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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING 10-22-VJB
July 15, 2010, 10:00 A.M.**

I. CALL TO ORDER:

The meeting was called to order at 11:45 A.M.

II. PRAYER:

Wilbur Wilkinson gave the invocation.

III. ROLL CALL:

Vice-Chairman Frank Whitecalfe (chaired the meeting), Councilman Barry Benson, Councilman Arnold Strahs, Councilman Scott Eagle, and Councilwoman V. Judy Brugh are present. A quorum is established. For the record, Chairman Marcus Levings is not here yet. Chairman Levings entered the meeting at 12:25 P.M. Councilman Mervin Packineau arrived at 1:05 P.M. Councilman Whitecalfe left the meeting at 3:30 P.M.

IV. APPROVAL OF AGENDA:

Add-ons:

Councilman Benson:

Lonnie Burr Financial Request VII. B.
Reserved second add

Councilwoman Brugh:

Tekakwitha Conference Clarification VII. C.
Severance Pay for Retirement VII. D.

Councilman Eagle:

Tamara Patreand Basketball Camp Request VII. E.

Councilman Whitecalfe:

Spirit Riders Financial Request VII. F.
Roberta Bear Student Loan VII. G.

Councilman Eagle moved to approve of the amended agenda, seconded by Councilman Strahs.

VOTE:

5 Ayes 0 Nays Motion carried.

V. APPROVAL OF MINUTES:

May 20-21, 2010

May 25, 2010

June 18, 2010

June 28, 2010

July 1, 2010

June 3, 2010

Councilman Benson moved to approve of the six sets of minute with corrections, seconded by Councilman Eagle.

VOTE:

5 Ayes 0 Nays Motion carried.

VI. CHAIRMAN'S REPORT: Marcus Levings

A. Federal Programs Executive Officer: Camie Gosnell 11:56

The FPEO gave a report.

- 1. Shingobee Five Year Master Plan for Four Bears Area: Marvin Danks, Public Works 12:03**

Councilman Eagle moved for approval to precede with demolition of the Frucon building and to continue with the Four Bears project five year master plan. The motion is second by Councilwoman Brugh.

Discussion: This is just a proposal and will go through TAT Legal Department before there is any monetary commitment.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Department of Public Works: Marvin Danks, Public Works 12:16

Marvin is to take this back to the Natural Resource Committee. Directors are to be invited for their input. Work on the Chamber of Commerce is to begin.

3. Public Works Budget: Marvin Danks, Public Works 12:25

Councilwoman Brugh moved to approve of "Plan A" budget in the amount of \$235,761.89 for the FY' 09 Public Works Department. The motion is seconded by Councilman Eagle.

Discussion: The suggestion is to approve "Plan B" budget at \$173,822.80 and to seek funding for the other amount. Funding will be sought for the whole amount of "Plan A". The two consultants are El Marie Conklin and Lorrie Pemberton.

VOTE: 6 Ayes 0 Nays Motion carried.

B. Chief Executive Officer: Terry Red Fox 12:35

**1. 2010 Tribal Court System Elbridge Coochise Quarterly Review:
Judy Black Hawk/Ralph Gonzales**

They gave an update of their review of the TAT Tribal Court System. The report will arrive within 30 days.

2. Health Care Service

The discussion is on payment to other Health Care providers.

3. Displaced Trailer Home Owners

The discussion is on how to utilize the Otto Bremer grant fund. The directive is to replenish the funds.

4. Small Loans Department 3:16

The CFO and CEO are will be presenting a solution to employee repayment hardships at the next Tribal Business Council meeting.

5. 30 Years of Service Honorarium for Mavis Foote & Consensus

Councilman Packineau presented Mavis Foote with a star quilt, \$500.00 honorarium, and picture was taken with the Tribal Business Council in honor of 30 years service to the Headstart program. Mavis Foote will receive the rest of her honorarium. The honorarium amount is \$5,000.00. This is a consensus with the Tribal Business Council that this will be an ongoing amount for retirees from the

tribe as an honorarium amount. This is for Three Affiliated Tribal employees that have given 15 or more years of service with the Three Affiliated Tribes.

C. Programs Analyst: Kim Red Fox

This was not presented.

D. Executive Closed Session 2:06

A short break was taken and the meeting reopened at 3:10 A.M.

VII. TREASURERS REPORT: Mervin Packineau

A. Chief Financial Officer Report: Lenny Abrams 3:26

1. Budget Report

A budget report is given. The Tribal Business Council will look it over and if there are any questions, they will contact him.

2. Small Loans Repayment/Extension

This proposal will be brought back to the Tribal Business Council for approval.

3. Christine Danks Small Loan 3:32

Councilman Packineau moved to approve a small loan in the amount of \$3,000.00 for Christine Danks to pay for Federal taxes that were not taken out. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

4. 2011 Budget

The CFO is to get a break down of all debt from 10 years ago (2000) and what the debt is today, how much has been retired, what is outstanding and a snapshot of this report.

5. Leased Vehicles 3:42

The CFO will look for other banks.

6. Oil Royalties

Most of the royalties are going to the allottees. The CFO is to include in his report, the amount of royalties going to the allottees and what is going to the tribe.

7. Resolution: Compact Agreement

For the record, the 2009 Audit was completed.

8. Compacting Tribe

For the record: On June 28, 2010 the Tribe is in good consecutive standing for two years and had an unqualified audit. This in the accounting realm is the highest standard.

9. TAT CFO Wage Increase 3:48

See personnel action form. For the record, Elise Packineau asks if his contract is being reviewed. She asks how long the contract is for. If he is given a raise, then his contract is broken.

9. Small Loans Department 3:52

A list is being compiled of loans being repaid for a revolving total.

VIII. COMMITTEE REPORT:

A. Executive Committee

1. Four Bears Casino: Spencer Wilkinson Jr.

This was not presented.

2. Gaming Commission: Mark Fox

a. Executive Summary

A Monthly report is given.

b. Key & Non Key Temporary Licenses for Employees

Councilman Packineau moved to approve of 9 Key and 15 non-keys for a total of 24 temporary licenses for June and July for the Four Bears Casino and Lodge. The motion is seconded by Councilman Eagle.

VOTE: 6 Ayes 0 Nays Motion carried.

c. Four Bears Casino & Lodge Complimentary Policy

Councilman Strahs moved to approve of the Interim Complimentary Policy for the Four Bears Casino & Lodge. The motion is seconded by Councilman Eagle.

Discussion: Usually there is a first read and second read. The gaming commission director will bring it back if there are any changes to be made.

VOTE: 5 Ayes 0 Nays Motion carried.

d. EPHS Food Operations

There is a compliance officer doing inspection for safety.

e. License Revocation

The Tribal Business Council is under notification of employee not following procedures. Policy and procedures will be followed.

f. Class III Regulations

The understanding of Class III Regulations compliance is being followed.

3. Personnel: Barlow Wells

a. Twin Buttes Headstart Employees 6:30

This was discussion only.

4. Enrollment: John Charging 5:24

a. Resolution 10-084: Daryl Lone Bear Relinquishment

Councilman Eagle moved to approve of a resolution entitled, "Approval of Relinquishment of Darryl Lone Bear Enrollment #301-04251 from Membership in the Three Affiliated Tribes." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Resolution 10-085-VJB: Clarence Thomas Relinquishment

Councilman Strahs moved to approve of a resolution entitled, "Approval of Relinquishment of Clarence Thomas Enrollment #301U-06259 from Membership in the Three Affiliated Tribes." The motion is seconded by Councilman Benson.

VOTE: 5 Ayes 0 Nays Motion carried.

c. Resolution 10-086-VJB: Keija Rayne Koteen Relinquishment

Councilman Eagle moved to approve of a resolution entitled, "Approval of Relinquishment of Keija Rayne Koteen Enrollment ##301U-011607." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

d. Resolution 10-087-VJB: 99 Applicants

Councilman Eagle moved to approve of a resolution entitled, "Approval of 99 Applicants for Enrollment into the Three Affiliated Tribes." The motion is seconded by Councilman Strahs.

Discussion: There was no cut off before the election; therefore it will have to go right up to the election date.

VOTE: 5 Ayes 0 Nays Motion carried.

5. Ft. Berthold Housing Authority: Becky Knight

This was not presented.

6. 2010 Election Board Committee Appointments:

Chairman Marcus Levings: Roy Bird Bear, **Councilman Arnold Strahs**

Mandaree: Rosie White Owl, **Councilman Barry Benson Twin Buttes:** Cheryl

Good Bird, **Councilman Mervin Packineau Parshall:** Elsie Foote, **Councilwoman**

V. Judy Brugh Four Bears: Linda Driver, **Councilman Scott Eagle New Town:**

Emily Yellow Wolf, **Councilman Frank Whitecalfe White Shield:** Jason Myers.

These are the appointees for the 2010 Election Board Committee.

a. Electronic Voting: Donna Morgan/Ramona Two Shields/Karen Rabbithead:

Ramona wants to clarify that the Election board is separate from the Electronic Voting committee. The number of people voting in each segment needs to be

known for ballad purposes (cost). A mock ballad is presented to the Tribal Business Council to look at. There are six people going for training on the machines, two from the Bureau, and two alternates. The election board is appointed. Then they will work with the vendor. The vendor can then ask questions and answer. Appointing a competent election board is discussed. Knowing the election laws and applying them is mentioned. A suggestion is to maybe use the appointed election board members. Discretion of the election board member is needed to determine if a person is qualified to use the machine and determination of challenges.

B. Economic/Education Committee: Scott Eagle

C. Health Committee: V. Judy Brugh

1. Elbowoods Health Care Facility Update: Jim Foote

This was not presented.

D. Judicial/Human Resource Committee: Mervin Packineau

E. Natural Resource Committee: Barry Benson

IX. LEGAL: Damon Williams

X. NEW BUSINESS:

A. TAT Culture Camp: Randy Phelan

This was not presented.

B. Chaplaincy Program on Ft. Berthold: Elise Packineau

This was not presented.

C. Oil & Gas Office: Fred Fox

1. Resolution: Kodiak Supply Water Agreement: Fred Fox

This was not presented.

2. Resolution: Spotted Hawk IMDA: Fred Fox

This was not presented.

D. Independence Congregational Church: Faye Moberg/Tillie Walker 1:36

Councilman Eagle moved for approval for Councilman Strahs to get contractor/estimates and any other staff with concrete skills to assist on repairs to the Congregational Church in Independence, Mandaree from damages due to uncompleted work by Dodger Concrete. Repairs are not to exceed \$15,000.00. The motion is seconded by Councilman Strahs.

Discussion: This is to be reimbursed back to the TAT when the bond/court/insurance issue is complete. The toilet will be rebuilt by Mandaree Segment Staff.

VOTE: 7 Ayes 0 Nays Motion carried.

E. Head Start Program: Sara Young Bird 10:25

1. Letter of Intent: Sara Young Bird 10:29

Informational.

2. Performance Standards Requirements

Federal Programs Executive Officer to continue on with report.

F. Home Purchase: Curtis Wells

This was not addressed.

G. Resolution 10-089-VJB: BIA Request for IRR Inventory Update: Curt Wells, Roads Department 10:12

Councilman Strahs moved to approve of a resolution entitled, "Request to Bureau of Indian Affairs for Technical Assistance for Preparation of 2011 Indian Reservation Roads Inventory Update." The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

H. Resolution 10:088-VJB: Amend Bald & Golden Eagle Protection Acts: Fred Poitra 9:22

Councilwoman Brugh moved to approve of a resolution entitled, "Request to Amend the Bald Eagle & Golden Eagle Protection Acts." The motion is seconded by Councilman Strahs.

Discussion: Is there a process to go through in collecting these birds? There are only three tribes in the United States that have one. Game and Fish will do an agreement with a zoo to come check on the birds every month.

VOTE: 5 Ayes 0 Nays Motion carried.

I. Gas Tax Reimbursement: Frank Henry 10:11

Councilwoman Brugh moved to approve of a gas tax reimbursement for Frank Henry in the amount of \$483.69. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

J. Financial Request: Roberta Bear 9:48

Tabled.

K. Employment Purposes: Tom Sage (Closed Session) 6:01

This was discussion only. Camie Gosnell, FPEO to follow up.

L. Waiver TERO Fee for FBCC: Alyce Spotted Bear 10:00

Councilwoman Brugh moved to approve the waiver of TERO fees in the amount of \$25,000.00 on the \$1 Million grant for the addition of the cultural center and the south parking lot at Ft. Berthold Community College. The motion is seconded by Councilman Benson.

Discussion: A way to approach this so we don't get caught up in this

VOTE: 5 Ayes 0 Nays Motion carried.

M. Financial Educational Request: Nicole Wagner 6:38

Nicole is to work with the CFO on an Educational loan for \$2,250.00. The FPEO is to follow up on a scholarship for \$1,600.00 with the oil companies (Ken Royce), Nicole's degree is in EPA/Oil & Gas Law. There may be a \$10,000.00 Scholarship for Professional degrees. There is possibly a \$2,500.00 Higher Ed grant.

N. Personal: Mable Bear 3:13

This will be brought back to the Judicial Committee.

O. Gloria Gunderson Home Loan: Chairman Levings add-on 3:10

Councilman Packineau moved for approval for a loan in the amount of \$21,500.00 for Gloria Gunderson. This is subject to the availability of funds. The motion is seconded by Councilman Benson.

Discussion: She was selected for a home in the 210 Home Initiative Project. She has to get her home sold in Deadwood, S.D. The loan is to repair the roof, sell the home, and put a down payment on the new home. The Ketterling hold will apply to this loan.

VOTE: 5 Ayes 0 Nays Motion carried.

P. Medical Request: Nelreen Yellow Bird 5:07

This was discussion on receiving medical appointment request for urban Indians. The request will be taken to the Treasurer's office.

Q. Quatro Vientos Four Winds Mexican Cuisine Business Loan Request: Charles Garcia/Kathryn Roper 5:35

Charles and Kathryn are to work with Roger White Owl to assist in finding loans or grants to expand business.

R. Lonnie Burr Business Loan Request: 9:30

Councilman Whitecalfe moved to approve a business loan in the amount of \$25,000.00 for Lonnie Burr subject to availability of funds. The motion is seconded by Councilman Benson.

Discussion: The CFO will call the bank in the morning to get the balance of interest. Lonnie is to work with the CFO.

VOTE: 6 Ayes 0 Nays Motion carried.

S. Spirit Riders Summer Funding 9:52

Councilman Whitecalfe moved to approve a grant for the Spirit Riders Organization in the amount of \$7,000.00 for summer youth activities. The motion is seconded by Councilman Eagle.

Discussion: This will be paid out of White Shields funds in two payments.

VOTE: 6 Ayes 0 Nays Motion carried.

T. Mervin Packineau Loan

Councilman Eagle moved to approve of a loan for Mervin Packineau in the amount of \$17,000.00. The motion is seconded by Councilman Whitecalfe.

VOTE: 7 Ayes 0 Nays Motion carried.

XI. OLD BUSINESS:

A. Housing Issue: Algin Dye/Alyssa Grant

Councilwoman Brugh moved to approve to enter into an agreement to purchase mineral acres from Algin Dye based on appraisal and availability of funds. An advance up to the amount of \$15,000.00 will be given to Algin Dye. The motion is seconded by Councilman Eagle.

Discussion: The motion is amended to \$17,000.00 to include appliances for the home. It is the responsibility of Ft. Berthold Housing Authority to do maintenance on the home. The Natural Resource Committee Chairman is to take back to the board of commissioners.

VOTE: 5 Ayes 0 Nays Motion carried.

Recessed at 7:45 P.M.

(Council is attending feed put on by Culture Camp through the Boys & Girls Club.)

Called back to order at 9:22 P.M.

B. Tekakwitha Conference

The Tribal Business Council gave clarification on the grant policy for the Tekakwitha Conference held in Albuquerque, New Mexico. It is \$1,000.00 per person.

XII. ADJOURNMENT:

Councilwoman Brugh moved to adjourn the meeting, seconded by Councilman Strahs.

The meeting adjourned at 11:39 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 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 15th day of July, 2010; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 7 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman (X) Voting () Not Voting

Dated this 6th day of August, 2010.

ATTEST:

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

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

