



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
08-27-VJB
SEPTEMBER 11, 2008 10:00 A.M.**

I. CALL TO ORDER:

Meeting called to order at 10:55 A.M.

II. OPENING PRAYER:

Delvin Driver administered the prayer. He was given an honorarium.

III. ROLL CALL:

Councilman Barry Benson, Councilman Frank Whitecalfe, Councilwoman Hale, Chairman Marcus Wells Jr., Councilman Malcolm Wolf, and Councilwoman V. Judy Brugh are present. A quorum is established. Councilman Mervin Packineau will be running late.

IV. APPROVAL OF AGENDA:

Councilman Benson-Sunrise Oil Proposal(10-01).
Councilman Whitecalfe-Home Conveyances-Under New Business-(11.01)
Councilwoman Hale-Reserved
Chairman Wells Jr.-Code of Ethics Inquiry-Chairmans Report (E).
Councilman Wolf-Reserved
Councilman Packineau-Reserved
Councilwoman Brugh-Reserved

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

Discussion: Council will adjourn today at 4:30 P.M. and the Fridays meeting will be adjourn tomorrow at 2:00
VOTE: 6 Ayes 0 Nays Motion carried.

V. APPROVAL OF MINUTES:

April 3, 2008	April 10, 2008
May 14, 2008	May 15, 2008
May 29, 2008	June 11, 2008
June 12, 2008	July 1, 2008
July 2, 2008	July 10, 2008
July 16, 2008	August 1, 2008
August 14, 2008	August 27, 2008

September 8, 2008

Councilman Whitecalfe moved to approve the 15 sets of minutes as amended, seconded by Councilman Brugh.

Discussion: Subject to review and corrections.
August 1, 2008 Resolution number 08-134-MP given to Stevens Oil Energy to be struck from the record. This is on page 4. Also on the July 10, 2008 meeting a new number will be given to 08-124-VJB as an amendment opening up the Chief Judge Election to non members and non Indians; the new number will be 08-149-VJB. The Executive Secretary will be up to date with minutes for the 2008 audit.

VOTE: 7 Ayes 0 Nays Motion carried.

VI. CHAIRMANS REPORT: Marcus Wells Jr.

A. Federal Programs Executive Officer-Cammie Gosnell

01. Historic Preservation Office/Perry Brady & Paul Hoffman

Councilwoman Brugh moved to approve to hire 1 Supervisor and 2 monitors and to amend Historic Preservation budget to \$184,006.01 for Fiscal Year 2009 based on the availability of funds. The motion is seconded by Councilman Wolf.

Discussion: Is this in addition to the budget already in existence? Yes. Treasurer do we have the money to do this? Whitney Bell has to project a budget with the Oil money that is coming in. Is there really a need for 3 people? Paul Hoffman guesses that there will be approximately 10 rigs x 8 Oil wells for approximately 75 to 80 wells this year. Perry did 6 wells last year for free. The revenue source will have to be the royalties. It will go to the personnel hiring and firing on the second day of the TBC. A blanket gift was given to Paul Hoffman.

VOTE: 7 Ayes 0 Nays Motion carried.

02. Business License for Coffey, Brady, & Associates/Perry Brady

Councilman Wolf moved to approve a business license for Coffey, Brady, & Associates, seconded by Councilman Whitecalfe.

Discussion: Chairman Wells Jr. reiterated that it was his staff that came up with the solution to help

Perry's program. This will eliminate the nepotism and the handbook and allow them to do their duties.

VOTE: 6 Ayes 1 Nays Motion passed.

03. 200 Conveyance Homes Initiative Proposal-MHA Nation & Fort Berthold Housing Authority/Dennis Fox & Becky Knight

October 17-18, 2008 will be a Builders Fair in the Event center. FBHA will also put on a Financial Literacy seminar. The proposal is for the September 24, 2008 Tribal Business Council meeting to act on. Applications are to be taken and to go to each segment to be passed out.

04. Tribal Court & Social Services Work Chart

Councilman Whitecalfe moved to approve the work chart for Tribal Court and Social Services, seconded by Councilwoman Hale.

Discussion: This is through Renee Mayer and Judy Blackhawk.

VOTE: 7 Ayes 0 Nays Motion carried.

B. Tribal Programs Executive Officer-Max Dickens

He deferred.

C. Federal Programs Analyst-Laurie Alberts

She gave a report. She will also hand out the water applications.

D. Elbowoods Healthcare Facility-Jim Foote

01. Jarrett & Kerry Baker 2 Acre Land Sale to TAT

Councilman Benson moved to approve to go with purchasing an additional 2 acres of land for a total of \$8,000.00 from Jarrett and Kerry Baker for the Elbowoods Healthcare Facility road. Councilman Wolf seconded the motion.

Discussion: Are the minerals included. Jim Foote will check on it.

VOTE: 5 Ayes 0 Nays Motion carried.

02. \$5 Million Earmarked for Fiscal Years 2009 & 2010

Councilman Wolf moved for approval for earmarking \$5 Million; \$2.5 million for fiscal year 2009 and \$2.5 million for fiscal year 2010 for the Elbowoods Healthcare Facility Budget to come out

of the extraction and production oil and gas money. The motion is seconded by Councilman Benson.

Discussion: This will be discussed in the budget on September 24, 2008.

VOTE: 6 Ayes 0 Nays Motion carried.

03. Badlands Environmental Consultants/Dennis Deutsch

Discussion: Badlands Environmental is owed \$1,700.00 and Dennis Deutsch is owed \$7,000.00. Councilman Whitecalfe gives Whitney Bell CFO the go ahead to pay these old bills from Jim's previous service. These bills are to come out of the general fund and Jim is to get the old fund code number to Councilman Whitecalfe.

No Motion.

E. Code of Ethics Inquiry-Damon Williams

Councilman Packineau moved to approve to go with the close of business on Friday, September 12, 2008 at 4:30 P.M. to have Councilman Whitecalfe formally correct the problem with his wife working for an Oil and Gas company. The motion is seconded by Councilman Wolf.

Discussion: Chairman Wells Jr. said for the council not to hold back if there is something that he is doing wrong. Just do a memo. Does this mean she has to resign? Yes.

VOTE: 6 Ayes 0 Nays 1

Abstention Motion carried.

F. Ethics Committee

Councilman Packineau moved to have an ethics committee set up, made up of three licensed attorneys and a budget, seconded by Councilwoman Brugh.

Discussion: Damon Williams will work on getting a committee set up and will get back to the tribe. If we get complaints and it turns out not to be true, can defamation of character sue that person for ruining a person's political life? Tom Fredericks said it would be that complainants financial burden if not found guilty. Does it have a trigger itself? A budget will be drafted for approximately \$50,000.00 for the Tribal Council by Damon Williams.

VOTE: 7 Ayes 0 Nays Motion carried.

VII. TREASURERS REPORT: Frank Whitecalfe

A. Chief Financial Officer Report-Whitney Bell

B. Small Loans-Andrew Reed

01. Report

Andrew gave a report.

02. Small Loan Applicants

Councilman Whiteclafe moved to approve 24 Smalls loans in the amount of roughly \$120,000.00 not to exceed \$5,000.00, seconded by Councilman Packineau.

Discussion: To add Marly Finley for \$5,000.00 for educational, Charmaine Cumming Hay for \$3,500.00, and Greta Hosie for \$3,000.00. Andrew to make the changes and to bring it back.

VOTE: 7 Ayes 0 Nays Motion carried.

03. Ceiling of \$5,000.00 on Small Loans

Councilman Whitecalfe moved to put a ceiling on the revolving small loans in the amount of \$5,000.00 until January 2009. Councilman Packineau seconded the motion.

Discussion: To delete Renita Mandan and Daryl Hall. Renita's is to be a grant and Federal Programs is to help Daryl take care of CHR Department's trip. We have to figure out what to do with the Independence loans too.

VOTE: 7 Ayes 0 Nays Motion carried.

04. Dorothy Packineau Small Loan Deferment

Councilwoman Brugh moved to approve to defer Dorothy Packineau's loan in the amount of \$7,000.00 until she obtains employment, seconded by Councilwoman Hale.

Discussion: Andrew Reed to bring in a detailed report of loans that were made by whom, paid off, and any new loans made. So that people are not making loan after loan and getting the total up there.

VOTE 6 Ayes 0 Nays 1 abstention. Motion carried.

C. Independence Loans-Ambrose Hosie

He did not present.

VIII. COUNCIL REPORTS/COMMITTEE REPORTS:

A. Executive Committee/Chair-Marcus Wells Jr.

01. Four Bears Casino & Lodge Report/Spencer Wilkinson Jr.

a. Report

A report was given.

Discussion: There is a meeting in Minneapolis on September 21-22, 2008 for casino expansion and finances for the tribe. Cindy Widdel to include and attend the community board (mtg) on September 17, 2008 at the Casino in regards to the 4 Bears C-store restaurants.

b. Advocate Committee Approval

Councilman Whitecalfe moved to approve the Advocate Committee for the 4 Bears Casino, seconded by Councilman Packineau.

Discussion: Also included in this approval is the reports on the Subway Franchise, Finances, and the Pow-Wow celebrations.

VOTE: 7 Ayes 0 Nays Motion carried.

02. Executive Gaming Officer/Mark Fox

a. New Key/Non-Key Employees Temporary Hires

Councilman Packineau moved to approve the key and non-key employees, seconded by Councilwoman Hale.

Discussion: This is a blanket approval on Non-Key employees: Frank Grady Jr., Marcus Irlbeck, and Cassandra Aulaumea for August 18, 2008. Key employees: Gabriel Black Hawk, and Micah White Body for August 25, 2008. Non-Key Employees: Cody Hornbuckle, Eloise McAndrews, Medicinebird Morsette, and Lynn Yellow Wolf for August 25, 2008. Non-Key Employees: Rodney Duchaine Jr., Sasha LaRocque, and Jeanette Reimer for September 1, 2008. Non-Key Employees: Thomas Devore, Sheldon Knight, Robert Powers, Ernest Fox, Angel Smith, and Terrance Steele Jr. for September 10, 2008. Key Employees: Jennifer Bearcub, Michelle Country, Josy Dancing Bull, David Davis Sr., James Frederickson, Cheryl Mad Plume, Emma Malnourie, Raunlyn Marsette, Charles Moran Jr. Rocky Red Fox Jr., Curtiss Thomas, and Ashlee Young Bird for September 10, 2008.

VOTE: 6 Ayes 0 Nays Motion carried.

b. Report

Mark gave a report.

c. Mark Fox Swim Pledge to Earn Money for Children's Causes

Discussion: This will help fund MADD, Boxing, Skate Board Park, and where ever children are involved. The casino may do a match and if the tribe wants they can match too.

03. Enrollment/Nathanial Mayer, John Charging

Councilman Brugh moved to approve to have a notice added to the ballot in November to find out how many members want to have another secretarial election to see if the people want to revisit the blood quantum issue, this is a referendum question. The motion is seconded by Councilman Benson.

Discussion: A lot of pressure is put on the Election board because of this issue. This is a referendum question on blood quantum. An amendment to the constitution is effective as soon as the secretary of the Interior approves it. A letter of complaint did not go through the council, does the Tribal Business council not have a say in the matter? Can we have another Secretarial Election? 9 Challenges were sent down to Aberdeen, but were not found to have any merit so it was basically a go. The people want to have a chance to be heard. A lot of people were not aware that they had to pre-register; they were not informed by the Bureau about the process that they had to do. The Ft. Peck Tribe created the Associate member.

VOTE: 7 Ayes 0 Nays Motion carried.

a. Enrollment

Councilman Whitecalfe moved to enroll the enrollment applicants, seconded by Councilman Packineau.

Roll Call Vote: Councilman Benson answers-No. Councilman Whitecalfe answers-Yes. Councilwoman Hale answers-No. Chairman Wells Jr. answers-No. Councilman Wolf answers-No. Councilman Packineau answers-Yes. Councilwoman Brugh answers-No.

The vote is 2 Ayes 5 Nays Motion Failed.

Attorney Williams stated, no one is denied enrollment. They are determined eligible and deemed eligible. An action is not taken up. There is two actions here, your job is determining eligibility. It is the council's job to approve and admit and that's where it stands. A budget is to be brought back to Federal

Programs Executive officer Cammie Gosnell to get a receptionist at the enrollment office.

B. Health Committee/Marcus Wells Jr.

C. Judicial D & A, Human Resource Committee/Chair-Mervin Packineau

01. Resolution 08-150-VJB: Law Enforcement Credit Cards-Frank Felix/Nelson Heart

Councilman Packineau moves to approve Credit cards for law enforcement through First National Bank in Williston, seconded by Councilwoman Hale.

Discussion: This was approved in a previous meeting but the resolution was not ready at the time. This approval is just to receive a resolution number.

VOTE: 5 Ayes 0 Nays Motion carried.

02. Resolution: Expungement of Tribal Criminal Records

Was not presented.

03. Bernadine Young Bird: Review TBC Tapes, Media Policy, Unlawful Termination

Discussion only.

D. Natural Resource Committee/Chair-Barry Benson

01. H.I.P. Homes/Jackie Jackson

a. Superior Homes Letter of Intent/Allen Gordon, Laurie Bird from Watertown

Councilman Benson moved to approve a letter of intent to lease the Nueta Building with Superior Homes in Twin Buttes. This is to include two more homes from 12 homes to 14 elder homes. The motion is seconded by Councilman Packineau.

Discussion: Are we giving them the contract? Just to lease the building. They are to come back with some numbers to lease it. Wouldn't you want to have the contract before you leased the building? Yes. There was some discussion on the old Social Services building. Jen Fyten is to bring a resolution tomorrow to rescind 08-119-VJB.

VOTE: 7 Ayes 0 Nays Motion carried.

b. Walking Shield Units Proposal to Refurbish 1 Four Bears, and 5 Twin Buttes Homes

Councilman Benson moved to approve a proposal to look at refurbishing 6 homes, 1 home in Four Bears and 5 homes in

Twin Buttes, seconded by Councilwoman Brugh.

Discussion: Jackie Jackson to follow up
on how much it will cost.

VOTE: 7 Ayes 0 Nays Motion carried.

02. Healing Horse Program/Leo Cummings
a. EAGALA Trip to Scotland Request

Councilman Packineau moved to approve to assist with 3 members of the Healing Horse Program to be presenters at Scotland 3rd European conference in the amount of \$552.00 per person for a total of \$1,656.00, seconded by Councilwoman Brugh.

Discussion: The program pays for 75 to 85 percent of the trip. This is for 3 people for 8 days. To leave on October 6, 2008 and to arrive back on October 12, 2008. They would like to take Councilman Wolf with them if he would like to go.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Horse Society Allies Request

Councilman Whitecalfe moved to approve a request for \$1000.00 for proposal to start horse society on behalf of Jessica White Plume, seconded by Councilman Wolf.

Discussion: She is a psychologist, grant writer out of UND. She is an Ogallala from Manderson, Pine Ridge area in South Dakota. This is for the Three Affiliated Tribes to show their support. She will go after money from Auto Bremer Foundation and other grants.

VOTE: 7 Ayes 0 Nays Motion carried.

c. Water Application

Councilman Whitecalfe moved to approve a waterline for Healing Horse Program for FBRW Marvin Danks to take care of it. The motion is seconded by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 7 Ayes 0 Nays Motion carried.

d. Road Access, Construction and Easement

Councilman Wolf moved to approve a road access to the horse healing program and easement. The motion is seconded by Councilwoman Brugh.

Discussion: Leo did not know they were there illegally all this time.

VOTE: 7 Ayes 0 Nays Motion carried.

e. Electricity Hook Up & Easement

Councilman Wolf moved to approve to fund the electricity hook up and to approve of the easement for electricity for the Healing Horse Program seconded by Councilman Benson.

Discussion: This why we are here.

VOTE: 6 Ayes 0 Nays Motion carried.

03. Grant Package with UND \$500.00

Was not presented.

04. Resolution 08-151-VJB: Self Determination contract BIA & TAT/Ft. Berthold Rural Water Barry Benson

Councilman Packineau moved to approve a resolution entitled, "Approval of Indian Self Determination Contracts between the Three Affiliated Tribes and the United States Bureau of Reclamation for the Fort Berthold Rural Water Program". The motion is seconded by Councilman Benson.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

05. Judy Fredericks Waterline

Councilman Benson moved to approve Ft. Berthold Rural water to go ahead and move forward with the waterline to Judy Fredericks residence, seconded by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

06. Resolution 08-152-VJB: Norman Adrian Bird Bear Land Exchange with the Tribe

Councilman Packineau moved to approve a resolution entitled, "Approval of Land Exchange Between the Three Affiliated Tribes and Norman Adrian Bird Bear". The motion is seconded by Councilwoman Hale.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

E. Economic Development Committee/Chair-Malcolm Wolf

01. Resolution: Stephens Energy LLC Oil & Gas/Fred Fox

This was not presented.

02. Leighton Energy/Fred Fox, Damon Williams, Horace Pipe

Councilwoman Brugh moved to approve a letter of intent for MHA Holding Company and Layton Energy, seconded by Councilwoman Hale.

Discussion: Chairman Wells Jr. thinks this is a good proposal. The council was invited to take a tour of a Leighton Energy offshore derrick. What they are talking about is Van Hook Bay, there's a lot there. A derrick offshore would be in addition to any type of line. Damon Williams and Fred Fox are going to meet with the Corp of Engineers to check on the feasibility.

VOTE: 6 Ayes 0 Nays 1 Abstention
(Whitecalfe) Motion carried.

03. TRIAD Oil Refinery/Horace Pipe

He did not present this.

04. Resolution: Waiver Twin Buttes School Construction

This was taken care of in a previous meeting.

05. Resolution 08-153-VJB: Mandaree Enterprises LLC/Clarence O'Berry

Councilman Whitecalfe moved to approve a resolution entitled, "Authorizes tribal entities to pursue 8(a) certification, and authorizes the Amended Articles of Incorporation and Certificates of Formation which waives its sovereign immunity and designates United States Federal Courts to be among the courts of competent jurisdiction." The motion is seconded by Councilwoman Hale.

Discussion: This was missed and then wasn't reviewed.

VOTE: 6 Ayes 0 Nays Motion carried.

IX. LEGAL DEPARTMENT: Damon Williams/Jen Fyten

They did not present.

X. UNFINISHED BUSINESS:

A. Sunrise Oil Jerry Yantzer/Councilman Benson

Councilman Benson moved to approve to support Collateral or guarantee of a business that would be benefiting the Three Affiliated Tribes propane and fuel proposal and to bring it back, seconded by Councilwoman Brugh.

Discussion: No discussion.
VOTE: 7 Ayes 0 Nays Motion carried.

B. Nueta Nation Note/Councilman Benson

Councilman Benson moved to approve a note to Nueta Nation in the amount of \$126,505.05 to be reimbursed from 8(a) and a lease from Superior Homes, motion dies due to lack of second.

Discussion: This is to cover loans, pay light bill and a staff of three. This will be addressed tomorrow in the Tribal Business Council meeting. This is through September 31.

XI. NEW BUSINESS:

A. Conveyance of Elder Home-Ramona Foolish Bear

Councilman Packineau moved to approve to convey house #19 in Parshall to Ramona Foolish Bear, seconded by Councilwoman Brugh.

Discussion: They have been living in this house since 1967 for a total of 41 years.
VOTE: 5 Ayes 0 Nays Motion carried.

XII. Councilwoman V. Judy Brugh Clarifications

A. Bernadine Young Bird.

Closed meetings cannot be disclosed.

B. Debbie Staples

Brugh: She asked to come forward again. We told her that personnel is tomorrow. I checked on what I said I was going to check on. She was hired by Natural Resources committee for the position in Environment.

Wells: Then we transferred her over to Voc-rehab. Then we transferred her to small loans.

Brugh: So is that where she is standing?

Wells: Environmental would be where her last legal hire would be, so I don't mind reinstating her.

Brugh: someone is in that position.

Wells: He has two positions. We only hired one, so we could reinstate her to her old job. That is being fair.

Brugh: Yes because I know she wants to have something because of her illness and no income. She has to go back to the Mayo Clinic.

C. Third Party Billing

There is little if any income coming in from third party billing. \$200,000.00 was received in KDU but not the clinic.

XIII. ADJOURNMENT:

Councilwoman Brugh moved to adjourn the meeting, seconded by Councilwoman Hale.

Meeting adjourned at 8:46 P.M.

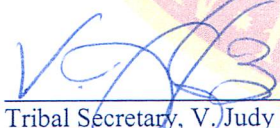
CERTIFICATION

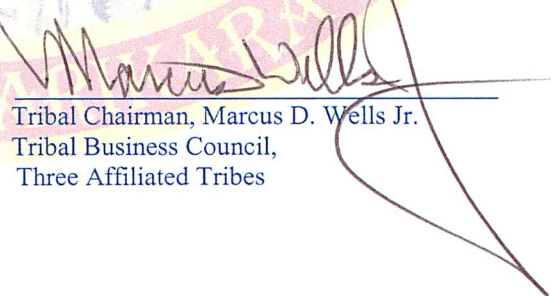
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum 6 were present at the Meeting thereof duly called, notice, convened and held on the 29 day of September, 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 29 day of September, 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