



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING # 07-52-VJB
November 6, 2007
10:00 a.m.**

I. CALL TO ORDER:

Meeting called to order at 10:37 a.m. by Chairman Marcus Wells Jr.

II. OPENING PRAYER:

Laurie Alberts

III. ROLL CALL: By Executive Secretary V. Judy Brugh

Councilman Barry Benson, Councilman Frank Whitecalfe, Councilman Nathan Hale, Chairman Marcus Wells Jr., Councilman Malcolm Wolf, Councilman Mervin Packineau, Councilwoman V. Judy Brugh. A quorum is present.

IV. APPROVAL OF THE AGENDA:

Councilman Hale moved to approve of the agenda as amended. Councilman Packineau seconded the motion.

VOTE: 7 ayes – 0 nay; motion passed unanimously

01. Chairman's Report: Marcus Wells Jr.

UPDATE

02. FPEO: Cammie Gosnell

REPORT

03. TPEO: Max Dickens

REPORT

Elders Christmas Money distribution date 12/18/07 at 10 a.m. at the event center. Also travel is frozen, NCAI the approval will be left at the discretion of the committee chair.

04. Federal Programs Analyst: Laurie Alberts report

Councilman Whitecalfe moved to approve of the FBRW Public Water System Emergency Response Plan. Councilman Hale seconded the motion.

VOTE: 7 ayes – 0 nay; motion passed unanimously

05. Emmanuel Stroh: Resolution #07-206-VJB:

Councilman Hale moved to approve resolution #07-206-VJB “Authorization of agreement with McKenzie and Dunn Counties for paving BIA Routes Figure 4 Road and Routes 10, 12, 14 and 15” also to rescind of resolution #07-162-VJB and #07-186-VJB.

Councilman Whitecalfe seconded the motion.

VOTE: 6 ayes – 0 nay- 1 abstain (vjb) – 0 not voted; motion passed.

06. Jean Baker, Richard Hall: Personnel CLOSED SESSION

07. FPEO: CLOSED SESSION:

08. Mark N. Fox: GTFJC-Closed Session:

09. NCAI Dues for 2007-2008:

Councilman Packineau moved to approve of NCAI dues in the amount of \$1,100.00 for 2007-2008 Tribal membership credentials, motion seconded by Councilman Hale.

Discussion: A resolution from November 2006 lists the delegates. This is to be attached to the dues.

VOTE: 7 Ayes – 0 Nays; motion passed unanimously.

**10. Resolution to Lease Police Headquarters at the New Town Civic Center-
#07-207-VJB:**

Councilman Packineau moved to approve to approve of resolution #07-207-VJB entitled, "Lease for Police Headquarters at the New Town Civic Center", with amendments, motion seconded by Councilman Hale.

Discussion: Correction to typos on the first page on the Now, Therefore, Be it resolved to delete Chairman and to change to Executive Secretary. VJB must be added to the number line at the top of the resolution and a water mark needs to be added. The amount of \$35,000.00 must be added. Consent to Additional 6-day Extension of time for Assumption of the Law Enforcement Program at Fort Berthold. A ceremony will be held December 7, 2007. P.L. 93-638 Law Enforcement start-up budget. A news flyer of Councilman Hale was handed out in the meeting. FY-08 Summary Budget 638 Law enforcement was looked at. Legal made corrections and presented the resolution.

VOTE: 7 ayes - 0 nays; motion carried.

11. 638- Law Enforcement Police Officer Hiring- Barlow Wells:

Councilman Whitecalfe moved to approve of hiring nine officers; Dunreath LaPlante, Hugh Young Bird, Sterling Reed, Anibal Fernandez, JR Kerzman, Shawn Duisen, Jay Brugh, Nathan Trottier, and Troy White Owl for the Three Affiliated Tribes, motion seconded by Councilman Hale.

Discussion: Tribal Law Enforcement will be starting with ten officers and to reach a goal of 24 officers. The hiring is in effect immediately after the background investigation is passed. There is no Holiday pay or night differential will affect the rate of pay. Once a Chief of Police has been hired, hiring then falls under him because the TAT policy and procedures will be followed.

VOTE: 5 Ayes - 0 Nays - 1 not present; motion carried.

12. 638 Law Enforcement Hiring Chief of Police-Barlow Wells:

Councilman Whitecalfe moved to approve hiring Frank Felix as Chief of Police, motion seconded by Councilman Hale.

VOTE: 6 ayes - 1 nays; motion carried.

13. 638 Law Enforcement Budget:

Discussion: Will Stevens on conference line. Lisa Redford discussed rates of pay for the officers

14. Rate of Pay for Chief of Police of the Three Affiliated Tribes:

Councilman Hale moved to approve of \$35.00 an hour for rate of pay for the Chief of Police for The Three Affiliated Tribes and then he is to work with the 638 Law Enforcement team to work on the rate of pay for the police officers, motion seconded by Councilman Whitecalfe.

Discussion: Human Resource should be the department that decides the rate of pay. Will Stevens doesn't think that it really matters who decides the rate of pay if it is the Chief of Police or Human Resource department. To keep the officers, a better rate of pay should be paid.

VOTE: 7 Ayes- 0 Nays; motion carried.

15. Pete Young Bird Hire for Landfill Director:

Councilman Packineau moved to approve of hiring Pete Young Bird as Landfill Director, motion seconded by Councilman Hale.

Discussion: His rate of pay is \$17.50 per hour and the 90 day probation period is waived. He was the only applicant.

VOTE: 7 ayes - 0 nays; motion carried unanimously

16. Title XV Law Enforcement-Resolution #07-208-VJB:

Councilman Whitecalfe moved to approve of resolution entitled "Three Affiliated tribes Law and Order Code Title XV-Law Enforcement", motion seconded by Councilman Packineau.

Discussion: The authority is discussed under Chapter 3.

VOTE: 7 ayes - 0 nays; motion carried.

17. Resolution Entitled, "Three Affiliated Tribes Business council Petition to the Secretary of Interior or Authorized Representative Pursuant to Article X Amendments of the Three Affiliated Tribes Constitution and By-laws and 25 CFR Part 81 To Call a Secretarial Election on a Proposed Amendment to Article II, Section 1(b) of the Constitution of the Three Affiliated Tribes", Resolution #07-209-VJB-Jen Fyten

Councilman Packineau moved to approve of Resolution #07-209-VJB Entitled as amended,” Three Affiliated Tribes Business Council Petition to the Secretary of Interior or Authorizes Representative Pursuant to Article X Amendments of the Three Affiliated Tribes Constitution and By-laws and 25 CFR Part 81 To Call a Secretarial Election on a Proposed Amendment to Article II, Section 1(b) of the Constitution of the Three Affiliated Tribes, motion seconded by Councilman Whitecalfe.

Discussion: This is rescinding resolution 07-190-VJB, one election for article I and II, and this will be forward to the Secretarial Election.

VOTE: 5 ayes - 2 nays; motion carried. (Chairman voted)

18. Resolution Entitled: Three Affiliated tribes Tribal Business Council Petition to the Secretary of Interior or His Authorized Representative Pursuant to Article X Amendments of the Three Affiliated Tribes Constitution and By-Laws and 25 CFR Part 81.5 (a) To call a Secretarial Election on a Proposed Amendment to Article II Section 1 and a Proposed Amendment to Article III-Governing Body, Section 2 and 5 and Article III, Sections 2 and 3 of the By-Laws of the constitution of the Three Affiliated Tribes as Set out in Resolution 07-99-VJB and 07-209 VJB.

Councilman Packineau moved to approve of resolution #07-210-VJB entitled as amended, “Three Affiliated Tribes Tribal Business Council Petition to the Secretary of Interior or His Authorized Representative Pursuant to Article X Amendments of the Three Affiliated Tribes Constitution and By-laws and 25 CFR Part 81.5 (a) To call a Secretarial Election on a Proposed Amendment to Article II Section 1 and a proposed Amendment to Article III-Governing Body, Section 2 and 5 and Article III, Section 2 and 3 of the By-laws. Motion seconded by Councilman Hale.

VOTE: 6 ayes - 1 nay; motion carried.

19. Resolution Entitled: Tribal Business Council Approval of the Fort Berthold Rural Water Program’s Emergency Response Plan and the Security Vulnerability Assessment for the Four Bears, Twin Buttes, White Shield, and Mandaree Drinking Water Systems”

Councilman Whitecalfe moved to approve of Resolution #07-211-VJB Entitled, “Tribal Business Council Approval of the Fort Berthold Rural Water Program’s Emergency Response Plan and the Security Vulnerability Assessment for the Four Bears, Twin

Buttes, White Shield, and Mandaree Drinking Water Systems.” Councilman seconded the motion.

VOTE:

20. Enrollment-15 Applicants-John Charging/Nathanial Mayer

Councilman Whitecalfe moved to approve of Resolution #07-212-VJB “15 Enrollment Applicants,” motion seconded by Councilman Hale.

VOTE: 7 ayes - 0 nays; motion carried.

21. Resolution Entitled,” Jay Dean Bearstail 301U-07322”

Councilman Whitecalfe moved to approve of Resolution #07-213-VJB “Jay Dean Bearstail 301U-07322”, motion seconded by Councilman Hale.

VOTE: 7 Ayes - 0 Nays; motion carried.

22. Resolution Entitled,” Byron W. Whitetail 301U-07715”

Councilman Hale moved to approve of resolution #07-214-VJB relinquishment of “Byron W. White Tail 301U-07715,” motion seconded by Councilman Whitecalfe.

VOTE: 7 Ayes - 0 nays; motion carried.

23. Resolution Entitled, “La Toya Dawn WhiteTail 301U-08347”

Councilman Hale moved to approve of resolution #07-215-VJB relinquishment of “La Toya Dawn WhiteTail 301U-0834”, motion seconded by Councilman Packineau.

VOTE: 7 ayes - 0 nays; motion carried.

24. Resolution Entitled, “Geddy Lee Dubois (WhiteTail) 301U-08378

Councilman Hale moved to approve of resolution #07-216-VJB relinquishment of “Geddy Lee Dubois (White Tail) 301U-08378”, motion seconded by Councilman Packineau.

VOTE: 7 ayes- 0 nays; motion carried.

25. JT Energy:

Update.

26. Small Loans-Treasurer Whitecalfe

Councilman Whitecalfe moved to approve of the Small loans to Dan Hunts Along, Clorine Driver, Dennis Nash, Sue Romero, Kathy WhiteTail, Denny Wolf, Laurie Alberts, Robert Brugh, motion seconded by Councilman Wolf.

Discussion: Priority is given to the November 9, 2007 deadline. On November 28, 2007 Small Loans will have funding available. All loans are subject to availability of funds and Small loans policies and procedures.

VOTE: 5 ayes - 0 nays - 1 abstention; motion passed

The meeting recessed at 6:44 p.m.

RECONVENE

REGULAR TRIBAL BUSINESS COUNCIL MEETING

November 7, 2007

I. CALL TO ORDER:

Meeting called to order by Chairman Marcus Wells Jr. at 10:30 am

II. OPENING PRAYER:

Laurie Alberts

III. ROLL CALL:

Chairman Marcus Wells Jr., Councilwoman V. Judy Brugh, Councilman Nathan Hale, Councilman Mervin Packineau, Councilman Barry Benson. A quorum is present.

Absent: Councilman Malcolm Wolf, Councilman Frank Whitecalfe.

IV. APPROVAL OF THE AGENDA: continued from yesterday

Natural Resources Committee/Chair Berry Benson

01. Elton Spotted Horse/ TAT EPA Director -

Elton Spotted Horse requested approval for Dan Wartten of NARF to represent the Three Affiliated Tribes not to exceed \$8,000.00 for FY08:

Councilman Benson moved to approve Resolution # 07-217-VJB titled "Special Attorney Contract – NARF – "Water Quality Standards for Three Affiliated Tribes," motion seconded by Councilman Hale.

Vote: 5 ayes – 0 nays; motion carried

02. Environment Division request for funding for FY 2008 Air quality program Tech -

Councilman Benson moved to approve of a match of \$19,604.00 through General Fund pending Treasurer's report back on availability of funds for an Air Quality Tech

I for FY08. The wage would be set at \$14.50/1040= \$15,080.00 plus fringe at 30%=\$19,604.00, motion seconded by Councilwoman Brugh.

Discussion: Councilman Hale stated that (Elton Spotted Horse –EPA Director) brought the requests to Health and Human and forwarded it to full Council

Vote: 5 ayes – 0 nays; motion carried

Elton also reported of the vandalism being done and law enforcement not taking an initiative to follow up or do reports.

HHE Committee/Chairman Nathan Hale:

01. Elbow woods Health Facility – update by James Foote

DISCUSSION: Maggie Young Bear, Vice-Chair for the Four Bears Community Board expressed concerns in regards to the location of the Health care Facility, Councilwoman Brugh expressed how important it is to have the facility close to the dialysis unit and diabetic clinic for the patients (Life threatening) of TAT.

Councilman Whitecalfe entered the meeting at 12:10 pm.

Councilwoman Brugh asked how is this going to be funded and that we should go back our community and explain the 638 process to them.

02. Resolution #07-218-VJB “Appointment to NCAI”

Councilwoman Brugh moved to approve the Resolution #07-218-VJB “Appointment to NCAI” motion seconded by Councilman Packineau.

VOTE: 7 ayes – 0 nay; motion carried

03. Perry Brady – Tribal Historic Preservation resolution #07-219-VJB

Councilman Hale moved to approve Resolution #07-219-VJB “Establish and Appointment of the Mandan, Hidatsa and Arikara Traditional Cultural Authority” motion seconded by Councilman Packineau.

VOTE: 6 ayes – 0 nays; motion carried

04. KODIAK OIL (representative) and Steve Kelly (representing other oil companies) Explained issues on how BIA is holding up leases and stopping development for another 90 days – they would like something in writing from BIA in regards to be able to lease and then to re-negotiate a lease.

Informational from Linda Driver member of Fort Berthold Land Owners Association scheduled a meeting on 11-13-07 at the Four Bears Event Center.

05. TAT Property Department: Dave Williams

Update on insurance policies.

06. Clover Fox: CLOSED SESSION

07. Proposal draft for Severance Packages by TAT Legal:

Councilman Hale moved to approve of authorizing the TAT Legal Department in drafting a proposal of the Severance Policy and Procedures. Councilman seconded the motion.

VOTE: 5 ayes – 0 nay; motion passed.

08. Cliff Whitman: Small Loan Request

Councilman Packineau moved to approve of a Small loan to Cliff Whitman and for Cliff to take care of the smaller amount, subject to funds available and small loans policy and procedures. Councilwoman Brugh seconded the motion.

VOTE: 6 ayes – 0 nay; motion passed.

09. Alva Irwin:

CLOSED SESSION

10. Tribal Health: Consulting agreement

Councilman Hale moved to approve of the Consultant agreement between Gary Consulting Group, INC and The Tribal Health Department of the Three Affiliated Tribes. Councilman Packineau seconded the motion.

VOTE: 6 ayes – 0 nay; motion passed.

11. Four Bears Casino & Lodge Update: Spencer Wilkinson Jr.

Submitted 2006-2007 Year End Financial Report

12. TAT-DCSE Lease Agreement:

Councilman Packineau moved to approve of the lease agreement between Reynolds Properties and Division of Child Support Enforcement of the Three Affiliated Tribes.

Councilwoman Brugh seconded the motion.

VOTE: 6 ayes – 0 nay; motion passed.

13. Treasurer Organizational chart of Finance departments:

Councilman Whitecalfe moved to approve of the Accountability Organizational chart with the amendments to add a box under the Treasurer to include the Management Officers, Federal Programs Executive Officer and Tribal Programs Executive Officer as supervisors of the listed programs.

VOTE: 5 ayes – 1 nay; motion passed.

14. Marilyn Young Bird:

Councilman Hale moved to authorize a purchase of 52 Sakakawea Pendleton blankets a total purchase of \$16,000.00 from Young Bird and Associates, for the six segments.

Councilman Packineau seconded the motion.

VOTE: 5 ayes – 0 nay; motion passed unanimously

15. Mandaree Incident: FPEO

Councilman Hale moved to authorize the FPEO-Cammie Gosnell to contact the Tribal court and the family involved on the Mandaree Incident to obtain a restraining order.

Councilman Packineau seconded the motion.

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

V. ADJOURNMENT:

Councilman Benson moved to adjourn at 4:52 p.m. Councilman Packineau seconded the motion. Meeting adjourned.


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 14 day of May, 2008; 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 14 day of May, 2008.


ATTEST:


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


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




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


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

