



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING # 08-08-VJB
February 14, 2008
10:00 a.m.**

I. CALL TO ORDER: By Chairman Marcus Wells Jr.

Meeting called to order at 10:44 a.m.

II. OPENING PRAYER:

Cammie Gosnell

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

Councilman Frank Whitecalfe, Councilman Nathan Hale, Chairman Marcus Wells Jr., Councilman Malcolm Wolf, Councilman Mervin Packineau, Chairwoman V. Judy Brugh. A quorum is present. Absent: Councilman Barry Benson. (Entered meeting at 10:55 a.m.)

IV. APPROVAL OF THE AGENDA:

Councilman Hale moved to approve the agenda as amended, Councilman Whitecalfe seconded the motion.

VOTE: 6 ayes – 0 nay; motion passed.

01. MHA Elders Organization: Ramona Two Shields

Discussion: I.H.S petition for referendum, 638 TAT Police incidents, requesting to take these issues to the “People” according to our constitution.

02. Chairman’s Report: Marcus Wells Jr.,

Update Chairman Trip report.

03. Resolution #08-23-VJB:

Councilwoman Brugh moved to approve resolution #08-23-VJB “Authorization for Grant Application to the Bureau of Justice Assistance Indian Alcohol and Substance Abuse Program,” Councilman Packineau seconded the motion.

VOTE: 7 ayes – 0 nay; motion passed unanimously.

04. Public Defender Proposal: Jeff Sheets

Councilman Packineau moved to approve of a Public Defender Proposal to negotiate with Judicial Chair Mervin Packineau and Damon Williams; for six months contract, not to exceed \$52,000.00 and to include an \$8,000.00 retainer fee, also to include a 40 hour work week schedule.

05. FPEO: Cammie Gosnell

Report, submitted Severance Pay Policy draft.

Councilman Hale moved to approve of the first reading of the Severance Pay Policy for review, Councilman Packineau seconded the motion.

Discussion: For the record John Danks notify to his organization.

VOTE: 7 ayes – 0 nay; motion passed unanimously.

06. Minot State University: Financial/Buffalo Request

Councilman Benson moved to approve of \$4,000.00 grant and a buffalo for the 2008 Spring Pow-wow at Minot State University on April 4-5, 2008. Councilman Packineau seconded the motion.

VOTE: 7 ayes – 0 nay; motion passed unanimously.

07. TAT Small Loans Program:

Councilman Whitecalfe moved to approve of the 14 applicants for small loans with a total of \$109,600.00 to be processed within the next three months. Councilman Benson seconded the motion.

VOTE: 7 ayes – 0 nay; motion passed unanimously.

08. Approval to apply for Business Loan from Native American Bank:

Councilman Whitecalfe moved to authorize the TAT Small Loans Program to apply for a Business Loan from the Native American Bank. Councilman Hale seconded the motion.

VOTE: 7 ayes – 0 nay; motion passed unanimously.

09. Harold “Hank” Bolman: Small Business Loan

Councilman Hale moved to approve of transferring of \$50,000.00 from the General fund to the Independence Program for Bolman’s Roustabout Services, LLC. business loan request. The contracts and other work received will be used as collateral subject to Independence Program policy/procedures. Councilman Wolf seconded the motion.

VOTE: 7 ayes – 0 nay; motion passed unanimously.

10. Molly Huber: Enrollment Issue

Discussion: Tabled until March 13, 2008 for TAT Legal Review on this issue.

11. Resolution “34 Tribal Enrollment Applicants”:

Councilman Whitecalfe moved to approve of resolution #08-24-VJB “34 Tribal Enrollment Applicants,” Councilwoman Brugh seconded the motion.

VOTE: 7 ayes – 0 nay; motion passed unanimously.

12. Rescind resolution #04-059-RP:

Councilman Whitecalfe moved to approve to rescind resolution #04-059-RP “Relinquishment of Kelsey Jolie Thinka.” Councilman Packineau seconded the motion.

Discussion: The wrong receiving tribe was listed. Also resolution #08-25-VJB has been assigned to this relinquishment.

VOTE: 7 ayes – 0 nay; motion passed unanimously.

13. Tribal Health: Aileen Jackson, Jim Foote

Discussion: Update on the 638 transition, and submitted a letter Re: I.H.S. Contract Proposal.

14. Elbowoods Health Facility-Jim Foote

A. Army Corp of Engineers to be at Fort Berthold the week of March 10-14, 2008

Jim Foote will get a confirmation date from the Omaha Office and he will advise the Secretary's office on which day they will be here.

B. Van Ness Law Firm Consultant Agreement

Councilman Hale moved to approve of a consultant agreement between the Three Affiliated Tribes and Van Ness Law Firm at \$40,000.00, motion seconded by Councilman Packineau.

Discussion: This is to renew the Dan Press contract. He is the legal council on the project to get completed on the \$55 million Elbowoods Health facility. This was negotiated from \$50,000.00 down to \$40,000.00. Jim Foote is to make sure that it is a line item on the budget. It is to come out of Three Affiliated Tribes Legal funds then to be reimbursed by the \$2.9 million appropriation. Strike No. 5 there is a typo on the agreement (Elk).

VOTE: 7 ayes-0 nays; motion carried.

15. Rural Water-Marvin Danks

Marvin gave an update on his projects.

16. Environmental Department-Elton Spotted Horse

A. EPA Consultant Agreement: Corey Sanders-Elton Spotted Horse

Councilman Hale moved to approve of a Consultant agreement between The Three Affiliated Tribes and Corey Sanders, motion seconded by Councilman Whitecalfe.

VOTE: 7 ayes-0 nays; motion carried.

B. Safety Kleen Proposal:

Councilman Whitecalfe moved to approve of the Safety-Kleen Proposal for \$5,200.00 for one year, motion seconded by Councilman Hale.

Discussion: This is for the disposal of toxic chemicals at the water treatment plants. The cost will be taken out of the general fund. Elton called I.H.S. and spoke with Mike Warren of Environment Health. Warren stated that I.H.S. will reimburse the Three Affiliated Tribes for the total cost of disposal.

VOTE: 7 ayes-0 nays; motion passed.

C. Bison Engineering Consultant Agreement:

Councilman Packineau moved to approve of a consultant agreement renewal between Bison Engineering and Air Monitoring Program, motion seconded by Councilman Wolf.

Discussion: Funding for this agreement is written into the budget of the Air Quality Program under Buddy Bell it is in the amount of \$26,060.00. Filters and crystals from

the air stations on the reservation are sent to Bison Engineering for them to analyze and inspect. This went through legal for review.
VOTE: 7 ayes-0 nays; motion passed.

17. Renewal Lease-KDU Site HHS-Annette Young Bird-Annette Young Bird
Councilman Hale moved for approval of Minne-Tohe Health Center Kidney Dialysis Unit Renewal lease No. HHHS-102-02-0205 for 25 years with the option for 25 year renewal, motion seconded by Councilman Packineau.
VOTE: 7 ayes-0 nays; motion carried.

18. Wayne and Faye Lone Fight-Forgiveness of Loan/Interest/Deed to Tribe
Deferred until proper signatures are completed.

19. Parshall Water MOU-Mervin Packineau
Councilman Whitecalfe moved to approve of a MOU between the Three Affiliated Tribes and the City of Parshall for a draft letter of support for them to go get funding, seconded by Councilman Wolf.
Discussion: This is in support of the City of Parshall to go after funding but no money allocated from the Tribal side. The MOU may be amended by mutual agreement. The term will be in effect until mutual decision is other wise. There was an amendment to the original draft that took out capitol construction costs to the tribe (line 4). For the record it's been reviewed by legal department.
VOTE: 7 ayes-0 nays; motion passed.

20. Oil & Gas Companies Sealed Bids-Fred Fox
A. Dakota III
Councilman Benson moved to approve of Dakota III to Lease 147N, 93W, Sect. 11, NE ¼, 160 acres @ \$505.00 per acre; Lease 147N, 93W, Sect. 13, SE ¼, 160 acres @ \$505.00 per acre; Lease 148N, 93W, Sect. 3, E ½, 320 acres @ 505.00 per acre; Lease 148N, 93W, Sect. 2, N ½ N ½ NE ¼, 80 acres @ \$505.00 per acre for a total of 720 acres @ \$505.00 bonus per acre with a 5 year lease, 18 % Royalty, and \$2.00 annual Rental. The motion was seconded by Councilwoman Brugh.
Discussion: A sealed bid was submitted. Fred must do a resolution.
VOTE: 7 ayes-0 nays; motion passed unanimously.

B. Kodiak
Councilman Whitecalfe moved for approval of Kodiak Oil & Gas Corporation to Lease 148N, 93W, Sect. 30, E ½, 320 acres @ \$666.00 per acre; Lease 148N, 93W, Sect. 31, NE ¼ NE ¼, 40 acres @ \$666.00 per acre for a total of 360 acres @ \$666.00 bonus per acre with a 5 year lease, 18 % Royalty, and \$2.00 Annual Rental. The motion was seconded by Councilman Benson.
Discussion: Fred to bring forth a resolution.
VOTE: 7 ayes-0 nays; motion carried.

21. Oil Partners LLC-Fred Fox

Councilman Hale moved for approval to change the resolution from 3 years to 5 years, motion seconded by Councilman Packineau.

Discussion: The resolution was passed in Council but there was a typo in the minutes. It has to be changed from three years to five years.

VOTE: 7 ayes-0 nays; motion carried.

22. Oil/Gas & Energy Department-Fred Fox

A. Budget FY 08

Councilman Whitecalfe moved to approve of the Oil, Gas, & Energy Department Budget FY'08 to be appropriated out of the Oil & Gas Lease Bonuses for \$556,000.00, motion seconded by Councilman Hale.

Discussion: The Budget will come out of the IMDA and other leases, but to keep in mind that after this it is an annual cost. Treasurer Whitecalfe suggested that it will then be paid by Royalties. The Budget is prorated for the rest of this Fiscal year, March to September. Fred Fox advised the Tribal Business Council that the Oil Pumping Service does its own revenue, so it pays for itself.

VOTE: 7 ayes-0 nays; motion passed.

B. Oil & Gas Tax Resolution-Damon Williams/Roger Bird Bear (08-26-VJB)

Councilman Packineau moved to approve of resolution entitled, "Resolution affirming current tax structure pertaining to oil and gas production under the tribal tax code of the three affiliated tribes subject to refining for purposes of authorizing the tax department and legal department to conduct preliminary investigations for an oil and gas tax agreement with the state of North Dakota", motion seconded by Councilman Whitecalfe.

Discussion: Check the laws the tax goes with the economy. They move up and down when they need it and that should be our ability too. In the agreement, both parties have to agree that the tribe can move and not just the state. This resolution is giving Damon William, Roger Bird Bear and Tom Disselhorst and the tax commissioner the go ahead to develop the agreement. The Legal department will bring the agreement back to the Tribal Business Council on March 13, 2008 for agreement considerations. Damon and Roger will meet with the State Tax Commissioner on February 20, 2008 at 1:00 P.M.

VOTE: 7 Ayes-0 nays; motion carried.

23. Streamline and Expediting Oil and Gas Leases Resolution-Damon Williams (08-27-VJB)

Councilman Mervin Packineau moved to approve of Resolution entitled, "Resolution Requesting Assistance of the Department of the Interior, Bureau of Indian Affairs and Assistant Secretary Carl Artman to Streamline and Expedite the Processing of Oil and Gas Leases and Drilling permits on the Fort Berthold Reservation", motion seconded by Councilman Whitecalfe.

Discussion: Damon will fine tune the language in drafting the letter. This resolution pertains to the harms and delays that face the Tribe, Allot tees, and the Oil and Gas Industry. The 25% of money that Oil Companies were required to put down on their November 15, 2007 bids held by the BIA is put into an account that is not drawing interest. Damon will put it into the letter that they're due the interest.

VOTE: 7 ayes-0 nays; motion carried.

24. Resolution #08-28-VJB - “2008 Twin Buttes School Loan”-Damon Williams

Councilman Benson moved to approve of resolution #08-28-VJB entitled, “2008 Twin buttes School Loan-Approval of a General Obligation Tax Exempt Loan to Provide Funds to the Twin Buttes School District for the Construction of a New School Facility, and assignment of Trust Fund Interest as Security for the Loan, Authorization to Withdraw Interest from Trust Fund, Acknowledgement of Risks and Related Transactions,” motion seconded by Councilman Packineau.

Discussion: It supersedes and replaces 07-224-VJB-RESCINDED.

VOTE: 7 ayes-0 nays; motion carried.

25. 4 Bears Casino & Lodge-Report-Spencer Wilkinson/Susan Hall/Pat Packineau/

Councilman Hale moved to approve of the 4 Bears Casino report Spencer Wilkinson Jr. presented, motion seconded by Councilman Brugh.

VOTE: 7 ayes-0 nays; motion carried.

26. White Shield Community Board: Resolution-“Approval of Grant Proposal and Application to the Tribal Preservation Program, Heritage Preservation Services, of the National Park Service for Preserving & Perpetuating Symbols of Arikara Tribal Identity Personal Names and Songs”-Frank Whitecalfe (08-29-VJB)

Councilman Whitecalfe moved to approve of Resolution #08-29-VJB entitled,” Approval of Grant Proposal and Application to the Tribal Preservation Program, Heritage Preservation Services, of the National Park Service for Preserving & Perpetuating Symbols of Arikara Tribal Identity Personal Names and Songs,” motion seconded by Councilman Packineau.

VOTE: 7 ayes-0 nays; motion carried.

27. Resolution-Grant Funding for Historical Preservation and Documentation of the Arikara Scout History-Frank Whitecalfe

Councilman Whitecalfe moved to approve of a resolution entitled, “Approval of Grant Funding Application by the White Shield Community Development Board for the Historical Preservation and Documentation for the Arikara Scout History,” motion seconded by Councilman Hale.

Discussion: Frank will contact Nelreen Yellow Bird to notify her to include in the resolution, the funding source of this grant. This is per legal department review. (No resolution number was given) Councilwoman Brugh stated that the resolutions must be in order before they are presented or they will have go be redone.

VOTE: 7 ayes-0 nays; motion carried.

28. Dakota III IMDA Draw Down-Whitney Bell

Councilman Packineau moved to approve of resolution entitled, “Request and Authorization for the Office of Special Trustee to Disburse Oil and Gas Lease Proceeds

in the Amount of \$2,500,000.00 from Three Affiliated Tribes PL7228700 Proceeds of Labor Account,” Councilman Whitecalfe seconded the motion.
Discussion: Councilman Hale requested the CFO, Whitney Bell to explain it and to give the balance.
VOTE: 7 ayes-0 nays; motion passed.

V. ADJOURNMENT

Councilwoman Brugh moved to adjourn the meeting, seconded by Councilman Wolf.
Meeting adjourned at 5:30 P.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 (5) constitute a quorum _____ were present at the Meeting thereof duly called, notice, convened and held on the _____ day of _____, 2008; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of _____ members; _____ members opposed; _____ members abstained; _____ Members not voting.

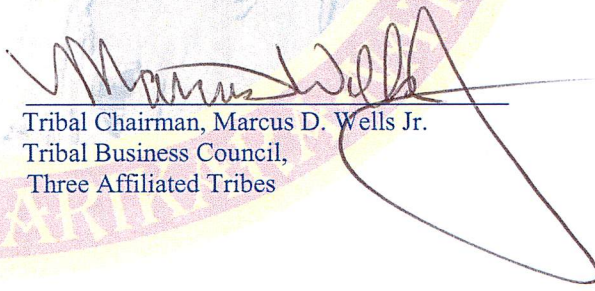
Chairman () Voting () Not Voting

Dated this _____ day of _____, 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