



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING**

Ft. Berthold Community College, Rm. 73A

08-32-VJB

October 16, 2008, 10:00 A.M.

I. CALL TO ORDER:

The meeting was called to order at 10:31 A.M.

II. PRAYER:

Elise Packineau administered the prayer.

III. ROLL CALL:

Councilman Mervin Packineau, Councilman Malcolm Wolf, Councilman Frank Whitecalfe, Councilman Barry Benson, Chairman Marcus Wells Jr., Councilwoman V. Judy Brugh are present. A quorum is established. Councilwoman Evelyn Hale is on medical leave.

IV. APPROVAL OF AGENDA:

Councilman Benson-Shannon Hale
-Marian Spotted Bear home sale
Councilman Packineau-Don June proposal
-Karen Huber
Chairman Wells-Landowners Assoc. Linda Driver
-Enrollment
Councilwoman Brugh-Evangeline Monogram

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

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

V. APPROVAL OF MINUTES:

Councilwoman Brugh moved to approve of the October 24, 2008 and October 29, 2008 subject to review, seconded by Councilman Packineau.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

VI. CHAIRMANS REPORT: Marcus Wells Jr.

A. Federal Programs Executive Officer Report: Max Dickens

Max gave an update. There will be a Head start meeting at the Tribal Chambers on November 3, 2008.

1. Resolution 08-161-VJB: Dakota III Spencer Wilkinson

Councilman Whitecalfe moved to approve of a resolution entitled, "Appointment of the Three Affiliated Tribes Tax Commission as the Tribal Pipeline Authority". The motion is seconded by Councilman Brugh.

Discussion: Why don't we put the Council as tax commission.

VOTE: 6 Ayes 0 Nays Motion carried.

2. Resolution 08-162-VJB: Term Sheet between TAT, Och Ziff, & Zenergy

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of Term sheet for a Pipeline Joint Venture with Och Ziff Capitol Investments, Zenergy, Inc. and the Three Affiliated Tribes. The motion is seconded by Councilman Benson.

Discussion: Councilman Packineau and Councilman Benson are to work on the finalized terms. It was talked about for decades and we should do our own. Taxation was explained by Chairman Wells Jr. Councilwoman Brugh asks if this is for water also. Damon included into the resolution because there are regs in place for each. Can Rural Water use this for their program.

VOTE: 5 Ayes 0 Nays 1 abstention Motion carried.

3. Pearl Fuel Survey

Councilwoman Brugh moved to approve of a survey for Pear Fuel LLC, seconded by Councilman Benson.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

4. Oil & Gas Office/Fred Fox

Fred gave an update.

5. Motion to Rescind Stetson Oil and Gas Lease

Councilwoman Brugh moved for approval to cancel Stetson for non performance seconded by Councilman Benson.

Discussion: Amendment to do a draft resolution and present in tomorrow's meeting. This is because they didn't meet the deadline. Investors backed out. He will sign to another company. Legal suggests to leave it open with the option for another company to sign it. The lease is about \$1000.00 per acre. Could Stetson do a document that would put the Tribe in best interests? The tribes CFR was set and will be enforced. A resolution will have to be assigned. Does the council want to rescind all of the land or hold back some of the lake bottom.
VOTE: 6 Ayes 0 Nays Motion carried.

B. Tribal Programs Executive Officer Report: Laurie Alberts
1. Resolution 08-163-VJB: Financial Advisor
Deferred Revenue

Councilman Packineau moved to approve of a resolution entitled, "Authorization of the Financial Advisor to Ensure Tribal funds Deposited in Financial Institutions are Fully Collateralized. The Motion is seconded by Councilman Wolf.

Discussion: Amend the Resolution to include the CFO. It is to say All Institutions.
VOTE: 5 Ayes 0 Nays Motion carried.

C. Programs Analyst: Roger White Owl
D. Elbowoods Health Facility: Jim Foote
1. Dental excluded from Phase I but to be included in Phase II.

Councilman Packineau moved to approve to amend Phase I to exclude dental, seconded by Councilman Wolf.

Discussion: Dental will be in phase II.
VOTE: 5 Ayes 0 Nays Motion carried.

2. Permanent Easement

Councilman Packineau moved to approve a payment for a permanent easement in the amount of \$8,000.00 for 2 acres on the east side of the section line. The motion is seconded by Councilman Wolf.

Discussion: This is for the Elbowoods Healthcare facility easement from Daryl and Helen Schatz.
VOTE: 4 Ayes 0 Nays 1 abstention Motion carried.

2. Authorization

2. Equipment Purchase: Stella Berquist, Brandon Hand, & Donna Bieri

Councilman Packineau moved to approve to prepare a procurement sale on Cisco and Polycom Equipment. The motion is seconded by Councilman Wolf.

Discussion: The clinic is to receive five million to come from the Tribe. \$2.5 million to come first part of Fiscal year 2009 and the balance to come in fiscal year 2010.

VOTE: 5 Ayes 0 Nays Motion carried.

Councilman moved to approve to authorize

3.

C. Small Loans: Andrew Reed

1. A report was given.

2. Small Loans Educational Loans

Councilwoman Brugh moved to approve the 18 Educational Loans applicants in the amount of \$42,000.00, second by Councilman Packineau.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

3. Small Loans Application

Councilwoman Brugh moved to approve the 10 Small Loans applicants subject to availability of funds, small loans policy, and to keep in line with the waiting list. The motion is seconded by Councilman Packineau.

Discussion: Katherine Thomas \$75,000.00, Rick Little Swallow \$9,000.00, Vanessa Overlie \$5,110.22, Karmen Fox \$16,000.00, Dallas Lynn Dickens \$8,000.00, Daniel Ripley \$15,000.00, James Thornton \$10,000.00, Patricia Saylor \$10,000.00, Nathan Paul GoodIron \$17,000.00, Yolanda Bearstail \$13,000.00.

VOTE: 5 Ayes 0 Nays Motion carried.

D. Medical Elder Request: Frederick Baker

Not present.

E. Julia White Eagle Honoring Request: Judith Wilkinson

F. Roof Material Request: Gerald White Sr.

G. Educational Trip to France Request: Clifford Klimpel

Councilman Packineau moved to approve of an educational grant for two trips in the amount of \$2,000.00, seconded by Councilwoman Brugh.

Discussion: The check is to be made out to Language and Friendship.

VOTE: 6 Ayes 0 Nays Motion carried.

VII. COUNCIL REPORTS/COMMITTEE REPORTS:

A. Executive Session

1. Casino Report: Spencer Wilkinson

2. Gaming Commission Report: Mark Fox

Deferred to tomorrow's meeting.

3. Enrollment: John Charging/Nathaniel Mayer

Clancy Sorenson Councilman Benson motion of support and to provide a resolution on October 17, 2008, seconded by Councilman Packineau.

Discussion: meets all requirements

VOTE: 5 Ayes 0 Nays Motion carried.

B. Economic/Education Committee

1. Saddle Butte Gathering System proposed Pipeline: Fred Fox

2. Dakota III: Spencer Wilkinson

C. Judicial/Human Resource Committee

1. Renewal of TAT DCSE Judge Contract Jennifer Stanley: Ellen Wilson

3. Labcorp Paternity Company Contract: Ellen Wilson

Councilman Packineau moved to approve a contract with , seconded by Councilman Benson.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

D. Natural Resource Committee

1. Nancy Fox Land Exchange

Councilman Packineau moved to approve a land exchange between the Tribe and Nancy Fox, Value for Value for 40 acres in the White Shield area. The motion is seconded by Councilman Whitecalfe.

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

**2. Contract between TAT & Native American Rights Fund:
Elton Spotted Horse/Joe Gillis/Harlan Dean**

a. Retroactive Pay Raise Elton Spotted Horse and Susan Coffey

Councilman Packineau moved to approve a correction in a retroactive pay raise for Susan Coffey at .50 cents for a total of \$703.89 and Elton Spotted Horse to receive a retroactive pay raise at \$6,240.00, seconded by Councilman Benson.

Discussion:
VOTE: 5 Ayes 0 Nays Motion carried.

b. 5 Walking Shield Homes

Councilman Benson moved to approve an estimated \$25,000.00 to move 5 Walking Shield homes from Twin Buttes. The motion is seconded by Councilman Packineau.

Discussion:
VOTE: 5 Ayes 0 Nays Motion carried.

3. Resolution 08-165-VJB: Malcolm Wolf Land Exchange

Councilman Packineau moved to approve of a Resolution entitled, "Request of the Secretary of the Interior to a Forced Partition of Tribal allotment No. 372A ". Motion dies due to lack of a second.

Councilman Packineau moved , seconded by Councilman Benson.

Discussion: Explains the situation. This opens up the door for a partition. There is a correction to the resolution; it should read 372A and not 327A.
VOTE: 4 Ayes 0 Nays 1 Abstention (wolf)

4. Land for a Building in NewTown: Tyler Wells

Councilman Benson moved to approve to support Tyler Wells in leasing the old west Dakota Gas Station lot. The motion is seconded by Councilman Pacineau.

Discussion: Two options 1. West Dakota lot-he will have to go before the Ft. Berthold Development Corporation.
Elton

VOTE: 5 5 Ayes 0 Nays Motion carried.

5. Sunrise Oil Jerry Yantzer: Ivetta Spotted Bear

6. Consultant Contract: Perry Brady

Councilman Benson moved for approval to release Thomas Plenty Chief from his consultant agreement with TAT Historic Preservation and to replace him with Alvin Foote Sr., seconded by Councilman Mervin Packineau.

Discussion: Thomas Plenty Chief is to be paid for 40 hours of services at \$12.00 per hour for a total of \$480.00. Alvin Foote sr. is to be paid for 80 hours of service at \$12.00 per hour for a total of \$960.00 plus mileage.

VOTE: 5 Ayes 0 Nays Motion carried.

7. FBRW Assistance Budget: Texx Lone Bear

Councilman Benson moved to approve the Water Assistance Program budget in the amount of \$361,385.00 for fiscal year 2009, seconded by Councilman Wolf.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

E. Marian Spotted Bear Home sale

Councilman Benson moved to approve an appraisal on Marian Spotted Bear and Orville Fox Homes, seconded by Councilman Packineau.

Discussion: An appraisal is usually \$500.00. Marian will put her home up for auction in November.

VOTE: 5 Ayes 0 Nays Motion carried.

F.

G. Don June Proposal

Councilman Packineau moved to approve Don June Proposal to audit the utilities subject to legal review, seconded by Councilman Wolf.

Discussion: This is for a previous 3 months billing.

VOTE: 5 Ayes 0 Nays Motion carried.

H. Karen Huber Purchase Land/Hotel in Wolf Point MT.

Councilman Packineau moved to approve an Independence loan in the amount of \$250,000.00 for Karen Huber, seconded by Councilman Wolf.

Discussion: Subject to the terms and availability of funds. November 1st is the closing date. This subject to oil and gas bonuses.

VOTE: 5 Ayes 0 Nays Motion carried.

I. Land owners Association Trip: Linda Driver

Councilwoman Brugh moved to approve travel in the amount of \$5,495.27 for 3 people in the Land Owners Association to travel to Tuscan, Arizona to attend the Indian Land owners working group symposium to come out of their funds; seconded by Councilman Benson.

Discussion: Linda Driver, Avalon Beaks, and Gloria Fastdog.

VOTE: 5 Ayes 0 Nays Motion carried.

VIII. LEGAL DEPARTMENT:

A. Indian Rights/Discrimination/Human Rights Issue:

Doreen Lyons

B. Resolution 08-167-VJB: Tribal Health Board: Jen Fyten

Councilman Packineau moved to approve a resolution entitled, "Establishment of the Three Affiliated Tribes Tribal Health Board and Issuance of By-Laws for the Tribal Health Board". The motion is seconded by Councilwoman Brugh.

Discussion: Deadline for nominations is October 31, 2008.

VOTE: 5 Ayes 0 Nays Motion carried.

C. Referendum Question Membership Criteria: Damon Williams

VJB

D. Resolution 08-169-VJB: on Closed Session Number assignment

E. Resolution 08-170-VJB: Expungement of

Councilman Packineau moved to approve of a resolution entitled, " ". The Motion is seconded by Councilman

IX. UNFINISHED BUSINESS:

A. Thank You Presentation: Cesar Alvarez

Councilwoman Brugh moved to approve of a donation for Cesar Alvarez in the amount of \$1,700.00 for the 2009 Presidential Inauguration trip, seconded by Councilman Wolf.

Discussion: Cesar gave a presentation on his trip
abroad.
VOTE: 5 Ayes 0 Nays Motion carried.

B. Bernadine Young Bird

X. NEW BUSINESS:

5Date: Angie Maine/Eloise Cobell

**B. Superior Homes Letter of Intent H.I.P. Project/Allen
Gordan**

Councilman Benson moved to approve the H.I.P

C. Pharmaceutical Co.: Bruce Taylor

XI. H.I.P. Walking Shield Homes: Jackie Jackson

1. Resolution 08-164-VJB:

Councilman Benson , seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Councilman Benson moved seconded by councilman
Packineau.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

XII. Evangeline Monogram Medical Request for Legal Assistance

Councilwoman Brugh moved to approve for TAT Legal
department to work with a Federal Tort claims Attorney on
Evangeline Monograms case. The motion is seconded by
councilman Benson.

Discussion: She is to check with other people and
reservations that there may be a class action suit that she can
join with.

VOTE: 5 Ayes 0 Nays Motion carried.

**XIII. Resolution 08-166-VJB: Recognition of Brady, Coffey &
Associates**

Councilman Wolf moved to approve a resolution entitled,
“Recognition of Brady, Coffey, and Associates to Provide Certain
Services on the Fort Berthold Reservation for Oil and Gas
Development.” The motion is seconded by Councilman Benson.

Discussion: Amendments are to be made to the
resolution. The title needs a change from Perry to Coffey. In
the **Now therefore be it resolved**, Mandates is deleted and
reworded by legal department (May retain, recognition, to
private industry).

VOTE: 5 Ayes 0 Nays Motion carried.

XIV. ADJOURNMENT:

Councilwoman Brugh moved to adjourn the meeting, seconded by Councilman Benson.

Meeting adjourned at 7:13 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