



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 07-01-VJB
THURSDAY, JANUARY 11, 2007
10:00 a.m.**

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- I. CALL TO ORDER:** Chairman Marcus Wells Jr., calls meeting @ 10:08 a.m.
- II. ROLL CALL:** PRESENT- Councilman Barry Benson, Councilman Frank Whitecalfe, Councilman Nathan Hale, Chairman Marcus Wells Jr., Councilwoman V. Judy Brugh. A quorum is established. Councilman Mervin Packineau present @ 11:52 a.m.
- RECESS: 12:05 p.m. Reconvened @ 12:43 p.m**

III. APPROVAL OF THE AGENDA:

- *Add-ons/ Spirit Riders-Howard Wilkinson (FWC)
/ Nueta Nations-Daylon Spottedbear (BB)

Councilman Hale moved to approve agenda, Councilman Whitecalfe seconded the motion.
Discussion: Councilman Hale requests to move up MHA Elders Organization up on Agenda.

VOTE: 5 ayes -0 nay; motion passed

A. MHA Elders Organization: Discussion

Ramona T.S present: MEMORANDUM: Dated 1/4/07 "Elders Program Cut"

IV. APPROVAL OF MINUTES:

- Regular TBC Mtg. 11/9/06 (deferred next tbc.mtg.)
- Special TBC Mtg. 11/14/06
- Special TBC Mtg. 11/15/06
- Special TBC Mtg. 11/20/06 (deferred next tbc.mtg)
- Special TBC Mtg. 12/1/06
- Special TBC Mtg. 12/4/06
- Special TBC Mtg. 12/6/06

Councilman Packineau moved to approve minutes above subject to Councilman Review, Councilman Whitecalfe seconded the motion:

VOTE: 6 ayes -0 nay; motion passed

V. CHAIRMAN'S REPORT: Marcus Wells Jr.

A. Tribal Program Executive Officer Report-Alyce Spottedbear

01. Resolution #05-20NH & 05-171NH:

Councilman Hale moved to make final payment for resolution #05-20NH & #05-171NH amount of \$3,642.00 and terminate contract it effective today. Councilwoman Brugh seconded the motion.

VOTE: 4 ayes -1 nay; motion passed.



02. Resolution #07-01VJB-“Personnel Selection/Termination Committee”

Councilman Hale moved to approve Resolution # 07-01VJB. Councilwoman V. Judy Brugh seconded the motion.

Discussion: Councilman Packineau had questions with Director Appointments? Alyce answered, Tribal Business Council can appoint Directors but no staff appointments.

VOTE: 6 ayes -0 nay; motion passed unanimously

B. Federal Program Executive Officer Report- Discussion: Mr. Hugh Baker; commented on confidential letter, asking for Chairman’s signature in support of some of the recommendations from that letter. Also the reorganization chart anticipates completed in a couple weeks. The directors/administrators need to be accountable or responsible.

C. Health Board; Carol Anne Heart Executive Director Report

D. Resolution #07-02-VJB “TAT vs. Kempthorn”

Councilman Hale moved to approve resolution #07-02-VJB “TAT vs. Kempthorn”, Councilman Whitecalfe seconded the motion.

VOTE: 5 ayes-1 nay motions passed.

VI. TREASURERS REPORT: Councilman Frank Whitecalfe

A. Elbowoods Memorial Health Center; James Foote-Project Manager Update, Power Point overview presentation

- Recommendations from Chairman Wells: Dr. Monica Mayer and Councilwoman V. Judy Brugh, to be included on the Health Advisory Board. Mr. Foote in agreement. Also to look at health cards concept strategy #2 for those individuals who reside in White Shield, Twin Buttes segments.

B. MHA Elder’s Organization-JTAC Budget Cut (*Moved to III A.*)

C. Figure Four Ranch; Ted Lonefight III Director Update

- Hand out of One Year Business Plan

01. Councilman Hale moved to approve of authorizing to downsize to projected number of animals.

Councilman Packineau seconded the motion.

Discussion: Amend motion to add Authorize to apply for grants for this program.

VOTE: 4 ayes -1 nay; motion passed.

02. Councilwoman Brugh moved to approve of Ted Lonefight III to be on the board of Intertribal Bison Association. Motion seconded by Councilman Hale

Discussion: Ted Lonefight III received permission to sell a buffalo to pay for the membership fee of \$500.00.

VOTE: 5 ayes-0 nay; motion passed



D. (add-on FWC) Spirit Riders-Howard Wilkinson

E. Dreamcatcher Program/Connie Wilkinson:

Councilman Whitecalfe moved to approve to reduce their staffing level, keep the current case load, and not accept any more clientele and shut down for 90 days until CDFI is granted. Motion seconded by Councilman Benson.

Discussion: Under their own funding from their bank, Councilman Whitecalfe noted funds are coming out of General Fund. 100 % from their fees to further operate.

VOTE: 4 ayes-1 nay-1 abstain 0 not voting. Motion carried

VII. UNFINISHED BUSINESS:

- A. Sally White-
 - 1. Casino
 - 2. Proposed daycare
- B. Dale Little Soldier-Marshall Group Update

C. Sunrise proposal “Internet Gambling, Poker”-Present: Lyle Anderson, Mark & Connie Knight, and Eaglehunter from South Dakota.

Councilman Whitecalfe moved to approve a Confidentiality Agreement before entering any agreement. Motion seconded by Councilman Packineau.

VOTE: 6 ayes -0 nay; motion passed unanimously

D. Clearvoice Communications; Jason Two Crow / Scott Wilson Update

Councilman Hale moved to approve of Clearvoice Communications work with RTC to come up with negotiation options. Councilwoman Brugh seconded the motion.

VOTE: 6 ayes -0 nay; motion passed unanimously

E. Reservation Telephone Company-Shane Hart;

- IP Office updates the new equipment services and upgrades on the phone system.
- Mr. Hart commented on the equipment usage willing to look at options in cooperation with Clearvoice Communications.

VIII. NEW BUSINESS-

1. Mary Alice Wells-personal (closed session)

- Dennis Fox Jr., explanation of status of house loan agreement. Asking for \$1,500.00 from tribe so she can enter a new loan agreement.

Councilman Packineau moved to approve of a loan of \$1,500.00 from Small Loans Program to Mary Alice Wells, subject to policy and procedures and be refinanced with current loan balance. Councilwoman Brugh seconded the motion.

VOTE: 6 ayes -0 nay; motion passed.

2. Fostercare Prg./Child Welfare Dept./TAT-Social Services; Sharon Blake(closed session)



3. Boys and Girls Club Resolution #07-11-VJB-grant application

Councilman Hale moved to approve of this resolution #07-11-VJB “P.A.T.T.Y Project grant application of \$400,000.00 for three years, Councilwoman Brugh seconded the motion.

VOTE: 6 ayes -0 nay; motion passed unanimously.

4. Nueta Nations (add-on B.B)Daylon Spottedbear present;

A. Councilman Benson moved to approve a note to Native American Bank loan on behalf of Nueta Nations, Nueta Nations responsible for the \$7,154.94 monthly payments. Motion seconded by Councilman Whitecalfe.

VOTE: 6 ayes -0 nay; motion passed.

B. Councilman Whitecalfe moved to approve the letter of intent to Roland Curtis Foods MS. Inc. and Nu’eta Nation Tribal Builders. Motion seconded by Councilman Benson.

VOTE: 6 ayes -0 nay; motion passed unanimously

C. Councilman Benson moved to approve the Master Consulting Agreement between Universal Consultant Group Inc. and MHA Nation, subject to TAT legal review, Motion seconded by Councilman Whitecalfe.

VOTE: 5 ayes -0 nay -1 abstain – 0 not voting; motion passed

IX. COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS:

A. Executive Committee: Chairman Marcus Wells Jr.

B. HHR Committee: Vice-Chairman Nathan Hale

1. Small Loans Program/Education Loans Request; Connie Fox

A. Councilman Whitecalfe moved to approve the list of 9 applicants based on tribal funds availability of funding and policy/procedures. Motion seconded by Councilman Packineau.

Discussion: Motion amended to include Tami Hale student loan request.

VOTE: 6 ayes -0 nay; motion passed unanimously

B. Councilwoman Brugh moved to approve of Relocation loan up to \$7,000.00 including refinancing of current loan for Barb Pegg, motion seconded by Councilman Whitecalfe.

Discussion: “I informed Ms. Pegg depending of fundability,” Ms. Fox states. Councilwoman Brugh moves to amend verbiage to include, “up to”.

VOTE: 6 ayes -0 nay; motion passed unanimously

2. Enrollment/Relinquishment; John Charging

- Councilman Packineau moved to approve 81 applicants for enrollment Resolution #07-04-VJB, Motion Seconded by Councilman Hale.

Discussion: Chairman Wells concerns on the status of blood quantum for enrollment on the 1/8 of MHA

VOTE: 6 ayes -0 nay; motion passed unanimously.



- Resolution #07- 05 -VJB “Relinquishment of Sandra Lucille Yellowhawk” Councilman Hale moved to approve, motion seconded by Councilman Whitecalfe.

VOTE: 6 ayes -0 nay; motion passed.

- Councilman Whitecalfe moved to approve Resolution #07-06-VJB “Relinquishment of Charlene Y. Hardridge.” Motion seconded by Councilman Hale,

VOTE: 6 ayes -0 nay; motion passed.

- Councilman Benson moved to approve Resolution #07-07-VJB “Relinquishment of Marion J. Ute.” Councilman Packineau seconded the motion.

VOTE: 6 ayes -0 nay; motion passed.

- Councilman Benson moved to approve Resolution #07-08-VJB “Relinquishment of Christopher M. Greely.” Councilman Whitecalfe seconded the motion.

VOTE: 6 ayes -0 nay; motion passed

- Councilman Whitecalfe moved to approve Resolution #07-09-VJB “Relinquishment of Janelle K. Newell.” Councilman Hale seconded the motion.

VOTE: 6 ayes -0 nay; motion passed.

- Councilman Packineau moved to approve Resolution #07-10-VJB “Relinquishment of Jared T. Seaboy.” Councilman Hale seconded the motion.

VOTE: 6 ayes -0 nay; motion passed.

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

D. Natural Resources Committee: Councilman Barry Benson

1. Resolution “Pledge of revenues from construction site to Lake Sakakawea Casino Project”
2. Horace Pipe-Oil refinery update with monthly report
3. Oil and Gas agreement with EOG Resource/Amending verbiage to the TERO Ordinance- Dewey W. Hosie

Councilman Hale moved to approve resolution #07-12-VJB “Amendments to TERO Ordinance”,

Councilwoman Brugh, seconded the motion.

Discussion: Councilman Whitecalfe commented on resolution “looks good”. Paul Danks commented, “this resolution will enhance the reservation.”

VOTE: 5 ayes -0 nay; motion passed unanimously.

4. Paul Danks addresses Council on his letter (requested for closed session) Requesting permanent layoff. Recommending Fred Fox replacing him in his position. Also requesting severance pay.

Councilman Benson moved to approve Personnel action of permanent lay-off, including severance pay of three months in the amount of \$12,480.00 from the General fund. Councilwoman Brugh seconded the motion.



Motion dies lack of second. Councilwoman Brugh amends to second motion.

VOTE: 3 ayes-2 opposed; Motion passed.

E. Ft. Berthold Housing Authority- Dennis Fox

Resolution “Adoption of Amendments to Tribal Ordinance No. 1-62.” See attachment.

Councilman Hale moved to approve resolution #07-03-VJB “Adoption of Amendments to Tribal Ordinance NO. 1-62.” Councilman Packineau seconded the motion.

VOTE: 6 ayes -0 nay; motion passed unanimously

F. Indian Health Service Unit: Michelle Leach

X. PERSONNEL MATTERS: Executive Session-

XI. LEGAL DEPARTMENT:

A. United Construction and supply contract claim

B. Legal Counsel’s contracts

Discussion: Steve Kelly addresses Council on expiration of their contracts, the working relationships from within all departments and accomplishments of Legal Counsel. Jenny Fyten comments on her contract expiration and her health condition. Chairman Wells comments on working relationships and accomplishments of Legal Counsel. The new Administration is requesting new Legal Counsel.

Councilman Whitecalfe moved to approve to honor Steve Kelly and Jennifer Fyten contracts until they expire.

Motion seconded by Councilman Hale.

VOTE: 3 ayes-1 nay-1 abstain-0 not voting; motion passed.

Discussion: Danile Henry concerns with her transfer to Tribal Court, also the two new transfers in the Legal Department. She requested to stay in the Legal department and willing to take a pay-cut. Alyce Spotted Bear answered her questions. Councilman Hale commented on the transfer of segment workers to request to be notified of these changes or transfers. Councilman Whitecalfe concurs with Councilman Hale.

Councilman Whitecalfe moved to approve to keep Danile Henry in the Legal department and transfer Betty Young Bird. Councilman Hale seconded the motion.

VOTE: 5 ayes-0 nay; motion passed.

XII. ADJOURNMENT:

Recessed @ 9:05 a.m.

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 12th day of July, 2007;
that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 7 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