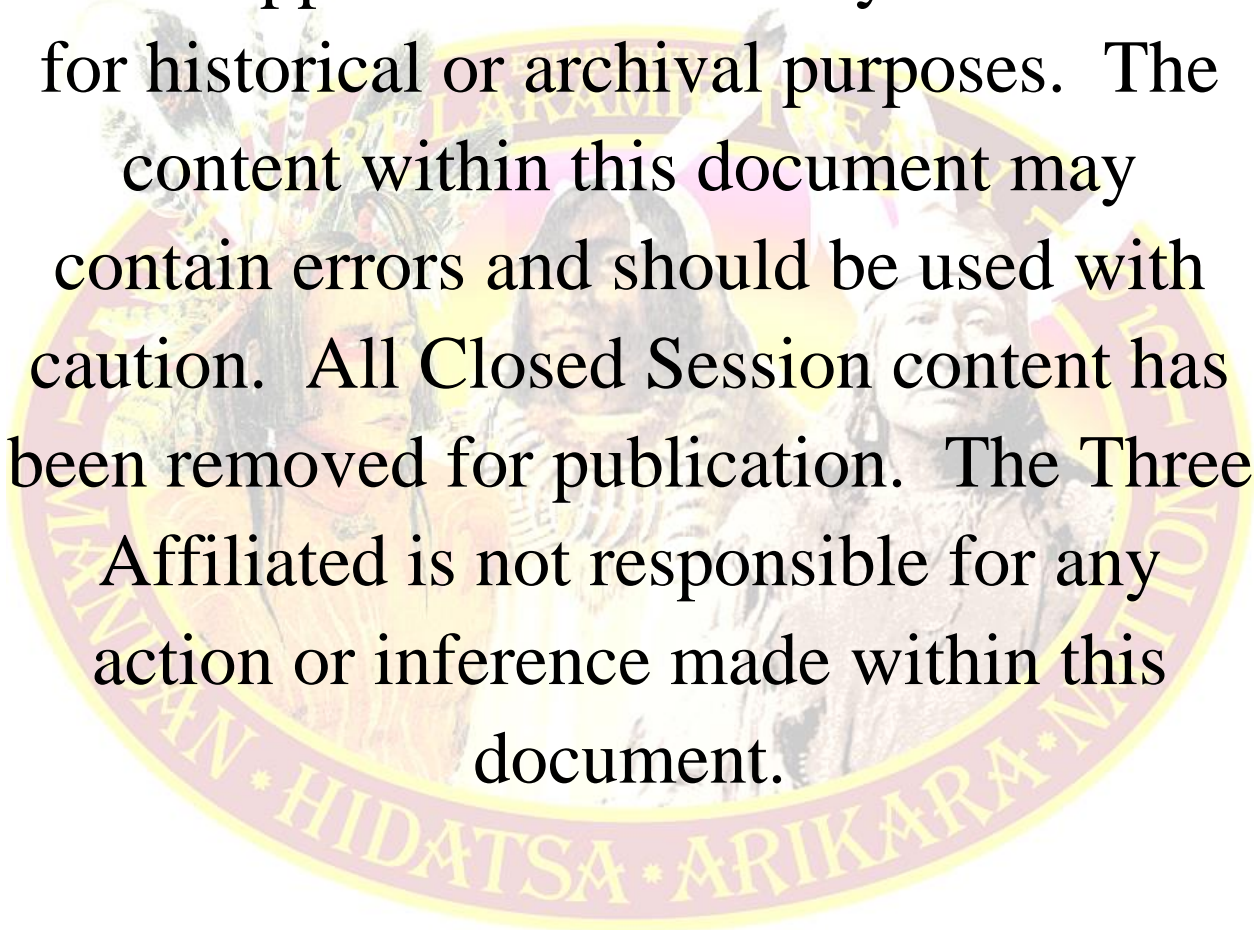


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**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING 10-05-VJB  
February 11, 2010, 10:00 A.M.**

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**I. CALL TO ORDER:**

The meeting was called to order at 11:10 A.M.  
This is meeting #181 of the Levings administration.

**II. PRAYER:**

Bryon Brady gave the invocation.

**III. ROLL CALL:**

Chairman Marcus Levings, Councilman Barry Benson, Councilman Arnold Strahs, Councilman Scott Eagle, and Councilwoman V. Judy Brugh are present. A quorum is established.

For the record, Councilman Frank Whitecalfe and Councilman Mervin Packineau are not present. Councilman Packineau arrived at 11:30 A.M. Councilman Packineau left the meeting at 3:22 P.M. to coach the Parshall Lady Braves.

**IV. APPROVAL OF AGENDA:**

Councilman Eagle – Elder Organization V. A.  
- Dave Williams VIII B. 4.

Councilman Benson – Twin buttes Headstart VI. E.

Councilwoman Brugh – New Town Wrestlers going to State VI. F

Chairman Levings – Ft. Berthold Housing Authority VI. G.

- Arlene Gullickson Elder Request VII. A. 4.

Councilman Benson moved for approval of the amended agenda, seconded by Councilman Eagle.

Discussion: The council will reserve their other add-ons. The meeting today will end at 3:00 P.M. due to basketball tournaments. The regular Tribal Business Council meeting will continue on February 17, 2010 at 10:00 A.M. to 2:00 P.M. then the Tribal Business Council will travel to Standing Rock.

VOTE: 5 Ayes 0 Nays Motion carried.

**V. APPROVAL OF MINUTES:**

**A. Elders Organization: Donna Morgan/Ramona Two Shields/John Danks/  
Mr. White Bear**

Discussion: The TAT CFO is to do a report on each segment how much elder services have been administered. He is to give a report to the Treasurer and the Chairman.

**B. Executive Secretary**

The following two items for the Executive Secretary Office will be forwarded to the continuation meeting.

**1. Minutes**

## 2. Executive Order No. 2010-01-VJB

### VI. **CHAIRMANS REPORT: Marcus Levings**

#### **A. Resolution 10-23-VJB: Proposed Constitutional Amendment**

Councilwoman Brugh moved to approve of a resolution entitled, "Three Affiliated Tribes Tribal Business Council Petition to the Secretary of Interior or His Authorized Representative Pursuant to Article X Amendments of the Three Affiliated Tribes Constitution and By-Laws and 25 CFR Part 81 To call a Secretarial Election on a Proposed Amendment to Article IV Section 6 of the Tribal constitution." The motion is second by Councilman Eagle.

Discussion: The Associate tribal member question to be included in the Secretarial Election is to be brought back to the continuation meeting on February 17, 2010 for all seven Tribal Council members to act upon.

VOTE: 5 Ayes 0 Nays Motion carried.

#### **B. Federal Programs Executive Officer: Kim Abbey**

This will be forwarded to the continuation meeting.

#### **C. Chief Executive Officer: Terry Red Fox**

This will be forwarded to the continuation meeting.

##### **1. H.A Thompson & Son**

This will be forwarded to the continuation meeting.

##### **2. THPO: Perry Brady 2:55**

###### **a. THPO Budget**

THPO staff is to work with the TAT CFO & Programs Analyst to modify the THPO Budget on Excel.

###### **b. BIA Policy & Procedure Letter to Oil and Gas Producers**

Councilman Eagle moved to approve of a BIA Policy & Procedure letter (DESCRM MC-208) with respect to NHPA and NEPA compliance for Oil and Gas Producers with review by THPO Program and TAT legal Department. The motion is seconded by Councilman Benson.

VOTE: 5 Ayes 0 Nays Motion carried.

#### **D. Programs Analyst: Izetta Fernandez 12:30**

##### **1. Renovation Cost/Social Service Move Date**

This will be forwarded to the continuation meeting.

##### **2. N.D. Indian Ed. Award to Martha Hunter**

Martha is promoting education with helping students fill out financial aid for college on February 21, 2010 at the Community College.

##### **3. MHAD Challenge Stigma Award to Tony Mandan**

Tony is honored with a Pendleton for the award and given a cake for his 78 birthday.

**E. Resolution 10-020-VJB: Headstart Application to Receive a Grant for Early Literacy**

Councilman Strahs moved to approve of a resolution entitled, "Authorization for TAT Head Start Program to Apply for a Grant from the U.S. Department of Education Indian Demonstration Grant." The motion is second by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

**VII. TREASURERS REPORT: Mervin Packineau**

**A. Chief Financial Officer Report: Lenny Abrams**

This will be forwarded to the continuation meeting.

**1. Small Loans**

This will be forwarded to the continuation meeting.

**2. Emergency Management Budget 2010: Clifton Whitman**

This will be forwarded to the continuation meeting.

**3. Yvette Ward-Financial Request 3:26**

Councilwoman Brugh moved to approve of a grant in the amount \$2,500.00 per policy and procedure for Yvette Ward for travel for United Model United Nations. Yvette will leave on March 26, 2010. The motion is second by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

**4. Candy Knight Loan 3:32**

Councilman Benson moved to approve of a loan in the amount of \$4,500.00 for home repairs and Home/land taxes. The loan is to be co-signed and paid by Heath Knight. The motion is second by Councilwoman Brugh.

Discussion: Ft. Berthold Housing Authority has turned the home repairs down due to the home being too far off the reservation. The BOC will address it in their next meeting.

VOTE: 5 Ayes 0 Nays Motion carried.

**5. Indirect Cost Rate: Marcus Wells Sr./Roger Bird Bear 4:00**

Councilman Eagle moved to approve of the Indirect Cost Rate for 2008 in the amount of \$45.99 Million and 2007 in the amount of 48.26 Million. Councilwoman Brugh seconded the motion.

VOTE: 5 Ayes 0 Nays Motion carried.

**6. New Town Wrestlers Request 4:20**

Councilwoman Brugh moved to approve of a grant in the amount of \$2,500.00 for the New Town High School Wrestlers going to state championship in Fargo North Dakota. The motion is second by Councilman Eagle.

Discussion: This breaks down to \$1,250.00 per segment for New Town and Four Bears.

VOTE: 5 Ayes 0 Nays Motion carried.

## **VIII. COMMITTEE REPORT:**

### **A. Executive Committee**

#### **1. Four Bears Casino: Spencer Wilkinson Jr. 3:46**

Deferred.

##### **a. MHA Commission of Athletic Regulations & Rules**

Councilman Eagle moved to approve of the Mandan-Hidatsa-Arikara Nation Commission of Athletic Regulation & Rules. The motion is second by Councilman Strahs.

Discussion: The alternate commissioners are Councilwoman V. Judy Brugh and Dewey Hosie.

VOTE: 5 Ayes 0 Nays Motion carried.

#### **2. Gaming Commission: Mark Fox 2:45**

##### **a. Key and Non-Key Licenses**

Councilman Packineau moved to approve of 15 temporary Key and non-key licenses for the Four Bears Casino. The motion is seconded by Councilman Strahs.

VOTE: 6 Ayes 0 Nays Motion carried.

##### **b. Staff Travel & Training for Great Plains and Surveillance Conference 2:47**

February 21-23 will be the Surveillance conference in Las Vegas.

February 16-17 will be the Great Plains Quarterly meeting at Prairie Knights Casino in Standing Rock.

##### **c. Staff Management Fiscal Year Budget Update**

Mark Fox gave an update.

##### **d. Class III Regulation Update**

Mark Fox gave an update.

##### **e. Surveillance System Update**

Mark Fox gave an update. The new surveillance system (DVR/NVR) should be up and running by April 1, 2009.

##### **f. Four Bears Casino Management Monthly Meeting**

Mark Fox gave an update on the meeting.

**g. Tribal/State Compact Usage of Funds**

Mark Fox advised the Tribal Business Council that the report will need to be done in January or February.

**h. Class II & Class III Vendors**

Mark Fox gave an update.

**I. Benefit Swim 2:52**

A resolution is to be developed for the pledges by TAT Legal Department for Mark Fox.

**2. Personnel: Barlow Wells**

This will be forwarded to the continuation meeting.

**B. Economic/Education Committee: Scott Eagle**

**1. Resolution: US DOD-Defense Facility Security Clearance  
Exception: Clarence O'Berry**

This will be forwarded to the continuation meeting.

**2. White Shield Project AB-08-D10: Lisa Redford/Chad Snell 1:00**

This was discussion only.

**3. Four Bears Project AB-09-D24: Lisa Redford/Chad Snell 1:00**

This was discussion only.

**C. Health Committee: V. Judy Brugh**

**1. Elbowoods Health Care Facility Update: Jim Foote**

This will be forwarded to the continuation meeting.

**2. Request for Extension of 21<sup>st</sup> Century Healthcare Reform Project:  
Marilyn Young Bird/Madonna Azure**

This will be forwarded to the continuation meeting.

**3. Resolution: Health Reform Surveys Analyzed at MSU**

This will be forwarded to the continuation meeting.

**4. I.H.S. IPA's**

This will be forwarded to the continuation meeting.

**D. Judicial/Human Resource Committee: Mervin Packineau**

There was nothing to present.

**E. Natural Resource Committee: Barry Benson**

**1. Cirque Resources-80/20 Assignment 2:00**

This was discussion only.

**2. Spotted Hawk-Tribal Trust Mineral Leases 3:56**

Councilman Strahs moved to approve of a resolution entitled, "Approval to lease 281.25 Acres of Tribal Lands to Spotted Hawk Development, LLC., for Oil and Gas Development on the Fort Berthold Reservation." The motion is seconded by Councilman Benson.

VOTE: 5 Ayes 0 Nays Motion carried.

**3. Simray-Tribal Trust Mineral Leases**

Councilman Strahs moved to approve of a resolution entitled, "Rescission of Resolution No. 09-193-VJB approved December 17, 2009 of Simray Oil & Gas Inc., and Approval of Negotiated Terms for 320 Acres for Oil and Gas Development of the Fort Berthold Reservation." The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

**4. EOG-Communitization Agreement**

This will be forwarded to the continuation meeting.

**5. Resolution 10-019-VJB: Great Northern Energy-New Town Mineral Leases & Lots 2:40**

Councilman Eagle moved to approve of a resolution entitled, "Approval to lease 5.43 Acres of Tribal Fee Lands located in the Mountrail County to Great Northern Energy, Inc., for Oil and Gas Development on the Fort Berthold Reservation." The motion is second by Councilman Strahs.

Discussion: Are these the only ones interested in these acres? If so they are only 5.3 acres at \$100.00 per acres? What were Parshall's city lots going for? How did that go? Parshall's royalties were a little less.

VOTE: 6 Ayes 0 Nays Motion carried.

**6. Questar-80/20 Assignment**

This will be forwarded to the continuation meeting.

**7. Fishing Permit with State Game & Fish: Fred Poitra 1:30**

This was discussion only.

**IX. LEGAL: Damon Williams/Jennifer Fyten**

**A. Ratify Resolution 10-06-VJB: Typo**

This will be forwarded to the continuation meeting.

**B. Jim Williams Purchase Clarification**

This will be forwarded to the continuation meeting.

**C. Resolution: Elk River Contract**

This will be forwarded to the continuation meeting.

**D. Resolution: Waylon Pretends Eagle Contract**

This will be forwarded to the continuation meeting.

**X. NEW BUSINESS:**

**A. Ft. Berthold Housing Authority/Four Horns Construction: 4:25 5:09**

This will be turned over to the Board of Commissioners for Ft. Berthold Housing Authority with a recommendation from Tribal Business Council to proceed with a law suit and to try to repair the working relationship with the vendors.

**XI. OLD BUSINESS:**

**XII. ADJOURNMENT:**

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

The meeting adjourned at 6:06 P.M.

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**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 \_\_\_\_\_, 2010; 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 \_\_\_\_\_, 2010.

**ATTEST:**

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

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