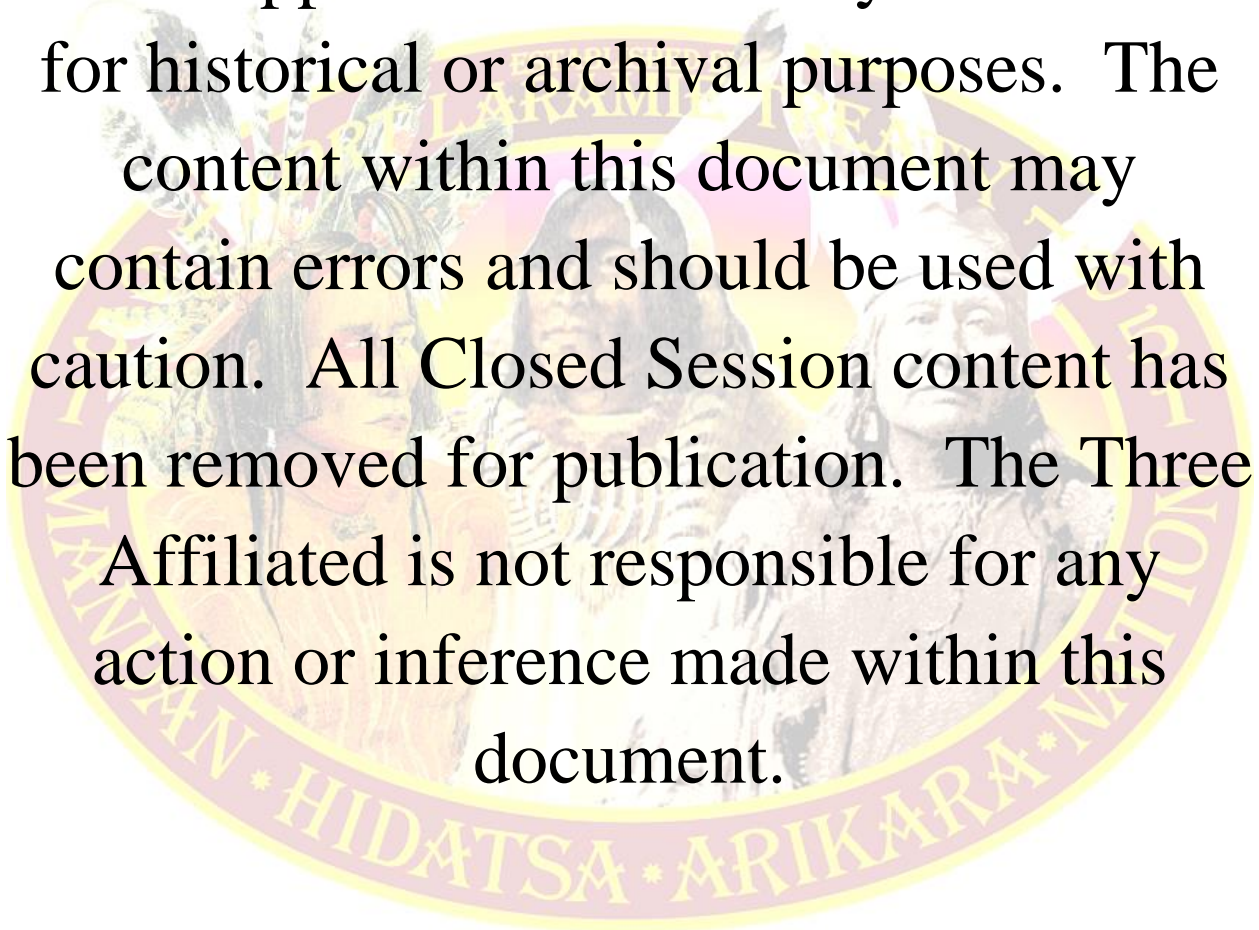


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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING 10-28-VJB
September 28, 2010, 10:00 A.M.**

I. CALL TO ORDER:

Chairman Levings called the meeting to order at 11:22 A.M.
This is meeting 204 of the Levings administration.

II. PRAYER:

Tony Mandan gave the invocation.

III. ROLL CALL:

Chairman Marcus Levings, Councilman Frank Whitecalfe, Councilman Arnold Strahs, Councilman Scott Eagle, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh are present. A quorum is established.

For the record, Councilman Barry Benson is not present. For the history record, this is the second term for Four Bears Councilwoman V. Judy Brugh and Third term for Parshall Councilman Mervin Packineau. Councilman Packineau left the meeting early at 2:30 P.M. but conference called back into the meeting at 8:23 P.M.

IV. APPROVAL OF AGENDA:

Add-ons:

Councilman Whitecalfe: Small Loans: Yvette LaCroix VI. B.

Councilman Strahs: Resolution: Mandaree KMHA Radio Station/MHA Times Board members V. B.1b.

Councilman Packineau: Telecommunications Business: Scott Wilson/Jason Two Crow VI. C.

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

Discussion: The rest of the Tribal Business Council reserves their add-ons.

VOTE: 6 Ayes 0 Nays Motion carried.

V. CHAIRMAN'S REPORT: Marcus Levings

A. Federal Programs Executive Officer: Camie Gosnell/Acting-Izetta Hopkins

1. Laurie Pemberton Fredericks Contract

This was not presented.

B. Chief Executive Officer: Terry Red Fox

1. KMHA Radio/MHA Times

a. KMHA Radio/MHA Times Board of Directors (Closed Session)

Addressed

b. TAT will be Closed on November 2, 2010

Councilman Packineau moved for administrative leave for the Three Affiliated Tribes on Election Day November 2, 2010 for people to vote. This excludes essential staff; I.H.S., Law Enforcement, and Security. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

c. Mandaree KMHA/MHA Board Member Appointee

Councilman Strahs moved for approval to appoint Roseanne Johnson to the KMHA/MHA Board. The motion is seconded by Councilman Eagle. Motion and second withdrawn until the resolution is completed.

2. Allottee Issue: Wilbur Wilkinson/Jeff Hunt/Howard Beamer/BLM

a. General Oil and Gas Report: Howard Beamer

Howard Beamer, B.I.A. Superintendant gave an oil and gas report.

b. Allottee Issue Request: Wilbur Wilkinson/Howard Beamer

Discussion: The 1280 spacing once drilled that entire tract is held hostage. The Tribal Liaison (Mike Nash) is requested to submit a monthly written report to the Tribal Business Council. The report would be on APD's (Application for permits to drill), Communitization Agreements, and Straight Unitization Agreements.

c. Elder Mary Alice Wells/Howard Beamer

Mary Alice Wells wants clarification on where her land is and what is in her account. The superintendant will address this personally.

C. Programs Analyst: Kim Red Fox

This was not presented.

VI. TREASURERS REPORT: Mervin Packineau

A. Chief Financial Officer Report: Lenny Abrams

1. Resolution 10-103-VJB: First Loan Agreement Amendment (TAT Loan XVI)

Councilwoman Brugh moved to approve of a resolution entitled, "Approval of First Loan Agreement Amendment (Loan XVI)." The motion is seconded by Councilman Whitecalfe.

VOTE: 6 Ayes 0 Nays Motion carried.

2. Resolution 10-104-VJB: First Loan Agreement Amendment (Loan XVII)

Councilman Packineau moved to approve of a resolution entitled, "Approval of First Loan Agreement (Loan XVII)." The motion is seconded by Councilman Whitecalfe.

VOTE: 6 Ayes 0 Nays Motion carried.

3. Resolution 10-105-VJB: Approval of First Loan Agreement Amendment (Loan XVIII)

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of First Loan Agreement Amendment (Loan XVIII)." The motion is seconded by Councilman Eagle.

VOTE: 6 Ayes 0 Nays Motion carried.

4. Resolution 10-106-VJB: Fourth Loan Agreement Amendment (TAT Loan XIX)

Councilwoman Brugh moved to approve of a resolution entitled, "Approval of Fourth Loan Agreement Amendment (TAT Loan XIX)." The motion is seconded by Councilman Strahs.

VOTE: 6 Ayes 0 Nays Motion carried.

5. Resolution 10-107-VJB: Second Amendment to Collection and Reserve Account Agreement

Councilman Packineau moved to approve of a resolution entitled, "Approval of Second Amendment to Collection and Reserve Account Agreement." The motion is seconded by Councilman Eagle.

VOTE: 6 Ayes 0 Nays Motion carried.

6. Resolution 10-108-VJB: Drawdown

Councilman Whitecalfe moved to approve of a resolution entitled, "Directive to the Office of Trust Fund management to Make Available for Draws by the Three Affiliated Tribes Interest Earnings from the Three Affiliated Tribes Economic Recovery Fund in the Amount of \$3,500,000.00." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

7. Resolution 10-109-VJB: Proceeds of Labor Drawdown

Councilman Eagle moved to approve of a resolution entitled, "Directive to the Office of Trust Fund Management to Make Available Funds Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL228700 in the Amount of \$500,000.00." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

8. Resolution 10-110-VJB: FY'11 continuing Resolution for Drawdown

Councilman Whitecalfe moved to approve of a resolution entitled, "Fiscal Year "2011" Continuing General Fund Budget Resolution." The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

9. Resolution 10-111-VJB: FY' 11 Balance Budget Mandate

Councilman Whitecalfe moved to approve of a resolution entitled, "Fiscal Year 2011 Balance Budget Mandate." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Small Loans:

1. Clancy Sorenson/Mike McKinney Loans

Councilwoman Brugh moved to approve of small loans for Clancy Sorenson in the amount of \$5,000.00. The motion is amended to include Mike McKinney in the amount of \$1,500.00. This is subject to the policy and procedures and availability of funds. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays 1 Abstention Motion carried.

2. J.C. Johnson Business Loan Request

Councilwoman Brugh moved to approve of a loan in the amount \$17,798.00 for J.C. Johnson, Subject to availability of funds and the waiting period. The loan will be paid back by the fast turnaround of the business. The motion is seconded by Councilman Eagle.

VOTE: 3 Ayes 1 Nays 1 Abstention Motion carried.

3. Verdel Smith Loan

Motion entertained on the floor for a loan in the amount of \$50,000.00 for Verdel Smith. This dies due to no motion made.

Councilman Eagle moved to approve a loan in the amount of \$30,000.00 for Verdel Smith. Motion dies due to a lack of a second.

4. Elmer Fredericks Loan

Councilman Eagle moved to approve of a loan in the amount of \$10,000.00 for Elmer Fredericks. This is subject to the availability of funds and the waiting period. Motion dies due to a lack of a second.

5. Wayne Fox Education Loan

Councilwoman Brugh moved to approve of an educational loan in the amount of \$15,000.00. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

6. Tracy Craig Business Loan

Councilman Eagle moved to approve of a business loan for Tracy Craig in the amount of \$20,000.00. This is subject to policy and procedures of the small loan

department and the availability of funds. This is to be paid back by the towing business itself and his current job. The motion is seconded by Councilwoman Brugh.

VOTE: 3 Ayes 1 Nays 1 Abstention Motion carried.

7. Newlyn Little Swallow Business Loan

Councilwoman Brugh moved to approve of a loan in the amount of \$13,900.00 for Newlyn Little Swallow. This is subject to the availability of funds, waiting period and the policy and procedures of small loan department. The motion is seconded by Councilman Eagle.

Discussion: This is for the youth to learn to ride bulls. This will be paid back by wage deduction.

VOTE: 3 Ayes 1 Nays 1 Abstention Motion carried.

8. Fred Poitra Medical Loan

Councilman Eagle moved to approve a medical loan in the amount of \$18,000.00 for Fred Poitra. This will be paid back by wage assignment. The motion is seconded by Councilman Whitecalfe.

Discussion: There is the possibility of Fred selling the tribe a lot for payment.

VOTE: 5 Ayes 0 Nays Motion carried.

10. Edie White Horse Home Tax Loan

Councilwoman Brugh moved to approve of a loan in the amount of \$1,800.00 for Edie White Horse. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

11. Frank Benson Vehicle Loan

Councilman Whitecalfe moved to approve of a loan in the amount \$3,500.00 for Frank Benson. The uncle will co-sign for him. The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

12. Thomas McCarty Educational Loan

Councilwoman Brugh moved to approve of an educational loan for Thomas McCarty in the amount of \$1,000.00. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

13. Lita Myers Loan

Councilman Eagle moved to approve of a loan for Lita Myers in the amount of \$4,500.00 for home improvements. The motion is seconded by Councilwoman Brugh.

VOTE: 3 Ayes 1 Nays 1 Abstention Motion carried.

14. Yolanda Bears Tail Loan

Councilman Eagle moved to approve of a loan in the amount of \$1,000.00 for Yolanda Bears Tail. The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

15. Jodi Johnson Lucier, Rosie White Owl, Daryl Baker Medical Loans

Councilman Eagle moved to approve medical loans for Jodi Johnson Lucier in the amount of \$2,000.00, Daryl Baker in the amount of \$1,000.00, and Rosie White Owl in the amount of \$3,500.00. This is subject to small loans policies and procedures. The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

16. Brandon and Kansas Johnson Loan

Councilwoman Brugh moved to approve of a home loan for Brandon and Kansas Johnson in the amount of \$9,928.00. This is subject to the small loans policy and procedures and the availability of funds. They will pay back with a wage deduction. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

16. Wayne Hunter Cemetery Fix up

Councilwoman Brugh moved to approve of Wayne Hunter to fix up the cemeteries on the Fort Berthold reservation. Funding is on a case by case basis. The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes 0 Nays Motion carried.

17. Evangeline Red Feather Loan/Grants

Councilman Eagle moved to approve a loan for Sara Garrett for taxation in the amount of \$500.00, a grant for Rosie Ramirez for school cloths in the amount of \$300.00 for a child that she is taking care of. An educational grant for school clothes and supplies for Wamblee Red Feather in the amount of \$300.00 (she has already received) and a grant for Merlin Red Feather in the amount of \$300.00 for glasses and clothes. The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

C. Telecommunication Business: Scott Wilson/Jason Two Crow

This was not presented.

VII. COMMITTEE REPORT:

A. Executive Committee

1. Four Bears Casino: Spencer Wilkinson Jr.

a. Four Bears Hotel Casino Expansion Proposals

This was not presented.

b. Four Bears Casino Report

Councilman Strahs moved to approve of the August 2010 report for the Four Bears Casino and Lodge, seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

c. Shift Managers/Maintenance Department

This will be brought back to full Tribal Business Council on October 14, 2010.

2. Gaming Commission: Mark Fox 4:09

a. Temporary Licenses

Councilwoman Brugh moved to approve 29 temporary key and non-key licenses for the Four Bears Casino and Lodge. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

b. Executive Summary Report

A report was given.

c. Gaming Commission Executive Director Position

Councilman Eagle moved to approve the temporary lay-off of the Gaming Commission Executive Director at the Four Bears Casino and Lodge, seconded by Councilman Whitecalfe.

Discussion: October 15, 2010 date for lay-off, to be readdressed on October 14, 2010 Regular Tribal Business Council meeting.

VOTE: 4 Ayes 1 Nays Motion carried.

3. Personnel: Barlow Wells

This was not presented.

4. Enrollment: John Charging

This was not presented.

5. Ft. Berthold Housing Authority: Becky Knight

Councilman Whitecalfe moved for approval to do a transfer in the amount of \$173,157.60 which is a part of the \$21 Million 210 Home Initiative Project. This is subject to the availability of funds. This is to start the road infrastructure for

the six homes in the Parshall subdivision and the White Shield subdivision. The motion is seconded by Councilman Strahs.

Discussion: Councilwoman Brugh questions why is the tribe getting involved in the tax credit units when it is the Ft. Berthold Housing Authority's responsibility. They should be seeking the funding. The tribe is getting more into debt by putting additional funding into programs that should be self-sufficient. The FBHA Executive Director answered. The application was not put together the way it should have been. Mandan Homes and Hidatsa Homes are still open and the Executive Director wanted them closed first before moving on with other projects but it was already submitted and approved through the state, she couldn't pull herself out of there. While visiting with Raymond James, they were out \$1 million to start with. Who does this? Now it is up to the FBHA to bring all of these and put them all together. Maybe its a million dollars they were short when they did this one. There is an e-mail that says the applications were submitted without the sites being identified. ND State housing took it incomplete. FBHA had to go back in and make all those corrections. After taking a look at it, the FBHA Executive Director realized they were out by a million dollars. There was no way they could get out from under this. The reason FBHA could not get out from under it is because of the investment dollars. If they take this out, then they will not be able to come back in and do any more projects. These are taxable dollars from the state. For the record, FBHA Executive Director is to do a report on the Dream Catcher program funding for the Tribal Business Council reference.
VOTE: 6 Ayes 0 Nays Motion carried.

1. Connie Howling Wolf Housing Conveyance/Conversion in White Shield

Councilman Whitecalfe clarifies status on taking back an elder home in White Shield and conveying Connie Howling Wolfs previous home to her. FBHA will shoot for Christmas 2010 to convert individual rental units to mutual homes through HUD.

2. Ceiling Rent/Home Insurance

FBHA will make the correction to ceiling rent amounts and will credit accounts for insurance that was not received.

3. Hosting a State Conference/Domestic Violence Conference

FBHA will be hosting a state conference on the 21st of October. FBHA will also host a Domestic Violence Conference/walk.

B. Economic/Education Committee: Scott Eagle

C. Health Committee: V. Judy Brugh

1. Contract Renewal for Elbowoods Project: Jim Foote

2. Resolution 10-112-VJB: Land Purchase from Jarrett and Kerry Baker

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of the Purchase of Real Property from Jarrett and Kerry Baker." The motion is seconded by Councilman Eagle.

Discussion: Funding is through the bonding process and paid back through the rental process. The whole funding package is what councilman Eagle would like to see. The Health Board Committee Chair needs to be kept informed. Is there any other land? Hidatsa flats are looked at. The clinic will be open in about a year. Infrastructure will cost about 4 or 5 million.

VOTE: 3 Ayes 2 Nays Motion carried.

3. Addendum to S.E.H. Proposal for Elbowoods Housing Development

Councilman Whitecalfe moved for approval of an addendum to the proposal with S.E.H. for Elbowoods Housing Development in the amount of \$110,000.00. The motion is seconded by Councilman Eagle.

Discussion: Contracts for next year are discussed. Where is the Tribe going with the Health housing? Councilwoman Brugh would like to see more soliciting attempts at getting lower contracts for developing the housing for Elbowoods health facility. Elbowoods Health care Facility Director will work with the Tribal Business Council on more due diligence. This will come out of the general fund or oil and gas funds.

VOTE: 3 Ayes 2 Nays Motion carried.

D. Judicial/Human Resource Committee: Mervin Packineau

1. Liquor and Cigarette Taxes

E. Natural Resource Committee: Barry Benson

1. Questar Oil Co.: Vinnie Rigatti/Fred Fox

2. Petro Hunt Drilling Plans for 2011: Fred Fox/Jeff Herman

A report was given: Production tax for September 2010 was \$1,041,306.00, Extraction tax was \$600,402.00, and with royalties the oil and gas are bringing in about \$2.7 Million total. There are five wells completed, two wells drilled but are waiting for fracking, one well drilled but needs to be re-drilled lateral on. Petro Hunt is running two rigs but may bring in a third rig. There are thirty-three additional spacing units. Petro Hunt is working on an eighteen mile pipeline. The survey has been completed, right-of-way is to be completed, construction will begin in the spring, and the pipeline will be tied into Bridger Pipeline. The pipeline will be located just off of BIA 30. The ratio is Seven to Eight wells per rig, so next year there will be about fourteen to sixteen wells drilled. They are looking to bring in a third rig to drill second wells in some of the Three Forks units that already have wells. Most of the wells have been in the middle Bakken area. Petro Hunt has about twenty spacing units in the Twin Buttes area that have not had very good results and so they are being evaluated. One well will be drilled to give it a good test and then they will go from there. One well has been drilled west of the casino and another one is being drilled off of highway 23.

3. Solstice Energy: Fred Fox

Councilman Whitecalfe moved to approve of a proposed agreement with Solstice Energy for the White Shield area acreage. The motion is seconded by Councilman Strahs.

Discussion: A term sheet was given. Councilman Whitecalfe will join Fred Fox and Damon Williams to review the final document. This is a joint development agreement and not a lease, therefore it will have to be reviewed and approved by the B.I.A,

VOTE: 4 Ayes 0 Nays 2 Abstentions Motion carried.

4. EOG Resources: Fred Fox

This was not presented.

5. Well Site Discussion: Clair Fox

This was not presented.

6. FBRW Applications USDA Rural Development: Leslie Morsette

**a. Resolution 10-115-VJB: East Segment Area 3&4
Transmission & Distribution Project**

Councilman Eagle moved to approve of a resolution entitled, "Approval of Application and Execution of Documents for a Loan and a Grant from the USDA Rural Development in the Amount of \$5,955,314 for East Segment Area 3 and 4 Transmission and Distribution Project for the Fort Berthold Rural Water System." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**b. Resolution 10-116-VJB: North East Segment Area 3 & 4
Transmission and Distribution Project**

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of Application and Execution of Documents for a Loan and a Grant from the USDA Rural Development in the Amount of \$4,762,647 for North East Segment Area 3 and 4 Transmission and Distribution Project for the Fort Berthold Rural Water System." The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

**c. Resolution 10-117-VJB: South Segment Area 1
Transmission and Distribution Project**

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of Application and Execution of Documents for a Loan and a Grant from the USDA Rural Development in the Amount of \$2,462,041 for the South Segment Area 1 Transmission and Distribution Project for the Fort Berthold Rural Water System." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**d. Resolution 10-118-VJB: South Segment Area 2
Transmission and Distribution Project**

Councilman Strahs moved to approve of a resolution entitled, "Approval of Application and Execution for a Loan and a Grant from the USDA Rural Development in the Amount of \$2,304,386 for South Segment Area 2 Transmission and Distribution Project for the Fort Berthold Rural Water System." The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

e. Resolution 10-119-VJB: Public Service Operation

Councilman Strahs moved to approve of a resolution entitled, "Approval of Application for a Loan and a Grant from the USDA Rural Development for the Design and Construction of a Public Services Operations Facility in the Community of Twin Buttes, Mandaree, Four Bears, Parshall, White Shield, and New Town." The motion is seconded by Councilman Whitecalfe.

Discussion: The amendment to this resolution is to include all six segments.

VOTE: 5 Ayes 0 Nays Motion carried.

**7. \$1.9 Million USBR Mod for Water Treatment Plant Expansion:
Leslie Morsette**

This was not presented.

8. MHA Refinery: Horace Pipe

This was not presented.

**9. Contract Report on Garrison Dam Taken Area: Fredericks, Peebles,
& Morgan**

This was not presented.

**10. Resolution 10-113-VJB: Correction to Acreage for Spotted
Hawk: Fred Fox/Bernie Fox/Delvin Foote**

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of Existing Oil & Gas Lease held by Spotted Hawk Development, LLC, of McLean, Virginia ("Spotted Hawk)". The motion is seconded by Councilman Packineau.

Discussion: The total of over payment made in good faith by Spotted Hawk is in the amount of \$204,696.00. Also there was an overpayment on 460 trust acres in the amount of \$22,812.00. Back up will need to be attached to the resolution and a copy of the check. Correction to acreage leased to Spotted Hawk for a total of 4067.25 acres.

VOTE: 6 Ayes 0 Nays motion carried.

11. Resolution 10-114-VJB: 990 acres Lease for Spotted Hawk

Councilman Eagle moved to approve of a resolution entitled, "Approval to leases 990 acres of Lands located in McLean and Mercer County to Spotted Hawk Development, LLC, for Oil and Gas Development on the Fort Berthold Reservation." The motion is seconded by Councilman Packineau.

Discussion: There is an understanding that there is a credit for Spotted Hawk for overpayments in the total amount of \$227,508.00. The \$118,641.60 will come to the tribe (Lease \$346,150.00 –credit \$227,508.00). One well will be drilled within a year. They will also have a minimum of four additional wells drilled prior to the end of their term which is a five year lease. The well "Simba" is producing and a second well is scheduled to be drilled in November 2010. Miya and Golden are 1280's. The 640's will go 2 ½ miles out on the lake bed. Spotted Hawk brought up acreage getting stranded on the lake bed. TAT Legal and the Energy departments worked hard on getting Spotted Hawk, Questar, and Zenergy together to prevent the acreage from getting stranded out there in the middle of the lake. As soon as some of the wells get put in, TAT will move forward on going to court with the state. It will be a long expensive court case. To protect the tribe, just in case, those river bed acreage royalties will be rolling in escrow. This case may take 10 years. There will be a large amount of money sitting in an interest bearing account.

VOTE: 6 Ayes 0 Nays Motion carried.

VIII. LEGAL: Damon Williams

A. Business Licenses

Councilman Strahs moved to approve of an Alcohol/Beverage License for Ed's Bar from September 28, 2010 to September 28, 2011. The motion is seconded by Councilman Eagle.

Discussion: Councilman Eagle addresses Camie Thorton on Ed's Bar. A standard form on expirations of licenses will be checked into.

VOTE: 3 Ayes 1 Nays 1 Abstention Motion carried.

Councilman Whitecalfe moved to approve of three business licenses, Wolf Creek Dining, Dakota Trust, and Dakota Oil Remediation. The licenses will run from September 28, 2010 to September 28, 2011. The motion is seconded by Councilman Strahs.

Discussion: More information is needed on OIC Mariana Insurance Corporation - John Melk, D. Joe Lyons, & Jim Hayes, and White Buffalo Risk-John Melk, D. Joe Lyons.

VOTE: 5 Ayes 0 Nays Motion carried.

1. Notice of Expiration of Business License/Terms of Expiration

This was discussion only. No action taken.

B. Resolution 10-102-VJB: Extension of Secretarial Election 9:16

Councilman Eagle moved to approve of a resolution entitled, "Request the Secretary of the Interior to extend the date of the September 21st 2010 Secretarial Election to November 2nd, 2010." The motion is seconded by Councilman Strahs.

Discussion: The Bureau of Indian Affairs Area Office wanted this approved. Note: This resolution number was reserved for this resolution.

VOTE: 6 Ayes 0 Nays Motion carried.

C. Resolution: Creation of MHA Nation Constitutional Commission

No motion made to approve of a resolution entitled, "Creation of Mandan, Hidatsa, and Arikara Nation Constitutional Commission."

1. Resolution 10-121-VJB: Amended Constitution Commission for MHA Nation

Councilman Whitecalfe moved to approve of a resolution entitled, "Creation of Mandan, Hidatsa and Arikara Nation Constitutional Commission." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

IX. NEW BUSINESS:

A. Resolution 10-120-VJB: 772D Motor Grader Equipment Purchase: Curt Wells, Roads Department

Councilman Strahs moved to approve of a resolution entitled, "Authorization and Request for the Acquisition of Equipment for the Tribal Roads Department to be purchased with IRR Funds." The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

1. Pot holes in White Shield and Twin Buttes

Councilman Whitecalfe moved to approve for Mikes Paving \$5,500.00 around the White Shield C-store and \$12,000.00 to fix pot holes in White Shield and Twin Buttes. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Clarks Creek Road Continuance

Councilman Whitecalfe moved to approve Ed Fox estimates for materials in the amount of \$4,926.00 to continue a road in the Clarks Creek area. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Ft. Laramie Treaty Ride: Levi Bruce 6:22

Councilwoman Brugh moved to approve of a 50/50 split of \$5,000.00 from the TAT and \$5,000.00 from the Four Bears Casino and Lodge. This is for the Ft.

Laramie Treaty Ride for 2011. The ride will be July 31, 2011 to September 17, 2011 from Ft. Berthold to Ft. Laramie Treaty site in Ft. Laramie, Wyoming. The motion is seconded by Councilman Eagle.

Discussion: Levi Bruce will be purchasing a flatbed trailer and other equipment for the ride and will need the funds ahead of time to prepare for the ride.

VOTE: 5 Ayes 0 Nays Motion carried.

C. Skineyah Garden Project Social Services: Delphine Baker

This was not presented.

D. Financial Request: Tracy Craig

This was not presented.

E. Tracy Halvorson: (Closed Session)

Addressed

F. Marcus Wells Sr. Request

This was not presented.

G. Presentation for Home Move: Georgia Johnson/Jackie Jackson, HIP 10:54

Councilman Eagle moved to approve the Housing Improvement Program to move Georgia Johnson's trailer home under the contingency FEMA budget, seconded by Councilwoman Brugh.

Discussion: The contingency money comes from the tribe. The money hasn't been utilized yet and can be used for this purpose. It will be bid out so that it doesn't exceed the estimated amount of \$12,250.00.

VOTE: 3 Ayes 0 Nays 2 Abstentions Motion carried.

H. Mabel Nichols Housing Issue

This was not presented.

I. Resolution: Elder Needs Assessment Survey for Title IV Funding FY'11-13

This was not presented.

J. 2011 Head Start Grant Application for Approval: Sara Young Bird

This was not presented.

K. Four Bears Community Board: Ellen Wilson/Jennifer Mann

Councilwoman Brugh moved to approve to not renew Ed's bar liquor license based upon recommendation of the community board. The motion dies due to lack of a second.

Councilwoman Brugh moved to approve to shut down the Ed's bar based on non compliance of an expired business license as being notified by the Chairman of the Four Bears Community Board. The motion is seconded by Councilman Eagle.

Discussion: The memo from the bar owner says: I will accept if you are unresponsive to this request as your approval to run the business. Legal advises the Tribal Business Council; so if we didn't raise the issue back to her, she was putting that out as your extension. It should be the other way around and come from the issuer of the license. Chairman thought that it was shut down until the 28th of September; the tribe received the application for renewal. Either way, it is thumbs up or down. So, it doesn't give anybody the right to avoid the law, or go around the law, or circumvent the law. As of this date, she has filed for renewal and paid the fee. A previous TAT employee states that the issue of the Federal Programs Executive Officer being the bar owner and supervisor of the TAT police needs to be addressed.

VOTE: 5 Ayes 0 Nays Motion carried.

L. Ed's Bar: Camie Thorton

This was discussion only. No action taken.

M. Four Bears Five Home Initiative Project: Jackie Jackson, H.I.P

The Five Home Initiative Project for Four Bears Segment will be handled by the Four Bears Segment worker, Lawrence Baker. The \$75,000.00 is a contingency if there should be any change over's if anything should go wrong with the home. The homes will be switched from Dynamic Homes to SL Construction. No action taken.

N. North Segment Home Initiative Project: Jackie Jackson, H.I.P.

Councilwoman Brugh moved to approve of one home for the North Segment Home Initiative Project. The budget will go through the Home Improvement Program office and the budget will be administered by the H.I.P. Director. The project overseer will be Orville Fox. The motion is seconded by Councilman Strahs.

Discussion: This has been previously approved for the home but is presented again for the approval on the overseer and administrator. The budget will be \$150,000.00 plus \$15,000.00 for contingency. This is tribal funds and not H.I.P. funds.

VOTE: 4 Ayes 0 Nays 1 Abstention (SE) Motion carried.

O. Jason Two Crow Addition to NE Segment Home Initiative List: Jackie Jackson

Councilman Eagle moved to add Jason Two Crow to Councilman Packineau housing list for the Home Initiative Project in the Lucky Mound Segment. The motion is seconded by Councilwoman Brugh.

Discussion: The Chairman's contingency for 10 homes is \$150,000.00. This is the source of funds that would have been utilized to build Jason Two Crow's home but to avoid accruing more costs; Jason is added to the North East Segment/Lucky Mound Home Initiative list.

VOTE: 5 Ayes 0 Nays Motion carried.

P. Miriam Smith Housing: Jackie Jackson, H.I.P.

Motion is on the floor to approve Miriam Smith for her home to come out of the contingency fund. No action taken.

Q. Twin Buttes Area 5 Septic Tanks: Jackie Jackson, H.I.P.

Councilwoman Brugh moved to approve H.I.P to proceed with the five septic tanks in the Twin Buttes area. The motion is seconded by Councilman Whitecalfe.

Discussion: Jackie will check with FBRW to see if there is anything they can do for the water.

VOTE: 5 Ayes 0 Nays Motion carried.

R. Rena Dusenbury Home: Jackie Jackson, H.I.P.

H.I.P. offered steps, they refused.

S. H.I.P Update

Jackie gave an update.

T. White Shield Elva Carlson: Jackie Jackson

No action taken.

U. Conklin Request for Tribal Council Review of Court Orders

Councilman Eagle moved to have TAT Lead Legal and Tribal Executive Officer to do a review of TAT judge. The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes 0 Nays Motion carried.

X. OLD BUSINESS:

A. Legal Opinion on Judges Authority to Disqualify an Attorney/Sanctions by Judge Request at July 1, 2010 Judicial Meeting (was to have been done by July 9, 2010): El Marie Conklin

This was not addressed.

B. Return of Land: Jimmy Johnson

This was not addressed.

XI. ADJOURNMENT:

Councilman Eagle moved to adjourn, seconded by Councilman Strahs.

The meeting adjourned at 12:53 A.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 Regular Meeting thereof duly called, notice, convened and held on the 28th day of September, 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, Tex G. Hall
Tribal Business Council,
Three Affiliated Tribes

