



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
09-30-VJB
June 29, 2009, 10:00 A.M.**

I. CALL TO ORDER:

The meeting was called to order at 10:22 A.M.

II. PRAYER:

Reverend Marilyn Levine administered the prayer and an honorarium was given.

III. ROLL CALL:

Councilman Barry Benson, Vice-Chairman Frank Whitecalfe, Councilman Arnold Strahs, Councilman Scott Eagle, and Executive Secretary V. Judy Brugh. A quorum is established. For the record Chairman Levings is not present and Treasurer Packineau will arrive later. Treasurer Packineau arrived at 12:20 P.M.

IV. APPROVAL OF AGENDA:

Add-On:

Councilman Eagle-Siosi & Twila Aulaumea VII 9
Secretary Brugh-Iva Baumgartner VII 10.

Councilman Benson moved to approve of the amended agenda, second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

V. APPROVAL OF MINUTES:

April 9, 2009	May 13, 2009	June 4, 2009
April 15, 2009	May 14, 2009	June 22, 2009
April 25, 2009	May 20, 2009	
April 29, 2009	May 22, 2009	
May 6, 2009	May 27, 2009	
May 7, 2009	June 1, 2009	

Councilman Eagle moved to approve of the 14 sets of minutes subject to review, second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

VI. CHAIRMANS REPORT: Marcus Levings

A. Federal Programs Executive Officer: Camie Gosnell

She did not present.

B. Tribal Programs Executive Officer: Izetta Hopkins

She did not present.

C. Elbowoods Healthcare Facility: Jim Foote

He did not present.

D. Nathan GoodIron Book: Chairman Levings

This was not presented.

E. ND Community Military Covenant: Chairman Levings

This was not presented.

F. RTC Support: Chairman Levings

This was not presented.

VII. TREASURERS REPORT: Mervin Packineau

A. Financial Report: Whitney Bell, CFO

**1. Resolution 09-094-VJB: Mandaree Enterprises Corp. CD-
Clarence O'Berry (Closed Session)**

This will be deferred until July 7th at 10:00 A.M.

B. Small Loans: Andrew Reed

1. Transfer of Funds into Small Loans

Councilman Packineau moved to approve to transfer \$300,000.00 into the Small Loans Department from the general fund and to close the Small Loans Department for the month of July 2009. Loans are capped at \$3,500.00 and those that are at the \$3,500.00 and over, are to come before the Tribal Business Council for approval. The motion is second by Councilman Benson.

Discussion: Medical and Education loans come first. Nancy Fox is a not a personal loan, she is a medical loan in the amount of \$10,000.00. Collection officer is discussed. There are some that are paying on their loans but are coming in every other week to get another loan and are racking up their loan amounts.

VOTE: 6 Ayes 0 Nays Motion carried.

C. Independence Loans: Ambrose Hosie

This was not presented.

D. Financial Requests:

1. Camie Wilkie Financial Request

This was not presented.

2. Jon "Poncho" Brady Request

Councilwoman Brugh moved to approve of a \$20,000.00 loan for Jon "Poncho" Brady, to pay off existing debt so he can purchase a home in NewTown ND. The loan is to be paid off when they sell their home in Oklahoma, second by Councilman Eagle.

Discussion: The anticipated pay off is in four months.

VOTE: 5 Ayes 0 Nays Motion carried.

3. Moving Expense Request Doreen Yellow Bird

Deferred.

4. Spirit Riders Request

This was not presented.

5. Special/Reunion Request: Iva Gillies

This was not presented.

6. Gas Tax Reimbursement for Malcolm Bruce Sr.

This is taken care of in the next motion.

7. Gas Tax Reimbursement for Leeda M. Meyers/Malcolm Bruce Sr.

Councilman Strahs moved to approve Malcolm Bruce Sr. and Leeda M. Meyers for a waiver for Gas Tax Reimbursement, second by Councilman Eagle.

Discussion: The deadline is near to collect on Taxes.

VOTE: 5 Ayes 0 Nays Motion carried.

8. Sylvan Learning Center Request: Clarine Driver

This was not presented.

9. Loan Issue: Melvin Hale/Jean Baker

Councilman Eagle moved to approve an educational loan in the amount of \$3,500.00 for Melvin Hale subject to the availability of funds and Nathaniel Meyer is to be his co-signer, second by Councilwoman Brugh.

Discussion: An apartment was discussed.
VOTE: 5 Ayes 0 Nays Motion carried.

10. Iva Baumgartner Financial Request

Councilman Eagle moved to approve of a loan in the amount of \$700.00 and a \$500.00 grant from the Four Bears Segment for attorney fees to adopt three children. The motion is second by Councilwoman Brugh.

Discussion: She is to get with Small Loan Director to work out a deferred payment plan because of a knee injury.
VOTE: 5 Ayes 0 Nays Motion carried.

11. Ardella Starr Bacca Loan Request

Councilwoman Brugh moved to approve of a loan in the amount of \$10,000.00 for Ardella Starr Bacca to be paid back by September 1, 2009 by her IIM account. The motion is second by Councilman Eagle.

Discussion: No discussion.
VOTE: 5 Ayes 0 Nays Motion carried.

12. Bill Standish Loan

Councilwoman Brugh moved to approve a loan in the amount of \$17,500.00 for Bill Standish to purchase a trailer home in Minot, ND for his family. Councilman Benson second the motion.

Discussion: Bill will make monthly payments back to Small Loans and the Deed/title will be held as collateral. Bill's IIM account will have a ketterling hold on it. It is discussed for Bill to complete his Nursing degree and come back to the tribe to work.
VOTE: 5 Ayes 0 Nays Motion carried

13. Charles Moran Loan

Councilman Packineau moved to approve a loan in the amount of \$30,000.00 from Small Loans for Ranch/Operating costs. **Motion dies due to lack of a second.** He is to put an application In with Independence Loans.

14. Darryl Finley Loan

Councilwoman Brugh moved to approve of a loan in the

amount of \$15,000.00 for Darryl Finley for Ranching/operating costs, to use the two deeds for two lots that he owns at collateral with a set pay back amount that he is to work out with Andrew Reed in Small Loans Department. The motion is second by Councilman Eagle.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

15. Tony Fox Financial Request

Councilman Eagle will follow up on his request.

16. Monty Mariner Loan Request

Councilwoman Brugh moved to approve of a loan in the amount of \$15,000.00 for Monty Mariner to get his Cattle guard business started, second by Councilman Strahs.

Discussion: Because of the tankers ripping up the cattle guards the need is demanding for cattle guards and he advises he can get started with his business expeditiously. It is recommended to get some payments in right away so others can get started also.

VOTE: 5 Ayes 0 Nays Motion carried.

17. Cheryl Good Bird Educational Loan

Councilman Benson moved to approve of an educational loan in the amount of \$3,495.95 to attend the Caplan University for Pharmacy Technician for Cheryl Good Bird. To be added on to the Small Loans under Education. The motion is second by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

18. Siaoisi and Twila Aulaumea

Councilman Benson moved to approve a Small Loan in the amount of \$3,500.00 for Twila Aulaumea, second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 ayes 0 Nays Motion carried.

19. Concession Stand Purchase Request: Annette Young

Bird

Councilman Eagle moved to approve a loan in the amount of \$17,500.00 to purchase a concession stand, second by Councilman Benson.

Discussion: Will pay off loan if oil leases come in sooner. Will do wage assignment in the interim.
VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

20. Jesse Rae Baker Medical Loan

Councilwoman Brugh moved to approve of a medical loan in the amount of \$3,500 for Jesse Rae Baker, second by Councilman Eagle.

Discussion: No discussion.
VOTE: 5 Ayes 0 Nays Motion carried.

21. Motor Fuel Tax Waiver James Dawson and Frank Henry

Councilman Eagle moved to approve of a motor fuels tax waiver for James Dawson and Frank Henry, second by Councilwoman Brugh.

Discussion: No discussion.
VOTE: 5 Ayes 0 Nays Motion carried.

**22. Severance Pay for Twin Buttes Council Appointees
a. Cynthia Fredericks**

Councilman Benson moved to approve Cynthia Fredericks for \$5,000.00 per severance pay policy and Procedures. The motion is second by Councilwoman Brugh.

Discussion: No discussion.
VOTE: 5 Ayes 0 Nays Motion carried.

b. Charlie Fredericks

Councilman Benson moved to approve severance pay for Charlie Fredericks for Seven years of service @ 600.00 per year for a grand total of \$4,200.00, second by Councilwoman Brugh.

Discussion: No discussion.
VOTE: 5 Ayes 0 Nays Motion carried.

c. Mariam Spotted Bear

Councilman Benson moved for approval for Mariam Spotted Bear to receive \$5,000.00 severance pay for years of service, second by Councilwoman Brugh.

Discussion: Discussion on the Chairman's 10 homes for the 210 Home Initiatives.

VOTE: 5 Ayes 0 Nays Motion carried.

VIII. COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS:

A. Executive Committee: Marcus Levings

1. Four Bears Casino Report: Spencer Wilkinson Jr.

Deferred.

2. Gaming Commission Report: Mark Fox

a. Key and Non-Key Licenses

Councilwoman Brugh moved to approve of the 57 key and Non-key licenses for the Four Bears Casino. The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Eagles Landing Gaming Area Amended Licenses

Councilwoman Brugh moved to approve the Tribal Business Council and the Three Affiliated Tribes Gaming Commission do hereby Authorize and amended license or new license (if required) to include the Eagles Landing gaming machines area, and also temporarily approves of the Tribe internal controls and corresponding operational procedures applicable to the coverage of this particular, gaming area. The motion is second by Councilman Strahs.

Discussion: For the state.

VOTE: 5 Ayes 0 Nays Motion carried.

c. Re-Affirm Executive Director Authority on Compliance

Councilman Strahs moved to approve the Tribal Business Council and the Three Affiliated Tribes Gaming Commission do hereby re-affirm the authority of the Executive Director to make determinations and take all actions necessary to ensure compliance with applicable tribal, state, and federal law for all gaming-related activity and operations. This authority includes the investigation and enforcement of Environmental, Public Health, and Safety standards that directly affect gaming activity

on the Fort Berthold Reservation. The motion is second by Councilman Eagle.

Discussion: Food guidelines are discussed.
VOTE: 5 Ayes 0 Nays Motion carried.

3. Enrollment: John Charging/Nathanial Mayer

This was not presented.

4. Resolution 09-093-VJB: Community Services Block Grant: Norma Staples

Councilman Strahs moved to approve of a resolution entitled, "Authorization of Tribal Community Services Block Grant (CSBG) American Recovery and Reinvestment Act (Recovery Act) of FFY2009 through FFY 2010 Plan." The motion is second by Councilwoman Brugh.

Discussion: This is one that is passed yearly.
VOTE: 5 Ayes 0 Nays Motion carried.

5. Personnel: Barlow Wells, Director (Closed)

See personnel action forms.

B. Economic/Education Committee: Councilman Scott Eagle

There was nothing to present.

C. Health Committee: Councilwoman Brugh

1. Marilyn Young Bird/Madonna Acosta

This was not presented.

2. Health Issue: Raymond Grady

This was not presented.

D. Judicial Drug & Alcohol/Human Resource Committee: Treasurer Mervin Packineau

1. Continuing Resolution for Voc Rehab: Leo Lockwood

This was not presented.

2. Aging Services: Polly Chase

3. Dawn White (Closed Session)

This was not presented.

4. Legal Proposals: Tom Fredericks/Lance Morgan

Councilman Benson moved to approve Marvin Danks, Fort

Berthold Rural Water to work out a Contract with Tom Fredericks of Fredericks Peebles & Morgan LLP, subject to TAT Legal Review. The motion is second by Councilman Eagle.

Discussion: The motion is amended to have Marvin Danks, FBRW be in charge of waste water approved by first and second motion makers.

VOTE: 5 Ayes 0 Nays Motion carried.

E. Natural Resource Committee: Councilman Barry Benson

1. Exploration Department: Dave Williams

a. Resolution: Saddle Butte Pipeline: Dave Williams

Discussion only. There will be a Special Tribal Business Council meeting on July 7, 2009 at 10:00 A.M. Saddle Butte is to attend.

b. Resolution: Consultant Agreement H-Tech: Dave Williams

Councilman Packineau moved to approve of a resolution entitled, "Approval of Consultant Agreement with H-Tech. Petroleum Consulting, Inc." The motion is second by Councilman Eagle.

Discussion: This is until December but for one meeting per month. This has gone through legal review but is subject to legal review.

VOTE: 6 Ayes 0 Nays Motion carried.

2. Board of Director Alternate to Intertribal Bison Coop: Ted Lonewolf III

This was not presented.

3. Oil Refinery/TRIAD: Horace Pipe (Closed Session)

This was discussion only.

4. Water Assistance Program: Marvin Danks

a. Ted Danks as Consultant with Ft. Berthold Rural Water

Councilman Eagle moved to approve of a consultant agreement between FBRW and Ted Danks, second by Councilman Strahs.

Discussion: This is to get him paid out. The agreement should be specific as to what he will be doing.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Ted Danks Hire as Public Works Director

Councilwoman Brugh moved to hire Ted Danks as a public works director to be paid out of half and half, the general fund/FBRW, second by Councilman Eagle.

Discussion: The economic projects need more planning.

VOTE: 5 Ayes 0 Nays Motion carried.

c. Water Assistance Program for Parshall/NewTown

Councilman Strahs moved to approve to pay the Parshall/NewTown water assistance for FY September 2009 to September 2010. The motion is second by Councilman Eagle.

Discussion: This is the going to be the third year doing this. This should be the last year.

VOTE: 5 Ayes 0 Nays Motion carried.

d. Four Bears Water Operator Pay Rate Increase Tina Whitehorn

Councilwoman Brugh moved to approve a pay rate increase equal to lead operator pay for one year contingent upon Tina Whitehorn passing the class II operator test for Four Bears area. The motion is second by Councilman Strahs.

Discussion: Does this jeopardize the funding. No. \$15.00 to \$18.00 is the rate increase. July, October, and March are the times to take the test. Councilwoman Brugh advises the TBC that Tina is dedicated and makes her job a priority. She works almost 24 hours a day and gets very little sleep. The office manager position is discussed. It will be advertised until filled.

VOTE: 5 Ayes 0 Nays Motion carried.

e. Mandaree Water Operator Permanent Hire Bruce Fox Jr.

Councilman Strahs moved to permanently hire Bruce Fox Jr. as the Mandaree Water Operator, second by Councilwoman Brugh.

Discussion: This is Councilman Strahs appointee.

VOTE: 5 Ayes 0 Nays Motion carried.

5. Modification on Lease: Fred Fox

This was not presented.

6. EPA: Elton Spotted Horse

a. Consultant Contract with Cory Sanders

Councilman Eagle moved to approve of a consultant contract with Corey Sanders for FY 2009/2010 for \$25,000.00 to write/complete the EPA Solid Waste codes. The motion is second by Councilman Strahs.

Discussion: This will address the littering fines and issues. There is a shortage of dumpsters. Contractors do pay for waste while renovating.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Equipment Purchase John Deere \$96,480.47

Councilman Benson moved to approve the purchase of equipment with a yearly payment of \$96,480.47; a Dozer, road grader, scraper, low boy, and back hoe, for EPA from John Deere in the amount of \$96,480.47 yearly payment for a total of \$370,000.00, second by Councilwoman Brugh.

Discussion: Reimbursement from EPA to the general fund will be this fall 2009 in the amount of \$370,000.00. EPA is acquisitioning these from TERO.

VOTE: 5 Ayes 0 Nays Motion carried.

c. 2009 Mandaree Celebration Horse Race

Councilman Benson moved to approve a 50/50 sponsorship from the Four Bears Casino and the Three Affiliated Tribes for \$2,400.00 each for a grand total of \$4,800.00 for the 2009 Mandaree Celebration Horse Race to be held during the Mandaree Pow- Wow, second by Councilman Strahs.

Discussion: It is too late for fund raising but next year the committee is to start early on fund raising.

VOTE: 5 Ayes 0 Nays Motion carried.

7. Update/Progress Report on Energy Efficiency & Conservation Strategy Timeline & Options: Waylon Pretends Eagle

a. Consultant Contract Renewal/Extension

Councilman Eagle moved to approve to renew a consultant contract with Waylon Pretends Eagle contingent up Lisa Redfords recommendations, second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

**8. Hidatsa Revitalization Project Update/Donessa Wicker
Loan: Waylon Pretends Eagle**

Councilman Eagle moved to approve to add Donessa Wicker to the small loan list for \$3,500.00 and Waylon Pretends Eagle for \$2,000.00, second by Councilwoman Brugh.

Discussion: This is to cover a trip cost on her credit card. Addendum is for Waylon to be added to the Small Loan list for a \$2,000.00 loan, the maker and the second are in agreement.

VOTE: 5 Ayes 0 Nays Motion carried.

9. Kodiak Oil and Gas on TERO: James Catlin

This was not presented.

10. TERO: Dewey Hosie

This was not presented.

11. ZENERGY Permits: Spencer Wilkinson Jr.

This was not presented.

**12. Four Bears Segment Lease: Annette Young Bird, NR
Director**

Councilwoman Brugh moved for approval of a master lease for Thunder Butte subdivision in Four Bears Segment for 237.5 acres for 50 years for Allot. No. T608A & T608A-B described as Section 20, Township 152 North, Range 94 West, second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

**13. North East Segment Lease: Annette Young Bird, NR
Director**

Councilman Eagle moved for approval for a master lease for Brendal Bay subdivision in Parshall/Lucky Mound Segment for Tribal Fee Second 1, Township 151 North, Range 91 West, second by Councilman Strahs.

Discussion: The size of the lots is left up to the segments according to their A&E's. On the tribal fee land we gave two options because Mountrail County has high taxes, an application can be done to take the land into trust. Howard Bemer was consulted by Annette Young Bird. The other is a gift

deed could be done to the Fort Berthold housing Authority.

There are codes for the lesser to follow.

VOTE: 5 Ayes 0 Nays Motion carried.

IX. Legal Department: Damon Williams

A. Resolution: In Support of Shakopee Regarding Union Law (Resolution Numbering)

This was not presented.

B. Business Licenses

This was not presented.

C. Resolution: Retirement Age Change

This was not presented.

X. New Business:

A. MHA Services: Anthony Fox

This was not presented.

B. Wilson Health Cooperative: Dr. Herbert Wilson 15 minute Presentation. @ 10:00 A.M.

Deferred.

C. Summer Interns to Assist Secretarial Election

Charlene Dancing Bull will be contacted to find out how many Interns she will need.

XI. Old Business:

A. Resolution: Consultant Agreement Ft. Berthold U.S. Census Campaign Committee Coordinator Glenda Rush

This was not presented.

B. Fenix Group: Linda Sapp-Cox and Cindy Miller

An update was given.

XII. ADJOURNMENT:

Councilman Strahs moved to adjourn, second by Councilman Eagle.

The meeting adjourned at 10:32 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)

Regular Tribal Business Council Meeting
June 29, 2009

Carmen Halvorson

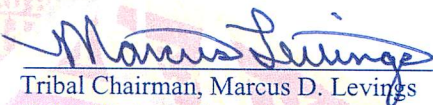
members of whom (5) constitute a quorum _____ were present at the Meeting thereof duly called, notice, convened and held on the _____ day of _____, 2009; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of _____ members; _____ members opposed; _____ members 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

