



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
09-59-VJB
December 17, 2009, 9:00 A.M.**

I. CALL TO ORDER:

The meeting was called to order at 12:05 P.M.
This is meeting #173 of the Levings administration.

II. PRAYER:

Kim Abbey.

III. ROLL CALL:

Councilman Arnold Strahs is present on conference call.
Councilman Mervin Packineau, Councilman Scott Eagle,
Councilwoman V. Judy Brugh, and Chairman Marcus Levings
are present. A quorum is established. For the record,
Councilman Frank Whitecalfe and Councilman Barry Benson
are not present.

IV. APPROVAL OF AGENDA:

Ma-adoo-Zagidz Alternative School students will be visiting.

Councilman Packineau: Charles Bearstail Financial Request
New Business

Councilman Packineau: James Baker IPA Graduate
Honorarium New Business

Councilman Eagle: Resolution: NewTown/Little Shell Board
Appointment to FBCC New Business

Councilwoman Brugh: John Danks Allot tee Association New
Business

Councilman Packineau moved to approve of the amended
agenda, second by Councilman Eagle.

Discussion: The rest will reserve their add-ons.
Chairman Levings adds TAT Legal Damon Williams to VI. D.

VOTE: 5 Ayes 0 Nays Motion carried.

V. APPROVAL OF MINUTES:

November 12, 2009 November 18, 2009

November 23, 2009 November 25, 2009

Councilman Packineau moved to approve a blanket motion for four sets of minutes, subject to review by other Council members. The motion is second by Councilwoman Brugh.

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. Chief Executive Officer: Terry Red Fox 12:29

Discussion: The council would like to know what the Program Analyst, FPEO, and CEO are going to be doing in the New Year in the form of a report.

C. Programs Analyst: Izetta Fernandez

She did not present.

D. Legal: Damon Williams 2:20

1. Resolution 09-191-VJB: Renewal of Oil and Gas Tax Agreement between TAT & ND 2:59

Councilman Packineau moved to approve of a resolution entitled, "Approval of Renewal of the Oil and Gas Tax Agreement between the Three Affiliated Tribes and the State of North Dakota." The motion is second by Councilman Eagle.

Discussion: This is not in stone. We could end it at any time. We waited for 12 months since the last time. This is a renewal of the existing agreement except there is no term on it.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Resolution 09-190-VJB: Missouri River Bed Lost Royalties and Taxes 2:45

Councilman Eagle moved to approve of a resolution entitled, "Authorization to Proceed with Preparations for Potential Litigation over Outstanding Legal Claims: Northeast Quadrant Lost Royalties & Taxes and Ownership of the Missouri Riverbed within the Fort Berthold Reservation." The motion is second by Councilman Packineau.

Discussion: We will do the litigation and then move back towards the claims. Are we limiting area to production?

We could put all lands on the reservation. It could go back as far as allotments and homesteading.

VOTE: 5 Ayes 0 Nays Motion carried.

3. Resolution 09-192-VJB: Cirque Resources L.P. Lease

3:10

Councilman Eagle moved to approve of a resolution entitled, "Approval to lease 20 Acres of Lands located in McLean County to Cirque Resources L.P., for Oil and Gas Development on the Fort Berthold Reservation." The motion is second by Councilman Strahs.

Discussion: \$500.00 is in question to ask for more, but because of the 20% royalty it is felt \$500 is good.

Amendment to the resolution is for a 3 year lease and not a 5 year lease. This is with a \$2.50 delayed rental per acre. This is south of Parshall.

VOTE: 5 Ayes 0 Nays Motion carried.

4. Resolution 09-193-VJB: Simray Oil and Gas Lease 3:16

Councilman Strahs moved to approve of a resolution entitled, "Approval to lease 320 Acres of Lands located in Mountrail County to Simray Oil & Gas Development on the Fort Berthold Reservation." The motion is second by Councilman Eagle.

Discussion: Three year lease, \$800.00 bonus per acre with a royalty of 20% and a delayed rental of \$2.50 per acre. It comes in three sections. Section 10 of T150N, R92W (80 acres). Section 32, 33 of T151N, R92W (80 acres). Section 20 of T152N, R89W (160 acres). Total bonus \$256,000 in Mountrail County.

VOTE: 5 Ayes 0 Nays Motion carried.

5. Resolution 09-194-VJB: Slawson Exploration 120 Acre Lease 3:33

Councilman Eagle moved to approve of a resolution entitled, "Approval to lease 120 Acres of Lands located in Mountrail County to Slawson Exploration, for Oil & Gas Development on the Fort Berthold." The motion is second by Councilman Strahs.

Discussion: The terms are always up for negotiation. Amendment to Councilman Eagle's motion is to change it to a 3 year lease (if they don't want it, they don't want it we'll just bring it back). This is a straight lease with a \$2.50 rental per

acre. Bonus is \$800.00 per acre with a 20% royalty. This is in the Shell Creek area.

VOTE: 5 Ayes 0 Nays Motion carried.

6. Resolution 09-195-VJB: Spotted Hawk Lease 3:53

Councilman Packineau moved to approve of a resolution entitled, "Approval to lease 4,822.79 Acres of Lands located with the Missouri Riverbed to Spotted Hawk, LLC, for Oil and Gas Development on the Fort Berthold Reservation." The motion is second by Councilman Eagle.

Discussion: This one is good with just the leases. Terms are 5 year lease with \$300.00 per acre bonus, 22.5% royalty and \$3.00 per acre rental.

VOTE: 5 Ayes 0 Nays Motion carried.

7. Other Legal Issues:

a. Amendment to TERO Ordinance

Discussion Only.

b. Theodora Starr Probate Issue 4:12

Discussion: BIA will not do draft wills. They will accept and hold it on record but not assist. The old Will format to be put on the WEB Site.

VII. TREASURERS REPORT: Mervin Packineau

A. Chief Financial Officer Report: Lenny Abrams 12:40

A report was given. There will be a Special Tribal Business Council meeting on December 29, 2009 at 9:00 A.M. on the agenda is a for the FY'10 Budget.

B. Resolution: Elder Distribution 2009: Lenny Abrams

This was taken care of in a previous meeting.

C. Resolution: MEC Financial: Clarence O'Berry

This was not presented.

D. Resolution 09-189-VJB: \$6.5 Million Revolving Line of Credit: Lenny Abrams, CFO 1:39

Councilman Packineau moved to approve of a resolution entitled, "Approval of Renewal of the Existing \$6,500,000 Revolving Line of Credit with Bremer Bank, NA of Minot, North Dakota for General Operating Purposes of the Tribes and Authorization for the Chairman and Treasurer to Execute all

Necessary Loan Documents.” The motion is second by Councilman Eagle.

Discussion: This is a three year extension to December 15, 2012.

VOTE: 5 Ayes 0 Nays Motion carried.

E. Wade White Body Medical Loan 1:46

Councilman Packineau moved to approve of a loan for \$3,000 for Wade White Body for the passing of his son and for his granddaughter that is currently sick in South Dakota; to be co-signed by Councilman Eagle. The motion is second by Councilman Eagle.

Discussion: This is commendable. This is a medical loan.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

VIII. COMMITTEE REPORT:

A. Executive Committee

1. Four Bears Casino: Spencer Wilkinson Jr.

Deferred.

2. Gaming Commission: Mark Fox

3. Enrollment 09-197-VJB: John Charging 4:36

Councilman Eagle moved to approve of a resolution entitled, “Approval of 58 Applicants for Enrollment into the Three Affiliated Tribes.” The motion is second by Councilman Strahs.

Discussion: The names were reviewed for Councilman Strahs. Is Darnell Sorenson’s son listed? John Charging will check to see if he is enrolled already. Councilman Eagle asks for Mrs. Baker’s three grandchildren. John will bring it back to Tuesday’s continuation meeting on December 22, 2009 at 9:00 A.M.

VOTE: 5 Ayes 0 Nays Motion carried.

**4. Personnel: Barlow Wells, Human Resource Director
(Closed Session)**

See Personnel Action Forms.

a.

Councilman Strahs moved to approve to work on opening a daycare, second by Councilman Packineau.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

5. Minutes & Resolutions on the WEB: Rich Mayer, MIS, Heath Knight

This was not presented.

6. Resolution 09-188-VJB: Indirect and Audit: Tax Commissioner: Marcus Wells/Roger Bird Bear 1:23

Councilman Eagle moved to approve of a resolution entitled, "Authority of Tax Commissioner/Financial Advisor Marcus Wells under the TAT Code to negotiate the Indirect Cost Rate Proposals and to oversee the Tribal Financial Audit." No second.

Councilman Packineau moved to approve of a resolution entitled, "Authority of Tax Commissioner/Financial Advisor Marcus Wells under the TAT Tax Code to negotiate the Indirect Cost Rate Proposals and to oversee the Tribal Financial Audit." The motion is second by Councilman Eagle.

Discussion: Amended to add the CFO.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Economic/Education Committee: Scott Eagle

1. Native American Training Institute Financial Request

C. Health Committee: V. Judy Brugh

1. Elbowoods Health Care Facility: Jim Foote

a. Resolution: Land Lease Transfer

This is referred back to the Natural Resource Committee.

b.Appreciation Gift to Carmen Eagle

This was not addressed.

c. Third Party Billing Update: Stella Burquist 4:45

Stella gave an update.

D. Judicial/Human Resource Committee: Mervin Packineau

1. Law Enforcement MOU

2. Francis Connor

E. Natural Resource Committee: Barry Benson

1. Oil & Gas Office: Fred Fox

a. Cirque Oil Co.

This was addressed under the Chairman's Report with TAT Legal.

b. Spotted Hawk Oil Co.

This was addressed under the Chairman's Report with TAT Legal.

2. Resolution 09-196-VJB: 2009 ARRA Roads Restoration/Repair Funding \$1,330,337.00: Curt Wells 4:15

Councilman Strahs moved to approve of a resolution entitled, "Authorization for 2009 ARRA Roads Restoration and Repair Activities Funding in the amount of \$1,330,337.00." The motion is second by Councilwoman Brugh.

Discussion: It is stressed to utilize grants for the whole reservation.

VOTE: 5 Ayes 0 Nays Motion carried.

3. Business Commerce Code: Connie Wilkinson

She was not present.

IX. LEGAL:

This was moved up under the Chairman's report.

X. NEW BUSINESS:

A. Charles Bearstail Financial Request 7:04

Councilman Eagle moved to approve a loan in the amount of \$3,000.00 for Charles Bearstail, Mervin Packineau to co-sign. The motion is second by Councilman Packineau.

Discussion: This is to take care of his license so he may drive bus in Parshall.

VOTE: 4 Ayes 1 Nays Motion carried.

B. IPA Graduate Honorarium: James Baker

This will be addressed during the December 22, 2009 continuation meeting.

C. Resolution: NewTown/Little Shell Appointment to FBCC Board: Scott Eagle

This is addressed later in the reconvened meeting.

D. Allot tee Association Report: John Danks 2:00

Discussion: Handouts will be given out during the Elder 2009 Christmas Distributions.

XI. OLD BUSINESS:

A. Enrollment Issue: Evangeline Monogram 4:41

Discussion: This was handled in a previous meeting in the previous year. She needs to go to Beamer, Aberdeen, and the solicitor. She needs to initiate the action.

XII. ADJOURNMENT:

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

The meeting adjourned at 7:11 P.M.

XIII. CALL TO ORDER:

The meeting was reconvened at 7:14 P.M.

XIV. ROLL CALL:

Councilman Frank Whitecalfe (conference call), Councilman Scott Eagle, Councilman Mervin Packineau, Councilwoman V. Judy Brugh, and Chairman Marcus Levings are present. A quorum is established.

XV. Law Enforcement Personnel Issue (Closed Session)

Discussion: The CEO to make the transition of the new chief of police.

XVI. Resolution 09-198-VJB: NewTown Segment FBCC Board Appointment 8:19

Councilman Eagle moved to approve of a resolution entitled, "Approval of the North Segment Tribal Council Representative's, Appointment of Richard Mayer to the Fort Berthold Community College Board of Directors." The motion is second by Councilman Whitecalfe.

Discussion: Bernadine Young Bird resigned.

VOTE: 5 Ayes 0 Nays Motion carried.

XVII. Resolution 09-199-VJB: North East Segment Appointment TERO Commissioner 8:20

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of North East Segment Tribal Council Representative, TERO Commissioner." The motion is second by Councilman Packineau.

Discussion: Rate of pay would be reviewed by personnel and signed off by the treasurer. Mr. Charles Foote is replace by Joe Merrick on the TERO Commission as he is moved to up to administrator of the program.

VOTE: 5 Ayes 0 Nays Motion carried.

XVIII. Joe Merrick to the TERO Commission

Councilman Packineau moved to approve to hire Joe Merrick to be the TERO Commission for Parshall Lucky Mound, second by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

XIX. Resolution 09-200-VJB: Associate Judges

Councilman Packineau moved to approve of a resolution entitled, "Approval of the Associate Judges." The motion is second by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

XX. White Shield TERO Commission Appointment

Councilman Whitecalfe moved to approve to put Bobby Fox in the TERO Commission for White Shield Segment, second by Councilman Packineau.

Discussion: This is subject to a resolution being written.

VOTE: 5 Ayes 0 Nays Motion carried.

XXI. ADJOURNMENT:

Councilman Packineau moved to adjourn the meeting, second by Councilwoman Brugh.

The meeting adjourned at 8:32 P.M.

CERTIFICATION

Regular Tribal Business Council Meeting
December 17, 2009
Carmen Halvorson

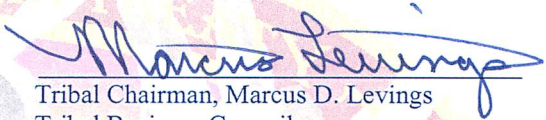
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum _____ were present at the Meeting thereof duly called,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

