



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
SPECIAL MEETING  
08-24-VJB  
August 15, 2008  
10:00 A.M.**

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**I. CALL TO ORDER:**

Meeting called to order at 11:12 A.M.

**II. PRAYER:**

Sarah Young Bird

**III. ROLL CALL:**

Councilman Whitecalfe, Councilman Benson, Councilwoman Brugh, Councilman Packineau, Councilman Wolf, Councilwoman Hale and Chairman Wells Jr. A quorum is established.

**IV. APPROVAL OF AGENDA:**

Councilman Whitecalfe-School Supplies for TAT  
Councilman Benson-Rural Water/Marvin Danks  
Councilwoman Brugh-Mud Run/Carmen Halvorson  
Councilman Packineau-Denise Juneau State Office in Montana  
Candidate.

Councilman Packineau moved to approve the agenda as amended, seconded by Councilwoman Hale.

Discussion: No discussion.

VOTE: 7 Ayes 0 Nays Motion carried.

**V. TREASURER'S REPORT: Frank Whitecalfe**

**VI. Financial Requests:**

**A. Ft. Berthold MADD Financial Request**

No one presented.

**B. Medical Emergency Request: Alva Irwin**

No one presented.

**VII. COMMITTEE REPORTS:**

**VIII. Executive Committee: Chair-Marcus Wells Jr.**

**A. Wells Road Completed**

Councilwoman Brugh moved to approve the project for Marion Construction in the amount of \$2,372,939.23 with project

number 804-11600 Wells Road, seconded by Councilwoman Hale.

Discussion: A packet will be given to each Council member for their information.

VOTE: 6 Ayes 0 Nays Motion carried.

**IX. Health Committee: Chair-Marcus Wells Jr.**

There was nothing presented.

**X. Judicial/Human Resource Committee: Chair-Mervin Packineau**

**A. Head Start: Sarah Young Bird**

**1. Head Start Request for Funding**

Councilman Packineau moved to approve of a grant with DPI for TAT Head Start for \$5 Million dollars to be divided up between Minot, Devils Lake, and Fort Berthold. The motion is seconded by Councilman Whitecalfe.

Discussion: A requirement of this grant is that class will be held for 6 hours a day versus 5 hours per day. Also it will change from class being held 4 days a week to 5 days per week and it will change Head Start from a 9 week program to an 11 week program. This is a three year grant. Additional requests are: 9 computers and Sub pay. There is no match. Sarah originally submitted for \$493,616.44.

VOTE: 7 Ayes 0 Nays Motion carried.

**2. 2009 Budget Head Start: Sarah Young Bird**

Councilman Whitecalfe moved to approve the 2009 Calendar Year Head Start Budget in the amount of \$156,518.00, seconded by Councilwoman Hale.

Discussion: Sarah Young Bird is to get together with the head man from USDA regarding the completion of the second wing for \$300,000.00. Also she is to get with Lisa Redford in CED s. The \$156,518.00 is a match.

VOTE: 7 Ayes 0 Nays Motion carried.

**3. Head Start Van Request: Sarah Young Bird**

Councilwoman Brugh moved to approve funding for a Head Start Van in the amount of \$30,000.00 for the 2008 budget, seconded by Councilman Packineau.



Discussion: This is for site visits, monitoring, and for the literacy coach. It was discussed that a car might be a possibility. Councilman Packineau asks if the money is needed right away for the van but the \$156,518.00 match is needed after January 2009.

VOTE: 7 Ayes 0 Nays Motion carried.

**B. Law Enforcement-Commissioners: Frank Felix/Nelson Heart**

They did not present.

**C. Law enforcement Credit Cards: Councilman Packineau**

Councilman Packineau moved to approve of 5 credit cards for Three Affiliated Tribes Law Enforcement Department for \$5,000.00 each with a grand total of \$25,000.00 to come out of the 638 federal funds. The motion is seconded by Councilwoman Hale.

Discussion: These are not to have officer's names on them.

VOTE: 7 Ayes 0 Nays Motion carried.

**D. Ft. Berthold Housing Authority Amendments to the Code 33-2-7 (Two Issues)**

Did not present.

**F. Resolution 08-142-VJB: FY 2009 Community Services Block Grant: Norma Staples**

Councilman Packineau moved to approve a Resolution entitled, "Authorization of FY 2009 Community Services Block Grant Application Submission to the Office of Community Services, U.S. Dept. of Health and Human Services". The motion is seconded by Councilwoman Brugh.

Discussion: This is a standard renewal.

VOTE: 7 Ayes 0 Nays Motion carried.

**XI. Natural Resource Committee: Chair-Barry Benson**

**A. Land Exchange with Gilbert Mann Resolution 08-143-VJB**

Councilwoman Brugh moved to approve of a resolution entitled, "Approval of Land Exchange between the Three Affiliated Tribes and Gilbert Mann. The motion is seconded by Councilman Benson.



Discussion: He will exchange 10 acres in allotment 612A-G, He owns a one over one interest in. Located in lot 5 section 24-152-95. He is exchanging for 10 acres within allotment 531A-A, NW ¼ NE ¼ NW ¼ in section 29-152-94. Gilberts is valued at \$3,000.00 and the Tribes is valued at \$5,000.00. The motion is value for value.

VOTE: 7 Ayes 0 Nays Motion carried.

**B. Land Exchange with Harlan Dean Resolution 08-145-VJB**

Councilman Benson moved to approve of a resolution entitled, "Approval of Land Exchange between the Three Affiliated Tribes and Harlan Dean. The motion is seconded by Councilwoman Brugh.

Discussion: Harlan would exchange his interest in allotment 317A-G described as Lots 1 & 2 in Section 4-149-90W. for 78.37 acres. Exchange with tribe for Allotment T359A, NE1/4 Section 33-150-90 W. for 80.0 acres. This includes a waiver for \$489.00.

VOTE: 7 Ayes 0 Nays Motion carried.

**C. Northern Star Quality Oaks & Gifts Sale Resolution 08-144-VJB**

Councilman Benson moved to approve of a resolution entitled, "Approval of the Purchase of the Northern Star Quality Oaks and Gifts". The motion is seconded by Councilman Whitecalfe.

Discussion: Two lots and buildings described as Lots 1 & 2 in the Highland Subdivision of New Town. An appraisal was done on the building and lots for around \$100,000.00 but not on the merchandise in the building. Annette is asking to negotiate the price on the inventory which is separate from the resolution.

VOTE: 6 Ayes 0 Nays Motion carried.

**D. Rural Water Department Marvin Danks Time Off**

He will take some time off from work to get his company going but will return to the Rural Water Department. He asks for 30-40 days off.

**E. Bonnie Goodbird/Vivian Grant Bonuses**

Councilman Packineau moved to approve of a \$1,000.00 bonus for Bonnie Goodbird and \$500.00 bonus for Vivian Grant from the Oil and Gas Office, seconded by Councilman Benson.



Discussion: This is for working late long hours  
on Oil and Gas Leases.  
VOTE: 7 Ayes 0 Nays Motion carried.

**F. Executive Signature Authority/Application to Survey  
Allotment 1094A Peak North Dakota LLC: Annette Young  
Bird Acting NRD Administrator**

Councilman Packineau moved to approve of signature authority in this order, for the Chairman, Secretary, and if they are not available then the Vice-Chairman and Treasurer of the Three Affiliated Tribes for Easements, Surveys and Right-of-Ways. This one is for Peak North Dakota LLC Right-of-Way and survey. The motion is seconded by Councilman Wolf.

Discussion: These are going to be coming in  
droves. The first part of the process is the lease. Next the  
Surveys, easements and right-of-ways. It would be easiest to do  
a blanket. Just as long as there is approval at the Natural  
Resource Committee Level.  
VOTE: 7 Ayes 0 Nays Motion carried.

**G. Kodiak/Moccasin Creek Survey Right-of Way and  
Easements**

Councilman Wolf moved to approve the Survey for Kodiak in the Moccasin Creek area 2-30H described as E ½ of Section 30-148-93W., Allotment T1051A. The motion is seconded by Councilwoman Hale.

Discussion: Also Allotment T636A for a survey.  
Described as T149-R92W Section 27:S2 Dunn county, N.D. 320  
acres. Access Road: Two Shields Butte 2-28H & Access Road:  
Two Shields Butte 15-28H. Another Survey is Allotment 2132  
Described as T149-R92W Section 28: S2 Dunn County, N.D.  
320 acres. Two Shields Butte 2-28, Two shields Butte 15-28H,  
& Two Shields Butte 15-28H-33H.  
VOTE: 7 Ayes 0 Nays Motion carried.

**H. Z Energy Inc.**

Councilwoman Brugh moved to approve of Survey and Right-of-Way for Zenenergy Inc. for Allotments 1110 A-C & 1110 A-D described as NW SW of Section 25-150N-94W. The motion is seconded by Councilwoman Hale.

Discussion: No discussion.



VOTE: 7 Ayes 0 Nays Motion carried.

**I. Sundance Energy Inc.**

Councilwoman Hale moved to approve of Survey and Right-of-Way for Well Locations, Roads, Pipelines, and Utilities for Sundance Energy Inc. for Allotment 819A described as NE Section 24-149N-95W. The motion is seconded by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 7 Ayes 0 Nays Motion carried.

**J. Affidavit of Possession and Surface Inspection**

Councilwoman Brugh moved to approve an affidavit of possession and surface inspection for Section 2, Township 148N, Range 96W, described as SE ¼ NE ¼ NE ¼ SE ¼, seconded by Councilman Packineau.

Discussion: The Three Affiliated Tribes owns this property. The rights of the tenant that lives on the Figure Four Ranch (Tribal Ranch and Lodge) would be subservient to that of the Oil and Gas Company that would come in and drill.

VOTE: 7 Ayes 0 Nays Motion carried.

**XII. Economic Development/Education Committee: Chair-Malcom Wolf**

**A. Establishment of Native Languages Department: Connie WhiteBear**

Did not present.

**B. Request for Funding for Tribal Health: Connie WhiteBear**

She did not present.

**C. Education Summit Request for Funding: Connie WhiteBear**

She did not present.

**D. Wheeler Contract Proposal: P. Young Bird**

Nothing was presented.

**XIII. LEGAL DEPARTMENT: Damon Williams/Jennifer Fyten**

**A. Stephens Energy LLC Oil & Gas Resolution (Assign Number)**

Damon did not present this.



**B. Resolution 08-139-VJB: Spotted Hawk Amendment to Oil & Gas Lease**

Councilman Packineau moved to approve a resolution entitled, "Amendment to Tribal Oil and Gas Leases between Three Affiliated Tribes and Spotted Hawk Development LLC". The motion is seconded by Councilwoman Brugh.

Discussion: Two reasons this is a resolution.  
1). you are agreeing to an amendment of the leases that are already signed with regard to the obligation to drill provisions and 2). That should the Bureau fail to approve the leases that we can't get them into an IMDA, we will repay the good faith payment. We provide them a limited waiver of sovereign immunity but the waiver is only to that 1.5 million and should they recover in recourse, that they can only get that 1.5 million out of other Oil and Gas monies that the tribe has received and we've shielded them away from federal funds and other tribal funds including casino funds. So we've contained it in within the same pots of money that the 1.5 million went into. Their investors are cautious.

VOTE: 7 Ayes 0 Nays Motion carried.

**C. Resolution 08-140-VJB: Amendment to Resolution 07-125-VJB Kodiak Oil and Gas Lease**

Councilman Whitecalfe moved to approve of a resolution entitled, "Amendment to Tribal Resolution 07-125-VJB approved June 15, 2007 – Approval of Leasing 640 Acres to Kodiak Oil & Gas Development on the Fort Berthold Reservation pursuant to 25 CFR 211 and Request to the Superintendent to Negotiate a Lease Pursuant to 25 CFR 211.20 (a) and (d)". The motion is seconded by Councilwoman Brugh.

Discussion: There is a typo; an "F" doesn't belong there.

VOTE: 6 Ayes 0 Nays Motion carried.

**D. Kodiak Lease 357.64 Acres Resolution 08-141-VJB:**

Councilman Benson moved to approve a resolution entitled, "Approval to lease 357.64 Acres of tribal trust lands to Kodiak Oil and Gas Corp., for Oil and Gas Development on the Fort Berthold Reservation pursuant to 25 CFR 211 and Request to the Superintendent to Negotiate a Lease Pursuant to 25 CFR 211.20 (a) and (d)". The motion is seconded by Councilman Whitecalfe.



Discussion: No discussion.  
VOTE: 6 Ayes 0 Nays Motion carried.

**E. Maheshu Energy, LLC: Fred Fox**

Informational only.

**F. Ethics Ordinance Amendment to Resolution 08-131-VJB: Damon Williams**

Councilman Packineau moved to approve the amendment to Resolution 08-131-VJB in the last **Were As** and to add a **Finally Be it Resolved**. The motion is seconded by Councilman Whitecalfe.

Discussion: This is specifically for the seven public officials (Segment Representatives). The last Were As, "certain employees" will be added. A Finally Be it Resolved Clause will be added to say: Be it finally resolved the aforementioned amendment to the Ethics Ordinance shall only apply to public officials and employees of the Tribal Oil and Gas, and Natural Resource Department, and the legal department is directed to amend the entire Ethics Ordinance to reflect the same.

VOTE: 6 Ayes 0 Nays Motion carried.

**XIV. UNFINISHED BUSINESS:**

**XV. NEW BUSINESS:**

**A. White Shield Community School Supplies**

Councilman Benson moved to approve 418 Students total for Twin Buttes, White Shield, and Mandaree to receive \$50.00 each for School and cloth supplies for a total of \$20,900. The motion is seconded by Councilwoman Hale.

Discussion: White Shield has 150 students, Twin Buttes has 100 students, Mandaree has 168 Students. Councilwoman Brugh said that the other segments should be reimbursed for their school supplies. (Recording Secretary made computation corrections)

VOTE: 7 Ayes 0 Nays Motion carried.

**B. Out Reach Office In Bismarck: Chairman Wells Jr.**

Councilman Packineau moved to approve of an Out Reach Office in Bismarck for Tribal members in the amount of \$55,000.00, seconded by Councilman Wolf.



Discussion: The office will be located on Main in Bismarck across from BNC and the old train depot. Kim Abbey will work there. It will work with small loans, legal assistance, emergency medical assistance, elder assistance and education. The funding will be paid out of the Chairmans Office. It will be given a 12 month trial and error period. It will be set up for Tribal members to show their Tribal enrollment cards.

VOTE: 7 Ayes 0 Nays Motion carried.

**C. Sunrise Oil-Jerry Yantzer: Councilman Benson**

Councilman Packineau moved to approve Councilman Barry Benson to negotiate a price to purchase Sunrise Oil Company (propane) for the entire reservation and to bring back to full Tribal Business Council. The motion is seconded by Councilman Wolf.

Discussion: Barry will get an appraisal done. He has one in Halliday and one in Killdeer. EPA Compliance needs to be looked into. While he is looking into the purchase, maybe he could look into using some of the Citgo to help with the purchase.

VOTE: 7 Ayes 0 Nays Motion carried.

**D. Mud Run in Four Bears or NewTown: Carmen Halvorson/Megan Brugh**

Councilman Wolf moved to approve a mud run in New Town located East of Dakota West Credit Union or in Four Bears located in front of Brooks Heights. The motion is seconded by Councilwoman Brugh.

Discussion: Call 1-800-Digg to find out if there are any lines around there.

VOTE: 7 Ayes 0 Nays Motion carried.

**E. Shauna Wells 2007 Van Purchase**

Councilman Whitecalfe moved to approve the purchase of a 2007 Town and Country Van from Barry Benson for Shauna Wells with an appraisal by Minot Chrysler. She is an employee of the Three Affiliated Tribes and will do a wage deduction. The motion is seconded by Councilman Wolf.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays 1 Abstention (Wells)

**F. Tribal Housing \$10 Million Grant from Shakopee**



Councilwoman Brugh moved to approve Tribal Housing to do a proposal to get a \$10 Million grant over a 10 year period from Shakopee for the Tribes CDFI. The motion is seconded by Councilman Packineau.

Discussion: No resolution number will be given until it goes through legal review first.

VOTE: 6 Ayes 0 Nays Motion carried.

**G. Tribal Housing Clarifications: Connie Wilkinson**

CD is used for down payment assistance and not construction. The other clarification is that Tribal Housing is just under the Board of Directors.

**H. Resolution 08-146-VJB: Denise Juneau State of Montana Official Request: Mervin Packineau**

Councilman Whitecalfe moved to approve a \$1,500.00 contribution to the State of Montana Democratic Party on behalf of Denise Juneau. The motion is seconded by Councilman Wolf.

Discussion: The council supports this enrolled member of the Three Affiliated Tribes.

VOTE: 7 Ayes 0 Nays Motion carried.

**XVI. ADJOURNMENT:**

Councilman Packineau moved to adjourn the meeting, seconded by Councilwoman Hale.

Meeting adjourned at 2:11 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 (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

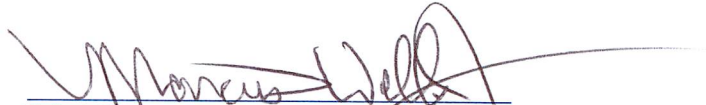
Dated this \_\_\_\_ day of \_\_\_\_\_, 2008.

**ATTEST:**



Special Tribal Business Council Meeting  
August 15, 2008  
Carmen Halvorson

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

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

