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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 06-08-VJB
Wednesday, December 20, 2006
10 a.m.**

I. CALL TO ORDER:

Continuation of meeting 12/20/06
Chairman Marcus Wells Jr. call to order @ 11:12 a.m.

II. ROLL CALL: members present:

Chairman Marcus Wells Jr., Councilman Barry Benson, Councilman Frank Whitecalfe, Councilman Nathan Hale, Councilman Malcolm Wolf, Councilwoman V. Judy Brugh, and (Councilman V. Judy Brugh exits mtg. due to another mtg. @ 6:10 p.m.) Councilman Mervin Packineau (exited mtg. @ 6:45 p.m.)

III. APPROVAL OF THE AGENDA:

Additions to agenda: as amended
Councilman Whitecalfe moved to approve agenda, Councilman Packineau seconded motion.
VOTE: 6 ayes – 0 nays motion passed unanimously

IV. CHAIRMAN'S REPORT: Marcus Wells Jr.

01. ADD-ON Renee Mayer present: * Social Services Requesting to pay their Consultant - Chairman Wells, "as long as it's on the Federal Side, than its o.k."
02. Katherine Young Bear's request- proposes to do an emergency check for her, due to lack of communication in within our department. Chairman Wells, O.k.
03. Councilman Whitecalfe moved to approve resolution #06-27-VJB establishing House/Senate Indian Affairs committee in Congressional Legislature. Councilman Brugh seconds motion.
VOTE: 6-0 motion passed

F. North Segment resolution-Councilman Wolf
Insurance claim from damages on water, North Segment has to pay the \$5,000.00 deductible. Two Board members are present, Dennis Fox, Scott Eagle: Scott Eagle comments: The \$31,730.04 total damages from Vaalor insurance, the \$5,000.00 is the deductible. Some equipment is also not in this bid, a copier also some other major items, Clover will get us the completed list. A faulty sprinkler head, I think was the problem. I recommend the sprinkler head to be looked at, but the recommendation of testing has to come from the tribe per request from Insurance Company, noted by Scott Eagle. Councilman Wolf moves to approve of the \$5000.00 deductible, motion seconded by Councilwoman Brugh
VOTE: 7-0 motion passed unanimously.

- Councilman Packineau moved to approve of this amount \$7,000.00 to the Antelope Society for the Midwinter Celebration, motion seconded by Councilman Wolf.

Discussion: Standing Resolution amount is \$7,000.00, Chairman Wells commented “we need to go thru this procedure,” and the check made to Jerome Dancing Bull.

VOTE: 7 ayes -0 nays motion passed

G. Twin Buttes water truck- Councilman Benson-

A check \$11,000.00 for insurance, Councilman Benson we’re getting used truck quotes from the internet. Clover Fox present: “you need three bids, for the water truck. Councilman Benson moves to approve to have the Property department to purchase a water truck with the \$11,000.00 check with the three bids policy and include Councilman Wolf’s water truck repairs. Councilman Hale seconds motion.

Discussion: Councilman Wolf, giving heads up for North Segment will need a water truck also in future, Four Bears old truck the transmission is out sitting in Makoti; Councilwoman Brugh, suggested to utilize I.H.S , Neil Austin, Federal Program, Tex Lone Bear.

VOTE: 7-0 motion passed.

H. Scott Eagle, Dominick Sillitti, Sherry Gillette present- Tourism Dept.

Scott Eagle updates on the Earthlodges, of the \$207,000 we did pay the tribe back. We will submit a construction calendar and the amounts. Also the outstanding bills of \$24,770.87, propose the resolution to authorize the tourism department to administrator Cost Share Grant Project. Sherry comments on the cost share grant for \$100,000 it’s a match fund.

Councilman Hale moved to approve the Resolution #06-25-VJB “Authorizing for MHA Nations Tribal Tourism Department to administrator the Tribes 2006 National Park Service Challenge Cost Share Grant Project #FY06-99”. Councilman Packineau seconded the motion.

Discussion: Councilman Barry Benson comments on the poles and materials for the teepees. Councilman Hale, the communities were offered these items.

VOTE: 5-0 motion passed.

V. TREASURERS REPORT: Councilman Frank Whitecalfe

A. James Foote, Project Manager; Comprehensive Health Center-Update

Propose to move the facility to the old Little Shell grounds here in Four Bears. Noted: would need to move the Fru-Con building would save us millions of dollars with the sewer/water. Chairman Marcus Wells, noted that this recommendation came from Senator Dorgan. Councilman Wolf commented the Fru-Con building should’ve been free. Mr. Foote commented-on the authorization of \$20 million to work with. Councilman Nathan Hale noted that this was a settlement issue not what Senator Dorgan recommends, it’s what we need. Councilman Barry Benson noted: The distance from the Twin Buttes segment, pertaining to Health Care.

Councilman Hale proposes the name change of the facility resolution#06-26-VJB Elbowoods Memorial Health Center, and to rescind 05-061-NH resolution. Motion seconded by Councilwoman Brugh

Discussion: Councilwoman Brugh noted to have adequately housing for the doctors and nurses.

VOTE: 6-0 motion passed

C. Buffalo Project & Buffalo Enterprise Consolidation Resolution 06-39-FWC "Figure Four Ranch."

Councilman Hale moved to approve the Consolidation of Buffalo Project and Buffalo Enterprise into the "Figure Four Ranch." Also identifying Ted Lone Fight III as Director and Walter Deville as Assistant Director. Ted's salary is set at \$20.00 per hour under the Community Block Grant. Councilman Packineau seconded motion.

Discussion: Alyce Spotted Bear requested titles and wages for staff. Councilman Hale under the Community Block Grant allowed \$15.00 per hour and is in compliance with the grant. His salary is \$20.00 per hour and the remaining difference is \$5.00 which we'll obtain from the General Fund side.

Councilwoman Brugh has left to attend another mtg. Councilman Frank Benson is Acting Secretary.

VOTE: 6-0 motion passed unanimously

E. Spottedtail and Associates resolution

Request of payment November and December 2006, needed resolution to look for money to work on the 741 case and also to get \$4,800.00 for those two months. His consultant agreement expired on 9/31/06. Alyce we also paid him for October 2006.

Councilman Hale, "does he submit any documents for his work?" Councilman Whitecalfe answered "he submitted them to Steve Kelly." Councilman Whitecalfe, "contingency on funding, also reimbursable once the case is settled." Anticipate something done within one year. Chairman Wells, "why can't this be a loan?" Councilman Packineau moves to approve a loan of \$9,600.00 be paid within 6 months, motion seconded Councilman Whitecalfe

VOTE: 2 ayes-3 nays-1 abstain-0 not voting Motion dies

Councilman Packineau to pass resolution "Authorize to seek funding to further research this case striking, not there be resolved not exceed the \$40,000.00."

Motion seconded by Councilman Benson

Discussion: Councilman Hale concerns on individual's criminal history.

VOTE: 2 ayes -3 nays -1 abstain -0 not voting Motion dies

F. Paul Goodiron loan request-Councilman Whitecalfe

Councilman Hale moves to approve of the loan of \$10,000.00, with a signed promissory note in the finance department, Councilman Whitecalfe seconds the motion.

VOTE: 7-0 motion passed unanimously

G. Lori Pemberton to continue to work with TAT- Consultant Agreement

Councilman Hale moves to approve this agreement of \$4,500.00 per month and

will not exceed \$54,000.00 effective 1/1/07 expires on 12/31/07, motion seconded by Councilman Wolf.

VOTE: 5-0 motion passed.

*Fee Disclosure Form and Compensation Agreement, For services in Connection with 4 Bears Casino Loan Portfolio, compensation from Foxwood Pequot, UBS and the Shakopee Tribe;

Councilman Whitecalfe moves to approve of this Compensation Agreement with all three and other institutions by Resolution #06-41-FWC, Councilman Wolf seconded motion.

Discussion: Councilman Hale some concerns. Councilman Wolf, "The 4 Bears will be making these payments, tribe is not liable." Councilman Whitecalfe, "yes"

VOTE: 5-0 motion passed unanimously

VI. UNFINISHED BUSINESS:

A. Resolutions for appointments to standing committees-

- Twin Buttes Segment-FBHA-Jim Mossett; MHA/KMHA-Cynthia Fredericks, 4 Bears Casino & Lodge Board- Daylon Spotted Bear; Gaming Commission Board- Whitney Bell; FBCC-Corey Spotted Bear; TERO Commission-Charles Fredericks; FBDC-Lester Crowsheart.

Councilman Brugh moves to approve of this resolution #06-30-VJB of board committees, Councilman Packineau seconds the motion

VOTE:7-0 motion passed unanimously

- Councilman Whitecalfe moves to approve Gerald White Sr. on the Gaming Board Commission for another two year term Resolution #06-28-VJB, Councilman Hale moves to approve, Councilman Wolf seconded the motion.

VOTE:6-0 motion passed unanimously

- FBHA-Danelle Henry; 4-Bears Casino Board-Don Yellow Bird; MHA/KMHA-Diana Poitra; TERO Commission- Priscilla Young Bird.

East Segment resolution #06-29-VJB of board & committees, Councilman Hale moved to approve, Councilman Benson seconded the motion

VOTE: 6-0 motion passed unanimously

- Councilman Wolf- Councilman Packineau moved to approve Carol Goodbear on the Gaming Commission for a two year term, Councilman Hale seconds the motion

VOTE: 7-0 motion passed unanimously

VII. NEW BUSINESS-

- ### **B. Marilyn Jacobs-Councilman Packineau moves to approve 40 hours per pay period of educational leave, for three months. Motion seconded by Councilman Hale.**

Discussion: Possible a student loan? Alyce couldn't we direct her to Martha Hunter to give the maximum amount per amount semester, maybe donate leave to her. Also whatever is left the tribe could compensate? Councilman Whitecalfe she

(Martha) goes' by her policy. Alyce will look for student loan/other means of funding.

VOTE: 6-0-0 motion passed unanimously

E. Lloyd Vigen loan request-Councilman Hale

Lloyd Vigen proposal for a business loan for \$120,000; \$56,000 to Lakeside Bank and remaining balance to expand his ranch in Independence and is in good standings financially

Councilwoman Brugh moves to approve subjected to meet Native American Bank conditions and paperwork to Lloyd Vigen and also to meet with the TAT Treasurer, No seconded. Motion dies. Councilwoman Brugh moves to approve again, motion seconded by Councilman Packineau.

Discussion: Councilman Packineau, Look into the Native American Bank option like the other individual supposedly used and also the look into the Independence Program with Councilman Whitecalfe.

VOTE: 4 ayes-0 nays-2 abstain-0 motion passed.

F. Vehicle Repair-Richard Whitetail: Councilman Hale this is the second time this has been to the table (check previous minutes), Vaaler insurance won't cover it because it was a personal vehicle not a TAT vehicle.

Councilwoman Brugh moves to approve to pay Richard Whitetail personal truck damages the amount is \$3,800.00 for the deer accident on June 8, 2006. Make check out to the auto body shop. Motion seconded by Councilman Packineau

Discussion: Councilman Whitecalfe commented to call in on the day of these personal vehicles and propose some sort of agreement to the Insurance Company.

VOTE: 7 ayes -0 nay motion passed unanimously

- Councilman Hale, moves to approve put out a statement/memo no longer using personal vehicles from the executive staff. Councilman Packineau seconded.

VOTE: 6-0 motion passed unanimously

G. Marcus Wells Sr. present: Budget explanation

"I'm requesting 2-3 day budget training."

Councilman Packineau moves to approve informal training budget on 12/28/06 at 9 a.m. in tribal chambers to the Tribal Business Council members, motion seconded by Councilman Whitecalfe.

VOTE: 6-0 motion passed unanimously

VIII. COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS:

C. Judicial/Alcohol & Drug Committee: Councilman Mervin Packineau

01. Tribal Court- (Deferred)D. Resolution- Update standards to

current CFR 18 USC regulations on background checks

Fyten present: comments on word "old" verbiage. Councilman Hale, adopted federal law, "any offense" old, 2 or more misdemeanors.

Councilman Whitecalfe move to approve this resolution #06-24VJB, Councilman Benson seconded the motion.

Discussion: To amend the old resolution and Jennifer Fyten also to address Human Resource department about Carolyn Bird Bears Status.

VOTE: 7-0 motion passed

02. GTFJC- B. Budget-Resolution # 06-59NH-638 Contract #CTA04T30166

Renewal of this Contract for the North Prairie Psychological Assessment services, Councilman Whitecalfe moves to approve of the renewal of this Contract, Councilman Packineau seconded the motion

Discussion: Will be sent to Legal department for review, Councilman Packineau noted.

VOTE: 7-0 motion passed

Mark Fox comments on the Two Administrators salaries for \$4.00 an hour increases: Councilman Packineau moves to approve of the \$4.00 increase from \$26.00 to \$30.00 an hour from the direct federal fund contract. Motion seconded by Councilwoman Brugh. Councilman Packineau amends motion to add Juvenile Administrator Mike Young Bird for the \$4.00 increase.

VOTE: 7-0 motion passed unanimously

C. Contract Officer

Mark comments: Subject to Judicial and Treasurer and a full review of council a sole contracting officer for the GTFJC? Will review before the next TBC mtg. 1/11/07.

D. Natural Resources Committee: Councilman Barry Benson

01. BIA Superintendent Ben Kitto/ Tom Wells

Powerpoint Update on Oil Lease Sale 12/13/06

BEN KITTO: Oil well drilling initiating in fall 2007.

TOM WELLS: Refers to map, anticipates offers to individuals or tribe within the 30 days to go with current selling price from Oil companies.

02. Natural Resource Administrator-Paul Danks

“We have tribal mineral 190,000 acres un-leased right now, not part of any IMDA, proposes how to bid these acres to council. Have a minimum bid per acre of \$75.00-\$100.00 for the 190,000 acres to the interested companies, possibly have \$14,250,000.00 in the bank or at least the IIM account in 90 days. Steve Kelly, his suggesting: negotiating process, ex. Black Rock, “Negotiating process”, long process IMDA process money within 90 days or so. Seal Bid process: vary your sell, section by section or land would have the money within 30 days. Bid out the acres with the oil around them. (Brown part on map).

“Don’t keep the little guy out,” creates good competition. Suggest to limit to 50,000 acres at first, second suggesting having two bids, allow us to give to one company or per sections then go out and re-bid. Can have another sale within 60 days after. **Chairman Wells Jr., asks Councilman to meet on this in**

January 9, 2007 at 10 a.m. on these oil gas proposals on the tribal lands.
Councilman Hale moves to approve this meeting, Councilman Whitecalfe seconds the motion.

Discussion: Paul Danks asks to invite the Bureau of Indian Affairs also.

VOTE: 7 ayes -0 nay, motion passed unanimously

Councilman Retreat- December 27, 2006 at 9 a.m. in the Casino, referring to Budget from the Management Team. Councilman Hale moves to approve this time and date of this retreat, Councilman Packineau seconds the motion.

VOTE: 7-0 motion passed unanimously

Noxious Weed grant Resolution- Councilman Benson moves to approve of this resolution #06-23VJB, motion seconded by Councilwoman Brugh.

Discussion: Councilman Packineau questioned “do we have someone to spray every year?” Linda Driver is monitoring this, with Corp of Engineers, FBCC, Environmental, NDSU extension. Councilman Wolf suggested thru Environmental department. Paul Danks, “this is a Bureau of Indian Affairs grant.”

VOTE: 7-0 motion passed

E. Horace Pipe- Oil Refinery

Presents in report: Outstanding memorandum, also a document stating from the tribe that we would own the oil refinery, no resolution done for this MOU. TAT John Mahoney present, comments about responsibilities of the tribe, basically the execution of this MOU, to complete the document. This is the first time this MOU was presented to the council. **Chairman Marcus Wells Jr., will review on the 12/27/06 Tribal Business Council retreat and John Mahoney will have a legal opinion.** Councilman Whitecalfe moves to approve RCRA application, motion seconded by Councilman Packineau.

VOTE: 6 ayes -0 nay -1 abstain -0 not voting; motion passed

Councilman Whitecalfe to approve terminate Mr. Bill McCabe’s contract, motion seconded by Councilman Hale

Discussion: What were his duties? Will research further.

VOTE: 6 ayes -0 nay; motion passed unanimously

*Mr. Pipe would like the other half of his paycheck, my funding zeros out in November. Need it from another line item?

Councilman Whitecalfe move to approve through Federal Funds to pay Horace Pipe from McCabe line item, motion seconded by Councilman Packineau.

Discussion: Councilwoman Brugh suggested Jake Goodbear to work with for ideas “two heads are better then one.” Chairman Wells, what’s your documents as far as contract. Horace its up in 1/31/07, started in 2/05.

VOTE: 7-0 motion passed unanimously

F. Ft. Berthold Housing Authority- Dennis Fox-Uphold Resolution #06-87NH

Requesting the amount of \$600,000.00 will take the adjustment of \$400,000.00
Commented on windows and doors inspections; for the rentals only.

Councilman Hale noted can discuss on 12/27/06 make it a priority. \$3.65

million is the leverage, this is the max amount. This is what HUD gave us for figures. Timeline begins in January, the money is \$50,000 per month and would be ok, to work for in January asked by Councilman Whitecalfe. Dennis Fox, "Yes."

VIII. PERSONNEL MATTERS: Executive Session- Closed

A. Chief Judge status advertising- Councilman Packineau address council from Judicial Committee. Councilman Whitecalfe, comments starting salary for these job advertising. Councilman Packineau do we advertise or election? Chairman Well's comments: utilize the election board for the Judge and also for the Tribal Prosecutors/Public Defender.

Councilman Hale moves to approve for a two year-term for the Chief Judge in an election process; and the public defender & Para-legal to advertise, requiring credentials and tenure with personnel department background checks, license, etc. In conjunction with Legal department, Judicial Committee, and the Secretary who is in charge of the election board be involved in the election process. Motion seconded by Councilman Whitecalfe
VOTE: 7-0 motion passed unanimously

X. LEGAL DEPARTMENT:

B. Tribal Trust case attorneys Richard Gladstone –Councilman Whitecalfe moves to approve settlement of \$10 million the Tribal Trust Settlement the resolution. Councilman Hale seconds the motion.

Discussion: Exclude the northeast quadrant future settlements will not be tied up or ignored; regarding the oil and gas, and the future Garrison Dam flooding issues that may arise.

VOTE: 6-4-1-0 motion passed

C. NACI-Chairman Wells, house committee resolution: Councilman Whitecalfe moves to approve the resolution #06-27 -VJB "Request for Establishment of House Indian Affairs Committee," Councilman Benson seconds the motion.

VOTE: 6-0 motion passed unanimously

D. Election dispute-

Chairman Marcus Wells, Jr., explains of the previous court proceedings/events to this decision.

Councilman Whitecalfe moves to approve resolution 06-40FWC "Pursuant to all existing authority, Irvin B. Nodland as legal counsel presenting all claims and demands of the TAT attendant to the 2006 Election dispute for which remuneration shall not exceed \$15,000.00. Councilman Hale seconds the motion.

VOTE: 5-0 motion passed unanimously

XI. ADJOURNMENT:

Councilman Whitecalfe moves to adjourn at 7:52 p.m. Motion seconded by Councilman Hale


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 (5) constitute a quorum 6 were present at the Meeting thereof duly called, notice, convened and held on the 10 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.

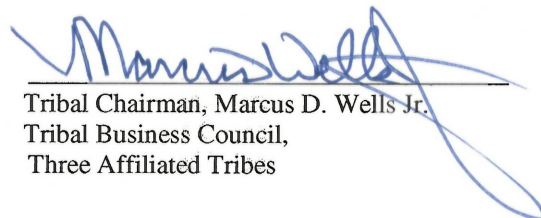
Chairman Voting Not Voting

Dated this 27 day of September, 2007.

ATTEST:



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



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