



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING
09-07-VJB
January 26, 2009, 10:00 A.M.**

I. CALL TO ORDER:

The meeting was called to order at 12:10 P.M.

II. PRAYER:

Kelly Fox.

III. ROLL CALL:

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

IV. APPROVAL OF AGENDA:

Benson-Osh Kosh Snowblower VII B.
Whitecalfe-Educational Requests
Strahs-TAT Election IX I.
Levings-Independence Loans VIII B.
Eagle-
Packineau-
Brugh-Ft. Berthold Housing VIII C.

Councilman Strahs moved to approve of the agenda as amended, seconded by Councilman Whitecalfe.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

V. Casino Report: Spencer Wilkinson Jr.

Councilman Packineau moved to except the Four Bears Casino first quarter report for 2009, second by Councilman Strahs.

Discussion: Recognition goes to Pat Packineau, CEO and Spencer Wilkinson, General Manager of the Four Bears Casino for a record year. The Incentives are to be included in the motion for these two employees.

VOTE: 6 Ayes 0 Nays Motion carried.

**VI. Resolution 09-019-VJB: Kempthorne Settlement
Resolution: Jen Fyten**

Councilman Whitecalfe moved to approve of a resolution entitled, "Acceptance of the terms and conditions contained in the January 9, 2009 Final Version of the Joint Stipulation of Settlement and (Proposed) Order in connection with the Settlement of Three Affiliated Tribes v. Kempthorne, et al, Civil Action No. 1:02-CV-00253(JR)(U.S. District Court for the District of Columbia) and Three Affiliated Tribes of the Fort Berthold Reservation v. United States, No. 1:06-CV-00904-LBJ (U.S. Court of Federal Claims.)" The motion is second by Councilman Packineau.

Discussion: Legal to FedEx a duplicate.

VOTE: 7 Ayes 0 Nays Motion carried.

2. Twin Buttes Casino Recommended Arbitration Hire

Councilman Packineau moved to approve the hire of Allen Meister PhD for the Twin Buttes Casino Arbitration, second by Councilman Benson.

Discussion: This recommendation is from Michael Roy of Hobbs, Straus, Dean, and Walker. The LSA should be spelled out. Cost also needs to be looked at. The contract will need to be drawn up and presented with the resolution.

VOTE: 7 Ayes 0 Nays Motion carried.

VII. Financial Request:

A. Burned Mobile Home Replacement: Francine Azure

Councilman Eagle moved to approve a small loan to Marcia and Francine Azure in the amount of \$20,000.00 to replace the mobile home that was lost in a fire on January 19, 2009. The motion is second by Councilwoman Brugh.

Discussion: This is contingent upon Tribal Housing having insurance on the mobile home trailer. The title to be the collateral.

VOTE: 7 Ayes 0 Nays Motion carried.

B. Educational Requests: Joseph Rolette/Willow S. Roulette

Councilman Eagle moved to approve educational loans for Willow S. Roulette in the amount of \$1,031.00 and Joseph P. Roulette in the amount of \$4,500.00, second by Councilman Strahs.

Discussion: The loans are subject to educational loans guidelines.

VOTE: 7 Ayes 0 Nays Motion carried.

C. Osh Kosh Snow Blower

Councilman Benson moved to approve to purchase a snowblower for the Twin Buttes segment in the amount of \$57,000.00 and the opportunity to purchase 7 Bobcat/Skid steers for each segment @ \$20,000.00 each for a total of \$197,000.00. The motion is second by Councilman Whitecalfe.

Discussion: During times of storms, it is better to have more equipment then not enough. The cost of renting equipment is discussed.

VOTE: 7 Ayes 0 Nays Motion carried.

D. Independence Loans

Councilman Packineau moved to approve two Small Business Loans for Tony Johnson in the amount of \$105,000.00 for Oil Field and Roust About Service and Blossum Bird in the Ground for \$50,000.00 for B.I.G Business. This is subject to Independence Program guidelines and recommendations. The motion is second by Councilwoman Brugh.

Discussion: The amounts are subject to the Treasurer. Reporting names to collection agencies is discussed.

VOTE: 6 Ayes 0 Nays Motion carried.

VIII. Tribal Purchase:

Councilman Whitecalfe moved to approve the purchase of an oil painting titled "Helps the People", from Monte Yellow Bird for \$5,000.00, this is to come out of the monetary award line item. This includes the Twin Buttes Segment painting purchases for a total of \$9,650.00. The motion is second by Councilman Strahs.

Discussion: Councilman Bensons ordered a \$4,200.00 30x40 painting from Joanne Bird for Cynthia Danks for 14 or 15 years of service with the Tribe. This will come out of the Twin Buttes Segment funds but will be given as a gift from the Three Affiliated Tribes. Cynthia will be retiring in February 2009. Also a deer hide painting for \$450.00 to be painted by Darnelle Tskeoske, this will come out of the Twin Buttes Segment funds as a gift from the Twin Buttes Segment office

and some jewelry. Laurie Alberts and Izetta Hopkins are to follow up on gift given to Alfred Driver.

VOTE: 6 Ayes 0 Nays Motion carried.

IX. Budgets: Whitney Bell, CFO

A. Small Loans-Andrew Reed

Councilman Eagle moved to approve the FY 2009 budget for Small Loans Program including Indirect cost of 48.13, second by Councilman Strahs.

Discussion: It is cleared up regarding putting a ceiling on Small Loan accounts that have an IIM account. The software is discussed. A collection agent should be hired.

VOTE: 6 Ayes 0 Nays Motion carried.

2. Small Loans Cap of \$3,500

Councilman Eagle moved to approve a cap of \$3,500.00 on Small Loans Program across the board, second by Councilman Strahs.

Discussion: This is for regular and IIM accounts.

VOTE: 6 Ayes 0 Nays Motion carried.

3. Small Loans Closed Until February 26, 2009

Councilman moved to approve to close the Small Loans program effective today, January 26, 2009 to February 26, 2009 and to re-open March 2, 2009. The motion is seconded by Councilman

B. CDFI-Connie Azure

Councilman Whitecalfe moved to approve the FY 2009 budget for United Tribes Finance Corporation (CDFI Independence Loans) Program in the amount of \$350,784.50 and approval for two offices in the former Tribal Court House (FBDC building). The motion is second by Councilman Eagle.

Discussion: The \$106,645.00 is discussed. The CDFI will have to be addressed later.

VOTE: 7 Ayes 0 Nays Motion carried.

(A break is taken to honor CPL Nathan Good Iron. Nathan Good Iron and Harriet Good Iron are presented with a book- Warriors In Uniform The Legacy Of American Indian Heroism- Chapter Seven)

C. Tribal Housing-Florence Brady

D. KDU-Gladys Meirers

1. KDU Patient Headphones

Councilman Packineau moved to approve of Councilman Eagle to work with KDU Program to purchase 20 headphone sets @ \$200.00 each for a total of \$4,000.00 for KDU patients. The motion is second by Councilman Strahs.

Discussion: Getting reimbursed for the short falls for Indian Health Services for the past 10 years is discussed. An appeal has been done.

VOTE: 7 Ayes 0 Nays Motion carried.

2. Oil & Gas Bonus/Royalties Effect on Healthcare-Kelly Fox

This was discussion only.

E. Utilities-Richard White Tail

To be carried over to the next Tribal Business Council budget meeting on February 11, 2009.

F. TERO-Dewey Hosie

Councilman Whitecalfe moved to approve the FY 2009 TERO budget, second by Councilman Brugh.

Discussion: Any access will come to the Tribe.

VOTE: 5 Ayes 0 Nays Motion carried.

G. Ft. Berthold Housing Authority Chart

1. HIP to be placed under FBHA/Organizational Chart

Councilwoman Brugh moved to approve to move the H.I.P program under the Fort Berthold Housing Authority and the Ft. Berthold Housing Authority Flow Chart. The motion is second by Councilman Strahs.

Discussion: The employees are Jackie Jackson Morsette and Dennis Hurkis. This program would emulate the same changes as Tribal Housing moving under FBHA. Lorrie Pemberton's position as consultant for Dream Catcher Program is to be added to the flow chart of FBHA.

VOTE: 6 Ayes 0 Nays Motion carried.

H. Enrollment-John Charging

Councilman Whitecalfe moved to approve a resolution entitled "238 Eligible Enrollment Applicants." The motion is second by Councilman Packineau.

Discussion: To include Royce Fox's children to bring the total from 238 to 240 (Nhi Rochelle White Owl D.O.B. 11-29-06 and Jalen Chip White Owl D.O.B. 1-31-08). This is under section C Eligibility. Guidelines and Criteria committee will be put into place in order to pass and to develop the regulations of enrollment. Councilwoman Brugh will head up the committee with Barry Benson, Scott Eagle, John Charging, Nathaniel Mayer and Legal Department. This will be brought forward to full council.

VOTE: 4 Ayes 3 Nays Motion carried.

I. TAT Election

Councilwoman Brugh moved to approve to uphold, reinstate, & recertify the November 2008 election results that declare Frank Whitecalfe the victor; this will nullify the tie on December 12, 2008.

Discussion: It is just now at the Tribal court appeals level. Did the Election board error in opening the ballads without a court order? The circumstances are different then Mandaree's election. Election ordinance needs to be updated and amended. The hearing is scheduled for January 30, 2009. Once the Tribal Council certifies an election no one has the authority to appeal the decision. The Tribal Council is the Tribal Supreme Court.

VOTE: Motion dies.

J. Denial of Court order for CFO to Allow Court to Look at Financial Records

Councilman Eagle moved for approval for the denial of Court Order for Fred Fox to look at all TAT records, second by Councilman Strahs.

Discussion: This includes all departments.

VOTE: 6 Ayes 0 Nays Motion carried.

K. MHA Enterprises Old Bill 2003-2004

Councilman Strahs moved to approve to pay an old bill with Makoti Rensch's in the amount of \$10,000.00, second by Councilman Eagle.

Discussion: Councilman Packineau is to confirm that this is the correct paperwork. This when MHA Enterprises ran the Buffalo Project, but MHA Enterprise program no longer exists. The bill is originally for \$12,000.00 but Makoti Rensch will settle for \$10,000.00 after taking off the late fees.

VOTE: 5 Ayes 0 Nays Motion carried.

L. Domestic Violence Book Keeper Budget Supplement

Councilman Strahs moved to approve \$40,000.00 for Domestic Violence Budget and Betty Young bird to be book keeper. The motion is second by Councilman Whitecalfe.

Discussion: This is a supplement to their budget. This is for salary, fringe, and equipment for the employee. Domestic Violence is chartered by the Tribe. Roberta Crows Breast was happy to receive some help as far as office space in the Trinity Building.

VOTE: 5 Ayes 0 Nays Motion carried.

(Special Tribal Business Council budget meeting will be held on February 11, 2009 at 10:00 A.M.)

X. ADJOURNMENT:

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

Meeting adjourned at 8:24 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:

