



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
MEETING NO. 06-19-NH  
JULY 18, 2005**

**CALL TO ORDER:**

The meeting was called to order by Chairman Tex G. Hall at 11:56 a.m. Invocation was said by silent prayer.

**ROLL CALL:**

Members Present: Chairman Tex G. Hall, Councilman Frank Whitecalfe, Councilman Marcus D. Wells Jr., Councilman Mervin Packineau and Councilman Nathan Hale. A quorum was established with five members present. Councilman Daylon Spotted Bear entered the meeting at 12:40 p.m., and the quorum became six members present.

Members absent: Councilman Malcolm Wolf.

**01. APPROVAL OF THE AGENDA:**

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

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

NOTE: There will be a Tribal Business Council/Executive Meeting scheduled for Thursday, July 20, 2006.

**02. FLORA LUBKE/FORT BERTHOLD DEVELOPMENT:**

Councilman Packineau moved for approval of the compensation to Flora Lubke based on recommendations of Kipps Sheet Metal and to direct the Fort Berthold Development Corporation to reimburse through own billing. Councilman Whitecalfe seconded the motion.

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

**03. FINANCIAL REQUEST GARAGE - MARY ALICE WELLS:**

Councilman Packineau moved for approval of a \$2031.77 grant to Mary Alice Wells to refurbish her garage, to be paid from the Contingency Fund. Councilman Wells Jr. seconded the motion.

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

**04. THIRD PARTY BILLING FUNDING/TRIBAL ANALYST PROGRAM BUDGET:**

Councilman Wells moved for approval to reinstate Aileen Jackson to the Third Party Billing-KDU. The motion was withdrawn until the Budget meeting. Consultant Agreement payment-General Fund -Third Party Billing Aileen Jackson is no longer employed as a consultant, and will be working for KDU Administrator. It was always the intent to pay her from the General fund and not the Third Party Billing. The Social Service Department's Third Party Billing is not included in the consultant agreement.



**05. NORTH DAKOTA STATE DEPARTMENT OF HEALTH:**

Councilman Wells moved for approval to consolidate the Three Health units (tribal, & Williston) when they are developed. Councilman Hale seconded the motion.

VOTE: 5 Ayes. Motion carried.

**06. DECLARATION OF DROUGHT DISASTER ON THE FORT BERTHOLD RESERVATION.**

Councilman Wells moved for approval to direct the Legal Counsel, and Natural Resource Department and Homeland Security to draft a Resolution declaring the Fort Berthold Reservation an economic detriment to livestock, grass, and crops. Councilman Spotted Bear seconded the motion.

VOTE: 5 Ayes. Motion carried.

**07. COBELL LAWSUIT HEARING:**

Councilman Whitecalfe moved for approval to support the McCain Senate Bill 1479 Settlement Bill that includes the trust settlement Bill. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

**08. REVIEWING FOR THE SERVICE UNIT DIRECTOR:**

Informational -Wednesday, July 26, 2006.

**09. CEO REPORT:**

- \* Employee Appreciation Day successful
- \*Heating System Request – hold off until after money crunch present pkg.
- \*Educational Funds: Belle Dean Chase-Merenda Sanderson-Lisa Young Bear  
Maximum request asking for \$6,000 to -\$8,000 to go back to school.

**10. EDUCATIONAL LOANS FY-06 BUDGET:**

Councilman Wells motioned to direct the Small Loan Program to look for funding for Belle Dean Chase and Merenda Sanderson in FY-06 Educational Budget and if no available funding, to include them in the FY-07 Budget. Councilman Hale seconded the motion.

VOTE: 6 Ayes. Motion carried.

**11. CLOSURE OF SMALL LOAN PROGRAM:**

Councilman Whitecalfe moved for approval to close the Small Loan Program/Independence Program until after the election process is finished, and to keep the option of the exception of essential loans; i.e. funeral loans, life threatening situations. Councilman Hale seconded the motion.



VOTE: 5 Ayes, 1 Nay. Motion carried.

For the Record: Lawrence Baker will be working on a Foreclosure Policy.

**11. LITTLE SHELL POW-WOW:**

Councilman Wells moved for approval of the financial request from the Little Shell Pow-wow committee. Councilman Packineau seconded the motion.

Councilman Wells amended his motion to direct the Four Bears Casino and Lodge to give them \$7,500 and to be specific that it doesn't come out of the tribal allocation for 2006. Councilman Packineau concurred with the amendment.

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

**12. RANGE UNIT 906:**

Councilman Wells moved for approval of a one year permit for Tyke Danks; and at the end of one year, if he is agreeable - to negotiate with him for other range units that could become available for non-compliance in October, 2006. Councilman Hale seconded the motion.

Discussion: Tyke Danks reiterated, "I would have to be agreeable with the range unit that's replacing RU906."

VOTE: 6 Ayes. Motion carried.

**13. WELLS ROAD CONSTRUCTION -FY-06- FY-07 BUDGET:**

Councilman Wells moved for approval of Councilman Hale, Councilman Wells and Doyle Bell on getting the Wells Road constructed. Councilman Hale seconded the motion.

VOTE: 6 Ayes. Motion carried.

**14. WHITE SHIELD HEALTH CENTER-REINSTATE RODNEY YELLOW BIRD:**

Councilman Whitecalfe moved for approval to reinstate Rodney Yellow Bird with the White Shield Healthy Center and to include justification for the reinstatement. Councilman Wells seconded the motion.

VOTE: 6 Ayes. Motion carried.

**15. EDMUND BAKER DOCKET GRANT:**

Councilman Wells moved for approval to grant \$6000 to Edmund Baker from the Docket line item specifically for Lawyers. No second, motion dies.



**16. TRAVEL FREEZE FOR TRIBAL EMPLOYEES:**

Councilman Hale moved for approval of the recommendations to freeze travel for all tribal employees, and approval of essential travel for the Tribal Business Council members only; and to direct the Chief Financial Officer to review the Federal Programs Budget line item for any available travel funds. Councilman Spotted Bear seconded the motion.

VOTE: 6 Ayes. Motion carried.

**17. DONATION AND GRANT LINE ITEM FREEZE:**

Councilman Hale moved for approval to freeze the Grants and Donations line item because of budget constraints. Councilman Spotted Bear seconded the motion.

VOTE: 6 Ayes. Motion carried.

DISCUSSION: The CEO was directed to draft a letter to the public informing them of the freeze on the Grant and Donation Budget until FY-07 October 1, 2006.

VOTE: 4 Ayes, 2 Nays. Motion carried.

**18. CONSULTANT FEE FREEZE:**

Councilman Wells moved for approval to freeze the consultant fees line item because of budget constraints. Councilman Hale seconded the motion.

Based on recommendations of the Treasurer, Chief Financial Officer and CEO these consultants will remain on payroll: 1) Dennis Deutsch 2) Gerald T. Fox, 3) Furuseth Law Firm questionable- CEO will meet with legal to see if Tyra or Jennie could assume duties. 4) Edward Hall, Jr. 5) Health Care Group, CTA, Inc. 6] BJ Jones, 7] Claryca Mandan, 8] William McCabe, 9] Mini Computer Services, 10] Lori Pemberton, 11] RBP Methods, 12] Ribail, Stauffer & Associates, CPA 13] Wilbur Wilkinson.

VOTE: 6 Ayes. Motion carried.

**19. APPROVAL OF PHASE ONE – THE INITIAL LAY-OFF OF APPROXIMATELY 10 TEMPORARY STAFF:**

Councilman Whitecalfe moved for approval of 1] Phase One; to lay off approximately 10 temporary employees; (refer to list) 2] Phase two will to issue a directive to all Directors funded by General Fund and Indirect Cost Budgets to reduce their personnel line item by 30%, and submit their recommendations to the CEO by the close of business, Monday, July 24, 2006. Councilman Hale seconded the motion.

VOTE: 6 Ayes. Motion carried.



- 25. COMPENSATION FOR ADDITIONAL DUTIES, EVANGELINE CONKLIN:**  
Councilman Wells moved for approval to compensate Evangeline Conklin \$660 for additional duties of 240 hours. Councilman Packineau seconded the motion.
- VOTE: 6 Ayes. Motion carried.
- 26. COMPENSATION FOR ADDITIONAL DUTIES; JACQUELINE ANNIE WHITE OWL-STARR:**  
Councilman Wells moved for approval to compensate Jacqueline \$360 for additional duties. No second, Motion failed.
- NOTE: Karen Stevens, CEO requested from the Human Resources Administrator a copy of process which is used to monitor time and attendance.
- 27. BARLOW WELLS COMPENSATION FOR ADDITIONAL DUTIES:**  
Councilman Wells moved for approval of a one-time compensation of 80 hours to Barlow Wells for completion of the TAT Personnel Policy handbook and for additional duties he acquired when two staff members resigned. Councilman Spotted Bear seconded the motion.  
For the Record: The CEO and HR Admin will research the handbook and attach the documents to the timesheets for Evangeline Conklin and Barlow Wells.
- VOTE: 5 Ayes. Motion carried.
- 28. UPDATE OF RETIREMENT:**  
Informational
- 29. KDU SOCIAL SERVICES**  
Councilman Hale moved for approval to lay-off Edmund Fixico from Social Service and Ray Perkins as a driver from the KDU. Councilman seconded the motion.
- VOTE: 5 Ayes. Motion carried.
- 30. COBELL LAWSUIT:**  
Informational
- 31. NORTH DAKOTA MOTOR FUELS TAXES REFUNDS:**  
Councilman Wells moved for approval to accept the recommendation of legal counsel, Steve Kelly to seek out a legal firm on a contingency basis to file suit on State of North Dakota in reference to ND Motor Fuels Taxes Refunds. Councilman Packineau seconded the motion.
- DISCUSSION: The Tribe passed a Motor Fuel Tax Ordinance.
- VOTE: 5 Ayes. Motion carried.



**20. RESOLUTION NO. 06-97-NH; BNC RENEWAL OF LINE OF CREDIT:**

Councilman Whitecalfe moved for approval of a Resolution entitled, "Authorization for the renewal of a \$14 Million CD and a revolving line of credit with BNC National Bank for general operating purposes of the Tribe that changes the interest rate to .045% Councilman Hale seconded the motion.

VOTE: 6 Ayes. Motion carried.

**21. RESOLUTION NO. 06-98-NH, APPOINTMENT OF TAT ELECTION BOARD FOR THE FY- 2006 TRIBAL ELECTION:**

Councilman Hale moved for approval of a Resolution entitled, "Appointment of TAT Election Board for the 2006 Tribal Election, and Ross Sundeen as Attorney for the Election Board. Councilman Wells seconded the motion.

Four Bears: Irene White Owl-Hill  
Twin Buttes: Cheryl Good Bird  
Parshall: Pete Coffey Jr.  
Election Board Clerk: Melvina Fredericks  
At-Large: Roy Bird Bear

For the Election Board to start the next succeeding day which is July 31, 2006, and for the Tribal Secretary will negotiate a fee with Ross Sundeen.

VOTE: 6 Ayes. Motion carried.

**22. TRIBAL DISTRICT JUDGE POSITION:**

Councilman Packineau moved for approval to prioritize District Tribal Judge's position as first action of a meeting when all seven members are present. Councilman Wells seconded the motion.

VOTE: 6 Ayes. Motion carried.

**23. KDU EMPLOYEES:**

Councilman Hale moved for approval to hire Rosie Ough, R.N. at \$19.00 per hour, and Beatrice Fettig at \$9.50, and Anita Wolds \$15 per hr. as a part-time LPN. Councilman Whitecalfe seconded the motion.

VOTE: 6 Ayes. Motion carried.

**24. HIRE OF THIRD PARTY BILLING CLERK:**

Councilman Wells moved for approval to hire Aileen Jackson at \$18.64, with Stella Berquist as the supervisor. Councilman Hale seconded the motion.

VOTE: 6 Ayes. Motion carried.



**32. RESOLUTION NO. 06-99-NH, GREAT PLAINS INDIAN GAMING ASSOCIATION CONTRACT:**

Councilman Wells moved for approval of a Resolution entitled, "Great Plains Indian Gaming Association Contract of \$10,000." Councilman Spotted Bear seconded the motion.

VOTE: 5 Ayes. Motion carried.

**33. UNETHICAL CONDUCT:**

The CEO was directed to meet with the Small Loan Director regarding unethical conduct. Chairman Hall will give a report at the next meeting.

**34. NATIONAL PARK SERVICE MOU THREE AFFILIATED TRIBES:**

Councilman Wells moved for approval to pay \$37,620 for 208 Bison. Councilman Hale seconded the motion.

VOTE: 5 Ayes. Motion carried.

**35. LINE OF CREDIT FOR BUFFALO PROJECT AND BUFFALO ENTERPRISES:**

Councilman Wells moved for approval of a line of credit for the Buffalo Project to pay bills, and purchase feed and hay. Councilman Hale seconded the motion for discussion purposes.

VOTE: 5 Ayes. Motion carried.

Councilman Wells amended his motion to include, "the Buffalo Enterprises line of credit of \$140,000.00." Councilman Hale concurred with the amendment.

DISCUSSION: The hunting expeditions will be handled by the Buffalo Enterprises.

VOTE: 5 Ayes. Motion carried.

**37. SOCIAL SERVICES BUDGET:**

Councilman Wells moved for approval of salary increases for Alva Irwin, Supervisor of Child Welfare to \$19.00 Master level Social Worker; 2) Heather Waller, Data lot of work do manuals quality assurance, leadership/supervisory \$19.00; 3) Deb Young Bear: \$17.50 CPS Supervisor; 4) Reverta Chapin: Case Assistant \$12.98 to \$16.00 reimbursable from 4E monies; 5) Casey Fox: Case Assistant \$13.00 to \$16.00; 6) Becky Staples \$14 to \$15.50; Lacey Jacobs is a temporary employee and the position will be advertised. Councilman Hale seconded the motion.

VOTE: 5 Ayes. Motion carried.



DISCUSSION: The Social Service Director was informed that Tribal Analyst will be evaluating the Social Service Department. She stated, "I would like to see the tools that he will use to evaluate the Medicine Moon Initiative." She further stated, "We are currently being evaluated by the National, BIA, Casey Family, same assessment as the State. The minimum cost of an evaluation is \$18,000, and who is going to pay for the evaluation. She was told, "This evaluation is a council directive that Social Service will pay for." The council assured her they are concerned about the program's needs. She stated, "Trying to put us in a condemned building is not adequately finding space for the program." She reiterated that money is needed to move. Karen said this is a large program, and they can't move. Councilman Wells stated, it can be done, because I did it, I moved the Fish and Game."

**38. PRIORITIZE FUNDING FOR SOCIAL SERVICE BUILDING AND TO APPROVE A LOAN.**

Councilman Wells moved for approval to direct the CEDS program to prioritize the Social Services building and find funding to develop. Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

**39. UPDATE LEGAL:**

- RU Appeals Walsh/Little Soldier
- TBCH 8A Office of Appeals status
- Adoption/clarifying the process after the Election changing office. Steve Kelly will draft a Resolution describing the process.

**40. APPROVAL OF MINUTES:**

Councilman Wells moved for approval of the Minutes of March 9, 2006; May 11, 2006; May 12, 2006, June 8, 2006; June 27, 2006, subject to submitting review by Monday, July 24, 2006. Councilman Hale seconded the motion.

VOTE: 5 Ayes. Motion carried.

**41. RESOLUTION NO. 06-100-NH, ENROLLMENT OF 54 APPLICANTS:**

Councilman Wells moved for approval of 54 applicants for enrollment. Councilman Hale seconded the motion

VOTE: 5 Ayes. Motion carried.

Ali, Jr., Darryl Lynn", 4/30/1987,  
Amory, Christopher Wayne", 11/19/1983,  
Baker, Kashus Benjamin James", 9/9/2005,





Barrows, Shaina Rae", 6/19/1996,  
Barrows, Steven Patrick", 5/23/1994,  
Benson, Bronson Layne", 12/2/2005,  
Bradfield, Joshua Paul", 4/22/1987,  
Chacon, Etta Rose", 2/13/2002,  
Chacon, Heather Noel", 1/28/1990,  
Chacon, Olivia Jane", 8/23/1994,  
Chacon, Raquel Brook", 11/18/2003,  
Charging, Jasmine Cherie"5/9/1994,  
Charging, Riannon LaRae" /2/1992,  
Charging, Skyrose Kiara"11/30/2004,  
Cox, Celina Dawn",4/9/1987,  
Danks, Collin Jacob 6/13/2004,  
Davis, Tori Carleen 3/15/2002,  
DeShane, Denise Lynn, 8/24/1963  
Dickens, Scott Lynn", 3/6/1994,  
Dickens, Wilhelmina Grace"10/4/1997,  
Driver, Raylene Faye"12/9/2004,  
Erback, Eric Vaughn"3/7/1972,  
Erback-Boisbrun, Charisse Anne"2/17/1967,  
Fox, Michael Anthony" 1/9/2006,  
Goodall, Kayana Latowa Marie, 8/24/2004  
Goodall, Takota Braden James 9/26/2003  
Hall, Taysia Grace 1/5/2006,  
Harmon, River Heath, 3/26/2006,  
Hernandez, Elijah Jeremiah 4/27/2006  
Howling Wolf, Aiyana Tala, 8/11/2003  
James, Laticia Esley Chanel, 12/14/2004  
Jaurez, Gabriel Thomas 5/28/2002  
Jaurez, Lilith Shantell 2/16/2006  
Largo, II, Johnathon Thomas 9/18/2002  
Lindley, Katelyn Marie 5/22/2006,  
Longfeather, Jessilynn Blanch 4/21/2004,  
Longfeather, Robert Sampson Jude, 9/4/2002  
Lyons, Ezekiel Mical 2/28/2006,  
Mandan, Leslie Dawn 4/24/1995,  
McKinney, Markie Briann 4/5/1992,  
Moore, Kateri Virginia 3/16/2005,  
Moore, Shakira Miah 5/1/2004,  
Perkins, Payton Bradley 8/25/2005,  
Pervis, Jasmine Nique 5/5/2003,  
Pervis, Jr., Craig Ishawa 3/13/2004,  
Phelan, Reginia Raeleigh Sage 12/7/2004,  
Red Fox, Sincere Owen 2/15/2006  
Romero, Tyrin Jacob 4/15/2006



Schulz, Randee Leigh 1/16/1983  
Serdahl, LaGage Eimaral 9/20/2005  
Standish, Hayden James, 1/1/2005  
Thongphet, Jayna Ray, 8/10/2005  
White Owl, Kiana Rose- 3/30/2006

**42. RESOLUTION NO. 06-101-NH, RELINQUISHMENT OF PETE COFFEY III:**

Councilman Wells moved for approval of the relinquishment of Pete Harold Coffey III from the membership of the Three Affiliated Tribes. Councilman Hale seconded the motion.

VOTE: 5 Ayes. Motion carried.

**43. ENROLLMENT PROGRAM: SALARY INCREASE REQUEST:**

Councilman Hale moved for approval to direct Barlow and Karen to negotiate an increase for John Charging and Nathaniel Mayer, subject to all documents in place. Councilman Spotted Bear seconded the motion.

VOTE: 5 Ayes. Motion carried.

For the Record: The Tat's 1936 base roll is on the FBCC Website all of our constitution and charter. The enrollment numbers are shown. Karen Stevens, CEO was directed to meet with the FBCC President to remove it from their website.

**44. REMOVAL OF TAT BASE ROLL OFF FBCC WEBSITE:**

Councilman Hale moved for approval to direct the Legal Department to draft a letter to FBCC directing them to remove 1936 TAT Base roll from their official website. Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

**45. ALCO STORE:**

Informational

**46. JERRY NAGEL LAND SALE:**

Councilman Spotted Bear moved for approval to direct Paul Danks to invite Dave Hilleran to the next council meeting to discuss and finalize this issue regarding purchasing Jerry Nagel's lots. Councilman Wells seconded the motion.

VOTE: 5 Ayes. Motion carried.

**47. WATER TRUCK CISTERN:**

Councilman Spotted Bear requested \$10,000 to purchase a truck to haul water for the Twin Buttes area. The CEO will follow up on this request.

**48. ADJOURNMENT:**

Councilman Spotted Bear moved for approval to adjourn the meeting at 10:00 p.m. Councilman Wells seconded the motion.



VOTE: 5 Ayes. Motion carried.


**CERTIFICATION**

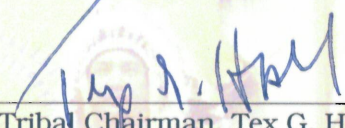
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum 7 were present at the **Regular Meeting** thereof duly called, noticed, convened and held on the 12<sup>th</sup> day of **October**, 2006; that the foregoing Minutes were 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 12<sup>th</sup> day of **October**, 2006.

**ATTEST:**

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

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

