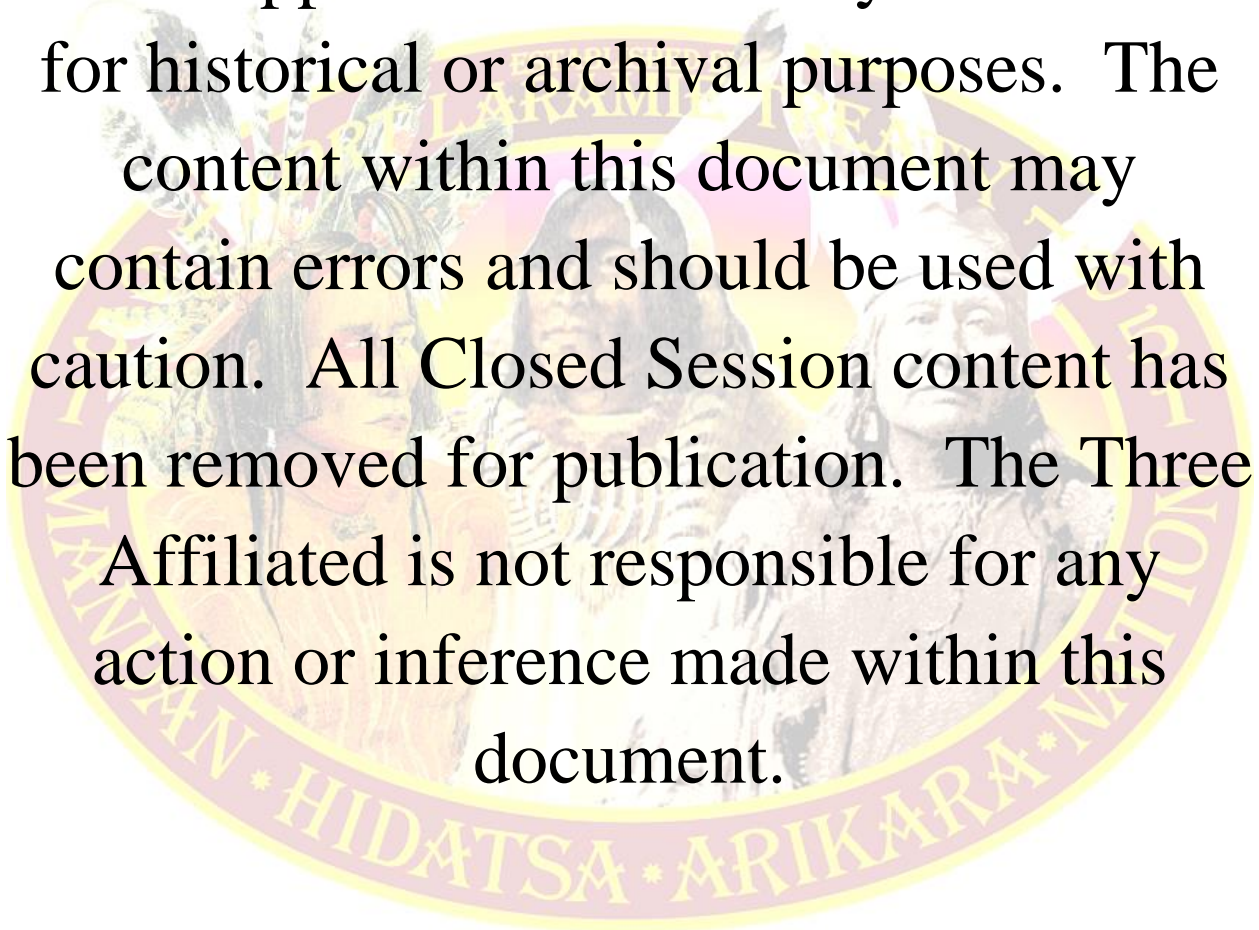


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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING 10-01-VJB
January 14, 2010, 10:00 A.M.**

I. CALL TO ORDER:

Vice-Chairman Frank Whitecalfe called the meeting to order at 11:30 A.M.

II. PRAYER:

Mary Alice Wells gave the invocation.

III. ROLL CALL:

Councilman Frank Whitecalfe (Chairing the meeting), Councilman Barry Benson, Councilman Arnold Strahs, Councilwoman V. Judy Brugh, and Councilman Mervin Packineau are present. A quorum is established. Councilman Scott Eagle arrived at 11:40 A.M. For the record, Chairman Marcus D. Levings is on medical leave. Councilman Packineau will need to leave the meeting early.

IV. APPROVAL OF AGENDA:

Add-ons:

Councilman Benson – Twin Buttes School Project Resolution VIII. E. 3.
Councilman Packineau – Resolution: ICDBG Block Grant CEDS VIII. D. 3.
Councilman Whitecalfe - Elroy Yellow Bird Financial Request VII A. 1.
Councilman Whitecalfe – White Shield Letter of Support for Casino VI
Councilman Eagle – Energy Report, Leslie Morsette/Dominick Silletti
Councilman Benson – Dustin Youpee Housing Request
Councilman Eagle – Roberta Crows Breast

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

Discussion: Arlie Knight will be added to Personnel VIII B 4. DeAnna White Bear DeBliiek will be put under the Program Analyst report. The CEO will not be present but has a written report.

VOTE: 6 Ayes 0 Nays Motion carried.

V. APPROVAL OF MINUTES:

December 4, 2009	December 17, 2009
December 21, 2009	December 22, 2009

Councilman Strahs moved to approve of the 4 sets of minutes, subject to review. The motion is second by Councilman Packineau.

Discussion: The December 29, 2009 minutes will be deferred to the next regular meeting.

VOTE: 6 Ayes 0 Nays Motion carried.

VI. CHAIRMAN'S REPORT: Marcus Levings

Deferred.

A. Elders/Guests

1. Medical Issue: Judy Young Bear

Judy was not present.

2. B.I.A. Trust Issues: Mary Alice Wells (Closed Session) 11:55

Addressed

3. Letter of Support for the White Shield Casino 11:48

Councilman Eagle moved for approval to do a letter of support for the White Shield Community to proceed with seeking financial assistance for a Casino, second by Councilman Strahs.

Discussion: This will not involve the tribe. Has any feasibility been done and what is the impact going to be on our current casino? This is to get the investors to start looking at it. Maybe they will come up with something else. Economics is what is wanted for the White Shield community. We should stick with the casino we have.

VOTE: 4 Ayes 0 Nays 2 Abstentions Motion carried.

B. Federal Programs Executive Officer: Camie Gosnell

She has nothing to present.

C. Chief Executive Officer Report: Terry Red Fox

He is not present but has a written report.

1. Social Services: Renae Mayer 12:25

The deadline of February 1, 2009 will be postponed to a later date for Social Services to move out of the daycare building. The Programs Analyst will find out what it will cost for renovations and come back to the next regular Tribal Business Council meeting with another move out date.

2. Personal Issue: Arlie Knight

Arlie was not present.

D. Programs Analyst: Izetta Fernandez

1. Domestic Violence & Dianna White Bear DeBlicek 12:58

Tabled for further negotiations.

VII. TREASURERS REPORT: Mervin Packineau

A. Chief Financial Officer Report: Lenny Abrams 1:20

A report was handed out to the Tribal Business Council.

B. Memo from CFO Regarding Segment Uniform Guidelines for Spending

For the record, the Recording Secretary did not receive the memo.

1. Funerals in the Family 1:36

Councilman Packineau moved for the segment grants for Funerals in the family to be set at \$500.00 for immediate family members (Mother, Father, Grandparents, Sister, Brother), \$250.00 for (Aunt, Uncle), \$150.00 for other family members (First Cousin, etc.). Tabled.

C. Small Loans 1:45

The small loan list is for 35 people for \$500.00 each and must be current with payments or clear of debt. The Chief Financial Officer has authority to approve of Small Loans up to \$500.00 subject to availability of funds. The Chief Financial Officer will work with the segment representatives on financial requests.

D. Dustin Youpee Housing Financial Request (Closed Session) 2:07

Addressed

VIII. COMMITTEE REPORT:

A. Executive Committee

1. Four Bears Casino: Spencer Wilkinson Jr., General Manager

He was not present.

2. Gaming Commission: Mark Fox 3:28

a. Temporary License

Councilman Eagle moved to approve of 16 Temporary Licenses for key and non-key employees with the 4 Bears Casino. Councilwoman Brugh seconded the motion.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Extended Authority for Gaming Commission Executive Director

Councilman Eagle moved to approve to extend the authority for the Executive Director of the Gaming Commission to hire and fire, second by Councilwoman Brugh.

Discussion: The motion is amended to add the authority to the 4 Bears Casino Executive Director job descriptions.

VOTE: 5 Ayes 0 Nays Motion carried.

c. Class III Regulation Surveillance Salary Matrix

An update was given.

d. Surveillance System

This will be brought back to full Tribal Business Council.

e. Gaming Commission Update

Mark gave an update.

3. Resolution 10-01-VJB: Enrollment: John Charging 3:14

Councilman Strahs moved to approve of a resolution entitled, "Approval of 141 Applicants for Enrollment into the Three Affiliated Tribes." The motion is second by Councilman Eagle.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

4. Personnel: Barlow Wells (Closed Session)

5:41

See Personnel Action Forms.

5. PolyCom/WEB Site/06 Resolutions to Current:

Richard Mayer/Heath Knight/M.I.S. 4:34

Councilman Eagle moved to approve to hire MHA Systems to scan approximately 5-6 Resolution/Minute books at \$1.00 per page with approximately 400 pages per book for a total of \$10,000.00. Half of this will go towards the debt MHA Systems owes the Tribe. The motion is second by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Economic/Education Committee: Scott Eagle

1. Waylon Pretends Eagle Contract Renewal: Lisa Redford, CEDS 4:01

Councilman Eagle moved to approve the renewal of the consultant agreement with Waylon Pretends Eagle for the CEDS department, second by Councilman Strahs.

Discussion: This is pending legal review. This will be paid monthly at \$3,500.00 and not to exceed the grant amount within a 12 month period.

VOTE: 5 Ayes 0 Nays Motion carried.

C. Health Committee: V. Judy Brugh

1. Minne Tohe I.T. Contracting MHA Systems : Richard Mayer/ Stella Berquist

Councilman Eagle moved to approve of a contract agreement with MHA Systems pending legal review, second by Councilwoman Brugh.

Discussion: He is going to help with developing and implementing a state of the art networking system for the Minne Tohe Clinic and the new hospital. The amount is based on \$20,000.00. This will not be taken out of tribal funds. Twenty Five percent of Richard's time will be spent on this (transition) project.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Elbowoods Memorial Health Center Update: Jim Foote 7:38

Jim Foote gave an update.

3. Prescription Drug Control: Jays Standish/Stella Burquist/ Dr. McCrill/Caroline Leach/Lovette Veach/ (Closed Session)

Addressed

4. Security, Surveillance, Physical Therapy for Minne Tohe

This was discussion only.

5. Prescription Drug Training for Minne Tohe Employees 5:32

The Minne Tohe CEO understood the TAT CFO to have funds available for the travel.

D. Judicial/Human Resource Committee: Mervin Packineau

1. Resolution 10-02-VJB: Litter Ordinance: Judy Black Hawk 3:22

Councilwoman Brugh moved to approve of a resolution entitled, "Adoption of Three Affiliated Tribes Litter Control Ordinance." The motion is second by Councilman Eagle.

Discussion: Councilman Eagle questions who enforces this resolution. This would be for Game and Fish and police. EPA (Environmental) is different.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Consultant Agreement 2010: Judy Black Hawk

These needed signatures only. They were approved in a previous meeting.

3. Resolution 10-03-VJB: ICDBG Block Grant: Lisa Redford 3:47

Councilman Eagle moved to approve of a resolution entitled, "Tribal Business Council Approval and Commitment of Additional Funds per a Pre-Award Condition for the FY 2009 Grant Application for the Parshall/Northeast Segment Multi-Purpose Building." The motion is second by Councilman Benson.

Discussion: This is Parshall's application. There is an order for the segments. Councilman Eagle is requesting to see the list. Money will need to be set aside for the ICDBG projects in the amount of approximately \$1 Million. Going "Green" is the direction CEDS is going with the segment applications.

VOTE: 5 Ayes 0 Nays Motion carried.

E. Natural Resource Committee: Barry Benson

1. Resolution: FBRW USDA Rural Development: Marvin Danks/Ken Royce

This was taken care of under TAT Legal section of the meeting.

2. Water Bill Program for Tribal Members: Marvin Danks 9:15

Councilman Eagle moved to approve the eight add-ons to the Water Bill payment list for the TAT Tribal Members in New Town(7) and Parshall(1), second by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

3. Fred Fox, Energy Office 8:19

a. Simray 320 Acres

This was discussion only.

b. Resolution 10-011-VJB: Quest Star 8:55 9:24

Councilman Strahs moved to approve of a resolution entitled, "Approval to lease 20 Acres of Tribal Fee Lands located in Dunn County to Questar Exploration and Production Company, for Oil and Gas Development on the Fort Berthold Reservation." The motion is second by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

c. Spotted Hawk 281 Acres 9:20

Councilman Eagle moved to approve of a resolution. The motion is withdrawn. Tabled.

4. Resolution 10-09-VJB: Elbowoods Memorial Healthcare Lease Transfer: Jim Foote 7:54

Councilman Eagle moved to approve of a resolution entitled, "Authorization for the US Army Corps of Engineers to Construct the Elbowoods Memorial Health Care Facility on Tribal Trust Lands." The motion is second by Councilman Strahs.

Discussion: They are trying to do two things: 1. Authorize the Corp. of Engineers to construct the facility, and 2. Authorize a lease to I.H.S. after they assume responsibility for that building. A map is to be brought in on Tuesday, January 19, 2010.

VOTE: 5 Ayes 0 Nays Motion carried.

5. Weed Board: Ed Fox 8:13

This will be brought back to the Tribal Business Council with selection for each segment.

6. Robert and Diane Finley Mineral Sale: Annette Young Bird, Natural Resource Administrator 8:02

Councilwoman Brugh moved for a tentative approval to purchase the minerals at \$1,000.00 for 40 acres from Robert and Diane Finely with Natural Resource Director Annette Young Bird to research and bring back to the Full Tribal Business Council. The motion is second by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

7. Awa’Hu Village Lease: Annette Young Bird, Natural Resource Administrator 8:00

Councilwoman Brugh moved to approve of a Tribal Business Lease between the Ft. Berthold Housing Authority and the Tribes for 80 Acres of land described as the Northwest ¼ of Section 25, Township 148 North 88 West, Awa’Hu Village in McLean County. The motion is second by Councilman Strahs.

Discussion: In consideration of the lease, we would waive the rental fee for low income families. If it is middle or higher income brackets, lot rental will be charged. This property brings in about \$2,500.00 in rental per year. This is for a home cluster site in White Shield.

VOTE: 5 Ayes 0 Nays Motion carried.

8. 50 Head of Wild Horses: Annette Young Bird, Natural Resource Administrator

The Bureau of Indian Affairs will round them up. The Three Affiliated Tribes is to assist this spring. These are the horses the tribe brought in. They are East of McKenzie Bay.

9. Range Unit Lease Question: Annette Young Bird, Natural Resource Administrator 8:16

Clarification is given by the Tribal Business Council.

10. Resolution 10-010-VJB: Native American Business Development Institute 9:14

Councilman Eagle moved to approve of a resolution entitled, “Funding and Resource Request from the Native American Business Development Institute.” The motion is second by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

IX. Legal: Damon Williams/Jennifer Fyten

a. Rescind Resolution 09-149-VJB 6:10

Councilwoman Brugh moved for approval to rescind a resolution entitled, “Approval of Applications for a Loan and a Grant from the USDA Rural Development in the Amount of \$2,497,000.00 for the West Segment-Mandaree Water Source distribution and storage Project for the Fort Berthold Rural Water System.” The motion is second by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Resolution 10-04-VJB: Loan and Grant from USDA for Ft. Berthold Rural Water System 6:10

Councilman Strahs moved to approve of a resolution entitled, "Approval of Applications for a Loan and a Grant from the USDA Rural Development in the Amount of \$2,497,000.00 for the West Segment-Mandaree Water Source Distribution and Storage Project for the Fort Berthold Rural Water System." The motion is second by Councilman Benson.

Discussion: Councilman Eagle questions the application requirements.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

c. Resolution 10-05-VJB: Twin Buttes School Addition with BIA 6:19

Councilman Benson moved to approve of a resolution entitled, "Request to the Bureau of Indian Affairs for Additional Square Footage for Twin Buttes K-8 Replacement School." The motion is second by Councilman Strahs.

Discussion: How much is it a square foot and why isn't the Bureau covering the cost if they are the one requiring it? They shouldn't be making the School or the Tribe comes up with the funds. They should have seen it in the beginning that it was a safety and risk management requirement. Councilman Benson explains to the Tribal Business Council what is holding it up (Hasby).

VOTE: 5 Ayes 0 Nays Motion carried.

d. Resolution 10-06-VJB: Special Procedures for the coming Secretarial Election 6:37

Councilman Strahs moved to approve of a resolution entitled, "Request the Secretary of the Interior to adopt Special Rules and Procedures for Upcoming Secretarial Election." The motion is second by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

e. Legal Services for TAT Oil Refinery 7:01

The Law Firm decision is to be made on January 19, 2009 at 10:00 A.M.

f. T.E.H. Consulting to work on Election Code 7:15

Councilwoman Brugh moved for approval to hire T.E.H. Consulting to work on the Election Code, second by Councilman Strahs.

Discussion: This will be less than \$5,000.00 and will come out of the Legal Departments budget. There are different departments that have different codes here at the tribe and TAT Legal would like the departments to put the costs into their budgets. The TAT Legal Department is to put out a memo to that effect.

VOTE: 5 Ayes 0 Nays Motion carried.

g. Resolution 10-07-VJB: Engagement Dan Press – Van Ness for Legal Service for TERO and Elbowoods Hospital 7:18

Councilman Eagle moved to approve of a resolution entitled, “Engagement of Dan Press – Van Ness Feldman to provide Legal Service for TAT TERO, Small Business Initiative and Elbowoods Memorial Healthcare Facility.” The motion is second by Councilman Strahs.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

h. Resolution 10-08-VJB: Athletics Commission 7:30

Councilman Strahs moved to approve of a resolution entitled, “Appointment of Interim Three Affiliated Tribes Commission of Athletic Regulation.” The motion is second by Councilman Benson.

Discussion: This is for professional boxing and MMA. The protections of a commission are explained. If you are a coach, you can't be on the commission. Damon Williams is the Chairman, Richard Mayer is a member, and Jason Two Crow is a member. A permanent commission can be put in place once it gets going.

VOTE: 5 Ayes 0 Nays Motion carried.

11. NEW BUSINESS:

a. Karen Rabbithead/Cory Rabbithead Financial Request 4:19

Councilman Eagle moved to approve of a small loan in the amount of \$500.00 and a \$500.00 grant from Northeast segment, second by Councilwoman Brugh.

Discussion: He works at the Cloverdale foods in Bismarck. Cory will make payments to the satellite office in Bismarck in the amount of \$50.00 to \$100.00 per month. It is suggested to check with Community Action, Section 8, and United Tribes 477 program (Debbie Painte) for extra assistance.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Ft. Berthold Rural Water: Marvin Danks

i. Personnel (Closed Session) 9:27

Addressed

c. Personnel: Roberta Crows Breast Administrative Leave Request (Closed Session) 9:52

Addressed

12. OLD BUSINESS:

13. ADJOURNMENT:

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

The meeting adjourned at 10:15 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 5 were present at the Meeting thereof duly called, notice, convened and held on the 14th day of January, 2010; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 5 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman (X) Voting () Not Voting

Dated this 25th day of March, 2010.

ATTEST:

Tribal Secretary, V. Judy Brugh
Tribal Business Council,
Three Affiliated Tribes

Tribal Chairman, Marcus D. Levings
Tribal Business Council,
Three Affiliated Tribes

