



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING**

09-54-VJB

November 12, 2009, 10:00 A.M.

I. CALL TO ORDER:

The meeting was called to order at 10:43 A.M.
This is meeting #168 of the Levings administration.

II. PRAYER:

Alfreda Good Bird.

III. ROLL CALL:

Councilman Frank Whitecalfe, Councilman Arnold Strahs, Chairman Marcus Levings, Councilman Scott Eagle, and Councilwoman V. Judy Brugh are present. A quorum is established. For the record, Councilman Mervin Packineau and Councilman Barry Benson are not present. Councilman Barry Benson arrived at 10:58 A.M. Councilman Mervin Packineau is conference into the meeting at 1:36 P.M. to make a quorum.

IV. APPROVAL OF AGENDA:

Councilman Benson add-on: Jay Fox Financial Request
Mavis Marion Twin Buttes Head
start Retired

Councilman Whitecalfe add-ons: TRIAD Oil Refinery-Horace
Pipe

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

Discussion: All others reserve their add-ons.

VOTE: 6 Ayes 0 Nays Motion carried.

V. APPROVAL OF MINUTES:

October 9, 2009 October 20, 2009

October 27-28, 2009 October 30, 2009

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

Discussion: Chairman Levings will review the minutes.

VOTE: 6 Ayes 0 Nays Motion carried.

VI. CHAIRMANS REPORT: Marcus Levings

A. Federal Programs Executive Officer: Camie Gosnell

Not present.

B. Chief Executive Officer: Terry Red Fox 11:15

1. Resolution 09-163-VJB: Native Aspirations: Mark Little Owl

Councilman Eagle moved to approve of a resolution entitled, "Authorization to participate in the Native Aspiration Project to Address Youth Violence, Bullying, and Suicide Prevention through the Substance Abuse Mental Health Services Administration (SAMHSA)." The motion is second by Councilwoman Brugh.

Discussion: Corrections to the resolution are to change the fifth **Were As** to include the whole reservation. Tony Mandan and Mark Fox comment on issues.

VOTE: 6 Ayes 0 Nays Motion carried.

C. Programs Analyst: Izetta Fernandez

She did not present.

VII. TREASURERS REPORT: Mervin Packineau

A. Chief Financial Officer Report: Lenny Abrams 12:02

1. Voc Rehab Grant Not Funded/Bill Issue: Leo Lockwood

Councilman Whitecalfe moved to approve to fund the Voc Rehab program in the approximate amount of \$120,000.00 because their grant was not renewed. The program will be funded until January 30, 2010. The motion is second by Councilman Eagle.

Discussion: CEDS to look for a grant to assist. A loan is an option. The CFO will research it and try to find funding. The review was off in 13 areas. Out of a hundred points, we scored seventy. It is federal funding. Hopefully they give the grant back in the fall of 2010. They won't fund for 2010, we won't get refunded. If they fund, it will go from 2011 to 2015. When a program is coming up to expiration, it needs assistance in writing proposals, maybe a consultant.

VOTE: 4 Ayes 1 Nays Motion carried.

2. CFO Update: Lenny Abrams (Executive Closed Session**) 3:28**

3. Clarification on Position (Executive Closed Session)

4. Small Loans (Closed Executive Session)

VIII. COMMITTEE REPORT:

A. Executive Committee

1. Four Bears Casino: Spencer Wilkinson

2. Gaming Commission: Mark Fox 1:44

a. Temporary Key and Non-Key Licenses

Councilman Eagle moved to approve of the Twenty-Eight temporary licenses for the Key and Non-key positions, second by Councilman Strahs.

Discussion: Are they fully staffed? Yes.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Regulatory Compliance Status

Councilman Eagle moved to approve of and recognize the regulatory compliance Status, second by Councilman Strahs.

Discussion: Councilman Eagle would like to know if we received anything from TICs or NIGC on controls (measuring compliance). There is a 12 or 13 area internal check list. This report is coming.

VOTE: 6 Ayes 0 Nays Motion carried.

c. Update

Mark gave an update.

3. Enrollment: John Charging

4. Personnel: Barlow Wells

B. Economic/Education Committee: Scott Eagle

**1. Resolution 09-165-VJB: Joint Venture Business Plan:
Dave Williams**

Councilman Whitecalfe moved to approve of a resolution entitled, "Authorization to enter into a Consultant Contract with Robert G. Knoll d/b/a H-Tech. Petroleum Consulting Inc. and John Kingsbury d/b/a Gas Processing Management Inc." The motion is second by Councilwoman Brugh.

Discussion:

VOTE: 6 Ayes 0 Nays Motion carried.

C. Health Committee: V. Judy Brugh

1. Dialysis Issues: Marilyn Alcon

2. Environmental Safety: Verlee Whitecalfe Saylor

Programs analyst to schedule

3. Elbowoods Healthcare Center Update: Jim Foote

D. Judicial/Human Resource Committee: Mervin Packineau

1. Resolution: Litter Ordinance: Judy Black Hawk

2. Child Support Enforcement: Ellen Wilson

3. Veterans Treatment Per Diem Program: Jerry Irwin

5:57

Councilwoman Brugh moved to approve of funding the Veterans Program in the amount of \$14,000.00 for , second by Councilman Eagle.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

E. Natural Resource Committee: Barry Benson

1. Roads Department: Curtis Wells

**a. Resolution 098-166-VJB: Motor Grader 772 CH IR2
2009**

Councilman moved to approve of a resolution entitled, "Request to re-obligate \$129,500 in 2009 IRR Transportation Planning Funds for Tribal Roads to Purchase a Motor Grader." The motion is second by Councilman

Discussion: In 2010 we might have to put Bakersfield and Dragswolf on the TIP.

VOTE: 6 Ayes 0 Nays Motion carried.

b. Road Maintenance 2010 TIP

Councilman Whitecalfe moved to approve three amendments to the T.I.P list to include White Shield , Mandaree road striping, and . The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

c. Nueta Nation Building/Roads Equipment Storage

Discussion only.

2. Resolutions for ARRA Funding: Pat Wilkinson

a. Resolution 09-167-VJB: White Shield Roads Shop

Councilman Whitecalfe moved to approve of a resolution entitled, "To Contract, under P.L. 93-638 Provisions, those Program Functions, Services, and Activities of the Office of Facilities Management and Maintenance, directly Related to Labor, Supplies and Materials Associated with the White Shield Roads Shop, Funding which is available Pursuant to the American Recovery and a Reinvestment Act of 2009 in the amount of \$146,587.00." The motion is second by Councilman Strahs.

Discussion:

VOTE: 6 Ayes 0 Nays Motion carried.

b. Resolution 09-168-VJB: Deferred Maintenance Projects

Councilman Whitecalfe moved to approve of a resolution entitled, "To Contract, under P.L. 93-638 Provisions, those Program Functions, Services and Activities of the Office of Facilities Management and Maintenance, directly related to labor, supplies and materials associated with the Deferred maintenance Projects of Government-Owned Quarters on the Fort Berthold Reservation, Funding which is available Pursuant to Provisions of the American Recovery and Reinvestment Act of 2009 in the amount of \$293,173.00." The motion is second by Councilman Strahs.

Discussion:

VOTE: 6 Ayes 0 Nays Motion carried.

c. Resolution 09-169-VJB: HIP Stimulus

Councilman Whitecalfe moved to approve of a resolution entitled, “ .” The motion is second by Councilman Strahs.

Discussion:

VOTE: 5 Ayes 0 Nays 1 Abstention Motion carried.

d. Resolution 09-170-VJB: GTFJC, Mandaree, & Twin Buttes Road Shops

Councilman Strahs moved to approve of a resolution entitled, “To Contract, under P.L. 93-638 provisions .” The motion is second by Councilman Benson.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

3. Scoria Pit: Gainus Little Soldier

4. Resolution 09-164-VJB: Oil & Gas Leases by Spotted Hawk 1:35

Councilman Packineau moved to approve of a resolution entitled, “Approval of Existing Oil & Gas Leases held by Spotted Hawk Development, LLC of McLean, Virginia (“Spotted Hawk”) to be consolidated into an Indian Mineral Development Agreement (IMDA) Which Shall Include Acreage Located within the Missouri Riverbed.” The motion is second by Councilman Whitecalfe.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

IX. LEGAL:

A. Business Licenses

X. NEW BUSINESS:

A. Personal Issue: Basil Hunts Along

Councilman Strahs moved to approve of a water/sewer system for Basil Hunts Along through I.H.S. Kathleen Hall, or FBRW Marvin Danks, and to include modernization/winterization through H.I.P. Jackie Jackson, or FBHA. The motion is second by Councilman Whitecalfe.

Discussion: Councilman Benson will work on it with Marvin Danks, Jackie Jackson, and Becky Knight.

VOTE: 6 Ayes 0 Nays Motion carried.

B. H.A. Thompson and Son: Brad Mann

C. Home Issue: Emerson & Doris Packineau

Will not be able to make the meeting.

D. GR-8 Country Wind Power: Steve Redding 5:48

Informational.

E. Wind Energy Consultant: Tracy Lebeau/Matt Adams

Councilman Whitecalfe moved to approve of an engagement agreement with Sonnenschein Nath & Rosenthal, LLP. This is subject to lead legal review. The motion is second by Councilman Eagle.

Discussion:

VOTE: 4 Ayes 0 Nays 2 Abstentions Motion carried.

F. Rodney & Dixie Howling Wolf Housing Issue/FBHA 2:35 5:05

Discussion only.

G. Britnee Fox and Jay Fox Medical Loans

Councilman Benson moved, second by Councilman Eagle.

Discussion:

VOTE: 2 Ayes 3 Nays Motion Defeated.

XI. OLD BUSINESS:

A. TRIAD: Horace Pipe

Discussion: November 18, 2009 at 10:00 A.M. will be an Economic Development Committee meeting.

B.

XII. ADJOURNMENT:

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

Meeting adjourned at 8:16 P.M.

CERTIFICATION

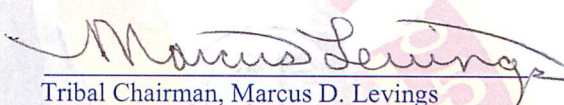
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum _____ were present at the Meeting thereof duly called, 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

