



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
09-03-VJB
January 8, 2009, 10:00 A.M.**

I. CALL TO ORDER:

Meeting called to order at 10:47 A.M.

II. PRAYER:

Father Steven Kranz.

III. ROLL CALL:

Councilman Barry Benson, Councilman Frank Whitecalfe, Councilman Arnold Strahs, Vice-Chairman Mervin Packineau, Councilman Scott Eagle, Councilwoman V. Judy Brugh are present. A quorum is established.

IV. APPROVAL OF AGENDA:

Arnold Strahs –Financial Request Veterans of Ft. Berthold VI.A3

-Ryan Eagle VII.D5

Scott Eagle-Sally Steele Financial Request VII.D6

-Financial Request Doreen Lyons and Irene

Stevens Leases VIII.C4

Judy Brugh-Danny Edwards return to Pakistan Financial Grant VI.A4

-American Indian Livestock Assistance Proclamation VI.A3.

Frank Whitecalfe-Jennifer Everette Fourth Tour of Duty VI.A5

-Fred Everette Medical Expenses VII.D6

Barry Benson-Clarissa Morsette Minot State Educational Request VII.D7

-Faith Wilkinson Request VII.D8

Mervin Packineau-Lori Pemberton Housing Consultant Agreement VIII.C5

Chairman Levings-Front End Loaders for Each Segment VIA7.

Councilman Strahs moved to approve the agenda as amended, second by Councilwoman Brugh.

Discussion: Strike number VIIIA5 (Vehicle Purchase).
Catherine Vandermiere Water Rights will be added back under Natural Resource.

VOTE: 7 Ayes 0 Nays Motion carried.

V. APPROVAL OF MINUTES:

November 6, 2008 November 13, 2008
November 21, 2008 November 25, 2008
December 4, 2008 December 15, 2008

Councilman Whitecalfe moved to approve minutes for November 6, 13, 21, and 25; and December 4 and 15, 2008 subject to review, second by Councilman Eagle.

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

VI. CHAIRMAN'S REPORT: Marcus Levings

Chairman Levings gave an update.

A. Federal Programs Executive Officer: Max Dickens

Councilman Whitecalfe moved to approve of paying Tribal Roads Program employees time and a half for overtime, second by Councilman Strahs.

Discussion: Councilman Benson would like it identified to have a pay scale straight across the board. Pat Wilkinson is to get a snow removal funding resolution ready.
VOTE: 6 Ayes 0 Nays Motion carried.

1. Dog Resolution 09-003-VJB: Verlee Whitecalfe Saylor

Councilman Whitecalfe moved to approve of a resolution entitled, "Amendment to Title VIII. Subchapter 3. Animal Control Ordinance of the Three Affiliated Tribes." The motion is second by Councilman Eagle.

Discussion: Vaccines are discussed.
VOTE: 4 Ayes 1 Nays Motion carried.

2. Resolution 09-004-VJB: D.U.I. Code Verlee Whitecalfe Saylor

Councilman Whitecalfe moved to approve of a resolution entitled, "Adoption of Title IV-A Amended Driving under the Influence Code." The motion is second by Councilman Eagle.

Discussion: Changes to the code are the change from .1 to .08 as legally intoxicated. Mandatory Minimum jail times are changed. State standards should be enforced. Tribal sovereignty is discussed. The maker of the motion withdraws the motion. The DUI code will be brought back to the Regular

TBC meeting in February. Councilman Packineau will meet with the attorney on the changes.

VOTE: Motion rescinded.

3. Veterans Travel Request: Arnold Strahs

Discussion only.

4. Return to Pakistan Financial Assistance: Danny Edwards

This will be turned over to the Chairman's office for assistance.

5. American Indian Livestock Proclamation: V. Judy Brugh

Councilman Whitecalfe moved to forward an American Indian Livestock proclamation to Gary Nelson, second by Councilwoman Brugh.

Discussion: This includes everything within the exterior boundaries of the Fort Berthold Indian Reservation.

VOTE: 6 Ayes 0 Nays Motion carried.

6. Fourth Tour of Duty Request: Jennifer Everette

This will be turned over to the Chairman's office.

7. Front End Loader for Each Segment: Marcus Levings

This was not addressed.

B. Tribal Programs Executive Officer: Laurie Alberts

Deferred.

C. Programs Analyst: Roger White Owl

Not present.

D. Elbowoods Healthcare Facility: Jim Foote

1. Resolution 09-008-VJB: NRC to Approval for Easements/Right-of-Ways on Elbowoods Healthcare Facility

Councilman Benson moved to approve of a resolution entitled, "Authorization of Natural Resource Committee to Approve All Necessary Easements and Right-of-Ways for the Elbowoods Healthcare Facility Project." The motion is second by Councilman Eagle.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

2. Resolution 09-007-VJB: Annexation of 120 acres of tribally owned land into the City of New Town for Elbowoods Healthcare Facility

Councilman Benson moved to approve of a resolution entitled, "Approval of Request for Annexation of 120 acres more or less of tribally owned land into the City of New Town for the Purposes of the Elbowoods Healthcare Facility and Related Development." The motion is seconded by Councilman Strahs.

Discussion: What is the next phase? There is a second Resolution.

VOTE: 6 Ayes 0 Nays Motion carried.

VII. TREASURERS REPORT: Frank Whitecalfe

A. Financial Report: Whitney Bell, CFO

1. Brady, Coffey and Associates Resolution 08-166-VJB: Whitney Bell

a. Rescind Resolution 08-166-VJB:

Councilman Eagle moved to rescind resolution 08-166-VJB, seconded by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Resolution 09-005-VJB: Coffey, Brady, and Associates LLC Amendment to Start up Funding

Councilman Eagle moved to approve a resolution entitled, "Recognition of Brady, Coffee, & Associates to Provide Certain Services on the Fort Berthold for Oil and Gas Development and Approval of \$223,719.95 Loan for Start up Budget." The motion is seconded by Councilwoman Brugh.

Discussion: Legal Department Damon Williams will make the correct amendments to the startup loan for Coffey, Brady, and Associated LLC.

VOTE: 5 Ayes 0 Nays 1 Abstention Motion carried.

2. Resolution: Tribal Officials Authorization for OTFM: Whitney Bell

a. Rescind Resolution 07-199-VJB

Councilman Benson moved to approve to rescind Resolution 07-199-VJB "Tribal Officials Authorized to Initiate Disbursements – Election and Term Information to Conduct Business with the

Office of Trust Funds Management.” The motion is second by Councilman Whitecalfe.

Discussion: No discussion.
VOTE: 6 ayes 0 Nays motion carried.

b. Rescind Resolution 08-206-SE: Whitney Bell

Councilwoman Brugh moved for approval to rescind resolution 08-206-SE “Appointment of Executive Officers Authorized to Initiate Disbursements – Election and Term Information to Conduct Business with the Office of Trust Funds Management.” The motion is second by Councilman Strahs.

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

c. Resolution 09-004-VJB: Whitney Bell

Councilwoman Brugh moved to approve a resolution entitled, “Tribal Officials Authorized to Initiate Disbursements – Election and Term Information to Conduct Business with the Office of Trust Funds Management.” The motion is second by Councilman Strahs.

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

3. CDBG Attorney Hire: Lisa Redford

Councilman Whitecalfe moved to retain the Law Firm Wagenlander and Heisterkamp in Challenging Denial of TAT ICDBG Application 2008, second by Councilwoman Brugh.

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

a. USDA: Lisa Redford, CEDS USDA White Shield

Councilwoman Brugh moved to approve a resolution entitled, “Approval of USDA Funding Offer-White Shield Sewer Line Replacement.” The motion is second by Councilman Eagle.

Discussion: Is this one we need to put on our priority list? This can be put in with the Red Willow payment.
VOTE: 6 Ayes 0 Nays Motion carried.

b. Restore Fortuna Building by Harry Sitting Bear

Councilwoman Brugh moved for Harry Sitting Bear to move forward with the project of removing the mold from the Fortuna Building by securing a Brownsfield grant or Insurance to cover the cost. The motion is second by Councilman Eagle.

Discussion: Discussion is to be done with the building or to have more problems down the road with it.

VOTE: 3 Ayes 3 Nays Motion dies.

B. Small Loans/Independence Loans: Andrew Reed/Ambrose Hosie

1. \$3,500 Cap on Small Loans

Councilman Whitecalfe moved to approve a \$3,500.00 cap on all loans. The motion is seconded by Councilman Benson.

Discussion: If it need be, it can come before TBC on a case by case basis. Legal is to work with No. 6 and No. 38 also to be taken off the loan list. No. 38 needs a transmission. Andrew is to come back with another list tomorrow. Andrew is to come back tomorrow with a list of only applications of \$3,500.00 or less. Andrew needs to evaluate the small loans. A cap needs to be done to get the Small loans under control because it is not revolving.

VOTE: The maker and the second, rescind their motion. **Motion withdrawn.**

2. Small Loans Hire Scanner

Councilman Eagle moved to approve the hire of a Small Loans Department Employee for Scanning for 30 days, second by Councilwoman Brugh.

Discussion: FBDC can scan; Andrew Reed Small Loans Director is to check with them to scan in documents. Whitney Bell is to see if it can be done for free. Andrew has someone in MIS to do it.

VOTE: 6 Ayes 0 Nays Motion carried.

C. TAT 2007 Audit Presentation: RSM McGladrey

Corey Tobb gave a presentation on the TAT 2007 audit results.

D. Financial Requests:

1. Son to Attend Choir in New York: Carmen Bruce

Councilwoman Brugh moved for approval for a \$1,500.00 grant for Christian Hale to take a trip to New York City in May to attend Choir. The motion is second by Councilman Whitecalfe.

Discussion: Councilman Eagle will follow-up with the family on the amount.

VOTE: 6 Ayes 0 Nays Motion carried.

2. Educational Request: Carolyn BirdBear

Addressed under Small Loans.

3. Educational Request: Scott Bull

Councilman Whitecalfe moved to approve \$1,500.00 for Scott Bull to attend an Ambassador trip to Europe, Councilman Strahs seconds the motion.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

4. Singing Group to Inaugural Ball: Lawrence Baker

Councilman Whitecalfe moved to approve a financial grant in the amount of \$4,000.00 for the Baker Drum Group to travel to the Inaugural Ball in Washington D.C. @ \$1,000.00 each. The motion is second by Councilwoman Brugh.

Discussion: The checks will be made out to Lawrence Baker, Sidrick Baker, Rylin Baker, and Phillip Reeves. They represent the Tribe.

VOTE: 6 Ayes 0 Nays Motion carried.

5. Ryan Eagle Financial Request: Arnold Strahs

Councilman Whitecalfe moved to approve \$1,000.00 for Ryan Eagle to attend the Inaugural ball, second by Councilman Strahs.

Discussion: This is a set amount for anyone that comes forward for the inaugural Ball.

VOTE: 6 Ayes 0 Nays Motion carried.

6. Sally Steele Financial Request: Scott Eagle

This is addressed under Small Loans.

7. Medical Financial Request: Fred Everette

Councilman Strahs moved to approve a grant in the amount of \$700.00 for medical bills for Fred Everette. The motion is second by Councilwoman Brugh.

Discussion: The motion is amended to give him \$1,000.00 from the TBC and \$700.00 from the Treasurers office. This is subject I.H.S. not paying the bill.

VOTE: 6 Ayes 0 Nays Motion carried.

8. Minot State Educational Request: Clarissa Morsette

This is addressed under Small Loans.

9. Financial Request: Faith Wilkinson

Address under Small Loans.

VIII. COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS:

A. Executive Committee: Marcus Levings

1. Four Bears Casino Report: Spencer Wilkinson Jr.

2. Gaming Commission Report: Mark Fox

Councilwoman Brugh moved to approve the hire of four key employees and five non key employees, seconded by Councilman Strahs.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

a. Lay off of Employee

Councilman Eagle moved to approve the lay off of Carol GoodBear from the Four Bears Casino, seconded by Councilman Strahs.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

b. Authority to Executive Director to Hire and Fire

Councilwoman Brugh moved to approve the extension of the Gaming Commission Executive Director's authority to hire and fire for one year from January 2009 to January 2010. The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

c. Update

Mark Fox gave an update.

d. Hire of Internal Auditor

Councilman Whitecalfe moved to approve the hiring of an Internal Auditor under the supervision Executive Director of Gaming Commission @ \$19.00 to \$20.00 per hour to be paid by the casino as she is currently being paid. The motion is second by Councilman Strahs.

Discussion: Whitecalfe met with auditors regarding the Four Bears Casino Audit. The report will go to NIGC.

VOTE: 6 Ayes 0 Nays Motion carried.

3. Enrollment: John Charging/Nathanial Mayer

Tabled until Election is complete.

4. National Indian Gaming Association Renewal: Vice-Chairman Mervin Packineau

This was not presented.

B. Judicial/Human Resource: Mervin Packineau

1. Child Support Enforcement: Ellen Wilson

a. Child Support In-kind Position: Ellen Wilson

Discussion only.

b. Rescind 07-79-VJB: Child Support Enforcement: Ellen Wilson

Councilman Eagle moved to rescind 07-79-VJB, second by Councilwoman Brugh.

Discussion: This is for an account with old signatures.

VOTE: 5 Ayes 0 Nays Motion carried.

c. Resolution 09-010-VJB: Child Enforcement Bank Account Signatures

Councilwoman Brugh moved to approve of a resolution entitled, "Tribal Business Council Authorization for the TAT DCSE to Establish a Checking Account at Lakeside State Bank for Child Support Disbursement." The motion is seconded by Councilman Strahs.

Discussion: No discussion.

VOTE: 6 ayes 0 Nays Motion carried.

C. Natural Resource Committee: Barry L. Benson

**1. Resolution 09-009-VJB: MHA Triad Project Agreement:
Horace Pipe**

Councilman Whitecalfe moved to approve a resolution entitled, "Triad Project Corporation Clean Fuels Refinery Agreement." The motion is second by Councilman Eagle.

Discussion: What is the next step? The word imminent means that is what we are doing and to move on to the next phase. It has to be put into the federal register. The well issue was cleared up. We had to get title and then another 3rd issue. For political reason's it got pulled and sent back. Horace is to attend the next NRC meeting.

VOTE: 6 Ayes 0 Nays Motion carried.

2. Stephens Oil and Gas: Fred Fox

This was not presented.

**3. Resolution: Authorization to BIA Advertise Street
Projects in White Shield, Twin Buttes, & Drags Wolf
Pathway: Councilman Whitecalfe**

This was not presented.

4. Leases Issue: Doreen Lyons/Irene Stevenson

Fred Fox Oil and Gas Director to assist in this matter.

**5. Resolution: Hydrologist Catherine Vandermiere
Contract: Marvin Danks**

Councilman Whitecalfe moved to approve to put Hydrologist, Catherine Vandermiere under the Fort Berthold Rural Water Department. The motion is second by Councilman Strahs.

Discussion: There are three amendments to her contract. One is to extend the completion date to March 1, 2009 and second, to waive compensation from August through October 2008. Finally, receipt and acceptance is now by Fort Berthold Rural Water of all final reports upon that and any other deliverables.

VOTE: 6 Ayes 0 Nays Motion carried.

a. Water Meter Reader

Discussion only.

6. Housing Agreement/Contract with Lori Pemberton

Councilwoman Brugh moved to approve to renew Lori Pemberton's contract with Tribal Housing Division for 2009, second by Councilman Bensons.

Discussion: It is discussed that her contract is the same, this is just a renewal. The Tribal Business Council would like the completion of the Breslin, White Shield and Dragswolf Streets.

VOTE: 6 Ayes 0 Nays Motion carried.

(Special Tribal Business Council meeting is set for January 9, 2009 at 10:00 A.M.)

D. Economic Development/Education: Scott Eagle

1. Education Week Budget: Connie White Bear

This was not presented.

2. Resolution: BIA to take Ownership of Twin Buttes School

This was not presented.

3. China Trip Imports/Export: Dominick Sillitti

This was not presented.

4. China & Tourism Business: Dominick Sillitti

This was not presented.

5. Grant USDA (Increase from \$50,000 to \$150,000): Dominick Sillitti

This was not presented.

E. Health Committee: Chairman Levings

1. Proposal for Drug Testing and Alcohol-Symbiotic Lab: Sherry King RN BSN

This was not presented.

2. I.H.S. Mental Health Grant: Cindy Danks, Stella Berquist

This was not presented.

IX. LEGAL:

A. Five Business Licenses

This was not presented.

X. NEW BUSINESS:

A. Personal (Closed Session): Evangeline Monogram

Discussion only.

B. Mr. Mullick

Addressed the TBC.

XI. OLD BUSINESS:

XII. UNFINISHED BUSINESS:

**A. White Shield Community Election Concerns,
Information, & Request for Meeting: Leonard Hosie**

He was not present.

**B. Denial of Due Process/Policy & Procedures: Bernadine
Young Bird**

She was not present.

XIII. ADJOURNMENT:

Councilman Strahs moved to adjourn the meeting, second by
Councilwoman Brugh.

Meeting adjourned at 7:48 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 _____, 2009; 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.

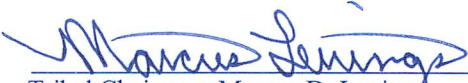
Chairman () Voting () Not Voting

Dated this ____ day of _____, 2009.

ATTEST:



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



Tribal Chairman, Marcus D. Levings
Tribal Business Council,
Three Affiliated Tribes