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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING 11-002-TGH
JANUARY 13, 2011 10:00 A.M.**

CALL TO ORDER:

Vice-Chairman Scott Eagle called the meeting to order at 11:30 A.M.

PRAYER:

Councilman Strahs said the invocation.

ROLL CALL:

Present: Vice-Chairman Scott Eagle, Councilman Barry Benson, Councilman Frank Whitecalfe, Councilman Arnold Strahs, and Councilwoman V. Judy Brugh. A quorum is established. Absent: Councilman Mervin Packineau, and Chairman Tex G. Hall (absent due to the death of his sister Brenda Hall Dvorak).

01. APPROVAL OF AGENDA:

Councilman Whitecalfe moved for approval of the agenda as amended. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

02. APPROVAL OF MINUTES:

This will be deferred until the next meeting.

**03. CHIEF EXECUTIVE OFFICER: Richard Mayer TRIBAL ENERGY SUMMIT
Jan. 26-27, 2011**

Councilman Whitecalfe moved for approval of an initial budget of \$5,000 for banquet and a mini Pow-wow for the Tribal Energy Department's Oil Summit. Councilman Strahs seconded the motion.

DISCUSSION: The Energy Department will brief the council when they address the Tribal Business Council.

(Lost quorum —Councilman Benson left the meeting.)

(11: 50 a.m. Councilman Benson returned to meeting.)

VOTE: 5 Ayes. Motion carried.

**04. AMERI-TECH ENGINEERING CORPORATION CONTRACT: Richard Mayer,
CEO**

Councilman Whitecalfe moved for approval of a budget of \$25,000 to do a boundary and topographic survey-negotiable for each segment, and to negotiate the total cost not to exceed \$150,000. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.



05. RE-ESTABLISH TRIBAL HOUSING DIVISION:

This issue was tabled until the CEO can get more information.

06. Lori Pemberton-Fredericks Contract – HOUSING SERVICES:

Councilman Whitecalfe moved for approval of a contract between Housing Services and Lori Pemberton-Fredericks in the amount of \$60,000 to be taken from the \$200,000 line item budgeted for the Housing Division of the Tribe. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

07. HOUSING SERVICES PROGRAM:

Councilwoman Brugh moved for approval to appoint Florence Brady at \$30.85 an hour to Tribal Housing until the position is advertised and filled. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes. Motion carried.

08. BARLOW WELLS PUBLIC WORKS ADMINISTRATOR:

Councilman Whitecalfe moved for approval to place Barlow Wells in position of Office Manager at a rate of \$30.85. Councilman Benson seconded the motion.

Discussion: His official title would be the Office Manager but he will be Acting Administrator until Marvin Danks returns, and then be placed into the Office Manager position which would give him stability. While Barlow is Acting Administrator—he would be paid under the line item Administrator. Barlow will not be discouraged to apply for the position of Human Resources Administrator, which is being advertised for an additional 30 days.

Amended motion: to say: “Councilman Whitecalfe amended his motion to say, “to place Barlow Wells in position of Acting Administrator at the rate of Administrator’s pay until the return of Marvin Danks and then offer Barlow the position of Office Manager at a rate of \$30.85.” Councilman Benson accepted the amendment.

VOTE: 4 Ayes, 1 Nay. Motion carried.

09. STARION RESOLUTION: TABLED

This item has been tabled until the Legal Department revises the Resolution to include the interest and description and send to Secretary Office.

10. GENERAL FUND EXPENSE REPORT:

Informational No action was taken.

11. JARRET AND KERRY BAKER CONTRACT FOR DEED:

Councilman Packineau moved for approval of the Contract for Deed between Jarret and Kerry Baker. Councilman Benson seconded the motion.



DISCUSSION: The Tribal Business Council already approved the Resolution but did not approve the terms of payment. The initial payment will be paid upon execution of contract.

VOTE: 5 Ayes. Motion carried.

12. F.D. WALSH INC.:

This company did plumbing work for the HIP Program, Detention Center and the Northern Star buildings who were having sewer and water problems. Marvin Danks originally hooked up the two other programs' lines with the detention centers which were tied into the drain tiles that could handle only certain amount of fluids. They have been waiting for 7 months for the bill to be paid.

The staff was certain the bill was paid from the 380 account. This item is tabled until after the meeting with former HIP Director.

13. WHITE SHIELD C-STORE:

Councilman Whitecalfe moved for approval of a loan of \$100,000 for the White Shield Community C-Store upon their submittal of a business plan, and to direct Whitney Bell to work out the interest rate and amortize the loan. Councilman Packineau seconded the motion.

VOTE: 5 Ayes, 1 Not voting. Motion carried.

14. MCGLADREY & PULLEN, LLP:

Councilman Packineau moved for approval of the three year Auditing Agreement between the Three Affiliated Tribes and McGladrey & Pullen, LLP as amended. Councilman Whitecalfe seconded the motion.

DISCUSSION: The amendment is to omit April 30, 2011 and to include June 30, 2011 on Page 7.

VOTE: 5 Ayes. Motion carried.

15. RESOLUTION NO. 11-004-VJB: EXTENSION OF THE \$9,500,000 LOAN WITH STARION FINANCIAL:

Councilman Whitecalfe moved for approval of an extension of the \$9,500,000 loan with Starion Financial, and authorization for the Chairman, Vice-Chairman or Secretary to execute all documents. Councilman Packineau seconded the motion.

DISCUSSION: The Tribe authorizes an amendment extending the maturity date of the loan and the Note with Starion Financial to November 20, 2011 with the following terms and conditions:

Loan Amount	\$9,500,000
Interest Rate	3.25% fixed
Maturity Date	11-20-2011
Collateral	Tribe's existing CD held at Starion



CD Interest Rate 0.8%
Origination Fee \$9,500,000

VOTE: 5 Ayes. Motion carried.

16. SMALL LOANS.

Councilman Packineau moved for approval of five Small Loan applications and one Emergency Feed loan as presented by Chief Financial Officer Bell. Councilman Whitecalfe seconded the motion.

Names of Applicants:

George Morsette Sr.	\$1,000
Nina Crows Breast	500
Todd Moquino	500
Sadie Young Bird	1,000
Melissa Star	500
Howard Wilkinson	\$3,500 Emergency Feed

VOTE: 5 Ayes, 0 Nays, 1 Abstention, 0 Not voting. Motion carried.

17. MEDICAL LOAN APPROVAL:

Councilwoman Brugh moved for approval of three medical loan applications as presented by Chief Financial Officer Bell. Councilman Packineau seconded the motion.

Medical loans are:

Mary Schoppert	\$10,000
JoAnn Baker	2,000
Hugh Baker	15,000

VOTE: 4 Ayes 1 Nay, 1 Abstention, 0 Not voting. Motion carried

18. INTERIM TRIBAL EMERGENCY LOAN PROGRAM POLICIES:

Councilman Packineau moved for approval of the first reading of the Interim Tribal Emergency Loan Program Policy. Councilman Whitecalfe seconded the motion.

DISCUSSION: Tribal members who have high interest loans could be re-categorized and put into the Tribal Emergency Loan category. It was decided to leave the interest rate at the 9.5% as it could be used as a tool for negotiation.

VOTE: 6 Ayes. Motion carried.

19. ARROW PIPELINE: Eddie Guiser/Spencer Wilkinson Jr.

A marketing status report from January 2010 to January 2011 was given.



20. RESOLUTION NO. 11-005-VJB - FBCC: WAIVER OF TERO FEES:

Councilman Packineau moved for approval A Resolution entitled, “Waiver of TERO Fees for the Fort Berthold Community College.” Councilwoman Brugh seconded the motion.

NOTE: The FBCC has short term and long range plans for constructing housing for both its students and faculty as part of its strategic growth and development plan and the FBCC is requesting that TERO fees be waived for all future FBCC construction projects.

VOTE: 5 Ayes. Motion carried.

21. RESOLUTION NO. 11-006-VJB - “FORT BERTHOLD COMMUNITY COLLEGE 2011 UNMET NEEDS BUDGET.”

Councilman Packineau moved for approval of a Resolution entitled, “Fort Berthold Community College 2011 Unmet Needs Budget.” Councilman Whitecalfe seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

22. RESOLUTION NO. 11-007 FREDERICK BAKER ACTING CEO MINNE TOHE HEALTH CENTER:

Councilwoman Brugh moved for approval of a Resolution entitled, “Approval of Employment Contract with Frederick P. Baker as the Acting Chief Executive Officer – Minne-Tohe Health Center.” Councilman Benson seconded the motion.

NOTE: Contract is attached to the Resolution.

VOTE 4 Ayes, 1 Nay, 1 Abstention, 0 Not voting. Motion carried.

23. HEADSTART CONSULTANT AGREEMENT:

Councilman Packineau moved for approval of a Consultant Agreement between Headstart Center and Cleo Charging for a sum of \$2400. Councilman Whitecalfe seconded the motion.

NOTE: The Term of the Contract shall be for the period of Sept, 17 & October 9&22, 2010 through Oct. 29, Nov. 19th and December 10, 2010.

VOTE: 6 Ayes. Motion carried.



24. RESOLUTION NO. 11-008-VJB APPOINTMENT OF ASSOCIATE JUDGES FOR THE FORT BERTHOLD TRIBAL DISTRICT COURT FOR 2011.

Councilman Packineau moved for approval of a Resolution entitled, "Appointment of Associate Judges for the Fort Berthold District Court." Councilman Strahs seconded the motion.

VOTE: 6 Ayes. Motion carried.

25. RESOLUTION NO. 11-009-VJB APPOINTMENT OF FORT BERTHOLD HOUSING AUTHORITY BOARD MEMBER FOR TWIN BUTTES SEGMENT OF THE FORT BERTHOLD RESERVATION.

Councilman Packineau moved for approval of a Resolution entitled, "Appointment of Ivetta Spotted Bear to serve as a Board member for the Twin Buttes Segment— Fort Berthold Housing." Councilman Strahs seconded the motion.

VOTE: 6 Ayes. Motion carried.

26. RESOLUTION NO. 11-010-VJB - AUTHORIZATION FOR THE U.S. DEPARTMENT OF JUSTICE COORDINATED TRIBAL ASSISTANCE GRANT FOR FISCAL YEAR 2010.

Councilman Packineau moved for approval of a Resolution entitled, "Authorization for the U.S. Department of Justice Coordinated Tribal Assistance Grant for Fiscal Year 2010." Councilman Whitecalfe seconded the motion.

VOTE: 6 Ayes. Motion carried.

27. ADJOURNMENT:

Councilman Strahs moved for approval to adjourn the meeting at 3:40 P.M. Councilman Whitecalfe seconded the motion.

VOTE: 6 Ayes. Motion carried.



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 15 day of February, 2011; that the foregoing Minutes were amended and/or 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 15 day of February, 2011.

ATTEST:

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

Tribal Chairman, Tex G. Hall
Tribal Business Council,
Three Affiliated Tribes