



**THREE AFFILIATED TRIBES  
REGULAR TRIBAL BUSINESS COUNCIL MEETING  
07-09-VJB  
MARCH 9, 2007**

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**I. CALL TO ORDER:**

The meeting was called to order at 10:29 a.m.

**II. ROLL CALL:**

Present: Councilman Barry Benson, Councilman Frank White Calfe, Councilman Nathan Hale, Councilman Malcolm Wolf, and Councilman Mervin Packineau. A Quorum is established. Councilwoman V. Judy Brugh arrived at 11:10 a.m.

**III. PRAYER:**

Prayer Malcolm Wolf.

**IV. APPROVAL OF AGENDA:**

Motion on the floor to approve the amended agenda.  
Councilman Packineau moved, seconded by Councilman White Calfe.

Discussion: To redo the agenda to include the committee meetings.

VOTE: 5 ayes -0 nay; Motion carried.

**V. ELDERS ORGANIZATION:**

**A. Elders Resolution to remove Frank Whitecalfe from the Treasurers position.**

Councilman Packineau moved to approve to give Legal Department 30 days to set up a three person Ethics Committee. Motion seconded by Councilman Wolf.

Discussion: The Elders should have a copy of the Ethics Ordinance, it's a public record. The Committee will be 3 attorneys that are non Tribal employees.

VOTE: 5 ayes -0 nay; Motion carried.

**B. Cobell Law suit: Discussion**

Cobell is different from the Tribal Trust that the Tribal Business Council acted on.

**C. Elders Organization - Polly Chase/Funding**

Councilman Wolf moved to approve Resolution #07-42-mp "Authorization of the Three Affiliated Tribes aging services Program to accept and administer Title III Funding from the Administration on Aging, Office of Health and Human Services, State of North Dakota." Motion seconded by Councilman White Calfe.

Discussion: Records manager is to make sure that proper signatures are on the document.

VOTE: 5 ayes -0 nay; Motion carried.

**VI. CHAIRMAN'S REPORT-CHAIRMAN MARCUS WELLS JR.:**

**A. Jim Foote – Health Care Facility/Update:**

Dennis Deutsch – Site for Hospital

- Scale of Hospital on site
- Relocating/Demo and stockpiling of Frucon Building
- Preliminary cost - \$240 thousand dollars

**VII. TREASURERS REPORT-COUNCILMAN FRANK WHITE CALFE:**

**A. TAT DIVISION OF CHILD SUPPORT**

**ENFORCEMENT/Ellen Wilson-Checking Account**

**Request:**

Councilman Whitecalfe moved to approve to put forth a letter to assist Child support to start procedure in getting a checking account set up. Motion seconded by Councilwoman V. Judy Brugh.

Discussion: Legal to do the letter.

VOTE: 6 ayes -0 nay; Motion carried.

**B. Resolution for Spirit Riders to seek funding from other Sources:**

Councilman Packineau moved to approve Resolution #07-43-VJB, "Authorization to

seek and pursue funding from sources other then the Three Affiliated Tribes granted White Shield Spirit Riders, a chartered, non-profit organization. Motion seconded by Councilman Wolf.

VOTE: 6 ayes -0 nay; Motion carried.

**C. Figure 4 Ranch Purchase Proposal:**

Tabled.

**D. Parshall Boys Basketball Team Tickets:**

Councilman Packineau moved to approve funding Basketball tickets for Parshall Basketball team. Motion seconded by Councilman White Calfe.

VOTE: 6 ayes -0 nay; Motion carried.

**E. Frank Henry – JTAC Draws**

Councilman Packineau moved to approve Resolution #07-44-VJB "Authorization for Withdrawal of Earnings on Three Affiliated Tribes Docket Funds for FY-07". Motion seconded by Councilman Wolf.

VOTE: 6 ayes -0 nay; Motion carried.

- F. FRANK HENRY-IIM HELD IN BIA**  
Councilman Packineau moved to approve Resolution #07-45-VJB, "Authorization for the Withdrawal of \$849,000.00 for FY 2007 from the Proceeds of Labor Fund Account #PL7228700." Motion seconded by Councilman Wolf.  
VOTE: 6 ayes -0 nay; Motion Carried
- G. FRANK HENRY-OFFICE OF TRUST MANAGEMENT:**  
Councilman Whitecalfe moved to approve Resolution #07-46-VJB, "Director to the Office of Trust Fund Management to Make Available for draws by the Three Affiliated Tribes Interest Earning in the Amount of \$1,063,000.00. Motion seconded by Councilman Packineau.  
VOTE: 6 ayes - 0 nay; motion passed.
- H. CONNIE AZURE-TRIBAL HOUSING:**  
Councilman Packineau moved to approve Resolution #07-47-VJB, "Authorization for the Tribal Housing Division to Transfer the Administration of Hill Top Trailer Court to the North East Segment." Motion seconded by Councilman White Calfe.  
VOTE: 6 ayes -0 nay; Motion carried.
- I. Resolution #07-48-VJB:**  
Councilman White Calfe moved to approve Resolution #07-48-VJB, "Tribal Housing Division authorization to apply for Otto Bremer Foundation Grant." Motion seconded by Councilman Packineau.  
VOTE: 6 ayes -0 nay; Motion carried.
- J. Resolution #07-49-VJB:**  
Councilman Whitecalfe moved to approve Resolution #07-49-VJB, "Authorization for Appropriation of \$500,000.00 as matching funds to the Tribal Housing Division to obtain certification as a Community Development Financial Institution by the United States Department of Treasury". Motion seconded by Councilman Packineau.  
VOTE: 4 ayes -0 nay -2 abstain -0 not voting Motion carried.
- K. Resolution #07-50-VJB:**  
Councilman White Calfe moved to approve Resolution #07-50-VJB, "Authorization for Joseph Stevens and Associates to collect all Delinquent Tribal debt". Motion seconded by Councilwoman Brugh.  
Discussion: Make sure that Connie Azure gets some

PR to the individuals that will explain the process of collections. Some of the individuals never had a bill sent to them. Before a bill gets sent to a debt collection agency they need to have some process first. Connie advised they will give a courtesy call, send out an invoice, give individuals opportunities to come in and setup a payment arrangement if they are going through a hardship.

VOTE: 6 ayes -0 nay; Motion carries.

**L. Budget Clarification**

Discussion.

**VIII. COMMITTEE REPORTS:**

**A. NATURAL RESOURCE COMMITTEE-BARRY BENSON:**

**01. H.I.P Homes-Jackie Jackson.**

Councilman Benson moved to rescind Resolution #06-134-NH, "Authorization for Waiver of Tribal Procurement Policies and Resolution 03-205-RP for Housing Improvement Program Category C- Replacement Housing Projects for FY 2006"; and authorization for Jackie Jackson, H.I.P. to forward cancellation letter to Deneshuk Homes LTD. Motion seconded by Councilman White Calfe.

VOTE: 5 ayes -0 nay; Motion carried.

**02. Myron Johnson-Range Unit #906**

Deferred.

(Vice-Chairman Hale turned meeting back over to Chairman Wells Jr.)

**IX. CHAIRMAN'S REPORT-CHAIRMAN MARCUS WELLS JR.:**

**01. Regular Tribal Business Council Meetings to be held in Segments.**

- March 27, 2007-Twin Buttes Segment Meeting-Noon meal, 1:00 p.m. meeting
- March 28, 2007-Mandaree-Noon meal, 1:00 p.m. meeting
- March 29, 2007-Four Bears-Noon meal, 1:00 p.m. meeting
- April 3, 2007-White Shield-Noon meal, 1:00 p.m. meeting
- April 4, 2007-Parshall-Noon meal, 1:00 p.m. meeting
- April 5, 2007-NewTown-Noon meal, 1:00 p.m. meeting

April forward all Regular Tribal Business Council meetings will be held in the segments as follows:

- April 12, 2007-Regular Tribal Business Council meeting White Shield

- May 10, 2007-Regular Tribal Business Council meeting  
Parshall
- June 14, 2007-Regular Tribal Business Council meeting  
NewTown
- July 12, 2007-Regular Tribal Business Council meeting  
Twin Buttes
- August 9, 2007-Regular Tribal Business Council meeting  
Mandaree
- September 14, 2007-Regular Tribal Business Council  
meeting Four Bears

Councilman Hale moved to approve Segment Community meeting and Regular Tribal Business Council meetings set dates. Motion seconded by Councilwoman Brugh.

Discussion: Once the dates are set and out to the public, stay with the schedule. Chairman Wells Jr. has no problem with Vice-Chairman Hale chairs the meeting and then if he is absent then Executive Secretary Brugh is to chair the meetings.

VOTE: 6 ayes -0 nay; Motion carried.

**X. NATURAL RESOURCE COMMITTEE REPORTS-BARRY BENSON**

**A. TEX LONE BEAR-FBRW: Flexible Financing for Water System Construction.**

Councilman Hale moved on the floor to approve Resolution #07-51-VJB, "Authorization for the Issuance of Tax-exempt Bonds by the Three Affiliated Tribes to Finance Construction and Completion of the Fort Berthold Rural Water Supply System by the Fort Berthold Rural Water Program".

Councilman Hale moved, seconded by Councilman Wolf.

Discussion: Chairman Wells Jr. stated that he touched on the FBRW subject when he was at the Governors office in Bismarck and Senator Dorgan also made a commitment.

VOTE: 5 ayes -0 nay; Motion Carried.

**C. MINOT STATE UNIVERSITY-NATIVE AMERICAN CLUB:**

Councilman Hale moved on the floor to approve funding of \$3500.00 and a buffalo. Motion seconded by Councilwoman Brugh.

Discussion: In recent pow-wows you have honored some of the basketball teams. Councilman Packineau is a proud Parshall parent.

VOTE: 6 ayes -0 nay; Motion carried.

CLOSED SESSION:

D. LESTER CROWS HEART GRIEVANCE:

E. ENVIRONMENTAL DEPARTMENT-ELTON SPOTTED HORSE – PROPOSALS

Bison Engineering Consulting Agreement – Mr. Spotted Horse is proposing that there be a \$15.00 monthly fee implemented into the tenant lease, it will also cost \$1.00 per household for Administrative Cost (come out of the \$15.00 fee) he also explained it would also include I.H.S, Casino and Cabins alongside the lake would also be charged a monthly fee.

Councilman White Calfe entered a motion for “*Assessment of fees for Solid waste*”, motion seconded by Councilman Hale.

Discussion: Mr. Spotted Horse explained that will come back for review.

VOTE: 7 ayes -0 nay; Motion carried.

(Teleconference call came in)

F. BLACK ROCK & BIA SUPERINTENDENT:

Councilman Brugh moved to have meeting on March 12, 2007 at 10:00 a.m. on Black Rock. Motion seconded by Councilman Hale.

VOTE: 6 ayes -0 nay; Motion carried.

(Continue with Environmental Department)

G. EPA PERMIT/ ELTON SPOTTEDHORSE:

Councilman White Calfe moved to approve the EPA Permit. Motion seconded by Councilman Hale.

VOTE: 6 ayes -0 nay; Motion carried.

**H. CLEAN AIR ACT MONITORING PROGRAM-CONSULTANT AGREEMENT-Buddy Bell:**

Councilman Hale moved to approve the Bison Engineering, Inc grant and Consultant Agreement for the Clean Air Act Monitoring Program. Motion seconded by Councilman Brugh.

VOTE: 6 ayes – 0 nay; Motion carried.

**I. NEWLYN LITTLE SWALLOW, EDWIN HALL, & DELVIN FOOTE RANGE UNIT EXTENTIONS:**

Councilman Benson moved to approve a 30-day extension for Newlyn Little Swallow on Range Unit # 95, Edwin Hall on Range Unit #506, and Delvin Foote on Range Unit # 48. They are given until April 9, 2007 to pay. Motion seconded by Councilman Packineau.

Discussion: If they don't become current in the time allowed then it is to be given to the next person in line.

VOTE: 7 ayes – 0 nay; Motion carried.

**XI. JUDICIAL DRUG AND ALCOHOL-MERVIN PACKINEAU**

**A. Tribal Judge Request on Annual Leave:**

Councilman Hale moved to approve the sell back of Judge El Marie Conklin's annual leave. Motion seconded by Councilman Packineau.

Discussion: It is under special circumstances.

VOTE: 7 ayes – 0 nay; Motion carried.

**B. Traffic Safety Program – Daryle Hall:**

Daryl is to come back to the Special Tribal Council meeting on Monday, March 12, 2007.

**C. P.A.T.T.Y. Project-Gloria Fast Dog:**

Councilman Whitecalfe moved to approve Consultant Agreement with Norma Baker. Motion seconded by Councilman Packineau.

VOTE: 6 ayes – 0 nay; Motion carried.

**XII. HEALTH, HUMAN, AND EDUCATION-NATHAN HALE:**

**A. Veterans Resolution-Wendell White, Gilson Mandan, Pearl Ross:**

Councilman Whitecalfe moved to approve Resolution #07-52-VJB, "Charter". Motion seconded by Councilman Packineau.

Discussion: Subject to Legal review.

VOTE: 7 ayes – 0 nay; Motion carried.

**B. Councilman Whitecalfe moved to approve Resolution # 07-53-VJB, "Authorization of the formation of the Veterans Association". Motion seconded by Councilman Packineau.**

Discussion: Subject to Legal review.

VOTE: 7 ayes – 0 nay; Motion carried.

**CLOSED SESSION:**

**XIII. PERSONNEL:**

**A. Kidney Dialysis**

- B. Valerie Poitra-Grievance**
- C. Gina Mayer-Complaint**
- D. Jessica Grinnell-Job**
- E. Hugh Baker- Compensation**

- F. Mark Fox**
- G. Dan Hunts Along**
- H. Joe Hawkins**

**SESSION REOPENED AT 5:44 P.M.**

**Chairman Wells stepped out, Vice-Chairman Hale acting.**

**I. Tribal Roads Department-Doyle Bell:**

Councilwoman Brugh moved to go ahead with letter to terminate contract with Fort Berthold Development Corporation due to default. Motion seconded by Councilman White Calfe.

VOTE: 6 ayes – 0 nay; Motion carried.

**J. Legal-Rogcr Bird Bear:**

Councilman Hale moved to approve Resolution #07-54-VJB “Tax ordinance Amendments and Tax Collection Agreement between State of North Dakota and the Three Affiliated Tribes”. Motion seconded by Councilman White Calfe.

Discussion: On the Certification it is predated for February 22, 2007. It needs to be changed. On the title we should denote that it’s a tax ordinance amendment and a tax collection agreement between the state of North Dakota and the Three Affiliated Tribes. Some times when they read the Resolutions, they just read the title.

VOTE: 7 ayes – 0 nay; Motion carried.

**K. Georgia Fox- Loan Request:**

Councilman White Calfe moved to approve \$17,000 loan over two pay periods in the amounts of \$8,500.00, motion seconded by Councilman Hale.



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Discussion: Application process, to pay back bi-monthly. Full \$17,000 to be paid out in two payments. One now and the other in 4 weeks. To be work it out with Connie Fox in the Small Loan Department.

VOTE: 7 ayes – 0 nay; Motion Carried.

**L. Student Travel Match-Joni Foote:**

Councilman Packineau moved to approve each \$1,500.00 each for travel for students, Carissa Weber, Alyssa Wells to Europe, and RayAnn Wolf to Australia. Motion seconded by Councilman Benson.

VOTE: 5 ayes -0 nay -2 abstain – 0 not voting; Motion carried.

**M. Occupant Protection Committee:**

Councilman Hale moved to approve Resolution # 07-55-VJB as amended, "Fort Berthold Occupant Protection Committee Recognition". Motion seconded by Councilman White Calfe.

VOTE: 7 ayes – 0 nay; Motion carried.

**N. NEVA SATERMO-LAND EXCHANGE:**

Councilman Whitecalfe moved to approve Resolution # 07-56-VJB that trades 36 acres in Shell Creek for 36 acres around Neva Satermo's home in Van Hook this is in exception to a previous resolution. Motion dies due to lack of a second.

Second motion on the floor to approve the land exchange between Three Affiliated Tribes and Neva Satermo, making an exception to previous Resolution that states exchanges can not be done in a recreation area or park. Councilman White Calfe moved, motion seconded by Councilman Wolf.

VOTE: 4 ayes -0 nay-3 abstain – 0 not voting: Motion carried.

**O. TED LONE FIGHT III –RESOLUTION**

Councilman Hale moved to approve Resolution #07-57-VJB "Establishing Tribal Business Council owners use on Range Units 904 and 905 and declaring both range units as Tribal Wild Life and Game Reserve Status". Motion seconded by Councilwoman Brugh.

VOTE: 7 ayes -0 nays; Motion Carried.

**XIII. LEGAL DEPARTMENT-JEN FYTEN:**

**A. Planning department**

Councilman Hale moved to approve a consultant contract between the Three Affiliated Tribes and MHA Systems for scanning Tribal Law and Order Code Revision. Consultant shall be paid \$3111 dollars to be taken out of the ANA Grant. Motion seconded by Councilman Packineau.

VOTE: 7 ayes -0 nay; Motion carried.

**B. Legal services.**

Councilman Hale moved to approve Resolution #07-58-VJB, "Approval of Consultant Contract for Legal Services with the Van Ness Feldman Law Firm." To include but not limited to New Healthcare Facility, Return of Lakeshore, Funding for Municipal Water System, Such other Congressional and Executive Branch matters the Tribe may so direct Consultant to work on. The firm will assist on Economic development issues, including but not limited to developing new tribal business opportunities; Provide legal advice on 8(a) and related matters to the businesses. To begin January 2, 2007 ending December 31, 2007 for \$50,000 dollars paid quarterly, starting March 31, 2007. Pay will be authorized after the Tribe receives actual award of funds for which this agreement is part of. Motion seconded by Councilman Wolf.

VOTE: 7 ayes -0 nay; Motion carried.

**C. Consultant Agreement-Dennis Deutsch**

Councilman Hale moved on the floor to approve a consultant agreement with Dennis Deutsch for \$10,000 dollars to come out of account #2460-51060. Motion seconded by Councilman Packineau.

Discussion: To come out of the federal monies.

Cuff account #2460-51060 Money appropriated for the Healthcare Facility.

VOTE: 7 ayes -0 nay; Motion carried.

**D. Business licenses:**

James and Donita Hale – Hales Marina

Justin Deegan, Todd Moquino, Jasper Young Bear – Ree Boy Productions

Don Fraser – D.F. Lighting Company

Charles Garcia, & Kathryn Roper – Quatro Vientos Four Winds Mexican Cuisine

Jennifer Church – J&J Quilt Shop

Darlene Perkins – Red Lightning Enterprises

Councilwoman Brugh moved to approve seven business licenses. Motion seconded by Councilman Packineau.

VOTE: 6 ayes -0 nay -1 abstain -0 not voting; Motion carried.

**E. Jake Good Bear:**

Informational.

**F. LESTER CROWS BREAST-GRIEVANCE:**

Councilman Whitecalfe moved to approve send grievance back to Human Resource department. Councilman White Calfe moved, seconded by Councilman Packineau.

VOTE: 7 ayes -0 nay; Motion carried.

**XV. ADJOURNMENT:**

Councilman Hale move to adjourn, seconded by Councilman White Calfe.  
VOTE: 7 ayes -0 nay; motion carried  
Meeting adjourned at 7:38 p.m.


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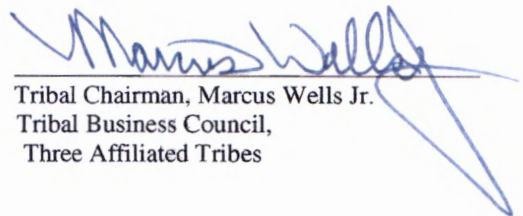
**CERTIFICATION**

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, notice, convened and held on the 12<sup>th</sup> 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.

Dated this 27 day of September, 2007.

**ATTEST:**

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

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