSING DIVISION:

Councilman Wolf moved for approval of a contract of \$15,454.00 between Sveen Construction and Tribal Housing Division for Joan Mandan's home. Councilman Hale seconded the motion.

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

22. RESOLUTION NO. 06-63-NH, AUTHORIZATION TO APPLY FOR USDA RURAL HOUSING:

Councilman Packineau moved for approval of a Resolution entitled, "Authorization to apply for a grant with USDA Rural Housing." Councilman Hale seconded the motion.

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

23. MHA PROBATE CODE:

Informational – Will be reviewed by both community

24. MINERAL CLAIMS FOR NE QUATRIUN:

Informational

25. TRIAD OIL REFINERY:

Councilman Wells moved for approval to hire a law firm to review the Triad A&E Contract, subject to negotiations not to exceed \$25,000. Councilman Packineau seconded the motion.

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

26. TRIAD CONTRACT-GREYSTONE CONTRACTOR:

Councilman Wells moved for approval to direct Horace Pipe to set up a meeting between the Tribal Business Council and EPA, Robby Roberts regarding funding for the MHA Oil Refinery. Councilman Hale seconded the motion.

Discussion: Horace Pipe was directed to coordinate the scheduling of a meeting as soon as possible to discuss issues that are delaying the project.

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

27. ETHICS ORDINANCE:

Councilman Wells moved for approval to remove language "oil and gas" from the Ethics Ordinance on Page six. Councilman Whitecalfe seconded the motion.

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

"Steve read this section from the Ethics Ordinance:



“No public official or employee or any member of such person’s immediate family shall not be a party to, nor have an interest in the profits or benefits of, any governmental contract (including subcontracts thereto, leases and/or assignments thereof) of the MHA Nation unless the contract or the investment meets the following requirements.”

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

28. APPROVAL OF ETHICS CODE BUDGET:

Councilman Hale moved for approval of a proposed budget of \$85,000 for the Ethics Committee. Councilman Packineau seconded the motion.

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

29. STEVE KELLY: EXECUTIVE SESSION

30. RICHARD MAYER: EXECUTIVE SESSION:

31. DISCLOSURE OF CONTRACTS EXECUTED BY SALARIED EMPLOYEE:

Councilman Wells moved for approval to require salaried employees of any proposed contracts they may executed with other entities, and submit to the Tribal Business Council for review and approval prior to starting any work. Councilman Whitecalfe seconded the motion.

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

32. MEETINGS SCHEDULED ON TIME:

Councilman Hale asked that meetings be started on time in respect to tribal elders and members who have matters to address with the Tribal Business Council.

33. PERSONNEL MATTERS: Executive Session

34. GAME AND FISH, WILD LIFE GRANT #U-2 MODIFICATION TO SALARIES:

Councilman Whitecalfe moved for approval to direct Todd Hall to modify the Wildlife Grant and to configure the percentage not to exceed 12% of the total cost of the \$248,000 grant which is \$29,760 and for Richard Mayer to write criteria intended to compensate employees for grant writing. Councilman Hale seconded the motion.

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

35. 10th GRADE ROCKETTE/SANTEE DRIFTERS:

Councilman Packineau moved for approval to subsidize the costs by \$1400.00 for the 10th Grade Rockets and \$1400 for the Santee Drifters to attend a tournament in Rocky Boy, Montana. Councilman Hale seconded the motion.



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

36. BACON SIGNS SERVICE PROPOSALS:

Councilman Whitecalfe moved for approval to purchase a Bacon Sign for \$42, 695, 00 and an additional sign @ \$10,190.00 for advertising events, with the proceeds to be paid back to the contingency fund. Councilman Hale seconded the motion.

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

37. HA THOMPSON LINC SERVICES PROPOSAL:

Councilman Whitecalfe moved for approval of a proposal submitted by HA Thompson, Linc Service, for \$15,845.00 to change out the heat pump strainers, and paid out of the Indirect Cost budget. Councilman Hale seconded the motion.

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

38. PENNINSULA CLEAN UP:

Councilman Hale moved for approval to direct staff from Roads, Property, Marvin Danks, Dale McGrady, and Paul Danks to work jointly to dispose of the scrap iron laying around the tribal government building; and with Richard Mayer and Karen Stevens to coordinate tribal clean up day. Councilman Wells seconded the motion.

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

39. CLEAN UP DAY-VICTORIA CLAIRMONT TRANSFER:

Councilman Wells moved for approval to hire Victoria Clairmont on a temporary appointment for 90 days with the Maintenance Department @ \$9.53 per hour. Councilman Hale seconded the motion.

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

40. KYLE BAKER SEVERENCE PAY:

Councilman Wells moved for approval to compensate Kyle Baker \$10,000 as a retirement bonus for 24 years of service with the Three Affiliated Tribes. Councilman Whitecalfe seconded the motion.

Councilman Wells amended his motion to include language, "and for the Health Human Resources Administrator to bring forth a draft policies on severance pay - to be reviewed, passed by TBC for inclusion in the Personnel Policy Handbook.

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

41. DELIA DANKS LOAN:

Councilman Whitecalfe moved for approval of a \$7,500 loan for Delia Danks to help purchase a mobile home. Councilman Wells seconded the motion.



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

42. LISA YOUNG BEAR- EDUCATION STUDENT LOAN:

Councilman Whitecalfe moved for approval of a \$5,224.15 Education Student Loan for Lisa Young Bear, subject to the policies of the Small Loan Program. Councilman Hale seconded the motion.

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

43. SOCIAL SERVICE -477 PROGRAM -SHARON HAND DAYCARE LICENSED PERSON:

Councilman Whitecalfe moved for approval to give Social Service access to the 477 Program's Finance fund code which was the consensus to cost share @50% of the salary of the Daycare Assistance position held by Sharon Hand. Councilman Hale seconded the motion.

Councilman Whitecalfe amended his motion to include language: *The Social Service Department is given the authority to process the paperwork for payment of wages and given the supervisory authority for staff.* Councilman Hale concurred with the amendment.

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

44. SOCIAL SERVICE 4B BUDGET

Councilman Whitecalfe moved for approval authorization of the required tribal match of 25% or \$10,640 tribal hard cash be applied from the Indirect Cost Budget for the remaining funds needed for Sharon Hand's salary. Councilman Hale seconded the motion.

DISCUSSION: The revenue generated from issuing licenses for Daycare could pay the salary of the position.

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

45. PURCHASE BUILDING FOR DOMESTIC VIOLENCE:

Councilman Packineau moved for approval to purchase a building for the Domestic Violence Program from Mark Fox for \$29,000, be ready to move into within 30 days. Councilman Whitecalfe seconded the motion.

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

46. TRAVEL WASHINGTON D.C. DOMESTIC VIOLENCE PROGRAM:

Councilman Whitecalfe will try to coordinate his time to attend the meeting on Domestic Violence in Washington, D.C.



47. LACY LEGRONE FINANCIAL REQUEST

Lacy Legrone was given financial assistance of \$250 to participate in baseball tournament.

50. KARA CROSS FINANCIAL ASSISTANCE:

Councilman Wolf moved for a \$500 transportation costs for Kara Cross to help subsidize her moving costs to New Mexico. Councilman Whitecalfe seconded the motion.

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

51. TRIBAL PROSECUTOR: Executive Session

This complaint was referred to the Judicial Committee for a response.

52. TRIBAL CHIEF JUDGE: Executive Session

This issue needs closure and will be dealt with on May 11, 2006 at the Tribal Business Council meeting.

53. LAW ENFORCEMENT STUDY:

Councilman Wells moved to authorize Mark Fox to travel to Coeur d'Alene, Idaho to study the Law Enforcement program of the Salish-Kootenai and bring back the best course of action to begin the process of contracting the Fort Berthold Indian Reservation's BIA Law Enforcement. Councilman Hale seconded the motion.

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

54. LEWIS & CLARK SIGNATURE EVENT ADMINISTRATIVE ASSISTANT:

Councilman Wells moved for approval of a 90 day temporary appointment of Stephanie Baker at \$16.00 an hour, ***“with her office stationed in the basement of the KDU Unit and confirm this in writing to the Director.”*** Councilman Wolf seconded the motion.

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

55. HALE MARINA RECREATIONAL AREA BOAT RAMP:

Councilman Wells moved for approval of a \$5,000 financial request from Jim Hale to build a boat ramp with the funds to be taken from the contingency fund. Councilman Packineau seconded the motion.

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

56. ROAD ACCESS FOR THE HALE MARINA:

Councilman Wells moved for approval to request a proposal from the Indian Action II Program regarding constructing a road for the Hale Marina in Mandaree. Councilman Whitecalfe seconded the motion.



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

57. CONSTITUTION REVISION PUBLIC HEARING SCHEDULES:

Scott Eagle presented a letter from the Fredericks, Pelcyger & Hester regarding the schedule of the upcoming public hearings in each community: In an earlier meeting, the Tribal Business Council passed a Resolution approving this action.

May 15, 2006	White Shield Community
May 16, 2006	Mandaree Community Meeting 6:00 p.m.
May 17, 2006	New Town Community 6:00 p.m.
May 18, 2006	Parshall Community Meeting
May 23, 2006	Four Bears Community 6:00 p.m.

DISCUSSION: Councilman Wolf stated that many of our tribal elders speak fluent Hidatsa, so it might be a good idea to have someone is available to translate for them, because there are some that might not understand the English concept of the document.

58. PURCHASE OF 24 TEE-PEES:

Councilman Hale moved for approval to purchase a variety of sizes of 25 tee-pees with VA-HUD funds, not to exceed \$38,184. Councilman Packineau seconded the motion.

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

59. LEWIS AND CLARK KILE BOAT LEASE FOR \$30,000 FOR SIGNATURE EVENT:

There is for sale a 55'long 14' wide Kiel Boat for \$178,000 that is an authentic reproduction of Lewis and Clark. The Tourism Program said they could lease it for \$30,000 for the summer and the Signature Event and to see if it's going to bring in any revenue. The sellers said they got \$30,000 revenue during the summer from this boat by offering excursions and classes to kids to glide up and down the river for reenactments. Dominick Sillitti will bring more information to the next council meeting.

60. "TEX G. HALL NEW HEALTH CARE CENTER."

Councilman Hale moved for approval to amend the Tex G. Hall New Health Care Center's budget to include an additional \$55,000 that will be reimbursed back to the Tribe through the \$300,000 Indian Health Service 638-Contract. {Pre-Planning stage} Councilman Packineau seconded the motion.

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

61. HARDSHIP CASE RANGE UNIT ON 505:

Councilman Wolf moved for approval of a special permit for a medical hardship to allow Ethan Hall to sub-lease Unit 505 100% for one season. Councilman Wells seconded the motion.



Councilman Wells withdrew his second, after a lengthy discussion regarding other ranchers who have medical conditions and may want to request special permits for a hardship.

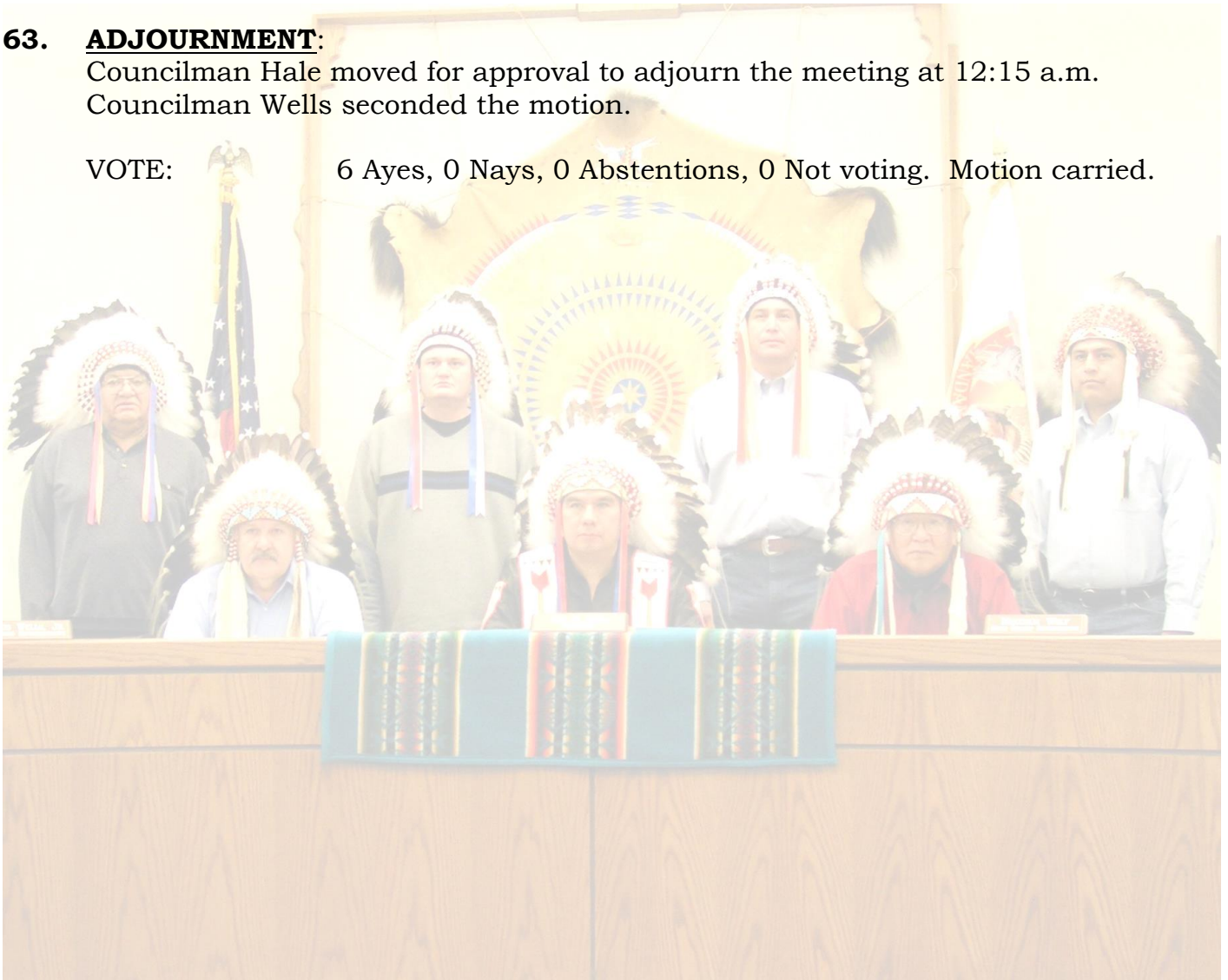
62. GAMING COMMISSION MEETING:

Councilman Wells informed the members that he needed to attend a meeting regarding Indian Gaming, which would conflict with the Regular meeting date. After discussion, the members all concurred to stay with the date of May 11, 2006.

63. ADJOURNMENT:

Councilman Hale moved for approval to adjourn the meeting at 12:15 a.m. Councilman Wells 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 who five (5) constitute a quorum, **Seven** were present at the **Regular** Meeting thereof duly called, noticed, convened and held on the **11** day of **May**, 2006; that the foregoing Minutes may have been amended and duly adopted at such meeting by the affirmative vote of **four** members; **-0-** members opposed; **one** members abstained; **-0-** members not voting.

Chairman [X] Voting. [] Not voting.

Dated this **11TH** day of **May**, 2006.

ATTEST:

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

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

