



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
SPECIAL MEETING  
08-29-VJB  
September 24, 2008, 1:00 P.M.**

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**I. CALL TO ORDER:**

The Meeting was called to order at 1:30 P.M.

**II. PRAYER:**

Standing silent prayer.

**III. ROLL CALL:**

Councilman Barry Benson, Councilwoman Evelyn Hale, Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh are present. A quorum is established. Councilman Frank Whitecalfe arrived shortly after the meeting started. Chairman Wells Jr. is running one hour late. He arrived at 1:49 P.M.

**IV. APPROVAL OF AGENDA:**

All reserved at this time.

Councilman Packineau moved to approve of the amended agenda, seconded by Councilwoman Brugh.

Discussion:

No discussion.

VOTE:

5 Ayes 0 Nays Motion carried.

**V. APPROVAL OF MINUTES:**

Deferred to the September 29, 2008 Special Tribal Business Council meeting to be held at the Fort Berthold Community College.

**VI. Resolution 08-155-VJB: Upper Missouri River/Tom Fredericks, John Danks, Jonathon Taylor**

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of Letter of Agreement with Taylor Policy Group, Inc. to Provide the Tribes with an Economic Loss Report Regarding Additional Compensation for the Taking of Individual and Tribal Lands within the Fort Berthold Indian Reservation for Construction of the Garrison Dam and Reservoir Project". The motion is seconded by Councilman Packineau.

Discussion:

The fee structure is clear. The

\$30,000.00 starts right away and then after that it is 12 weeks

for another \$30,000.00, 24 weeks after that it is another \$30,000.00, and after final comments after draft is received is \$10,000.00. This will come out of the general fund. There are two amendments: 1. Amendment to the resolution. 2. Amendment to the agreement. It is self explanatory. Is there going to be a retainer? The \$10,000.00 is a final payment of satisfaction; it will hang out there until the Tribe is satisfied. The retainer is like the \$30,000.00 you get when you sign it. There are two amendments: 1. Amendment to the resolution. In the **“Therefore be it further resolved:** (“after letter of agreement” add: “attached hereto and Incorporated herein as exhibit A. with Taylor Policy Group, under which Taylor Policy group will provide economic costs”) 2. Amendment to the letter of agreement. The TAT legal department will be the point of contact. The Treasurers office will set up a line item for fiscal year 2009. Applicable law will be the state of North Dakota and Tribal law.

VOTE: 7 Ayes 0 Nays Motion carried.

**VII. Ethics Committee/Damon Williams, Jennifer Fyten (Closed Session)**

**VIII. Health Administrator Position (Closed Session)**

**IX. Natural Resource/Annette Young Bird Administrator  
A. Resolution 08-156-VJB: 2008 Intertribal Bison Cooperative/Natural Resource Administrator Annette Young Bird**

Councilman Whitecalfe moved to approve of a resolution entitled, “Three Affiliated Tribes request for fifty surplus bison from Inter Tribal Bison cooperative 2008.” The motion is seconded by Councilman Benson.

Discussion: There is enough AUM’s out there. This doesn’t mean they are getting them. This is just to see if they can be awarded them. This Tribe has to compete with other tribes to get them. The tribe currently has 220 Bison left.

VOTE: 5 Ayes 1 Nays (Packineau) Motion carried.

**B. Proclamation and Letter of Drought/Feed Assistance**

Councilman Packineau moved for approval to send a letter of intent to Gary Nelson the state director of N.D. FSA Office for assistance for the American Indian livestock feed program for Ft. Berthold and to install a proclamation declaring Ft. Berthold

a disaster area for drought, seconded by Councilman Whitecalfe.

Discussion: A proclamation and letter is in Annette's possession to send.

VOTE: 6 Ayes 0 Nays Motion carried.

**C. Proceed with Purchase of Land in McLean County**

Councilman Benson moved to approve to proceed with a bid for the Emily Hill Estate for 160 acres of fee land at \$850.00 per acre for a total of \$136,000.00, seconded by Councilman Whitecalfe.

Discussion: This land is right in the middle of the reservation by the Episcopal Church in White Shield. The bid has to be in on September 29, 2008 with 10% down and a \$2,000.00 check payable to Haugen Farm Realty, Inc. October 2, 2008 prepare to bid orally with the top five bidders. This just includes land, no minerals. An application to Farmers Home needs to be submitted to help with this purchase.

VOTE: 7 Ayes 0 Nays Motion carried.

**X. Budget/Whitney Bell CFO**

He did not present.

**XI. Elders Funding/Evan Burr**

This was discussion only.

**XII. Stevens Energy-Resolution Number Assignment 08-157-VJB**

Councilman Wolf moved to approve to re-assign the Stevens Oil Company a different resolution number. The new number is 08-157-VJB; the motion is seconded by Councilman Packineau.

Discussion: This is an administrative correction. There was a mix up in a previous meeting and the same number was given.

VOTE:

**XIII. Tribal Health Board Resolution/Legal Department**

Tabled for another meeting.

**XIV. I.H.S. Diabetes Program/Shasta Mandan**

Discussion: Just put it in a memo and get it drafted. Shasta to meet with the Treasurer to work on it. The

grant is due this coming week. Monday, September 29, 2008 is a meeting with indirect people and the Chairman.

**XV. Northern Star Purchase/Natural Resource Administrator  
Annette Young Bird**

Discussion: For the record, the Northern Star merchandise is appraised at \$60,000.00.

**XVI. Resolution 08-158-VJB: Garages on Elderly Complex/200  
Conveyances Homes Initiative Proposal/MHA Nation, FBHA,  
Dennis Fox, Becky Knight**

Councilman Wolf moved to approve a resolution entitled, "Request for Funding for Attached Garages for the Project, Hidatsa Homes Elderly Complex". The motion is seconded by Councilman Whitecalfe.

Discussion: What is going on with the Twin Buttes Elder apartments? There was a dispute on the lease between the BIA and the USDA. FBHA has deposited there money on the account. FBHA is waiting on USDA. For the record Councilman Benson asks again about the Elder apartments in Twin Buttes.

The money is right around the corner. Senator Dorgan emailed the chairman regarding the Cherokee that they are using the FBHA as their contact for Indian Country. Senator Dorgan utilizes the notes from the Chairman and Dennis Fox at FBHA. Treasurer asks that Scott Eagle and Dennis Fox will work with him on this to come up with the funding. The mortgages on these will not be too high. Parshall is ready for next year. It is not pushed back. Awarding a bid had been a previous issue.

VOTE: 7 Ayes 0 Nays Motion carried.

**XVII. MHA Language Budget/Connie White Bear**

Discussion only.

**XVIII. SRO Planning Budget/Connie White Bear**

Councilman Benson moved for approval for a School Resource Officer budget of \$151,036.00 for 2010 to 2011, seconded by Councilwoman Hale.

Discussion: There is a lot of need but it is the funding. This will be for Mandaree, White Shield, NewTown, Twin Buttes, and Parshall if they want an officer. If Parshall turns the position down, it will be added to NewTown. Five positions total.

VOTE: 7 Ayes 0 Nays Motion carried.

**XIX. Prenatal to Preschool Program-Mandaree, Twin Buttes/Connie White Bear**

This will be worked on during the Special Tribal Business Council Meeting on Monday, September 29, 2008.

**XX. Baby Face/Lois Standish**

This is handled with the above Prenatal to Preschool Program.

**XXI. 6 Walking Shield Homes Refurbish Proposal/Jackie Jackson**

Discussion: She is to do a plan to replace and come forward with it.

**XXII. Tracy Lewis Social Service Issue/Chairman Wells Jr.**

Councilwoman Brugh moved to approve a \$5,000.00 vehicle repair loan for Alicia Grant and Tracy Lewis. The motion is seconded by Councilman Wolf.

Discussion: 2005 Dodge Caravan van title to be used for collateral.

VOTE: 7 Ayes 0 Nays Motion carried.

A closed session is held with Social Services.

**XXIII. Heather Waller Severance Pay-Barlow Wells (Closed Session)**

**XXIV. Early Childhood Learning Center/Alyce Spotted Bear**

Councilman Wolf moved to approve of funding for fiscal year 2009 in the amount of \$200,000.00 for the Early Childhood Center for Ft. Berthold Community College. They are to receive the funding by January 2009. The motion is seconded by Councilman Packineau.

Discussion: They discussed having a meeting in the IVAN room at the college to see what the room is like. The September 29, 2008 Special Tribal Business Council meeting will be held at the Fort Berthold Community College at 1:00 P.M. in the Clan room.

VOTE: 6 Ayes 0 Nays Motion carried.

**XXV. OBAMA Budget Week Oct. 13-17/Alyce Spotted Bear**

Councilwoman Brugh moved to approve the request for Obama Week for \$3,500.00 to the Fort Berthold Community College, seconded by Councilwoman Hale.

Discussion: The poles for voting are closed this year. All will be by mail.

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

**XXVI. Alona Phelan Medical Request**

Councilman Whitecalfe moved to approve a grant in the amount of \$8,000.00 for Alona Phelan Bailey to assist with the medical apartment stay in Denver, Colorado for baby's heart surgery. The motion is seconded by Councilman Packineau.

Discussion: No discussion.

VOTE: 6 ayes 0 Nays Motion carried.

**XXVII. Healthcare CEO and Administrator Positions**

Councilman Packineau moved to approve to change the contract to say Liaison and to advertise until filled, seconded by Councilman Whitecalfe.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

**XXVIII. Nichole Wells Military Move Home/Councilwoman Brugh**

Councilman Packineau moved to approve \$2,000.00 for Nichole Wells to travel back from the military in Northfield Vermont and then travel to college in Devils Lake North Dakota. The motion is seconded by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

**XXIX. Tribal Housing and Fort Berthold Housing Letter**

Councilman Packineau moved to reaffirm the positions of Max Dickens as Federal Programs Executive Officer, Laurie Alberts as Chief Executive Officer, and Cammie Gosnell as Programs Analyst. Cammie to evaluate I.H.S. and to oversee the Twin Buttes School Administrator. Seconded by Councilman Wolf.

Discussion: The Programs analyst position was created because two CEO's showed up for work in the Mason administration.

VOTE: 6 Ayes 0 Nays Motion carried.

**XXX. New Town Little Shell Annual Leave & Comp Time**

Councilman Packineau moved to approve to pay the New Town Little Shell annual leave and comp time, and severance pay. Seconded by Councilwoman Hale.

Discussion: Not to exceed \$5,000.00 x 8 Employees. Severance pay was never paid to Council staff before. Severance Pay based on years in service, \$625 per year not to exceed \$5,000.00. This will be the first time ever that Council's staff will receive severance pay. From this time forward it will be in recognition for years of service. This will be a standard that will be used, to amend the policy handbook. The Council can easily say no to employees but Council doesn't, Human Resources Director commends the Council on this that they help out employees.

VOTE: 5 Ayes 0 Nays 1 Abstention (Wolf)  
Motion carried.

**XXXI. Kermit Heart for Tribal Magistrate: Barlow Wells**

Vance to bring this in.

**XXXII. Swearing in Chief Judge: Barlow Wells**

He will be sworn in on Monday.

**XXXIII. Jim Mossette Salary Increase: Barlow Wells (Closed Session)**

**XXXIV. EPA Director Salary Increase: Barlow Wells (Closed Session)**

**XXXV. Bernadine Fredericks & Delta Black Hawk Salary Increase (Closed Session)**

**XXXVI. Sharissa Wells Daughter to attend the Sylvan Learning Center (Closed Session)**

**XXXVII. Healthcare Advertised Positions (Closed Session)**

**XXXVIII. Home Conveyances Connie Price & Four From White Shield**

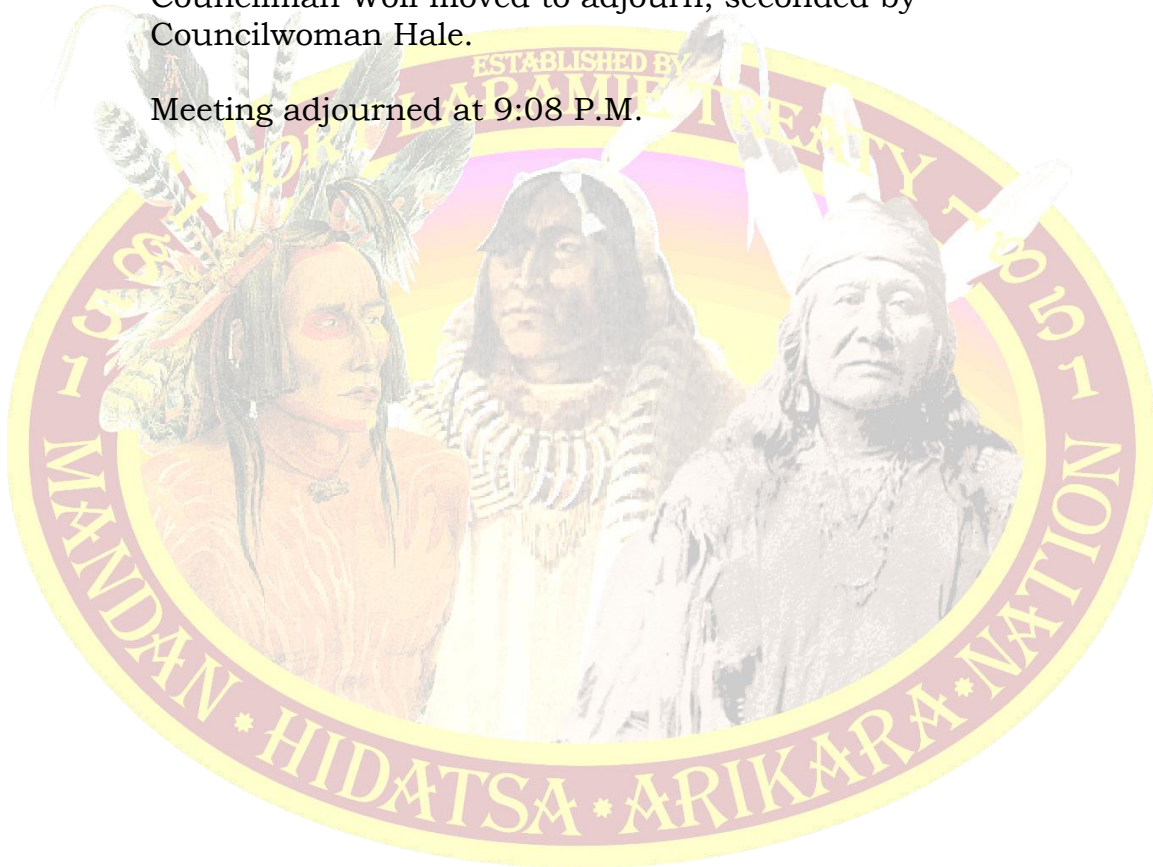
Councilman Wolf moved to approve conveyance homes for Connie Price & from New Town, to include four from White Shield, and Marsha Azure from Four Bears, seconded by Councilwoman Hale.

Discussion: This is a total of seven conveyances.  
VOTE: 6 Ayes 0 Nays Motion carried.

**XXXIX. ADJOURNMENT:**

Councilman Wolf moved to adjourn, seconded by Councilwoman Hale.

Meeting adjourned at 9:08 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:**

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

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