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**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING NO. 06-26-NH  
SEPTEMBER 14, 2006**

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**CALL TO ORDER:**

Chairman Tex G. Hall called the meeting to order at 11:16 a.m. The invocation was by silent prayer.

**ROLL CALL:**

Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Frank Whitecalfe, Councilman Marcus D. Wells, Councilman Mervin Packineau, and Councilman Nathan Hale. A quorum was established with six members present. Councilman Malcolm Wolf [arrived at 11:34 a.m. All members were present for a full quorum.

**01. APPROVAL OF THE AGENDA:**

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

DISCUSSION: Councilman Packineau stated for the record, that he is reserving his add-ons.

VOTE: 6 Ayes. Motion carried.

**02. ELDERS ASSOCIATION - TWIN BUTTES; PETE FREDERICKS:**

- CEO has a printout of actual money left in the budget of the Elders Organization. The balance today is \$50,000. The bills for the Twin Buttes elders are not being paid for glasses or dentures etc. Also, the two petitions that were circulating were both signed by the same people-
- Dennis Huber said the Elders Organization is operating under current resolution which the pro-ratio is a 1/6 distribution. Under the current year's funding, Twin Buttes is asking for the remaining money.

**02. RECONCILLATION MEETING OF ISSUES BETWEEN MHA/ELDERS ORGANIZATION:**

Councilman Hale moved for approval of a standing committee that includes the Twin Buttes Elders Organizations, MHA Representatives, Treasurer Whitecalfe, and Councilman Wolf to meet and establish a fair equitable compensation process; to pay the 2006 fiscal year bills for the Twin Buttes; and to make sure 2007 is developed to eliminate any misinterpretation. Councilman Spotted Bear seconded the motion.

VOTE: 7 Ayes. Motion carried.



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Councilman Whitecalfe said he would work on the 2006 and 2007 budgets for both situations to accommodate each other. But, also, there should be some reconciliation of the two lists.

**03. TWIN BUTTES ELDERS ORGANIZATION \$5000 PRO-RATIA SHARE:**

Councilman Whitecalfe moved for approval to award \$5000 to the Twin Buttes Elders Organization. Councilman Hale seconded the motion.

That should affect the pro-ratio if applied on their share.

VOTE: 6 Ayes. Motion carried.

**04. TWIN BUTTES ELDERS ORGANIZATION – CHARTER:**

Councilman Whitecalfe moved to approve a Charter for the Twin Buttes Elders Organization, subject to legal review, and the submittal of a Resolution. Councilman Spotted Bear seconded the motion.

VOTE: 6 Ayes. Motion carried. [Marcus not voting]

Councilman Spotted Bear to have the legal department review the current MHA Elders Organization's Charter for any over within each Charters

Making sure that the existing charter is cleared as well, Daylon will have Legal review the MHA Organization. Dennis

**05. JERRY NAGEL LAND SALE:**

The Natural Resources Committee recommended referring to the full council for action. He is asking for action one way or another. It was decided to send it to full council. No action was taken because Jerry Nagel refused to negotiate.

**06. TAT EARTHLODGE VILLAGE PROJECT CHANGE ORDER:**

Councilman Whitecalfe moved for approval of a change order on construction fees and costs of \$903,774.00 for the TAT Village Project. Councilman Spotted Bear seconded the motion.

VOTE: 7 Ayes. Motion carried.

**07. CENEX OF NEW TOWN – PROPANE PROPOSAL:**

Councilman Packineau moved to approve a Propane Delivery Agreement for Administrative and Tribal Entities. Councilman Wells seconded the motion to purchase 87000 gallons at \$1.46 per gallon for the duration of the contract; and to include the 2.5% TERO fee and purchase a business license; finally to negotiate a proposal for the tribal membership. Councilman Wells seconded the motion.

VOTE: 6 Ayes. Motion carried.



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**08. TRIBAL VEHICLE PROGRAM INVENTORY:**

Councilman Packineau moved to approve the sale of 25 tribal vehicles to tribal council members and administrative staff. Councilman Packineau seconded the motion.

VOTE: 6 Ayes, 1 Nay. Motion carried.

**09. RESOLUTION NO. 06-112-NH; ESTABLISHMENT OF THE TERO AS AN ENTITY INDEPENDENT OF THE THREE AFFILIATED TRIBES.**

Councilman Hale moved to approve a Resolution entitled, "Establishment of the Tribal Employment Rights Office as an entity independent," subject to review by Finance and Legal. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

**10. BADLANDS ENVIRONMENTAL CONSULTANTS, INC.**

Councilman Hale moved to approve the bid for the construction of the Mandaree School and to award to EAS. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

**11. TRIBAL HEADSTART**

Councilman Wells moved for approval of the 2007 Headstart Program Grant. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

**12. ED FINLEY PAYMENT FOUR BEARS C-STORE:**

Councilman Wells moved to approve the payment \$10,000 invoice for Ed Finley, with the payment to be reimbursed by a USDA Loan. Councilman Spotted Bear seconded the motion.

VOTE: 7 Ayes. Motion carried.

**13. FRED HALE PAYMENT - FOUR BEARS C-STORE:**

Councilman Wells moved to approve a payment of \$1500 to Fred Hale, with the with the payment to be reimbursed by a USDA Loan. Councilman Spotted Bear seconded the motion.

VOTE: 7 Ayes. Motion carried.

**14. FORT BERTHOLD INDIAN HEALTH SERVICE CHIEF EXECUTIVE OFFICER:**

Councilman Hale moved to eliminate the first three candidates for any further consideration and to recommend the hire of Deborah Hall-Thompson as the Chief Executive Officer for the Fort Berthold Indian Health Service Unit, as



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recommended by the two tribal delegates. Councilman Packineau seconded the motion.

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

**15. GAME AND FISH WARDEN REQUEST FOR SALARY INCREASE:**

Councilman Wells moved to approve a salary increase of \$18.50 to Tom Sage as the Chief Game and Fish Warden of the Three Affiliated Tribes. Councilman Spotted Bear seconded the motion.

VOTE: 7 Ayes. Motion carried.

**16. RESOLUTION NO. 06-121-NH, TRIBAL MINERALS DAKOTA 3 LLC.**

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

VOTE: 5 Ayes, 2 Nays. Motion carried.

**17. LELAND BESTON PERSONNEL MATTER:**

Councilman Hale moved to authorize the Human Resources Administrator and Leland Beston to discuss a potential solution for the 120 hours he could have worked when he was laid off during the period of July to \_\_\_\_\_ and justify any possible compensation. Councilman Wells seconded the motion.

VOTE: 7 Ayes. Motion carried.

*NOTE: I did not have the paperwork so I had to rely on tapes and they not mention the time frames.*

**18. ELMER FREDERICKS GRAVEL CRUSHING CONTRACT:**

Councilman Wells moved to direct Ed Fox to do the location and legal description for potential gravel crushing on the Elmer Fredericks land area. Councilman Hale seconded the motion.

VOTE: 7 Ayes. Motion carried.

**19. RESOLUTION NO. 06-122; MALCOLM WOLF LAND TRADE:**

Councilman Hale Unit 42 Shell 221 acres Unit trading 90 acres waive and to have Councilman Wells seconded the motion.

VOTE: 6 Ayes, 1 Abstention. (Mac) Motion carried.

Look for something in the minutes that had a pending land exchange.



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**20. GERALD "TEXX FOX JUSTICE CENTER**

Whitecalfe hiring of correction officers adult (Mark has them) Chad Bear subject to Marks approval. Councilman

VOTE: 7 Ayes. Motion carried.

**21. PETE YOUNG BIRD:**

Councilman Wells moved for approval to pay Pete Young Bird his accumulated annual leave in accordance with the TAT Personnel Policy handbook. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

**22. EAGLE CATCH CASINO**

The Tribal Business Council affirmed the design for the "Eagle Catch Casino" as presented by Councilman Spotted Bear on behalf of Dale Little Soldier.

**23. TAT BUFFALO PROJECT -PAUL WHITE OWL JR.**

Councilman Wells moved to reinstate Paul White Owl, Jr. to the TAT Buffalo Project. Councilman Hale seconded the motion.

DISCUSSION: Paul White Owl Sr. had an accident and will not be able to work for quite some time.

VOTE: 7 Ayes. Motion carried.

**24. NORTH SEGMENT -AGING SERVICES:**

Councilman Wolf moved for approval of a \$1.00 increase for the Aging Service staff for the North Segment. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

**NOTE:** I was not given any paperwork or names for these people,

VOTE: 7 Ayes. Motion carried.

**25. RECESSED AND RESCHEDULED MEETING:**

The meeting was recessed at 6:10 p.m, until Thursday - September 21, 2006.



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**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 14<sup>th</sup> day of September, 2006; that the foregoing Minutes were 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

(Seal)