



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
09-32-VJB
JULY 10, 2009, 9:00 A.M.**

I. CALL TO ORDER:

The meeting was called to order at 10:12 A.M.
This is meeting #144 of the Wells-Levings administration.

II. PRAYER:

Spencer Wilkinson Sr.

III. ROLL CALL:

Councilman Barry Benson, Councilman Frank Whitecalfe (Conference Call), Councilman Arnold Strahs, Chairman Marcus Levings, Councilman Scott Eagle, and Councilwoman V. Judy Brugh are present. A quorum is established. For the record Councilman Packineau is not present at this time. Councilman Packineau arrived at 10:52 A.M. Councilman Scott Eagle left the meeting at 11:45 A.M.

IV. APPROVAL OF AGENDA:

Add-Ons:

Councilman Strahs: Melvina Frederick Medical Request

Councilman Eagle: Dennis Fox FBHA Personnel Issue
Saddle Butte Resolution

Chairman Levings: Judy Black Hawk Financial Request

Councilman Benson: Diane Medicine Stone

Councilman Packineau: Joelyn Foote

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

Discussion: Councilman Whitecalfe will wait until the continuation meeting on July 14, 2009 at 10:00 A.M. to do his add-ons. Councilwoman Brugh reserves her add-ons.

VOTE: 6 Ayes 0 Nays Motion carried.

V. CHAIRMAN'S REPORT: Marcus D. Levings

A. Executive Session:

1. Law Enforcement: Elmer Four Dance, BIA District Commander (Closed Session)

a. Corrective Action Plan for Law Enforcement

Councilman Packineau moved to approve the corrective action plan for TAT Law Enforcement. Some posts will be shadowed. The motion is second by Councilman Whitecalfe.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Resolution 09-095-VJB: Retrocession of Public Law 93-638

Councilman Whitecalfe moved to approve of a resolution entitled, "Retrocession of Public Law 93-638 Contract (Contract #CT A04T30171) for Criminal Investigator to the Department of the Interior - Bureau of Indian Affairs." The motion is second by Councilman Packineau.

Discussion: The Criminal Investigation program is discussed-1996 under Chairman Mason's administration.

VOTE: 5 Ayes 0 Nays Motion carried.

c. Game and Fish to be Under Natural Resource

Councilman Benson moved to approve the Game & Fish to be under Natural Resource Department with concurrence of the Judicial Chairman, but they are to be up to Law Enforcement Standards. The motion is second by Councilman Strahs.

Discussion: Will we still be able to get fishing cards?

VOTE: 5 Ayes 0 Nays Motion carried.

d. Resolution 09-101-VJB: Deputation Agreement between Game & Fish and BIA Law Enforcement.

Councilman Packineau moved to approve a resolution entitled, "Authorization of a Deputation Agreement between the Three Affiliated Tribes Game and Fish Department and the Bureau of Indian Affairs office of Law Enforcement Services." The motion is second by Councilman Strahs.

Discussion: They need this to get their commission card.

VOTE: 5 Ayes 0 Nays Motion carried.

e. Law Enforcement Personnel: Barlow Wells, Human Resource Director (Closed Session)

f. Moving Expense Loans for Francine White, Doreen Yellow Bird, and Terry Red Fox

Councilman Benson moved to approve the relocation Loans for Francine White in the amount of \$2,500.00 (Durango, Co.) and Terry Red Fox in the amount of \$3,500.00 (Sandiego,Ca) and Doreen Yellow Bird for \$3,500.00 (Grand Forks, ND). The motion is second by Councilman Packineau.

Discussion: Long discussion on loans, donation and grants.

VOTE: 5 Ayes 0 Nays Motion carried.

g. Thomas Skibsrud Education Loan

Councilman Strahs moved to approve to reaffirm the Thomas Skibsrud loan in the amount of \$10,000.00. He has received \$4,000.000 so far, but is now getting approval to receive another \$2,000.00 to attend summer school at UND in Grand Forks. This will bring the amount up to \$6,000.00 total taken out of the original \$10,000.00 that was approved in the spring of 2008. The motion is second by Councilman Benson.

Discussion: The Chairman will look for his notes on the minutes of January 2008.

VOTE: 5 ayes 0 Nays Motion carried.

2. Resolution 09-096-VJB: RTC

Councilman Whitecalfe moved to approve 1. Request for stimulus package to include 2. Teleconferencing for the Tribe and to include the Ft. Berthold Community College. The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Flight of Young Eagle Book

This was not presented.

C. ND Community Military Covenant

This was not presented.

D. Corporate Social Responsibility Development Project

This was not presented.

E. Federal Programs Executive Officer: Camie Gosnell

This was addressed under the Personnel portion of this meeting.

F. Tribal Programs Executive Officer: Izetta Fernandez

This was not presented.

G. Elbowoods Healthcare Facility: Jim Foote

1. Resolution 09-098-VJB: Native Construction-Jim Foote/Kevin Buckles

Councilman Packineau moved to approve of a resolution entitled, "CTER/NCCI Native Construction Careers Initiative." The motion is second by Councilman Strahs.

Discussion: The cost to the tribe will be student tools and stipend. There will be no other cost to the Tribe. Does the Community college already have the pipe fitting course? They utilize the Community colleges. Is this Union? No. As long as they don't try to come in and try to do unions.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Resolution 09-097-VJB: TERO Waiver on New Healthcare Facility-Jim Foote

Councilman Strahs moved for approval of a resolution entitled, "Waiver of Application of the TERO Tax to the Construction Contract for the Construction of the New Elbowoods Health care Facility." The motion is second by Councilman Packineau.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

VI. TREASURER'S REPORT: Mervin Packineau

A. Financial: Whitney Bell, TAT CFO

1. Native American Bank-Clarence O'Berry (Closed Session)

Councilman Packineau moved for approval for the Three Affiliated Tribes to not take a stand on the issue between the Native American Bank and the Mandaree Enterprise Corporation. The motion is second by Councilman Strahs.

Discussion: Although owned by the TAT, it was created to be a standalone entity and TAT is not taking a stand on the issue.

VOTE: 5 Ayes 0 Nays Motion carried.

2. TAT Financial Update: Whitney Bell, CFO (Closed Session)

The next Budget/Finance TBC is Wednesday, July 22, 2009 at 9:00 A.M.

3. Small Loans Disbursement \$100,000.00

Councilman Strahs moved to approve a memo for a Small Loans disbursement/transfer for \$100,000.00. The motion is second by Councilman Packineau.

Discussion: No discussion.

VOTE: 4 Ayes 1 Nays Motion carried.

B. Small Loans: Andrew Reed, Small Loans Director

He was present but did not present a report.

C. Independence Loans: Ambrose Hosie

He was not present.

D. Financial Requests:

1. Educational Loan Request: Tammy Hale

She was not present.

2. Financial Request: Skeeter Little Soldier

Councilwoman Brugh moved to approve of a loan in the amount of \$6,287.13 for Skeeter Sandberg to pay for damages to two neighbors vehicles caused by a trampoline caught in the wind, second by Councilman Strahs.

Discussion: She is taking responsibility for the accident.

VOTE: 5 Ayes 0 Nays Motion carried.

3. BIG Welding Loan Request: Calvin & Blossom Bird In Ground

This was discussion only.

4. Trip Financial Request: Shauna Fredericks

Councilman Benson moved to approve a grant in the amount of \$1,500.00 for Shauna Fredericks for a High School Rodeo trip. She will be representing the Three Affiliated Tribes. The motion is second by Councilman Strahs.

Discussion: This is needed ASAP.

VOTE: 5 Ayes 0 Nays Motion carried.

5. Thomas Clyde Bearstail Memorial Donation Request: John Bearstail

This was not presented.

6. Medical Bills Financial Loan Request: Thomas L. Burr

This was taken care of further along in the meeting.

7. Loan Request \$30,000.00: Dion Standish

Councilwoman Brugh moved to approve a loan in the amount of \$30,000.00 to purchase a truck for Dion Standish for a business, subject to availability of funds with the Independence program. The motion is second by Councilman Packineau.

Discussion: Dion is to put an application in with Independence program.

VOTE: 5 Ayes 0 Nays Motion carried.

8. Trailer Financial Request: Evangeline Monogram

Councilwoman Brugh moved to approve of a loan in the amount of \$8,000.00 for Evangeline Monogram to purchase a mobile home, second by Councilman Strahs.

Discussion: This is subject to Small Loans Policy & Procedures and availability of funds. The title is to be collateral. The loan will be ready approximately the middle of August 2009.

VOTE: 5 Ayes 0 Nays Motion carried.

9. Educational Loan Request: Debbie Painte

This was not addressed.

10. Medical Financial Request: Melvina Fredericks

Councilman Strahs moved to approve of a medical loan in the amount of \$7,000.00 for Melvina Fredericks, subject to the availability of funds and a ketterling hold to be put on the IIM Account. The motion is second by Councilman Packineau.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

11. Judy Black Hawk

This was not addressed.

12. Lyda Foote \$40,000.00 Loan Request:

This was discussion only. Lyda is to turn her application into Small Loans.

13. Karen Mullick Request for Loan

Councilwoman Brugh moved to approve a loan in the amount of

\$3,500.00 for Karen Mullick to purchase a R.V., subject to Small Loans availability of funds. The motion is second by Councilman Packineau.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

14. Charles Chase, Janet Benson, and Thomas Burr Loans

Councilman Benson moved to approve of Small loans for Charles Chase (personal) in the amount of \$3,000.00, Janet Benson (personal-Hardship) in the amount of \$2,400.00, and Thomas Burr (medical) in the amount of \$5,000.00. This is subject to the availability of funds. The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

15. Shehek Shote 2-Day Pow-Wow Request: Councilman Benson

Councilwoman Brugh moved for approval for a \$5,000.00 grant to be given to Diane Medicine Stone for the 200th Anniversary of Shehek Shote (White Coyote) Slant Village, which will be a two day pow wow. The motion is second by Councilman Benson.

Discussion: No discussion.

VOTE: 5 ayes 0 Nays Motion carried.

16. Educational Loan Request: Randi Fox

Councilwoman Brugh moved to approve of an Education loan for Randi (Bird) Fox in the amount of \$3,500.00, second by Councilman Packineau.

Discussion: This is subject to availability of funds. Randi's degree is in pschycology in education.

VOTE: 5 Ayes 0 Nays Motion carried.

VII. COMMITTEE REPORTS:

A. Executive Committee:

1. Four Bears Casino Report: Spencer Wilkinson Jr.

Deferred to the continuation TBC on July 14, 2009.

2. Gaming Commission Report: Mark Fox

a. Key/Non Key Employees

Councilwoman Brugh moved to approve of 13 Non-Key and 5

Key Employee licenses, second by Councilman Strahs.

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

b. Resolution 09-099-VJB: Adoption of Codes for Environmental Health and Safety

Councilman Strahs moved to approve of a resolution entitled, "Adoption of Facilities Standards for Tribal Gaming Facilities." The motion is second by Councilman Packineau.

Discussion: This is for the Eagles Landing C-Store.
VOTE: 5 Ayes 0 Nays Motion carried.

c. Resolution 09-100-VJB: Land Title and Declaration

Councilman Strahs moved to approve of a resolution entitled, "Confirmation of Land Title Status for Tribal Gaming Facilities." The Motion is second by Councilwoman Brugh.

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

d. Update on Cage Incident: Spencer Wilkinson Jr.
He gave an update.

3. Tribal Enrollment: John Charging/Nathanial Meyer
Not present.

4. Personnel: Barlow Wells (Closed Session)
a. Domestic Violence Acting Director

Councilman Packineau moved for approval to hire Monica Rabbithead as acting-Director for the Domestic Violence Program until it has been advertised and filled, second by Councilman Strahs.

Discussion: The Health Committee is to be the overseer.
VOTE: 4 Ayes 1 Nays Motion carried.

b. Levings Administration Staff

Councilman Packineau moved to approve the Levings administration staff, Federal Programs Analyst to be Camie

Gosnell, CEO to be Terry Red Fox, and Izetta Fernandez is the Program Analyst. The motion is second by Councilman Strahs.

Discussion: Service to the people is discussed.
VOTE: 4 Ayes 1 Nays Motion carried.

c. Lay off/Processing Out

Councilman Packineau moved to approve the requested lay-off/processing out of Kamie Houle Heart from administration assistant in the Higher Education Department, second by Councilman Strahs.

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

5. Letter of Intent Saddle Butte Pipeline and Arrow Pipeline (Closed Session)

Councilman Packineau moved to approve of TAT Legal Department to draft a letter for a working Agreement with Arrow Pipeline and Saddle Butte Pipeline over non-approved project areas on the reservation. The motion is second by Councilman Strahs.

Discussion: No discussion.
VOTE: 4 Ayes 1 Nays (VJB) Motion carried.

6. Resolution 09-109-VJB: ICDBG Grant Application for Parshall/Northeast Segment Multipurpose Building

Councilman Packineau moved to approve of a resolution entitled, "Tribal Business Council Approval and Certification for the FY 2009 Grant Application for the ICDBG Grant Program for the Parshall/Northeast Segment Multipurpose Building." The motion is second by Councilman Benson.

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

7. Order of Segment for ICDBG Funding

Councilman Strahs moved to approve the amendments to the order of the ICDBG funding rotation, second by Councilwoman Brugh.

Discussion: 2009-Parshall, 2010-Twin Buttes, 2011-Four Bears, 2012-Mandaree, 2013-White Shield, and 2014-NewTown.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Economic/Education Committee: Scott Eagle

There was nothing presented.

C. Judicial/Human Resource Committee: Mervin Packineau

1. Resolution 09-107-VJB: Continuing VocRehab-Leo Lockwood

Councilman Packineau moved to approve of a resolution entitled, "Authorization and Support for the Vocational Rehabilitation Program Grant Application." The motion is second by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Dennis Fox Personnel Issue: Scott Eagle

This was not addressed.

D. Natural Resource Committee: Barry Benson

1. Dakota-3 Offers to Lease from TAT

a. Dakota-3 Lease Shell Creek

Councilman Strahs moved to approve a lease with Dakota-3 for 40 acres for \$425 per acre for 5 years with 18% royalty and a \$2.50 rental rate located in section 10 Township 152 Range 92, second by Councilman Benson.

Discussion: This is a straight lease in the Little Shell /Shell Creek area. There is no resolution.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Dakota-3 Lease

Councilman Strahs moved for approval for a lease with Dakota-3 for 40 acres same acreage as the other lease. The motion is second by Councilman Benson.

Discussion: A resolution is to be brought back to full TBC.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Ft. Berthold Rural Water: Marvin Danks

This will be deferred to the July 14, 2009 continuation Tribal Business Council meeting.

**3. Letter of Intent Saddle Butte Pipeline and Arrow Pipeline
(Closed Session)**

Councilman Packineau moved to approve of TAT Legal Department to draft a letter for a working Agreement with Arrow Pipeline and Saddle Butte Pipeline over non-approved project areas on the reservation. The motion is second by Councilman Strahs.

Discussion: No discussion.
VOTE: 4 Ayes 1 Nays (VJB) Motion carried.

4. Resolution 09-102-VJB: Marathon Lease 23.34 Acres

Councilman Strahs moved to approve of a resolution entitled, "Approval to lease 23.34 Acres of Tribal Fee Lands Located in Mountrail County To Marathon Oil Company, for Oil and Gas Development on the Fort Berthold Reservation." The motion is second by Councilman Benson.

Discussion: We are getting two hundred and forty-eight more dollars than the State would. Everything goes into escrow.
VOTE: 4 Ayes 0 Nays 1 Abstention (VJB) Motion carried.

5. Resolution 09-103-VJB: Dakota-3 1040.00 Acres to Kodiak

Councilman Packineau moved to approve of a resolution entitled, "Approval of the Consent to Assignment 1040.00 acres within Dakota-3 E & P, LL's, IMDA of Tribal Trust Lands to Kodiak Oil & Gas (USA) Inc., for Oil and Gas Development on the Fort Berthold Reservation Pursuant t 25 CFR, Part 225." The motion is second by Councilman Benson.

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

6. Resolution 09-104-VJB: Twin Buttes Unit Area for Kodiak

Councilman Benson moved for approval of the unit agreement for the development operations of the Twin Buttes unit, second by Councilman Strahs.

Discussion: No discussion.
VOTE: 4 Ayes 0 Nays 1 Abstention (VJB)

7. Resolution 09-105-VJB: Spotted Hawk Lease 532.20

Acres

Councilman Packineau moved to approve of a resolution entitled, "Approval to Lease 532.20 Acres of Lands Located in McLean County to Spotted Hawk, LLC, for Oil and Gas Development on the Fort Berthold Reservation." The motion is second by Councilman Strahs.

Discussion: For the record, the segments can use this for Community based projects.

VOTE: 5 Ayes 0 Nays Motion carried.

8. Resolution 09-106-VJB: EOG Lease

Councilman Strahs moved to approve of a resolution entitled, "Amendment to Resolution 09-086-VJB Approved June 1, 2009 – Approval of an Oil and Gas Mining Lease for EOG Resources, Inc., for Oil/Gas Development on the Fort Berthold Reservation – Pursuant to 25 CFR 211 and Request to the Superintendent to Negotiate a Lease Pursuant to 25 CFR 211.20 (a) and (d)." The motion is second by Councilman Packineau.

Discussion: This is in the Parshall area. The royalty should be 20 percent.

VOTE: 5 Ayes 0 Nays Motion carried.

9. Resolution 09-108-VJB: H.I.P. Elders Home Allocation

Councilman Packineau moved to approve a resolution entitled, "Authorization for Contracting of the Housing Improvement Program for FY 2009 under the American Recovery and Reinvestment Act of 2009." The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

10. Chairman Levings 10 Homes Added to Initiative Project

Councilwoman Brugh moved to approve of 10 homes for Chairman Levings to be added to the 200 Homes Initiative Project, second by Councilman Benson.

Discussion: The initiative is for \$1.5 Million. Jackie Jackson's H.I.P will be handling these homes. Construction of these homes will be by Dynamic Homes. A resolution to be drafted.

VOTE: 5 Ayes 0 Nays Motion carried.

E. Health Committee: V. Judy Brugh

1. Resolution: Tribal Health-Rose Davis/Stubstad

This was not addressed.

2. Resolution: Tribal Health-Rose Davis/Stubstad

This was not addressed.

VIII. LEGAL: Damon Williams

1. Business Licenses

2. Child Support Enforcement/Casino Records

Councilman Strahs moved to approve to resist subpoenas of casino records for child support cases, second by Councilman Packineau.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

IX. NEW BUSINESS:

X. OLD BUSINESS:

XI. ADJOURNMENT:

Councilman Strahs moved to adjourn, second by Councilman Packineau.

Meeting adjourned at 8:14 A.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,

Tribal Chairman, Marcus D. Levings
Tribal Business Council,

Three Affiliated Tribes

Three Affiliated Tribes

