



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
SPECIAL MEETING NO. 06-04-VJB  
November 20, 2006**

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**CALL TO ORDER:**

The meeting was called to order at 10:15 a.m. by Chairman Marcus Wells, Jr.

**ROLL CALL:**

**Present:** Secretary V. Judy Brugh, Councilman Mervin Packineau, Councilman Malcolm Wolf, Chairman Marcus Wells, Jr., Councilman Barry Benson, Treasurer Frank White Calfe, Vice Chairman Nathan Hale. Seven members were present. A quorum was established.

**APPROVAL OF AGENDA:**

The agenda was adopted as presented with the following exceptions:

Councilman Benson added August Little Soldier to replace his Board appointment item (Item 10.) which he deferred.

Item 12. was added to address two Office of Trust Fund Management (OTFM) resolutions that were referred from Executive Committee action for approval at this meeting and were mistakenly not added.

**Motion to approve the agenda with changes was made by Councilman Hale and seconded by Councilwoman Brugh.**

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**ITEM 10. AUGUST LITTLE SOLDIER – Range Unit #17**

Mr. August Little Soldier addressed the Tribal Business Council. He was present because he was slated to appear in Tribal Court tomorrow for a lease that he has operated his entire life. He referred to the Tribal Resolution which gave him preference on the lease because he held the lease for so long and has land in the leasehold. Chairman Wells stated that the situation was supposed to be mediated by Councilman White Calfe. Councilman White Calfe reported that the mediation was not successful. Councilman Packineau clarified that splitting the unit wasn't the problem but that the Bureau of Indian Affairs (BIA) couldn't verify Newton Little Soldier's cattle for the unit. This has since been corrected. Newton has 134 head now so compliance shouldn't be an issue. Newton said he is willing to split the Range Unit even though he feels that they should have the whole thing.

Paul Danks explained that the Tribe sent their decision to award the unit to Casey Fredericks to the BIA and now he has a five-year contract. Paul believes that the agreement at this point needs to be between the parties before Court is held. Paul further explained that it was per Council direction that if staff went down to the Range Unit a second time and Newton's cattle weren't in evidence, the lease would go to Casey Fredericks. They weren't in evidence. Paul said he then sent a letter to the BIA per Council directive. In March, according to Newton's recollection, he had to brand and lost three cattle as a result. In response to whether things could be worked out, Newton said that Mr. Fredericks won't talk to them anymore.

**Motion to split Range Unit #17 was made by Councilman Benson, seconded by Councilman Packineau.**

**Discussion:** Chairman Wells and Councilman Benson will speak with Mr. Fredericks.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

#### **ITEM 9. PROPERTY AND SUPPLY – Personnel Issue**

Clover Fox, Director of Tribal Property and Supply, is requesting that staff member Antoine Brugh be hired full time permanent as the Fixed Asset Specialist at a rate of \$15 per hour.

**Motion to approve was made by Councilman Packineau, seconded by Councilman Hale.**

**Discussion:** Chairman Wells asked if Property needed help recapturing tribal property from the previous administration because there is over \$400,000 in equipment and vehicles that need to be recaptured. Ms. Fox said they have things in order and are proceeding with the proper authorities.

Councilman Wolf said that the North Segment has a 2002 Tahoe they would like to let go. Clover is working on the list of excess vehicles.

Councilman Hale stated that two persons who were laid off want to keep their vehicles. Clover reported that over \$20,000 was owed on them and they need to be paid off before November 30, 2006. There are wage assignments in place for the current staff so this deadline affects only those people who are no longer employed with the Tribe. Councilman White Calfe had concerns about an individual carrying insurance on a vehicle they were purchasing from the Tribe. He recommends doing a deduction on insurance too and having the vehicle remain under the Tribes' insurance just in case something happens.

**Vote: 6 in favor, 0 opposed, 1 abstained, 0 not voting.**

Director Fox asked if this action could be made retroactive to June 8, 2006. After some discussion, it was decided to continue denying

retroactive personnel actions because it would begin to set precedence.

**A motion was made by Councilman Wolf and seconded by Councilman White Calfe to support Property and Supply's efforts to work with authorities to recapture equipment from members of the previous administration.**

**Discussion:** The question was asked if it was a federal offense because it totals over \$500,000. Councilman Packineau wants to make sure that those people understand that they need to get those vehicles and equipment back to the Tribe. He thought maybe they didn't fully understand.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**ITEM 1. FORT BERTHOLD GAME & FISH HUNTING PROCLAMATION MODIFICATIONS – Mr. Tom Sage, Director, Game & Fish**

Regarding the issuance of elk licenses during this hunting season, Mr. Sage recommends that this be done next year (2007) in order to do a fly over, determine numbers, locations, length of season, etc.

**Councilman Packineau moved to approve a 2007 elk season that would be coordinated with the State of North Dakota, seconded by Councilman White Calfe.**

**Discussion:** Mr. Paul Danks, Director, Natural Resources Department, asked if the elk season proclamation could be run through the Natural Resources Department. It was confirmed that this would be done during the development of the proclamation and prior to approval for 2007.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

Tribal members have asked if deer hunting could be opened up in the Buffalo Pasture. Mr. Danks said the reason there was no hunting in Unit #904 was because of cultural sites that needed to be left alone. Chairman Wells asked if there was a way to isolate or flag the sites. Mr. Danks said that Unit #905 could be opened up immediately, but recommended that Mr. Sage be given some time to get #904 prepared. Chairman Wells noted that the buffalo are in Unit #905 and doubts that anyone would want to chance hunting there. Councilman Hale stated that there is plenty of area in Mandaree to hunt. The Buffalo Pasture was exempted for a reason. No action was taken on this issue.

Discussion was held on the increased charge for Small Game licenses. No action was taken on this issue.

Chairman Wells directed Mr. Sage to check on a potentially diseased ram that recently reported in the media in terms of protecting our local wildlife.

Mr. Sage stated that the deer season was extended to December 3, 2006. Paul asked why we extended the season. Tom said they received a lot of requests.

**ITEM 2. ESTABLISHMENT OF A FEDERAL PROGRAMS EXECUTIVE OFFICER AND A TRIBAL PROGRAMS EXECUTIVE OFFICER POSITION – Lawrin Hugh Baker and Alyce Spotted Bear**  
**Tribal Resolution No. 06-11-VJB**

Mr. Baker informed the Council that the proposed resolution was approved by the Executive Committee. These two positions replace the Chief Executive Officer (CEO) position.

**Motion to approve the Resolution was made by Councilman Packineau, and seconded by Councilman White Calfe.**

**Discussion:** Councilman Packineau wanted to confirm the status of these and other positions regarding appointments. Mr. Baker said that they (Hugh and Alyce) were Chairman Wells' appointees but that the positions will be advertised. Councilman Packineau asked to clarify appointment powers because there are so many new appointments. Alyce Spotted Bear stated that Councilmen can make appointments for 30 days not subject to Council approval. Chairman Wells stated that the positions are going to be advertised and the best candidate will be selected for the job permanently. Councilman Hale said that the Council should ratify all of the personnel changes. Councilman Packineau asked who falls under federal funds and who falls under tribal funds. Alyce Spotted Bear responded that they are doing an organizational chart now. Hugh Baker added that they have to go through the budget process also which will cause a review of all appointments and salary authorizations that are being done right now. When the restructuring report is submitted, it will address these issues.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**ITEM 3. BOARD APPOINTMENTS TO UNITED TRIBES TECHNICAL COLLEGE (UTTC) BOARD, THE INTERTRIBAL MONITORING ASSOCIATION BOARD, AND THE INTERTRIBAL CHAIRMAN'S HEALTH BOARD**

**Tribal Resolution No. 06-12-VJB**

Councilman Packineau explained that the Chairman is automatically on the UTTC Board but that there is a second position. He had filled that position. Chairman Wells stated that Councilman Hale was interested in the position. Councilman Packineau said he didn't have a problem with that.

**A motion was made by Councilman White Calfe and seconded by Councilwoman Brugh to place Councilman Hale on the UTTC Board, Councilman Packineau on the Intertribal Monitoring Association Board with Councilman Benson named as an alternate, and Councilman Nathan Hale named as the delegate to the Intertribal Chairman's Health Board. The motion was amended to include Councilman Packineau as the delegate to the National Indian Gaming Association with Councilman Wolf as the alternate, and naming Councilman Wolf as the alternate to NCAI.**

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

It was noted that there are many other boards that still need to be addressed, two of which include the Native American Bank Board, the North Dakota Indian Gaming Association. The Legal Department and the Secretary's office were asked to research previous Tribal Resolutions to develop a list of those entities for which representation is needed. Some of the other entities mentioned included NIGC, NCAI, NARF, CERT, the UND Health Board, and the Indian Ag. Council.

**ITEM 4. ADOPTION OF EMPLOYEE RETIREMENT PROPOSAL  
(Closed Session) – Barlow Wells, Director, Human Resources,  
Dorothy Packineau, Tribal Finance, Lawrence Baker**





FWC: Confirmed indirect cost. VJB: Need to start working with HR according to experience, education and job duties. MP: With 30%, does that fall in line? Indirect is federal and so is not 30% but does have to make adjustments to accommodate tribal. MP: Are you OK with the temporary, Jessica? No, not really, doesn't want to lose her benefits although she has confidence in her abilities.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**ITEM 8. RICHARD WHITE TAIL PERSONAL VEHICLE DAMAGE WHILE WORKING**

Motion to Review Richard Whitetail damages by Property and Legal Motion to approve by Councilman Hale, seconded by Councilman Whitecalfe.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**ITEM 5. EDUCATIONAL LOANS FOR BOBBIE BLAKE AND SHARON DANKS**

A request of \$2,025 for Sharon Danks and \$4,400.27 for Bobbie Blake subject to Small Loans policies on education loans.

Motion to approve by Councilman Wolf, seconded by Councilman Packineau.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**ITEM 12. OTFM RESOLUTIONS.**

Tribal Resolution 06-13-VJB, "Authorize Officials to include Frank Henry,"

Councilman Hale moved to approve, motion seconded by Councilwoman Brugh.

**Vote: 6 in favor, 0 opposed, 0 abstained, 1 not voting.**

**Tribal Resolution 06-14-VJB, Draw down \$6.5 million**

Need to speak to Mr. James regarding the \$6.5 million to clarify what is needed to get the drawdown. (Teleconference)

Motion was made by Councilman White Calfe and seconded by Councilman Hale to approve the Tribal Resolution to draw down \$6.5 million.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**The use of \$2.5 million.**

We have approximately \$1 million in accounts payable and so the \$2.5 million is gone. CFO, Brandon Hand reminded the Tribal Business Council of certain rules that need to be enforced again such as allowing purchase orders to be processed only during certain days and times.

Councilman Hale: We need some notice if we are going to have restrictions or limits. If we're going to have three signatures, those



individuals better be here. Last Friday, Property wasn't here and that caused some problems.

Brandon Hand presented salaries to the Council per segment and asked for cut backs. Alyce explained that this information is provided to the Council to go over with the staff. Councilwoman Brugh clarified that the 30% cuts were in the overall budget, not just in salaries. Brandon stated that the 30% cut is not going to be enough.

Pat Wilkinson: When you're doing Indirect Cost Pool, it's important to include Marcus Sr. in the discussion.

Chairman Wells: We need an updated employee list for the Council so it will be accurate. Also need a list to Brandon Hand and Human Resource department.

Councilman Hale moved to approve an Employee List to the CFO by 4:30 p.m. tomorrow. Motion seconded by Councilwoman Brugh.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

Hugh: \$300,000 for planning for new hospital facility, recommending that you sign contract. Jim Foote presents, Brenda Hale as his new administrative assistant for 30 days.

Chairman Wells mentioned that the name of the facility could possibly be changed to the Elbowoods Memorial Hospital.

**Motion to approve the PL 93-638 contract for preliminary site work and planning for \$300,000 was made by Councilman Hale, seconded by Packineau.**

Nathan Hale needs to have the health board. Chairman Wells wants Dr. Monica Mayer as his representative. Hugh and Alyce will participate. Lisa Redford will make a report and is on the team. Chairman Wells said that he should invite the Council as well. We need to start making arrangements to get all 7 councilmen to Washington D.C in January to see the Congressional Delegation, Dr. Grimm and the BIA side. Hugh: the appointments to the new planning team will be formalized at the Health and Human next week. Nate would like to keep Jennifer Fyten on the team.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**Winona LaDue moved to 3:00 to 5:00 p.m.**

**ITEM 11. VERNON YOUNG BEAR – HOUSING ISSUE**

Two years ago Vernon got certified to get one of the units. When they constructed the house, they put in laminate. They said he authorized it. He went with Dennis Deutsch and measured the driveways. Vernon got a charge of \$4,000 for floors and larger driveway. They argued that they couldn't sell the house because of the specifications. They did sell it to Mike Young Bird. Still, they have his wife on a payroll deduction to pay the \$4,000. Vernon would like to have that money returned to his wife. Councilman Packineau moved to approve Legal department will visit with Dreamcatcher program on this issue and report back to full Council, motion seconded by Councilman Hale.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**ITEM 7. GUN CONTROL ORDINANCE**

**Tribal Resolution No. 06-15-VJB**

**Jennifer Fyten, Tribal Legal Department**

There was a code adopted in 1977 but it does not work for today.

**Motion to approve the Gun Control Ordinance as presented was made by Councilman White Calfe and seconded by Councilman Hale.**

**Discussion:** Councilwoman Brugh asked if this resolution will replace Tribal Resolution 06-10-VJB? Jennifer Fyten answered that it is a separate issue.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**Regarding the Tribal Resolution 06-10-VJB and its relevance to federal Law.**

It is a felony under federal law to have possession of a firearm after being convicted for a domestic violence incident. Chairman Wells noted that we're on federal lands. Jennifer feels that it is OK. The states attorney said that they would be charged with a felony. The Tribe could pardon or expunge these records to prevent this situation.

Alyce Spotted Bear feels that Domestic Violence Program should be allowed to weigh in on the option of having records expunged or pardoning the person convicted.

Chairman Wells entertained a motion to rescind 06-10-VJB pending further legal review. Issue died without a motion.

Councilman Hale moved to adjourn, motion seconded by Councilman Wolf.

**Vote: 7 in favor, 0 opposed, 0 abstained, 0 not voting.**

**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 10<sup>th</sup> day of May, 2007; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 6 members; 0 members opposed; 0 members abstained; 0 Members not voting.

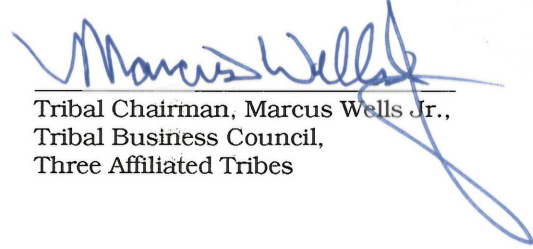
Chairman  Voting.  Not voting.

Dated this 27 day of September, 2007.



Executive Secretary, V. Judy Brugh  
Tribal Business Council,  
Three Affiliated Tribes

**ATTEST:**



Tribal Chairman, Marcus Wells Jr.,  
Tribal Business Council,  
Three Affiliated Tribes