



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR TRIBAL BUSINESS COUNCIL MEETING
08-12-MP
APRIL 10, 2008**

I. CALL TO ORDER:

Meeting called to order at 11:17 A.M.

II. OPENING PRAYER:

Councilman Benson.

III. ROLL CALL:

Councilman Benson, Councilman Whitecalfe, Chairman Wells Jr., Councilman Wolf, and Councilman Packineau are present. A quorum is established.

IV. APPROVAL OF AGENDA:

Next continuance of the Regular TBC from April 10, 2008 meeting is April 17, 2008 at 1:00 P.M.

Barry Benson Add on:

Twin Buttes Trading Post C-store-Ivetta Spotted Bear Holding
Eagle-Loan Issue add to Treasurer's report
Crystal Hallam-Assistance Request (Closed Session) add on to
New Business

Councilman Packineau Add on: Clarine Plentychief-
Independence Loan

Malcolm Wolf Add on:

Elders Organization

Frank Whitecalfe Add on:

Vehicle Request for Elders Organization in Whiteshield

Cancellation: Eagle Catch Casino

Councilman Whitecalfe moved to approve the agenda as amended, seconded by Councilman Benson.

Discussion:

No discussion.

VOTE:

5 Ayes 0 Nays Motion carried.

V. CHAIRMAN'S REPORT: Marcus Wells Jr.

Chairman Wells Jr. gave an update.

A. Elders Organization-Diane Hale/Jarrett Johnson

Presented a letter from Ramona Two Shields.

B. Elders Organization Vehicle Request

Councilman Whitecalfe moved to approve van purchases for Whiteshield elders and Newtown elders not to exceed \$60,000.00, seconded by Councilman Packineau.

Discussion: Treasurer to work with Vice-Chairman Wolf. The same thing that was purchased before, about \$30,000.00 each.

VOTE: 5 Ayes 0 Nays Motion carried.

Pliga Young Bird Bordeaux addressed the Council on the Elders Organization.

C. Federal Programs Executive Officer Report-Cammie Cosnell

01. Twin Buttes School

Discussion: *Councilman Benson:* Does the Tribe want to take ownership of the new building or leave it in the hands of the Bureau? *Chairman Wells Jr.:* What would the legal position be?

Damon Williams: It would be insurance and operation/maintenance. *Cammie Gosnell:* It's about \$12,000.00 a year. *Chairman Wells Jr.:* Is that your recommendation? *Damon:* You can leave it their for awhile, you can always take it over. *Chairman Wells Jr.:* I guess we'll leave it in the bureau. *Cammie:* The other thing is the addition of the school gym. That needs to be approved by the Council and with that comes the money. *Councilman Benson:* How much was that? *Cammie:* About \$180,000.00. It's about 1400 square feet. *Councilman Benson:* The bureau won't authorize the high school side gym. They will only authorize the grade school side gym and the addition for the Tribe it would be about \$180,000.00. *Chairman Wells Jr.:* I would do it. Just the floor alone is like \$70,000.00. *Councilman Benson:* We are meeting with Deb Moran and Ross Swimmer tomorrow. *Chairman Wells Jr.:* \$150,000.00? *Cammie:* It's 1,450 feet square extra. *Chairman Wells Jr.:* O.K. *Councilman Whitecalfe:* How much per square foot? *Cammie:* It's \$124.00 per square foot. So about \$180,000.00. *Chairman Wells Jr.:* Just pencil that down. *Chairman Wells Jr.:* So it will be a Tribal match. If we are going to invest that, it better be a Tribal match. So take the ownership. Strike BIA. *Cammie:*

Take ownership and approve the gym? *Chairman Wells Jr.:* Yep. *Councilman Benson:* Can we get that with the Marshall Group for that too then? *Councilman Whitecalfe:* We'll work it out. *Cammie:* Do we need a motion on it? *Chairman Wells Jr.:* I don't think so. Not until you're ironed out. *Councilman Benson:* Just let her know that this is the avenue that were going to pursue. *Councilman Whitecalfe:* Are they going to want to make me have that fund upfront or can I work it out as we go? *Damon:* Because of the settlement, we agreed that whatever the cost is that the Tribe would escrow their share. Because there is an addition beyond 35,000 square feet. *Councilman Whitecalfe:* We would have to come up with that by when? *Cammie:* Not right away.

D. Tribal Programs Executive Officer Report-Max Dickens

Max gave an update.

E. Twin Buttes Elders Budget-Evan Burr/Dennis

Councilman Whitecalfe moved to approve the Twin Buttes Elders Segment budget for \$55,667.00, seconded by Councilman Benson.

Discussion:

This is resolution #08-57-MP.

This resolution has to be in concurrence with the Treasurer's resolution which should have ear marks for each segment. The "Where as" should say subject to the proposal being presented to Tribal Business Council. The Twin Buttes resolution is subject to TAT Legal Department to be included into the resolution of the Treasurer for the distribution form April 1, 2008 to September 30, 2008 for FY'08. Appropriation for the finish of the fiscal year and to have the remaining five segments come in per proposal on presentation then it will be included on the resolution.

VOTE:

5 Ayes 0 Nays Motion carried.

VI. TREASURER'S REPORT: Councilman Frank Whitecalfe

A. Resolution 08-58-MP: Loan Modification Native American Bank/Whitney Bell, TAT CFO

Councilman Whitecalfe moved to approve of resolution entitled, "Approval of Loan Modification Agreement for the Renewal of the Revolving Line of Credit with Native American Bank in the Amount of \$8.5 Million for General Operating Purposes of the Tribe", seconded by Councilman Packineau.

Discussion: **Resolution #08-58-MP.** On the second page, line 6 needs to be changed to 4.5% from 7%. So the spread is only 1.5. Is Small Loans going to work on a loan to pay back the general fund? Small Loans and Independent Loans will put together a packet to present to the Pequot tribe. Some competitive rates will be looked into regarding this resolution.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Small Loans Program: Andrew Reed, administrator

Andrew Reed gave a report.

01. Educational Loans

Councilman Whitecalfe moved to approve a transfer of \$16,000.00 to Small Loans for educational loans for 8 students, seconded by Councilman Benson.

Discussion: RJ Smith, Nicole T. Crow, David W. Tail, Angela Meyers, William Wells III, Betty Mulluk, Chelsea Eagle, and Terrance Halsey. They will each receive \$2,000.00.

VOTE: 5 Ayes 0 Ayes Motion carried.

02. 38 Small Loan Applicants

Councilman Whitecalfe moved to approve of 38 small loan applicants to transfer \$55 thousand into the small loans program from the General Fund to take care of the most pending emergency loans, seconded by Councilman Packineau.

Discussion: The rest are subject to when the funds come in. Small Loans director is to make sure that the packet for the Chairman when he goes to Native American bank is the total amount to be reimbursed to the General Fund. Applicants are: Danile Henry-\$3,000.00, Laurie Kraft-\$2,000.00, Marva Pretends Eagle-\$5,000.00, Kelly Cummings-\$3,500.00, Jessica Lobzun-\$1,000.00, Dallas Grinnell-\$1,000.00, Kim Abbey-\$3,300.00, Marlana Smith-\$800.00, Doyle Bell-\$3,000.00, Vonnie Alberts\$2,000.00, Richard Pease-\$1,500.00, Holly H. Wolf-\$5,000.00, Allen Newman, Jr.-\$700.00, Avalon Knight-\$1,500.00, Hannie McCoy-\$2,000.00, Barbara Swallow-\$1,500.00, Dalphine Conklin-\$2,000.00, Laurie Alberts-\$800.00, Sue Romero-\$2,500.00, Nicole Church-\$800.00, Crystal Krueger-\$1,000.00, Sandra Eagle-\$8,000.00, Elton

S. Horse-\$900.00, Sheryl BurkHart-\$25,000.00, Chuck Wells-\$1,500.00, Dorothy Packineau-\$3,000.00, Charles Strahs-\$3,500.00, Flora Wolf-\$3,000.00, Norman Standish-\$800.00, Ronita Brady-\$2,000.00, Hope Fragroza-\$2,000.00, Ashley Staples-\$25,000.00, Whitney Bell-\$15,000.00, Sterling Reed-\$8,000.00, Aurelia Gillette-\$1,800.00, Bruce Fox-\$5,000.00, Kathleen Finley-\$10,000.00, Sally Johnson-\$7,000.00.

VOTE: 5 Ayes 0 Nays Motion carried.

03. Small Loans Deferment/Modification

Councilman Whitecalfe moved to approve of a deferment not to exceed \$500.00 two per year @ \$250.00, seconded by Councilman Packineau.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

04. Bobbett Fox- Trailer Issue

Discussion: Councilman Wolf will research a program that may help.

05. Records Clerk

Small Loans Director, Andrew Reed is to work with his boss, Max Dickens the TPEO on amending Small Loans budget; get everything in order and bring it forward to the Personnel Selection Committee.

C. Ree Boyz: Financial Request

01. Ree Boyz Organization: Articles of Incorporation Resolution

Councilman Whitecalfe moved to approved of resolution entitled, "Issuance of Non-Profit Articles of Incorporation to the Ree Boyz Organization and Granting of Non-Profit Status", seconded by Councilman Packineau.

Discussion: Resolution #08-59-MP. They will be under the TAT. Councilman Wolf congratulates these boys for stepping up and being proud of who you are.

VOTE: 5 Ayes 0 Nays Motion carried.

02. Ree Boyz Organization: Request for Status 501 (c) (3) Status

Councilman Whitecalfe moved to approve of a \$10,000.00 start up Grant to Ree Boyz, seconded by Councilman Wolf.

Discussion: A budget is attached. Every year we fund the donations and grants for individuals who achieve whether its in the science, math, and I think that one is kind of a big trip they go down south; and then on the athletic we do that all the when they get all state but this is the first time we are doing anything cultural.

VOTE: 5 Ayes 0 Nays Motion carried.

D. Marlon Bell: Financial Request

Councilman Benson moved to approve of a fund raising match in the amount of \$1,116.00 for Marlon Bell's medical expenses, seconded by Councilman Packineau.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

E. Natural Resource Budget-Annette Young Bird Acting NRD Administrator

Councilman Benson moved to approve of the Natural Resource Budget under fund No. 680 for the Realty Department in the amount of \$171,839.84 as a supplement to the 638 contract, seconded by Councilman Packineau.

Discussion: This is under fund No. 680. Revenues are generated under Tribal Programs. We have carry over from last year. We have Tax Revenue is there. We have development lease fees and Rental payments that came in and gave us our other moneys; this gave us our total budget of \$171,839.84. This includes two salaries, half time, fringe benefits added in. The travel/training line item expense is high because the realty staff needs to train in Right-of-ways and lease negotiations. A line item is included for vehicles for \$36,000.00 because Realty doesn't have a good running vehicle to be out in the field for well site inspections, surveys, and checks on rights-of-ways. Other operating costs and miscellaneous line item is normally used to pay taxes in the counties. This is prorated for the remaining 6 months of this fiscal year. This is additional to the federal budget. This was approved through committee first.

VOTE: 5 ayes 0 Nays Motion carried.

F. War Zone-Tony Damian Request

Councilman Wolf moved to approve of 6 Tribal Lots located Between Ferrell Gas and West Dakota Credit Union in Newtown, seconded by Councilman Whitecalfe.

Discussion: Tony will build his business for the first year. After the first year he will then pay the \$25.00 per year fee. Tony will go through the Independence Program for his other needs.

VOTE: 5 Ayes 0 Nays Motion carried.

G. Ivetta Spotted Bear- Twin Buttes Trading Post C-Store

Discussion: Ivetta gave an update. Ivetta is to get with Independence Program to see if they can lower the interest rate under 7%. She is hoping to open by May 1, 2008.

H. Financial request Crystal Hallam

Councilman Benson moved to approve of a \$500.00 Small Loan for legal assistance for Crystal Hallam, seconded by Councilman Whitecalfe.

Discussion: This would be for an expunction.

VOTE: 5 Ayes 0 Nays Motion carried.

I. Elders Distribution of the Segment Funds Resolution #08-62-MP

Councilman Benson moved approve as amended a resolution entitled, "Financial Assistance and Program Service Delivery to Elder Members of the Three Affiliated Tribes" to be consistent with the Twin Buttes Proposal, each proposal will have a different dollar amount; seconded by Councilman Whitecalfe.

Discussion: **Resolution 08-62-MP.** Subject to each individual segment presentation. So it will go up, come down; that's how you declared it in the Twin Buttes approval. Maybe we'd have to put the "Where as" in there some where.

VOTE: 5 Ayes 0 Nays Motion carried.

J. Elders Revision of the Charter #08-63-MP

Councilman Whitecalfe moved to approve a resolution entitled, "Mandan, Hidatsa, Arikara Elders Organization

nonprofit corporate Charter”; seconded by Councilman Benson.

Discussion: To be in compliance with the normal conditions of a charter. Chairman wants to get these to the Organization and the media, so that it shows that the program is continuing on.

VOTE: 4 Ayes 1 Nays Motion carried.

VII. COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS:

A. Executive Committee/Chair-Marcus Wells Sr.

**01. Eagle Catch Casino Resolution: “TERO Ordinance”
Cancelled**

B. HHE Committee

01. Minni-Tohe Health Center-Jim Foote,CEO

Jim gave an update

02. Consultant Contract for Dennis Deutsch

Councilman Whitecalfe moved to approve of a consultant contract with Dennis Deutsch for the new health care facility to be reimbursed back to the TAT by the A&E for \$2.9 Million, seconded by councilman Packineau.

Discussion: Are you going to steal Marion from your old post. Dennis will be working with the city to get the annexation approved and the zoning. Then he will work with the different agencies, he’s got a firm architectural engineer just to give some consultant to get the easements completed. Who puts the bonding issues on the buildings? Dennis is not involved with the A&E portion, he is just working on the easements, zoning and like that. Councilman Whitecalfe wants Jim Foote to look into issues of the facility cracking, who is bonded and insured. Who do you go back to for recourse?

VOTE: 5 Ayes 0 Nays Motion carried.

03. Meningitis Issue-Jared Eagle

Jared gave an update.

B. Judicial/Alcohol & Drug Committee/Chair-Mervin Packineau

01. TAT Law Enforcement: Personnel Issues (Closed Session)

Discussion: Frank Felix and Nelson Heart

C. Natural Resources Committee/Chair-Barry Benson

01. FBRW: Resolution/Marvin Danks

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of the Water Assistance Program for the New Town and Parshall Communities with the Fort Berthold Rural Water System"; seconded by Councilman Packineau.

Discussion: Resolution 08-64-MP. No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

D. Economic Development Committee/Chair-Malcolm Wolf
01. 08-61-MP: MHA Systems Resolution "Support for Native American Document Conversion Program (NADCP)

Councilman Whitecalfe moved to approve of resolution entitled, "Support for Native American Document Conversion Program (NADCP)", seconded by Councilman Packineau.

Discussion: This is a program that has been funded through congress for the past five years. We are coming up on our final fifth year and so we are asking for this resolution, supporting. Richard Mayer the director is asking if some of the Tribal Business Council could set up a meeting with Senator Dorgan regarding the defense contracts which affect MHA Systems. Jim Foote was working on setting a meeting up with Senator Dorgan and MHA Systems could slide in there.

VOTE: 5 ayes 0 Nays Motion carried.

02. Boxing Club at Northern Lights

Councilman Wolf moved to approve a grant and donation to the Northern Lights Boxing Club owned by Richard Mayer, Darian Morsette, and Pat Packineau for \$3,500.00, seconded by Councilman Whitecalfe.

Discussion: Budget of \$2,800.00 will be for equipment and the rest will be used for the youth (tournament fees etc.).

VOTE: 5 Ayes 0 Nays Motion carried.

E. Gaming Commission Committee/Chair-Marcus Wells Jr.

01. Executive Gaming Director-Mark Fox

Councilman Whitecalfe moved to approve of licensees for 3 gaming and 10 non gaming employment pool employees, seconded by Councilman Wolf.

Discussion:

No discussion.

VOTE:

5 Ayes 0 Nays Motion carried.

02. Authority for Executive Gaming Officer to approve Licenses

Councilman Whitecalfe moved to approve Mark Fox the Executive Gaming Director the authority for setting the 60 and 90 day conditional licenses for gaming and non-gaming licenses, seconded by Councilman Wolf.

Discussion:

Mark what ever savings you have by not having to pay stipends to us. Mileage, travel, furniture, fixtures; everything you have in front of us, I would say, make sure your staff has got the right type of person to get some of this procedural, like routine approvals. That way you can just keep right on moving. What ever you can do to make it streamlined.

VOTE:

5 Ayes 0 Nays Motion carried.

03. Executive Gaming Budget

Councilman Whitecalfe moved to approve the April to September FY' 08 Executive Gaming Budget in the amount of \$273,104.00, seconded by Councilman Wolf.

Discussion:

To include the Executive Director, staff, salary, commission, professional services, and local mileage. This includes fringe.

VOTE:

5 Ayes 0 Nays Motion carried.

04. Discussion on Oil Companies

Mark Fox had a discussion with the Tribal Business Council on the oil companies.

VIII. LEGAL DEPARTMENT:

A. 08-60-MP: State Tax Agreement Resolution

Councilman Whitecalfe moved to approve of Resolution Entitled, "Approval of the Three Affiliated Tribes-Tribal Oil and Gas Extraction Tax", seconded by Councilman Packineau.

April 10, 2008

Carmen Halvorson

Discussion: What does this mean for
the Tribal Allottees? This is at 2.5%.

VOTE: 5 Ayes 0 Nays Motion
carried.

IX. UNFINISHED BUSINESS

A. Vernon Young Bear: Legal Assistance Request

Councilman Whitecalfe moved to deferred the request to April 17, 2008 Tribal Business Council meeting for review by TAT Legal Department, seconded by Councilman Benson.

Discussion: The request is a grant for
\$5000.00 for attorney fees. He was working as a Cops Fast officer but was under the BIA at the time.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Elise Packineau: Motor Vehicle Fuel Tax Reimbursement Request

Councilman Whitecalfe moved to approve of a full reimbursement for Motor Vehicle fuels tax to Pastor Elise Packineau, seconded by Councilman Packineau.

Discussion: TAT Legal Department Damon
Williams will handle the Tax waiver. She has until June to file.

VOTE: 5 Ayes 0 Nays Motion
carried.

X. ADJOURNMENT:

Councilman Wolf moved to adjourn, seconded by Councilman Packineau.

Meeting adjourned at 4:35 P.M.

CERTIFICATION

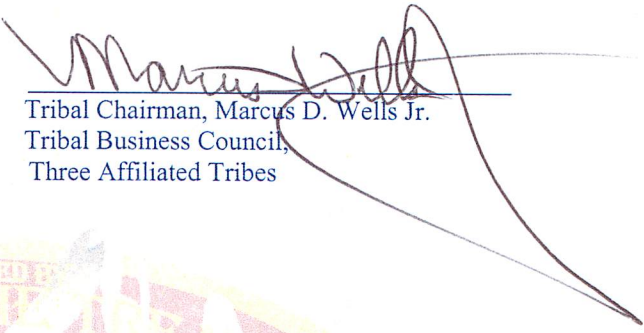
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum ____ were present at the Meeting thereof duly called, 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:

Acting Tribal Secretary, Mervin Packineau
Tribal Business Council,
Three Affiliated Tribes



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

