



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING
09-06-VJB
January 14, 2009, 10:00 A.M.**

I. CALL TO ORDER:

The meeting is called to order at 11:55 A.M.

II. PRAYER:

Perry No More Tears Brady.

III. ROLL CALL:

Councilman Barry Benson, Councilman Arnold Strahs, Councilman Frank Whitecalfe, Councilman Scott Eagle, Councilwoman V. Judy Brugh, and Chairman Marcus Levings are present. A quorum is established. Councilman Mervin Packineau is snow bound but will arrive when he can. Councilman Packineau arrived at 12:53 P.M.

IV. APPROVAL OF AGENDA:

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

Discussion: Tribal Roads and BIA Roads are discussed. Add ons to the agenda are reserved.

VOTE: 6 Ayes 0 Nays Motion carried.

V. Colas: Whitney Bell, CFO

Councilwoman Brugh moved to approve the COLA's for FY 09 at 5.8% with October 1, 2009 being the effective date, second by Councilman Whitecalfe.

Discussion: If it is in the federal programs budget they can receive it. The concern is for the Tribal programs. Some programs already received it and we have to be fair. Roads haven't had an increase in several years. The Tribe needs to reestablish the yearly increase like the federal government does. Overtime and COLA's is discussed. Are there any standing resolutions on COLA's or raises? Councilman Eagle said that about 3 or 4 years ago there was a resolution that froze travel and raises. It was a memo from Councilman Whitecalfe's office.

VOTE: 5 Ayes 0 Nays Motion carried.

VI. Leases/Signatures/IIM: Howard Beamer, Austin Gillette

Discussion only.

VII. Resolution 09-014-VJB Air Monitor: Mr. Tom Abe, Alyce Spotted Bear

Councilman Brugh moved to approve of a resolution entitled, "Three Affiliated Tribes – Fort Berthold Community College Joint Air Quality Monitoring Project." The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

VIII. NRC Concerns on Department Transfer: Councilman Benson

Discussion only.

IX. Budgets: Whitney Bell, CFO

A. I.H.S.: Stella Berquist

Councilman Whitecalfe moved to approve to authorize and appropriate the service area to be within the state of North Dakota for Minne Tohe with the initial budget to be at \$150,000.00 and to proceed on a monthly basis and to give quarterly reports to the Tribal Business Council. The motion is second by Councilman Strahs.

Discussion: The reasons why tribal members live on or off the reservation is discussed. Another satellite office is discussed.

VOTE: 7 Ayes 0 Nays Motion carried.

1. Nursing Home Bill for \$60,000.00

Councilman Packineau move to approve to pay a nursing home bill in the amount of \$6,000.00 per month for 10 months for a total of \$60,000.00 from the emergency medical general fund with the opportunity for any reimbursement from the patients oil and gas bonuses or royalties. The motion is second by Councilwoman Brugh.

Discussion: Other people will come in. The council will have to prioritize. Some things will have to be put on the back burner.

VOTE: 6 Ayes 0 Nays Motion carried.

2. Ambulance Bills and Contracts

Councilman Whitecalfe moved to approve to have the ambulance contracts and bills from Parshall and New Town go to the Minne Tohe Clinic, second by Councilman Strahs.

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

3. Third Party Billing

Councilman Packineau moved to approve the purchase of Third Party Billing Enter G software for all five clinics to come out of Minne Tohe budget for approximately \$200,000.00, second by Councilman Strahs.

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

B. Law Enforcement: Jay Brugh, Chief of Police

1. Release of Employment

Councilman Eagle moved to approve to complete the termination of the Highway Officer from the Law Enforcement Department for cause on the recommendation of the Chief of police. This is subject to the personnel policy and procedures, second by Councilman Packineau.

Discussion: Clarification to the handbook by Legal Council must be given regarding a person that is placed on administrative leave until Tribal Business Council can act upon it. Chairman Levings authorizes the Human Resource committee to develop what needs to be done so that case by case can be handled at committee level.

VOTE: 6 Ayes 0 Nays Motion carried.

2. Policy and Procedure to be Addressed by Human Resources

Councilman Packineau moved for approval to authorized the Human Resource Committee to develop a policy that ties to the personnel handbook in emergency safety sensitive and safety positions to be filled in lieu of a full Tribal Business Council meeting. The motion is seconded by Councilman Strahs.

Discussion: This will help get through till the next regular meeting to get the permanent hire and fire issues resolved.

VOTE: 6 Ayes 0 nays Motion carried.

3. Approval of Law Enforcement Budget

Councilman Strahs moved to approve the budget for Law Enforcement in the amount of \$973,699.14 for 10 officers to be

paid from the general fund and 13 officers to be paid from 638 contract or grant. The motion is seconded by Councilman Packineau.

Discussion:

No discussion.

VOTE:

6 Ayes 0 Nays Motion carried.

C. BIA Roads: Doyle Bell

Discussion only.

D. Tribal Roads: Curt Wells

1. Wage Increase

Councilwoman Brugh moved to approve the wage increase for the Tribal Roads Department for \$163,862.00 for FY 09, also to include overtime. The motion is seconded by Councilman Strahs.

Discussion:

Two Changes are to add Byron Young Bird at \$20.50 as lead operator and Bruce Behles as mechanic/Lead Operator at \$22.50. Over time to be included if needed.

VOTE:

7 Ayes 0 Nays Motion carried.

Recess at 4:35 P.M.

Resumes at 5:00 P.M.

Councilman Packineau had to leave.

2. Resolution 09-015-VJB: Declaring State of Emergency

Councilman Eagle moved to approve of a resolution entitled, "Three Affiliated Tribes - Declaration of Emergency dated January 14, 2009." The motion is second by Councilman Strahs.

Discussion:

No discussion.

VOTE:

6 Ayes 0 Nays Motion carried.

3. Resolution 09-016-VJB: Modification of Road Maintenance Contract with BIA Roads

Councilman Whitecalfe moved to approve of a resolution entitled, "Request for Modification of Road Maintenance Contract with the Bureau of Indian Affairs to include Additional funding for removal of snow, equipment, and repair to roads as a result of snow accumulation." The motion is seconded by Councilman Strahs.

Discussion: Pat Wilkinson found some funds in
Aberdeen that the tribe can apply for.

VOTE: 6 Ayes 0 Nays Motion carried.

**4. Resolution 09-017-VJB: Small Loans Secured by IIM
Accounts**

Councilwoman Brugh moved to approve a resolution entitled,
“Additional Requirement for all Small Loans through the Tribal
Small Loan Program Secured by Individual Indian Monies
Accounts.” The motion is seconded by Councilman Eagle.

Discussion: Legal to work on adding #3 to say: Upon
receipt of IIM funds, Bonuses, or Royalties it shall be repaid
immediately. Small Loans to then start repaying back the
general fund. Small Loans Director to use this resolution as his
collection policy.

VOTE: 6 Ayes 0 Nays Motion carried.

E. CHR: Darryl Hall

1. GSA Bill

Councilman Eagle moved to approve to pay a FY 2008
responsibility out of the general fund in the amount of
\$43,059.04 and to try to get a reimbursement from the I.H.S.
638 contract for 18 vehicles, seconded by Councilwoman
Brugh.

Discussion: This is their responsibility and the Tribe is
stuck with the bill. This can't come out of the contract.

VOTE: 6 Ayes 0 Nays Motion carried.

2. Unmet Need for CHR Program

Councilman Whitecalfe moved to approve an unmet need for
CHR and KDU Program drivers in the amount of \$501,642.90
from the general fund for FY 09, second by Councilman Strahs.

Discussion: \$822,147.90 - \$320,505.00 =
\$501,642.90. Max Dickens to work out the offset of
transporting for rent of office space from KDU. To include a
\$2.00 wage increase across the board for CHR employees and
KDU drivers.

VOTE: 6 Ayes 0 Nays Motion carried.

F. Energy: Fred Fox

1. Budget for Energy Department

Councilman Whitecalfe moved to approve of a budget for the Oil and Gas Division of the Energy Department for FY 09 in the amount of \$900,055.00, seconded by Councilman Benson.

Discussion: Fixing on the building for the exchange of rent is discussed. The building is still owned by FBDC. Expansion of the Energy Department is discussed. The budget includes the Oil Pumpers.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Resolution 09-018-VJB: Stephens Energy Company LLC.

Councilman Strahs moved to approve of a resolution entitled, "Amendment to Tribal resolution approved August 1, 2008 – Approval of Oil and as Leases with Stephens Energy Company LLC, for 280 Acres for Oil and Gas Development on the Fort Berthold Reservation." The motion is seconded by Councilman Whitecalfe.

Discussion: This is in the Shell Creek area. We are to wait the assignment provision. These need to be combined with other tracts to make them viable. The Tribal Council discussed waiving the flipping provision. Councilman Whitecalfe feels that we should just keep the tracts. Councilwoman Brugh agrees that we shouldn't waive the provision. A policy was made and feels that the Tribal Council should stick to it. There is no commitment to drill at the moment. Strike **Be It Further resolved**, the Tribal Business Council hereby waives the Tribal assignment a/k/a "anti-flipping" provision specifically for the above named tracts only; and. Replace **Were as** with Commitment to drill. Time frame is a five year lease. So, 3 years for a commitment to drill in lieu of the flipping provision. This will put us up to 27 wells. If they flip then the company purchasing will be responsible to drill. Commitment to Frac it (drill and produce).

VOTE: 6 Ayes 0 Nays Motion carried.

G. Game and Fish Budget: Fred Poitra

Councilman Whitecalfe moved to approve of a budget in the amount of \$494,615.74 for Game and Fish Department; accounting code 220 at \$335,232.00 and accounting code 0982 at \$159,383.74. The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

1. Tribal Ranch and Lodge Equipment Purchase

Councilman Eagle moved to approve to authorize Laurie Alberts, TPEO and Max Dickens, FPEO to help the Tribal Ranch and Lodge obtain a tractor and to relocate the Buffalo food access closure to the road, second by Councilman Strahs.

Discussion: A tractor needs to be fixed. Councilman Whitecalfe will assist with an assessment of what equipment is needed and then will come back with a list. The equipment purchase is not to exceed \$100,000.00.

VOTE: 6 Ayes 0 Nays Motion carried.

Councilman Whitecalfe has left the meeting.

H. Tribal Housing: Florence Brady

Councilman Eagle moved for approval for Florence Brady to be the Director of the Dream Catcher program. The motion is second by Councilman Strahs.

Discussion: Councilman Benson is the Chairman of the Housing Board. The board would like a resolution to this effect regarding Councilman Benson.

VOTE: 5 Ayes 0 Nays Motion carried.

I. Solid Waste Budget: Elton Spotted Horse

Councilwoman Brugh moved to approve a budget for Solid Waste in the amount of \$578,720.00 (Tribal Funds) for FY 09, seconded by Councilman Strahs.

Discussion: Tribal members have requested the red dumpsters but the city of New Town won't let the solid waste trash containers be brought into the city.

VOTE: 5 Ayes 0 Nays Motion carried.

1. Recommend Lay Off

Councilman Strahs moved to lay off Air Tech II with recommendation by Solid Waste director, seconded by Councilman Eagle.

Discussion: She works with Burton Bell, he has gotten behind on the air stations. His deadline was December 30, 2008. No call no show.

VOTE: 5 Ayes 0 Nays Motion carried.

J. Small Loans: Andrew Reed

This will transfer to the next budget meeting.

K. CDFI: Connie Azure

Discussion only. This will transfer to the next budget meeting.

**L. Coffey, Brady, and Associates: Perry No More Tears Brady
1. Coffey, Brady, and Associates Loan**

Councilman Eagle moved to approve to amend resolution 09-005-VJB to give Coffey, Brady, and Associates a loan in the amount \$60,000.00 now and the rest in 60 days for the remaining note subject to the availability of funds. Motion dies.

2. Amendment to 09-005-VJB Coffey, Brady, and Associates Loan

Councilman Eagle moved to amend resolution 09-005-VJB to give Coffey, Brady, and Associates a loan in the amount of \$223,719.95. To be given \$60,000.00 now and the rest in 60 days for the remaining note in the amount of \$163,719.95 subject to the availability of funds, second by Councilman Benson.

Discussion: Whitney Bell is to give the terms and conditions to Damon Williams to do the amendment.

VOTE: 3 Ayes 2 Nays Motion carried.

X. CLOSING PRAYER:

Perry No More Tears Brady.

XI. ADJOURNMENT:

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

Meeting adjourned at 9:10 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

