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**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING 10-003-VJB  
February 10, & 15, 2011, 10:00 A.M.  
Tex G. Hall Administration**

**CALL TO ORDER:**

Chairman Tex G. Hall called the meeting to order at 11:38 A.M.

**PRAYER:**

Councilman Scott Eagle gave the invocation.

**ROLL CALL:**

Chairman Tex G. Hall, Councilman Frank White Calfe, Councilman Arnold Strahs, Councilman Scott Eagle, Councilman Mervin Packineau, and Councilwoman Brugh are present. A quorum is established.

**01. APPROVAL OF AGENDA:**

*Add-on:*

*Scott Eagle: MHA Elders Organization E.*

Councilman White Calfe moved to approve of the amended agenda, seconded by Councilman Packineau.

*Discussion: All others reserve their add-ons.*

VOTE: 6 Ayes 0 Nays Motion carried.

**02. CHAIRMAN'S REPORT: Tex G. Hall**

**• D.C. Trip**

There were 17 meetings held in 3 days. The 2348 Bill needs to pass in legislature for the Three Affiliated tribes to move forward with roads and healthcare. The 50/50 will need to change to an 80/20.

A meeting on February 11, 2011 is set up for Chairman Hall with Bob Stengem, Majority leader; Stan Lyson, Chair of the Committee and sponsor on the bill; and Senator Hoag from Minot, N.D. Tribal sovereignty regarding tribal tax and roads will be the subject of the meeting.

Interstate Engineering has prepared an estimate, Long Range Transportation Plan. This issue was followed in D.C. It looks like in talking with the DOJ, because the tribe has a problem with non-Indian truckers, safety dollars, signage, and more police; the amount of \$1.8 Million maybe possible. If the state will accept on the tribal BIA roads a "Full Faith and Credit Clause", then we can utilize photographic speeding tickets. Water appropriations were discussed and once again, it is waiting on the house and senate budget.

**• I.H.S. Roads, Tribal Oil and Gas Tax Agreement**

The Republicans want to reduce the budget. They release their budget today. It impacts B.I.A. and I.H.S. The Senate has not released their budget. In the President's budget is the \$8.3 Million for the I.H.S. living quarters. If Congress makes us go back to the 2008, 2009, or 2010 budget, we don't have the money for it and we will lose our budget. We met with Dr. Yvette Rubidoux and discussed her trust responsibility and the lack of staffing for the new clinic that is to open in August 2011, unless the President's budget passes. Her response was that Senator Dorgan should have asked for it. She said the tribe has to go

back to Congress. The Tribe would know when the Senate released its mark but a staffer on the House side advised that their budget would not help. This meant that it couldn't be passed at the 2011 President's mark; it's got to be a different mark. So our opportunity is now on the Senate side. It is about the ear marks and reducing the budget. We have to get to the OMB and impress upon them the priority of trust responsibility.

If we can revise our Gas Tax Agreement with our Senate Bill 2348, it will give us revenue. If the 50/50 on trust is changed to 80/20, it will give us the revenue to move forward on Roads, and Healthcare. Senator Hoag wanted to do a study resolution but Stan Lyson said the tribe needs answers now.

**03. Twin Buttes Elders: Dennis Huber, Diane Tomlin, and Evan Burr**  
***Certificate of incorporation for the Twin Buttes Elders Organization***

A letter was submitted October 20, 2009 to Marcus Levings. The letter is needed to get a 501C3. The TAT Legal Department will stamp a Certificate of Incorporation much like a business license. Attorney John Fredericks will look into it. Need an elder worker to handle the Elder funds because Councilman Benson is no longer handling it.

***Elder Vehicle***

A vehicle is needed for the elders. The vehicle is missing. Property and supply reflects that there is a vehicle. A four wheel drive or a van is what the elders want. The community board needs to be addressed to see if they will buy their elders a vehicle. The CEO will look into property regarding a vehicle for the Twin Buttes Elders. The Community Boards purchased the vehicle but the Tribe insures it. The segment is using the vehicles now. A vehicle with miles above 100,000 may not be reliable for transporting an elder. The Twin Buttes and White Shield community boards don't have a revenue stream. Maybe if there is an overrun in the elder's organization its self, maybe then a vehicle can be purchased.

***Budget***

To inform the Chairman, a \$100,000 per year was appropriated for the segment Elders. For the record: We don't receive any extra revenue that comes in. Diane: Advises that \$45,000.00 (past two months plus the current month) is owed to the elders. John Danks: Requests to distribute the funds equitably. CFO: A few years ago a budget was established for the elders in approximately the \$600,000 range. The TBC then took back the money from the elder's organization and distributed to the segments. Some council gave it back to the elder's organization. Some draws are going to the Twin Buttes Elders Organization. Some segments have workers that are funded by elder's organization. Six Hundred Thousand dollars is the projection for the elders. A formula is needed for figuring out the distribution of the funds for the elders per head. A passing lane is also requested by the elders because of the killdeer road. They have no dialysis driver. She was terminated. CEO is to look into getting a Dialysis driver for the Twin Buttes area.

***Outstanding Bills***

It's in your budget for current fiscal. A resolution is in place for the Segment Councilman to designate who will handle the Elder funds. Councilman Benson has said that he is not handling it, it will go back to the Twin Buttes Elders to handle in the amount of \$100,000 and the elder worker is to come out of those funds. They are to put their Purchase order in for the money. New Town, White Shield, and Four Bears hire their elder worker out of segment funds to supplement the elders funding.

***Medicare Insurance for the Elders***

They are in the process of a pilot project of medical cards for elders. One bid is in from an Insurance company and they are waiting on another company right now. The cost would be approximately \$92.00 to \$140.00 per month. This will come before the TBC in the future for funding. Councilman Packineau suggests to get elders the medical cards in approximately \$800,000, because the tribe is assisting I.H.S. with about \$4 Million a year. Third party billing would bring more in with the medical cards.

***Roads***

We have enough equipment but not enough man power. Chairman Hall suggests that if they have a CDL or are certified to run the equipment, they can be added to the Insurance if they want to volunteer. Where do the elders stand with snow removal? A copy of the Snow Removal policy will be given to the Twin Buttes Elders from Karen Rabbithead in the Chairman's office.

**Updates**

The elders would like to be informed on what is happening with the oil & gas on the reservation. Water pipelines are being put in but they would like \$6 Million for Twin Buttes treatment plant. The Public Relations office will print out a hard copy off the internet and get it to the Twin Buttes Elders.

Twin Buttes Elders presented a resolution on the Tribal Budget for the Auto Bremer Foundation requesting a grant for a feasibility study.

**04. Motion: Resolution 11-011-VJB Twin Buttes Elders application for Feasibility Study for Senior Facility**

Councilman White Calfe moved to approve a resolution entitled, "Approval for Twin Buttes Elders Organization to apply for a grant from the Otto Bremer Foundation in the Amount of \$12,000.00 to conduct a feasibility study/needs assessment for a Senior Center/Assisted Living Facility." The Motion is seconded by Councilman Packineau.

*Discussion: No resolution number will be given until the resolution has gone before the TAT Legal department and forwarded from them to the Executive Secretary office.*

VOTE: 6 Ayes 0 Nays Motion carried.

**05. Federal Programs Executive Offer: Bonnie Red Fox**

*The FPEO took a trip to Rapid City; S.D. The alarming news is that our reporting requirements are really not helping B.I.A. to establish grounds to give us increases in our funding for our B.I.A. programs. The FPEO will work hard with the program directors to make acknowledgement to be on our toes with the reporting requirements. The BIA has to be told not to put deadlines that are unreasonable so that we may get the correct data to them on grants to get more money. The FPEO asks for support in asking the BIA to give us a report back for what their unmet needs are because if the money is not used, it goes back to treasury. The FPEO will be assisting in part with the Great Plains Tribal Chairman's Association.*

**06. Motion: FPEO Letter to BIA for Carry-Over**

Councilman Eagle moved for approval for Bonnie Red Fox to draft the letter to the BIA to ask for the BIA's unexpended carry over's and their report showing what data they have and funding they are not using. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

*Fire Houses will be sought after for the each of the segments. The FPEO is requesting a vehicle to use while she is working. She will get bids. She is asked to do extra duties with Great Plains.*

**07. Motion: Federal Programs Officer Vehicle Request: Bonnie Red Fox**

Councilman Eagle moved for approval for bids to be submitted by the FPEO's Office for purchasing a vehicle for their office. The motion is seconded by Councilman Strahs.

*Discussion: The vehicle will be left with the tribe after the federal programs officer is gone.*

VOTE: 6 Ayes 0 Nays Motion carried.

**08. Elder Concerns in Parshall: Mary Alice Wells, Glenda Embry**

*The Outreach Clinic in Parshall being closed has affected an elder's health by the closure. Getting a hold of the TBC via cell phone is discussed. A dialysis driver is needed.*

**09. Elders Concerns in New Town: John Danks, Ramona Two Shields, Donna Morgan**

*Sitting for a long period of time before a TBC meeting starts is addressed to the TBC. May Coffey issue, a paper was needed but it did not have the hospital letter head on the paper. Twin Buttes Issue a number of the elders living there is listed. The elders are counted by the constitutional land boundaries. The in-depth medical care is not being fully gotten by the elders in the segments because the Elder workers are not certified or they don't have the proper training. Proposing we would like to handle the owed estate elders 08-62-MP Resolution. The Elders Organization would like to handle the out of state elder's assistance through their program and get a little bit more money \$30,000 per month or \$360,000 a year.*

**10. Motion Four: Elders Organization Funding and Drawdown**

Councilman White Calfe moved to approve of giving the Elders Organization funding in the amount of \$360,000.0 to help take care of the Elders that are living in Parshall, New Town, and off the reservation. The drawdown per month will be \$30,000.00. This is from this point forward for the fiscal year. The motion is seconded by Councilman Eagle.

*Discussion: The elder's organization will come back with a brand new budget if more staff is added. For the record: this would include the Chairman's elder's budget from his office so that they will no longer take care of the elders off the reservation. The chairman's office turns their elder program over to the Elders Organization.*

VOTE: 6 Ayes 0 Nays Motion carried.

**11. Motion: Deputy Superintendent Position at BIA**

Elders concern with Marcus Levings BIA resolution on the agenda. A letter was read to the TBC regarding Deputy Superintendent Marcus Levings Position. Why it was not advertised? The BIA is operating on a resolution that was submitted during the Marcus Levings administration. Ramona asks to rescind the resolution that the BIA is operating on.

**12. June Lizotte Tax Refund**

Councilwoman Brugh moved to approve of a motor vehicle gas tax refund for June Lizotte based on the proper paperwork for the amount listed. The motion is seconded by Councilman Packineau.

VOTE: 6 Ayes 0 Nays Motion carried.

**13. Motion: Resolution 11-012-VJB: Grazing Permit**

Councilman Packineau moved to approve of a resolution entitled, "One Year Extension of Grazing Permits and Invitation for Public Comment on Regulations Governing the Issuance and Allocation of Range Units for the Grazing of Livestock on the Fort Berthold Reservation." The motion is seconded by Councilman White Calfe.

*Discussion: This has a 90-day comment period and will be posted in each community. New one year permits will be issued if the Bureau says they can't be extended. Then this actually opens the door to a second resolution for the regular five year allocation process. is for extending the grazing permit. Committee Chairman Strahs adds the BIA decisions cannot be appealed to the tribe. BIA will have to follow their protocol as is directed by federal regulations, but in the mean time extending grazing permits for one year.*

VOTE: 6 Ayes 0 Nays Motion carried.

**14. Draft Organizational Chart: Richard Mayer, CEO/ Dennis Fox, Analyst**

*Discussion: Indirect cost is to go under the CFO. The revenue sources would still be under the CFO and the Treasurer. The idea of the tax revenue is to increase the funds through a thought process and the money will be streamed to the Finance Department. Wind Energy will stay under the Economic Development Committee. The Elders Organization is their own program even though the Tribe funds them. Some of the Economic Development Programs are natural resource programs and it should be placed under the Natural Resource Department. Councilman Packineau suggests drawing a line under the Buffalo Project. Elders Organization should go under the Executive Committee. Amended to place Energy Department under Natural Resources and Elders Organization will go under the Executive Committee.*

*The Region Eight meeting is in Denver, Co. on March 8<sup>th</sup> @ 8:00 A.M. with the Region eight administrator attending. We should get some answers and movement.*

**15. Motion Five: Amended Changes to 2011 Organizational Chart**

Councilwoman Brugh moved to approve of the amended changes to the Organizational chart that was presented by the CEO and Programs Analyst. The Energy Department will go under the Natural Resource Committee and the Elders Organization will go under the Executive Committee. The Motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 1 Nays Motion carried.

**16. Draft Tribal Budget FY' 11: Richard Mayer, CEO & Dennis Fox, Programs Analyst**

*A salary matrix needs to be looked into so that Federal and Tribal salaries are equal. Why did the indirect drop so much? Chairman Hall suggests that there be a chart that shows over the years, how much funds have been recovered. A rate is always claimed but never 100% recovered. Bonnie Red Fox: Explains the pool. The pool needs to be higher. The formula needs to be higher. Wages for I.H.S. employees should be coming from the Federal side and not third party billing. This is where we are deriving our*

*indirect costs. This needs to be adjusted every time we send in our reports. This is the contract officer's job is to do. The Federal funding agency is happy for what we got but they are also supplementing our pool by contract support, this is where they are getting the wave of recovery. John Danks: You need to pay attention to your pass through funds; with the old regulations is where they get you.*

*There is a motion on the floor to approval of the draft General Fund budget \$36,615,321(before proposed cuts). A date with the TBC is in request for a budget meeting. There is no first or second. This will be brought back to the TBC.*

*Aging meals have been left out of the budget for the segments. Also accounting code 971 has been left out. Why is the field clinics closed? Physicians quit at the clinic and there was a shortage. There were not enough physicians and practitioners to go out to the clinics. It is not because there were not enough funds. Tele-pharmacies can be utilized if there is a nurse assigned.*

**17. Motion: White Shield & Parshall Field Clinic Nurse**

Councilman White Calfe moved to approve Holly Taft for a Nurse for the White Shield and Parshall field clinics. The motion is seconded by Councilman Packineau.

*Discussion: This is to get the clinics open but to still go after physicians. Some councilmember's don't know who is hired for I.H.S. because it only goes before the Health Committee and would like it to go before full the Full Tribal Business Council. This issue will be brought back. A Health Board is suggested to the management team to be brought back for discussion at the next meeting.*

**VOTE: 6 Ayes 0 Nays Motion carried.**

**18. Elders/KDU Drivers/CHR Drivers: Kevin Finley**

*The Tribal Business Council addressed the issue of KDU drivers for elders in the segments. CHR drivers do not transport Dialysis patients. A list of the elders is needed, if they do not have this list, then they don't know how many elders are out there and where they live until they get a notice that they are just getting out of the hospital. All information is on the MHA Website regarding the CHR Program. There is an opening in the Twin Buttes office, a female is requested to be hired.*

**19. Motion Six: KDU Drivers to be assisted by CHR Driver**

Councilman Packineau moved for approval to authorize Kevin Finley, CHR Director to have the CHR driver assist the KDU driver with Dialysis patients when KDU is short handed. The motion is seconded by Councilman Eagle.

*Discussion: The budget will need to be gone over with The CFO to make this service happen.*

**VOTE: 6 ayes 0 Nays Motion carried.**

**20. Scheduling of TBC Mtg.**

*Wednesday, February 16<sup>th</sup> is a presentation on the Cobell Law Suit Settlement at the Four Bears Casino and an Economic Committee meeting. February 15, 2011 at 10:00 AM will be a reconvene meeting of the February 10, 2011 Regular TBC. The budget will be addressed at an Executive meeting at 9:00 AM.*

- 21. Resolution 11-013-VJB: Re-establishment of the TAT Housing**  
Councilman White Calfe moved for approval of a resolution entitled, "Re-establishment of the Three Affiliated Tribes Tribal Housing Division."  
The motion is seconded by Councilman Eagle.
- Discussion: Veterans housing will be included as item #10. Lawrence Baker is the Tribal Housing Division Director and Florence is the administrative Officer.*  
VOTE: 6 Ayes 0 Nays Motion carried.
- 22. Arrow Pipeline Presentation**  
*The tribe should have access to the Arrow Pipeline records. Volume is not shown in the presentation. Arrow Pipeline is asked to go the EPA meeting in Denver on March 8<sup>th</sup>. It will need to be brought back with the options clearly listed. There is no value in option four. Tex: Option B is equitable, there is value in it. Metaphor: If you build a fence on my property then you owe me something. Arrow will return on February 15, 2011 to the continuance TBC with the changes.*
- 23. Personnel: Val Finley, HR Director, Richard Mayer, CEO & Dennis Fox, Programs Analyst (Closed Session)**  
*See Personnel Action Forms.*
- 24. Human Resource Department Update as of November 3, 2010 to Current**  
*The following are findings in the audit report. First, salary authorizations have no documentations. This may lead to a huge liability lawsuit. Minutes have to be included in the file, Drivers Licenses, I-9's, and other documentations. Documentation for change in rate of pay for employees needs proper documentation. There will be no selling back of annual leave and comp time hours. There is discussion to amend the "use it or lose it" of leave hours policy. The thought is to amend the policy to 360 hours. Time cards and summary sheets don't correspond with actual hours worked. Employees will attend and sign-off on orientation. There will be interviews for directorship positions. Discussion is held on reduction in cost for employee health insurance. Drug testing across the board will be implemented for all employees. The drug and alcohol policy will be revised. 2001 was the last time it was addressed. Job descriptions are needed and will be a priority. The Human Resource office hours have been 7:30 A.M. to 5:00 P.M. and the office has been very busy.*
- 25. Jay Brugh Personnel Issue (Closed Session)**  
There is action taken.
- 26. I.H.S. Note for the Record**  
**For the record:** *Deb Thompson should have been included with the other four director applicants that were hired during personnel actions.*
- Councilwoman Brugh moved for approval to hire Deb Thompson for the I.H.S. Administrator. The motion is seconded by Councilman Packineau.
- VOTE: 3 Ayes 0 Nays 3 Abstentions Motion carried.
- 27. Algezera Film Crew of Washington/Australia**



*The Aljazeera film crew is following tribes involved in the Energy Industry. They are here to film footage of the Three Affiliated Tribes Tribal Business Council.*

**28. Motion: Robin Carufel Contract Payment**

Councilman Eagle moved for approval to pay \$5,800.00 to Robin Carufel for the Health Care Consultant work he has done for the month of December. The motion is seconded by Councilwoman Brugh.

*Discussion: Councilman Eagle would like Robin to come back on February 15, 2011 to the Tribal Business Council reconvened meeting. Richard Mayer, TAT CEO would like this to be his last payment in the contract and to do a close out. Payment for January will be discussed at the February 15<sup>th</sup> meeting.*

VOTE: 6 Ayes 0 Nays Motion carried.

**29. Motion: Resolution 11-014-VJB: Grant Application for Adam Walsh Sex Offender Registration Program**

Councilman Packineau moved to approve of a resolution entitled, "Three Affiliated Tribes Tribal Business Council Authorizing Resolution to Apply for Grant Funding to SMART Office for Implementation of Adam Walsh Sex Offender Registration Program." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

**30. RECESSED at 7:30 P.M. on February 10, 2011**

**31. RECONVENED at 11:53 A.M. on February 15, 2011**

For the record: Councilman Barry Benson and Frank White Calfe are not present. Councilman Frank White Calfe arrived at 12:36 P.M. Councilman Mervin Packineau left the meeting at approximately 4:00 P.M.

**32. Chief Financial Officer's Report: Whitney Bell**

*The Expense report was given. The Tribe is about 36% through fiscal year 2011 as of February 10, 2011. Individual segments discussed their budgets with the CFO. The segments are to have meetings with the CFO to discuss what the segment needs are and the amount of the budget. The Northern Lights building is looked at as having its own line item budget separate from the New Town Segment budget. If a segment has carry-over and needs something, they are to present it to the council before the end of the year. On the General fund side, the CFO is trying to get the budget down to \$35 Million. One problem is supplementing the Minne Tohe clinic in the approximate amount of \$1.9 Million. There are old bills prior to 2011 in the amount of \$5 Million for the clinic. The 2011 supplement is \$2.6 Million for a total of approximately \$7.6 Million for the clinic. The CEO is to bring the Aberdeen Budget Officer to the March 10, 2011 regular TBC meeting in person or on teleconference because the clinic needs more money. It is mentioned that the off reservation hospital was plugging in TAT for patients even though they were from Turtle Mountain, Standing Rock, or other reservations. This was a finding. The Area Office worker uncovered it along with TAT workers. This needs to be appealed. Chairman Hall adds that these things would have been audited and that these findings would be available for us at TAT. The six segments pow wows is \$50,000.00 each. The 210 Initiative project is asking for \$700,000.00 to continue on. H.I.P. will be placed back under Tribal Housing. FBHA is requesting \$1.4 Million; the management team will work*

*with them on this. This is included in the budget. The segment budget will increase to include aging services and other programs such as security.*

*John Danks would like to have the Taken Area (River bottom) addressed again. The Figure Four Ranch is officially paid off and 100% owned by the Tribe and an application will go into fee to trust status.*

**33. Motion: Dynamic Homes Payment**

Councilman Packineau moved for approval to pay Dynamic Homes \$105,724.50. The motion is seconded by Councilman Eagle.

VOTE: 6 Ayes 0 Nays Motion carried.

**34. Motion: Contract Negotiations with Stauffer**

Councilman Packineau moved to approve of the management team to go forward with negotiations with Ken Stauffer and Assoc. LLC. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**35. Motion: Baker Consulting LLC Ratification**

Councilman Packineau moved to approval to ratify a payment to Paige Baker for his services to the Energy Department in the amount of \$8,400.00. The motion is seconded by Councilman Eagle.

*Discussion: This for trainings and skill building for the TAT Energy Department in November 2010.*

VOTE: 3 Ayes 2 Nays 1 Abstention Motion carried.

**36. Motion: Small Loans Interim Loan Policy**

*The policy will be brought back.*

**37. Motion: February Small Loans**

Councilman Packineau moved for approval of the recommendations on the loan applicants by the TAT CFO. The interest rate approval is 1% above prime, which will fluctuate. This is subject to the current small loan policy the way it is written. The motion is seconded by Councilman Eagle.

*Discussion: First Column-Teddy Siers-\$1,000.00. Second Column: DeAnn Wells-\$3,000.00, Bernadine Fredericks-\$3,000.00. Third Column: Bill Jacobs-\$1,000.00, Anita Hart-\$1,000.00, Flora Wolf-\$1,000.00, Kenneth G. Smith Jr.-\$1,000.00, Cedar Henry-\$1,000.00, Scott Halsey-\$1,000.00.*

VOTE: 6 Ayes 0 Nays Motion carried.

**38. Motion: Reginald Charging Jr. Loan**

Councilman Packineau moved for approval for a loan in the amount of \$1,100.00 for Reginald Charging Jr. to assist with legal fees. The motion is seconded by Councilman Eagle.

*Discussion: He has his vehicle title as collateral which will be turned over to the CFO. Reginald's IIM account is also put forth as collateral.*  
VOTE: 5 Ayes 0 Nays 1 Abstention Motion carried.

**39. Motion: TAT Organizational Chart**

Councilman Eagle moved to approve of the TAT Organizational chart as presented by the TAT management team. The motion is seconded by Councilman Packineau.

*Discussion: Added: Domestic Violence under law & order, Fire Management under Natural Resources, Northern Star under Economic Development, and Agricultural Department. A question arose regarding the Energy Department placement on the the Energy Department projects could fall under the Economic Development committee.*  
VOTE: 5 Ayes 1 Nays Motion carried.

**40. Motion: Resolution 11-015-VJB OTFM Withdrawal**

Councilman Packineau moved for approval of a resolution entitled, "Directive to the Office of Trust Fund Management to make Available Funds for Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL228700 in the Amount of \$3,800,000.00." The motion is seconded by Councilman White Calfe.

*Discussion: Councilman White Calfe asks if this is oil and gas funds. It is oil and gas revenue. The allottee's would be twice this amount.*  
VOTE: 6 Ayes 0 Nays Motion carried.

**41. Tax Issue: Max and Ella James (Closed Session)**

Action was taken.

**42. Tax Commission Report: Marian Wolf**

*There is no staff travel or training scheduled. In the expenditures of budget for the Commission, Surveillance, and Internal Auditor; there are no changes in the fees. The state representative visited in December. NIGC visited in January and is scheduled for a visit February. The surveillance project is behind but is planned to be completed at the end of March 2011.*

**43. Motion: Four Bears Casino Employee Licenses**

Councilman Eagle moved to approve of the 30 Key and 43 non-Key employee license applicants for the Four Bears Casino and Lodge. The motion is seconded by Councilman Strahs.

VOTE: 6 Ayes 0 Nays Motion carried.

**44. Motion: Resolution 11-016-VJB 1/8 Decent: John Charging, Enrollment Director**

Councilman White Calfe moved to approve of a resolution entitled, "Approval for 114 applicants for Enrollment." The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**45. Motion: Resolution 11-017-VJB: Enrollment Applicants under Lineal Decent**

Councilman Eagle moved to approve of a resolution entitled, "Approval of 61 Applicants for Enrollment into the Three Affiliated Tribes." The motion is seconded by Councilman White Calfe.

*Discussion: This is the last group under the old requirements. A letter is taken for the record.*

VOTE: 6 Ayes 0 Nays Motion carried.

**46. Motion: Incentive Award for Ardith Morsette**

Councilman Eagle moved to approve of an incentive award for Ardith Morsette for Excellent service. The amount will be worked out with the CEO in accordance with the policy. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**47. Ft. Berthold Housing Authority: Barb Pegg**

Currently 13% of FBHA homes are vacant and not livable. Home conveyances don't look feasible but are still wanted. The FBHA budget is close to being depleted unless funds are recouped.

**48. Motion: FBHA \$1.491 Million Request**

Councilman Packineau moved for approval for the FBHA budget request in the amount of \$1,491,700.00. To follow the pay schedule that is broken up into three months and the financial officers from FBHA and TAT are to work out the account details where the proceeds should go. The funds will be taken from Resolution 11-015-VJB. The motion is seconded by Councilman Eagle.

*Discussion: The break down per segment for what was done and spent in each segment is to be distributed to the Tribal Business Council from FBHA. A CPA is to safeguard the funds and takes an oath to that affect.*

VOTE: 6 Ayes 0 Nays Motion carried.

**49. Resolution 11-018-VJB: FBHA Grant Application**

Councilman Packineau moved to approve of a resolution entitled, "Authorize Fort Berthold Housing Authority to apply for grant Notice of Funding Availability (NOFA) a grant opportunity for \$300,000 to each recipient under Funding Opportunity Number FR-5415-N-35, CDFA Number 14.263 – Rural Innovation Fund which, if achieved, would enable the Authority to bring at least 25 housing units back into occupancy." The motion is seconded by Councilman White Calfe.

Discussion: There is no match required. This resolution is for a grant application for \$300,000.00 for renovations on 25 rental units.

VOTE: 6 Ayes 0 Nays Motion carried.

**50. Deputy Superintendent of the Ft. Berthold Agency BIA: Marcus Levings**

Councilman Eagle moved for approval to do a resolution for Marcus Levings, Donna Morgan, and Ramona Two Shields when the position of Deputy Superintendent of the Ft. Berthold Agency BIA becomes available. The motion is seconded by Councilman White Calfe.

*Discussion: The amendment is to keep it open to all qualified members that want to apply. This will be a generic resolution. John Danks suggests to the TBC that they can personally recommend anyone they want. Personnel are to check on this.*

VOTE: 5 Ayes 0 Nays 1 Abstention Motion carried.

**51. Close Out Severance for Previous Council Staff**

*The Personnel Department will check on the severance pay policy for previous council staff.*

**52. Four Bears Casino Report: Pat Packineau, Spencer Wilkinson Jr., and Scott Wilson**

*An update was given. The 4 Bears Casino management staff would like to have an Executive Committee meeting at the beginning of March 2011 to adopt the 4 Bears Casino and Lodge operations manual and check list by resolution.*

**53. Motion: December 2010 4 Bears Casino and Lodge Report**

Councilman Whitecalfe moved for approval to accept the December 2010 Four Bears Casino Report. The motion is seconded by Councilman Strahs.

*Discussion: Shortage of customer service during events is discussed. Retention, recruitment, and housing are the issue. The smoky atmosphere has caused some loss in employment.*

VOTE: 5 Ayes 0 Nays Motion carried.

**54. White Shield Casino: Damon Williams**

*This will be tabled until the next Tribal Business Council meeting.*

**55. Motion: UNESCO Grant Application**

Councilman White Calfe moved for approval to submit a grant application for the TAT with UNESCO, a subsidiary of the United Nations. The motion is seconded by Councilwoman Brugh.

*Discussion: The deadline is February 25, 2011 and March 1, 2011 is the determination. This does not cost anything and is 100% grant. A project list will be put together.*

VOTE: 5 Ayes 0 Nays Motion carried.

- 56. Economic Committee Report: Scott Eagle**  
*Representatives from the state legislature will be here on Friday, February 18, 2001 at 11:00 A.M. to discuss the roads.*
- 57. Motion: Amerada Hess Grant for Education: Karen Paetz Sitting Crow**  
Councilman Eagle moved for approval for a request by the Chief Education administrator to move forward with a \$20 Million or more educational Grant proposal to the Amerada Hess Corporation. The motion is seconded by Councilman Strahs.  
*Discussion: The effect of housing shortage for teachers is discussed.*  
VOTE: 5 Ayes 0 Nays Motion carried.
- 58. BIA Education Line Officer Transfer: Karen Paetz Sitting Crow, Chief Education Administrator**  
*The Tribal Business Council is notified that Rosie Davis would like a letter of support to remain a BIA Education Line Officer in Aberdeen Area.*
- 59. MHA Resources Business Plan Presentation: Dave Williams**  
*Councilman Eagle moved for approval but the motion dies due to a lack of a second.*
- 60. Motion: Resolution 11-019-VJB: Formation of MHA Resources**  
Councilman Eagle moved to approve of a resolution entitled, "Approval of Formation and Incorporation of MHA Resources, LLC including the appropriation of \$500,000.00 to MHA Resources." This is approved without money from the Tribe. The motion is seconded by Councilwoman Brugh.  
*Discussion: This way, without any money; you can talk to a partner. When you think about it, it gives the oil companies a chance to say "maybe that 18% royalty is not good enough". These companies may offer 25, 30, or even 35% royalty. It moves the bar. As far as the IMDA's, it gives us an opportunity to start working at something. Right now we can't do anything. This would give for our tribal entity to go after it. Councilman Eagle would like to see 51% royalty. When the companies see that this passed and they want to get into the Bakken; they will bring their money and budgets. Some of the language in the resolution will need to be changed and sent to the Executive Secretary's office.*  
VOTE: 3 Ayes 2 Nays Motion carried.
- 61. Motion: TAT Pumper: Pete Hale**  
Councilman White Calfe moved for approval to hire Edward "Jazzie" Danks as TAT pumper until advertised and filled. The motion is seconded by Councilman Eagle.  
*Discussion: The process of hiring is discussed. The policy will be followed. Pumpers are needed right away.*  
VOTE: 5 Ayes 0 Nays Motion carried.

- 62. Energy Department Vehicle: Pete Hale**  
*This was discussion only. Councilman Eagle advised Pete Hale that Chairman Hall is the person to work with in attaining a vehicle.*
- 63. Resolution 11-020-VJB: Jessica White Plume, Marty Young Bear**  
Councilwoman Brugh moved to approve of a resolution entitled, "Authorization and Support for Horse Power Youth Wellness Grant-Program on the Fort Berthold Reservation." The motion is seconded by Councilman Strahs.
- Discussion: Indirect costs will not be taken out of this grant.*  
VOTE: 5 Ayes 0 Nays Motion carried.
- 64. Health Committee: V. Judy Brugh**  
There nothing forwarded from the committee.
- 65. Tribal Health Report: Deb Thompson**  
*Discussion was held on the White Shield and Parshall clinic nurse, receptionist, and provider. The nurse will be under Tribal Health Deb Thompson's supervision.*
- 66. Motion: Resolution 11-021-VJB: Slaughter Plant Code Environmental Health-Injury Prevention: Verlee White Calfe-Saylor**  
Councilman White Calfe moved for approval of a resolution entitled, "Adoption of Regulations Governing the inspection of Meat, Poultry, and Egg Processing Establishments Operating on the Fort Berthold Reservation." The motion is seconded by Councilman Strahs.
- Discussion: Is a \$1000.00 fine enough?*  
VOTE: 5 Ayes 0 Nays Motion carried.
- 67. Judicial Committee:**  
Nothing was forwarded from the committee.
- 68. Recognition: DUI Code Plaque to Chairman Hall**  
*(Chairman Hall is recognized for the DUI Code and a Plaque is presented to him from the Aberdeen Area Office through Verlee White Calfe-Saylor.)*
- 69. Strike from the Record: Councilwoman Brugh**  
*Councilwoman Brugh advises to strike from the record under Judicial Committee no. 2 and no. 3: Tribal Bar Board and Jurisdiction and ICDBG Grant.*
- 70. Law Enforcement: Officer Tsoodle**  
Councilman White Calfe moved for approval for Officer Lindrith Tsoodle to return to work for the TAT Police department for the White Shield area. The motion is seconded by Councilman Strahs.
- VOTE: 5 Ayes 0 Nays Motion carried.
- 71. Natural Resource Committee: Arnold Strahs**

- 72. Landfill & Well Sites Surveillance: Clair Fox, TAT Special Projects**  
Councilman White Calfe moved to approve the resolution. Motion fails due to lack of a second.
- 73. Tribal Health: Fred Baker, Deb Thompson**  
*The White Shield and Parshall nurse will be a PHN. Fred Baker will look into the receptionist position. Chest pain patients will be looked into further. Moral in the clinic will be addressed. Fred Baker will meet with the TAT CFO on the budget.*
- 74. Law Enforcement: Blaine Flynn, Chief of Police (Closed Session)**  
*Action was taken.*
- 75. For the Record: Rescission of Previous Motion**  
*The tribal business Council goes on record to rescind a previous motion that approved Lindrith Tsoodle to be reinstated as a White Shield Police officer for the White Shield Area.*
- 76. Marvel Heart (Closed Session)**  
*Direction was given to the Chief of Police.*
- 77. Adjournment:**  
Councilman Strahs moved to adjourn the meeting, seconded by Councilman White Calfe.  
  
The meeting adjourned at 8:35 P.M.  
(The rest of the agenda items will be carried over)
- 78. Meeting Called to Back to Order**  
Chairman Tex G. Hall called the meeting back to order at 9:42 P.M.
- 79. Roll Call:**  
Chairman Tex G. Hall, Councilman Frank White Calfe, Councilman Arnold Strahs, Councilman Scott Eagle, and Councilwoman V. Judy Brugh are present. A quorum is established.
- Approval of Minutes**
- 80. Motion: October 7, 2010**  
Councilwoman Brugh moved to approve of the October 7, 2010 Special TBC Minutes. The motion is seconded by Councilman Strahs.  
  
VOTE: 4Ayes 0 Nays 1 Abstention Motion carried.
- 81. Motion: September 28, 2010**  
Councilman Eagle moved to approve of the September 28, 2010 Regular TBC minutes. The motion is seconded by Councilman White Calfe.  
  
VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.
- 82. Motion: October 12, 2010**



Councilman Strahs moved to approve of the October 12, 2010 Regular TBC Minutes. The motion is seconded by Councilwoman Brugh.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

**83. Motion: November 5, 2010**

Councilman Eagle moved to approve of the November 5, 2010 Special TBC Minutes. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**84. Motion: November 19, 2010**

Councilwoman Brugh moved to approve of the November 19, 2010 Regular TBC Minutes. The motion is seconded by Councilman White Calfe.

VOTE: 5 Ayes 0 Nays Motion carried.

**85. Motion: November 23 & 24, 2010**

Councilman White Calfe moved to approve of the November 23 & 24, 2010 Regular TBC Minutes. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**86. Motion: December 20, 2010**

Councilman Strahs moved to approve of the December 20, 2010 Special TBC Minutes. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

**87. Motion: December 29, 2010**

Councilman White Calfe moved to approve of the December 29, 2010 Special TBC Minutes. The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

**88. Motion: January 5, 2011**

Councilwoman Brugh moved to approve of the January 5, 2010 Special TBC Minutes. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**89. Motion: January 13, 2010**

Councilman Eagle moved to approve of the January 13, 2010 Regular TBC Minutes. The motion is seconded by Councilman White Calfe.

VOTE: 5 Ayes 0 Nays Motion carried.

**90. Energy Department: Fred Fox**

*The TBC received a spreadsheet on wells. Councilman Eagle would like to see how many barrels are produced each month. A clean air act is to be implemented in February 2011 on all Indian lands. This will basically put a halt on oil and gas production. This will need to go before the legislature. The Southern Ute Tribe drafted a letter regarding the minor source rule (emissions issue) to the EPA. Fred Fox, Energy Department Administrator is to get with Richard Mayer, TAT CEO to draft a letter regarding the emissions. Time lines are getting short and Chairman Hall advises to invoke, "no consultation". A hearing could be requested through the new subcommittee (Chairman Don Young) under the Natural Resources Committee in the House of Representatives. Fred will need to gather all the information.*

*The Energy Department Administrator's wage, oil refinery, and fee to trust are discussed. Drags Wolf Oil well royalties for Oct. Nov. Dec. were not distributed. If a reporter is brought back, the reports can be done in a timely manner.*

**91. Motion: Energy Department Hire**

Councilman Eagle moved for approval to hire Jollen Abe as regular full time for the Energy Department. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**92. Minot State University & Denver March Pow Wow: Martha Hunter**

Councilwoman Brugh moved to approve of \$2,500.00 each for Minot State University and the Denver March Pow Wow for the 2011 Celebrations. The motion is seconded by Councilman Packineau.

*Discussion: Grace Gillette is the contact person for the Denver March Pow Wow.*

VOTE: 6 Ayes 0 Nays Motion carried.

**93. Code of Ethics Commission: Harold Hank Bolman**

*This was informational only, no action was taken.*

**94. Resolution 11-022-VJB: High Definition Oil Field Surveillance System: Clair Fox**

Councilman White Calfe moved to approve of a resolution entitled, "Requirement for High Definition Video Surveillance on Tribal Well Sites on the Fort Berthold Indian Reservation." There will be no cost to the Tribe. The motion is seconded by Councilwoman Brugh.

*Discussion: Once these units are put in do we need to hire someone to monitor them? Compliance officers are already hired with the Energy Department and TERO; you are just adding job duties. Richard Mayer, CEO has not looked into this yet. This is not to hinder production on the reservation by driving an oil company away. Who will install the cameras? The oil companies will install. This is to prevent other oil companies from spilling into the other oil companies pits.*

VOTE: 4 Ayes 1 Nays 1 Abstention Motion carried.

**95. Chairman Hall Disclosure Declaration**

*For the record: Energy Drill Pipe is what the chairman supplies and this is not an Oil Company, so this will not be an ethics code violation.*

**96. Emergency Hay Program Ratification**

Councilman Strahs moved to approve \$25,000.00 for the Fort Berthold Emergency Hay Program through the TAT Natural Resource Department. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**97. Adjournment:**

Councilman Strahs moved to adjourn, seconded by Councilman White Calfe.

*Meeting adjourned at 11:00 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 6 were present at the Meeting thereof duly called, notice, convened and held on the 10<sup>th</sup> & 11<sup>th</sup> day of February, 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:**

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

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

**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
FEBRUARY 15, 2011**

**RECONVENED at 11:53 A.M. on February 15, 2011**

For the record: Councilman Barry Benson and Frank White Calfe are not present. Councilman Frank White Calfe arrived at 12:36 P.M. Councilman Mervin Packineau left the meeting at approximately 4:00 P.M.

**37. Chief Financial Officer's Report: Whitney Bell**

The Expense report was given. The Tribe is about 36% through fiscal year 2011 as of February 10, 2011. Individual segments discussed their budgets with the CFO. The segments are to have meetings with the CFO to discuss what the segment needs are and the amount of the budget. The Northern Lights building is looked at as having its own line item budget separate from the New Town Segment budget. If a segment has carry-over and needs something, they are to present it to the council before the end of the year. On the General fund side, the CFO is trying to get the budget down to \$35 Million. One problem is supplementing the Minne Tohe clinic in the approximate amount of \$1.9 Million. There are old bills prior to 2011 in the amount of \$5 Million for the clinic. The 2011 supplement is \$2.6 Million for a total of approximately \$7.6 Million for the clinic. The CEO is to bring the Aberdeen Budget Officer to the March 10, 2011 regular TBC meeting in person or on teleconference because the clinic needs more money. It is mentioned that the off reservation hospital was plugging in TAT for patients even though they were from Turtle Mountain, Standing Rock, or other reservations. This was a finding. The Area Office worker uncovered it along with TAT workers. This needs to be appealed. Chairman Hall adds that these things would have been audited and that these findings would be available for us at TAT. The six segments pow wows is \$50,000.00 each. The 210 Initiative project is asking for \$700,000.00 to continue on. H.I.P. will be placed back under Tribal Housing. FBHA is requesting \$1.4 Million; the management team will work with them on this. This is included in the budget. The segment budget will increase to include aging services and other programs such as security.

John Danks would like to have the Taken Area (River bottom) addressed again. The Figure Four Ranch is officially paid off and 100% owned by the Tribe and an application will go into fee to trust status.

**38. Motion: Dynamic Homes Payment**

Councilman Packineau moved for approval to pay Dynamic Homes \$105,724.50. The motion is seconded by Councilman Eagle.

VOTE: 6 Ayes. Motion carried.

**39. Motion: Contract Negotiations with Stauffer**

Councilman Packineau moved to approve of the management team to go forward with negotiations with Ken Stauffer and Assoc. LLC. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**40. Motion: Baker Consulting LLC Ratification**

Councilman Packineau moved to approval to ratify a payment to Paige Baker for his services to the Energy Department in the amount of \$8,400.00. The motion is seconded by Councilman Eagle.

VOTE: 3 Ayes 2 Nays 1 Abstention Motion carried.

**41. Motion: Small Loans Interim Loan Policy**

The policy will be brought back.

**42. Motion: February Small Loans**

Councilman Packineau moved for approval of the recommendations on the loan applicants by the TAT CFO. The interest rate approval is 1% above prime, which will fluctuate. This is subject to the current small loan policy the way it is written. The motion is seconded by Councilman Eagle.

*Discussion: First Column-Teddy Siers-\$1,000.00. Second Column: DeAnn Wells-\$3,000.00, Bernadine Fredericks-\$3,000.00. Third Column: Bill Jacobs-\$1,000.00, Anita Hart-\$1,000.00, Flora Wolf-\$1,000.00, Kenneth G. Smith Jr.-\$1,000.00, Cedar Henry-\$1,000.00, Scott Halsey-\$1,000.00.*

VOTE: 6 Ayes 0 Nays Motion carried.

**43. Motion: Reginald Charging Jr. Loan**

Councilman Packineau moved for approval for a loan in the amount of \$1,100.00 for Reginald Charging Jr. to assist with legal fees. The motion is seconded by Councilman Eagle.

*Discussion: He has his vehicle title as collateral which will be turned over to the CFO. Reginald's IIM account is also put forth as collateral.*

VOTE: 5 Ayes 0 Nays 1 Abstention Motion carried.

**44. Motion: TAT Organizational Chart**

Councilman Eagle moved to approve of the TAT Organizational chart as presented by the TAT management team. The motion is seconded by Councilman Packineau.

*Discussion: Added: Domestic Violence under law & order, Fire Management under Natural Resources, Northern Star under Economic Development, and Agricultural Department. A question arose regarding the Energy Department placement on the Organizational Chart. It is currently under the Natural Resource Committee but some of the Energy Department projects could fall under the Economic Development committee.*

VOTE: 5 Ayes 1 Nays Motion carried.

**45. Motion: Resolution 11-015-VJB OTFM Withdrawal**

Councilman Packineau moved for approval of a resolution entitled, "Directive to the Office of Trust Fund Management to make Available Funds for Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL228700 in the Amount of \$3,800,000.00." The motion is seconded by Councilman White Calfe.

Discussion: Councilman White Calfe asks if this is oil and gas funds. It is oil and gas revenue. The allottee's would be twice this amount.

VOTE: 6 Ayes 0 Nays Motion carried.

**46. Tax Issue: Max and Ella James (Closed Session)**

Action was taken.

**47. Tax Commission Report: Marian Wolf**

There is no staff travel or training scheduled. In the expenditures of budget for the Commission, Surveillance, and Internal Auditor; there are no changes in the fees. The state representative visited in December. NIGC visited in January and is scheduled for a visit February. The surveillance project is behind but is planned to be completed at the end of March 2011.

**48. Motion: Four Bears Casino Employee Licenses**

Councilman Eagle moved to approve of the 30 Key and 43 non-Key employee license applicants for the Four Bears Casino and Lodge. The motion is seconded by Councilman Strahs.

VOTE: 6 Ayes 0 Nays Motion carried.

**49. Motion: Resolution 11-016-VJB 1/8 Decent: John Charging, Enrollment Director**

Councilman White Calfe moved to approve of a resolution entitled, "Approval for 114 applicants for Enrollment." The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**50. Motion: Resolution 11-017-VJB: Enrollment Applicants under Lineal Decent**

Councilman Eagle moved to approve of a resolution entitled, "Approval of 61 Applicants for Enrollment into the Three Affiliated Tribes." The motion is seconded by Councilman White Calfe.

Discussion: This is the last group under the old requirements. A letter is taken for the record.

VOTE: 6 Ayes 0 Nays Motion carried.

**51. Motion: Incentive Award for Ardith Morsette**

Councilman Eagle moved to approve of an incentive award for Ardith Morsette for Excellent service. The amount will be worked out with the CEO in accordance with the policy. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**52. Ft. Berthold Housing Authority: Barb Pegg**

Currently 13% of FBHA homes are vacant and not livable. Home conveyances don't look feasible but are still wanted. The FBHA budget is close to being depleted unless funds are recouped.

**53. Motion: FBHA \$1.491 Million Request**

Councilman Packineau moved for approval for the FBHA budget request in the amount of \$1,491,700.00. To follow the pay schedule that is broken up into three months and the financial officers from FBHA and TAT are to work out the account details where the proceeds should go. The funds will be taken from Resolution 11-015-VJB. The motion is seconded by Councilman Eagle.

Discussion: The break down per segment for what was done and spent in each segment is to be distributed to the Tribal Business Council from FBHA. A CPA is to safeguard the funds and takes an oath to that affect.

VOTE: 6 Ayes 0 Nays Motion carried.

**54. Resolution 11-018-VJB: FBHA Grant Application**

Councilman Packineau moved to approve of a resolution entitled, "Authorize Fort Berthold Housing Authority to apply for grant Notice of Funding Availability (NOFA) a grant opportunity for \$300,000 to each recipient under Funding Opportunity Number FR-5415-N-35, CDFA Number 14.263 – Rural Innovation Fund which, if achieved, would enable the Authority to bring at least 25 housing units back into occupancy." The motion is seconded by Councilman White Calfe.

Discussion: There is no match required. This resolution is for a grant application for \$300,000.00 for renovations on 25 rental units.

VOTE: 6 Ayes 0 Nays Motion carried.

**55. Deputy Superintendent of the Ft. Berthold Agency BIA: Marcus Levings**

Councilman Eagle moved for approval to do a resolution for Marcus Levings, Donna Morgan, and Ramona Two Shields when the position of Deputy Superintendent of the Ft. Berthold Agency BIA becomes available. The motion is seconded by Councilman White Calfe.

Discussion: The amendment is to keep it open to all qualified members that want to apply. This will be a generic resolution. John Danks suggests to the TBC that they can personally recommend anyone they want. Personnel are to check on this.

VOTE: 5 Ayes 0 Nays 1 Abstention Motion carried.

**56. Close Out Severance for Previous Council Staff**

The Personnel Department will check on the severance pay policy for previous council staff.

**57. Four Bears Casino Report: Pat Packineau, Spencer Wilkinson Jr., and Scott Wilson**

An update was given. The 4 Bears Casino management staff would like to have an Executive Committee meeting at the beginning of March 2011 to adopt the 4 Bears Casino and Lodge operations manual and check list by resolution.

**58. Motion: December 2010 4 Bears Casino and Lodge Report**

Councilman Whitecalfe moved for approval to accept the December 2010 Four Bears Casino Report. The motion is seconded by Councilman Strahs.

Discussion: Shortage of customer service during events is discussed. Retention, recruitment, and housing are the issue. The smoky atmosphere has caused some loss in employment.

VOTE: 5 Ayes 0 Nays Motion carried.

**59. White Shield Casino: Damon Williams**

This will be tabled until the next Tribal Business Council meeting.

**60. Motion: UNESCO Grant Application**

Councilman White Calfe moved for approval to submit a grant application for the TAT with UNESCO, a subsidiary of the United Nations. The motion is seconded by Councilwoman Brugh.

Discussion: The deadline is February 25, 2011 and March 1, 2011 is the determination. This does not cost anything and is 100% grant. A project list will be put together.

VOTE: 5 Ayes 0 Nays Motion carried.

**61. Economic Committee Report: Scott Eagle**

Representatives from the state legislature will be here on Friday, February 18, 2011 at 11:00 A.M. to discuss the roads.

**62. Motion: Amerada Hess Grant for Education: Karen Paetz Sitting Crow**

Councilman Eagle moved for approval for a request by the Chief Education administrator to move forward with a \$20 Million or more educational Grant proposal to the Amerada Hess Corporation. The motion is seconded by Councilman Strahs.

Discussion: The effect of housing shortage for teachers is discussed.



VOTE: 5 Ayes 0 Nays Motion carried.

**63. BIA Education Line Officer Transfer: Karen Paetz Sitting Crow, Chief Education Administrator**

The Tribal Business Council is notified that Rosie Davis would like a letter of support to remain a BIA Education Line Officer in Aberdeen Area.

**64. MHA Resources Business Plan Presentation: Dave Williams**

Councilman Eagle moved for approval but the motion dies due to a lack of a second.

**65. Motion: Resolution 11-019-VJB: Formation of MHA Resources**

Councilman Eagle moved to approve of a resolution entitled, "Approval of Formation and Incorporation of MHA Resources, LLC including the appropriation of \$500,000.00 to MHA Resources." This is approved without money from the Tribe. The motion is seconded by Councilwoman Brugh.

Discussion: This way, without any money; you can talk to a partner. When you think about it, it gives the oil companies a chance to say "maybe that 18% royalty is not good enough". These companies may offer 25, 30, or even 35% royalty. It moves the bar. As far as the IMDA's, it gives us an opportunity to start working at something. Right now we can't do anything. This would give for our tribal entity to go after it. Councilman Eagle would like to see 51% royalty. When the companies see that this passed and they want to get into the Bakken; they will bring their money and budgets. Some of the language in the resolution will need to be changed and resent to the Executive Secretary's office.

VOTE: 3 Ayes 2 Nays Motion carried.

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Councilman White Calfe moved for approval to hire Edward "Jazzie" Danks as TAT pumper until advertised and filled. The motion is seconded by Councilman Eagle.

Discussion: The process of hiring is discussed. The policy will be followed. Pumpers are needed right away.

VOTE: 5 Ayes 0 Nays Motion carried.

**67. Energy Department Vehicle: Pete Hale**

This was discussion only. Councilman Eagle advised Pete Hale that Chairman Hall is the person to work with in attaining a vehicle.

**68. Resolution 11-020-VJB: Jessica White Plume, Marty Young Bear**

Councilwoman Brugh moved to approve of a resolution entitled, "Authorization and Support for Horse Power Youth Wellness Grant-Program on the Fort Berthold Reservation." The motion is seconded by Councilman Strahs.

Discussion: Indirect costs will not be taken out of this grant.  
VOTE: 5 Ayes 0 Nays Motion carried.

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

**70. Tribal Health Report: Deb Thompson**

Discussion was held on the White Shield and Parshall clinic nurse, receptionist, and provider. The nurse will be under Tribal Health Deb Thompson's supervision.

**71. Motion: Resolution 11-021-VJB: Slaughter Plant Code Environmental Health-Injury Prevention: Verlee White Calfe-Saylor**

Councilman White Calfe moved for approval of a resolution entitled, "Adoption of Regulations Governing the inspection of Meat, Poultry, and Egg Processing Establishments Operating on the Fort Berthold Reservation." The motion is seconded by Councilman Strahs.

Discussion: Is a \$1000.00 fine enough?

VOTE: 5 Ayes 0 Nays Motion carried.

**72. Judicial Committee:**

**73. Recognition: DUI Code Plaque to Chairman Hall**

(Chairman Hall is recognized for the DUI Code and a Plaque is presented to him from the Aberdeen Area Office through Verlee White Calfe-Saylor.) 7:06

**74. Strike from the Record: Councilwoman Brugh**

Councilwoman Brugh advises to strike from the record under Judicial Committee no. 2 and no. 3: Tribal Bar Board and Jurisdiction and ICDBG Grant.

**75. Law Enforcement: Officer Tsoodle**

Councilman White Calfe moved for approval for Officer Lindrith Tsoodle to return to work for the TAT Police department for the White Shield area. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**76. Natural Resource Committee: Arnold Strahs**

**77. Landfill & Well Sites Surveillance: Clair Fox, TAT Special Projects**

Councilman White Calfe moved to approve the resolution. Motion fails due to lack of a second.

**78. Tribal Health: Fred Baker, Deb Thompson**

The White Shield and Parshall nurse will be a PHN. Fred Baker will look into the receptionist position. Chest pain patients will be looked into further. Moral in the clinic will be addressed. Fred Baker will meet with the TAT CFO on the budget.

**79. Law Enforcement: Blaine Flynn, Chief of Police (Closed Session)**

Action was taken.

**80. For the Record: Rescission of Previous Motion**

The tribal business Council goes on record to rescind a previous motion that approved Lindrith Tsoodle to be reinstated as a White Shield Police officer for the White Shield Area.

**81. Marvel Heart (Closed Session)**

Direction was given.

**82. Adjournment:**

Councilman Strahs moved to adjourn the meeting, seconded by Councilman White Calfe.

The meeting adjourned at 8:35 P.M.  
(The rest of the agenda items will be carried over)

**Informal Portion of Meeting:**

**Constructively Discharged Employees Not on Record (Closed Session)**

Discussion was held.

**TERO Consultant Contract with Marcus Levings Not on Record**

This was an informal discussion regarding a consultant contract between Marcus D. Levings and the TERO Department. The Tribal Business Council was in agreement for Marcus to work with Charles Foote, TERO Director.

**83. Meeting Called to Back to Order**

Chairman Tex G. Hall called the meeting back to order at 9:42 P.M.

**84. Roll Call:**

Chairman Tex G. Hall, Councilman Frank White Calfe, Councilman Arnold Strahs, Councilman Scott Eagle, and Councilwoman V. Judy Brugh are present. A quorum is established.

**85. Approval of Minutes**

**86. Motion: October 7, 2010**

Councilwoman Brugh moved to approve of the October 7, 2010 Special TBC Minutes. The motion is seconded by Councilman Strahs.

VOTE: 4Ayes 0 Nays 1 Abstention Motion carried.

**87. Motion: September 28, 2010**

Councilman Eagle moved to approve of the September 28, 2010 Regular TBC minutes. The motion is seconded by Councilman White Calfe.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

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Councilman Strahs moved to approve of the October 12, 2010 Regular TBC Minutes. The motion is seconded by Councilwoman Brugh.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

**89. Motion: November 5, 2010**

Councilman Eagle moved to approve of the November 5, 2010 Special TBC Minutes. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**90. Motion: November 19, 2010**

Councilwoman Brugh moved to approve of the November 19, 2010 Regular TBC Minutes. The motion is seconded by Councilman White Calfe.

VOTE: 5 Ayes 0 Nays Motion carried.

**91. Motion: November 23 & 24, 2010**

Councilman White Calfe moved to approve of the November 23 & 24, 2010 Regular TBC Minutes. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**92. Motion: December 20, 2010**

Councilman Strahs moved to approve of the December 20, 2010 Special TBC Minutes. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes 0 Nays Motion carried.

**93. Motion: December 29, 2010**

Councilman White Calfe moved to approve of the December 29, 2010 Special TBC Minutes. The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

**94. Motion: January 5, 2011**

Councilwoman Brugh moved to approve of the January 5, 2010 Special TBC Minutes. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**95. Motion: January 13, 2010**

Councilman Eagle moved to approve of the January 13, 2010 Regular TBC Minutes. The motion is seconded by Councilman White Calfe.

VOTE: 5 Ayes 0 Nays Motion carried.

**96. Energy Department: Fred Fox**

TBC received a spreadsheet on wells. Councilman Eagle would like to see how many barrels are produced each month. A clean air act is to be implemented in February 2011 on all Indian lands. This will basically put a halt on oil and gas production. This will need to go before the legislature. The Southern Ute Tribe drafted a letter regarding the minor source rule (emissions issue) to the EPA. Fred Fox, Energy Department Administrator is to get with Richard Mayer, TAT CEO to draft a letter regarding the emissions. Time lines are getting short and Chairman Hall advises to invoke, "no consultation". A hearing could be requested through the new subcommittee (Chairman Don Young) under the Natural Resources Committee in the House of Representatives. Fred will need to gather all the information.

The Energy Department Administrator's wage, oil refinery, and fee to trust are discussed.

Drags Wolf Oil well royalties for Oct. Nov. Dec. were not distributed. If a reporter is brought back, the reports can be done in a timely manner.

**97. Motion: Energy Department Hire**

Councilman Eagle moved for approval to hire Jollen Abe as regular full time for the Energy Department. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**98. Minot State University & Denver March Pow Wow: Martha Hunter**

Councilwoman Brugh moved to approve of \$2,500.00 each for Minot State University and the Denver March Pow Wow for the 2011 Celebrations. The motion is seconded by Councilman Packineau.

Discussion: Grace Gillette is the contact person for the Denver March Pow Wow.

VOTE: 6 Ayes 0 Nays Motion carried.

**99. Code of Ethics Commission: Harold Hank Bolman**

This was informational only, no action was taken.

**99.Resolution 11-022-VJB: High Definition Oil Field Surveillance System: Clair Fox**

Councilman White Calfe moved to approve of a Resolution entitled, "Requirement for High Definition Video Surveillance on Tribal Well Sites on the Fort Berthold Indian Reservation." The motion is seconded by Councilwoman Brugh.

*Discussion: Once these units are put in do we need to hire someone to monitor them? Compliance officers are already hired with the Energy Department and TERO; you are just adding job duties. Richard Mayer, CEO has not looked into this yet. This is not to hinder production on the reservation by driving an oil company away. Who will install the cameras? The oil companies will install. This is to prevent other oil companies from spilling into the other oil companies pits.*

VOTE: 4 Ayes, 1 Nay, 1 Abstention. Motion carried.

**100. Disclosure Declaration**

For the record: Energy Drill Pipe, so this will not be an ethics code violation.

**101. Emergency Hay Program Ratification**

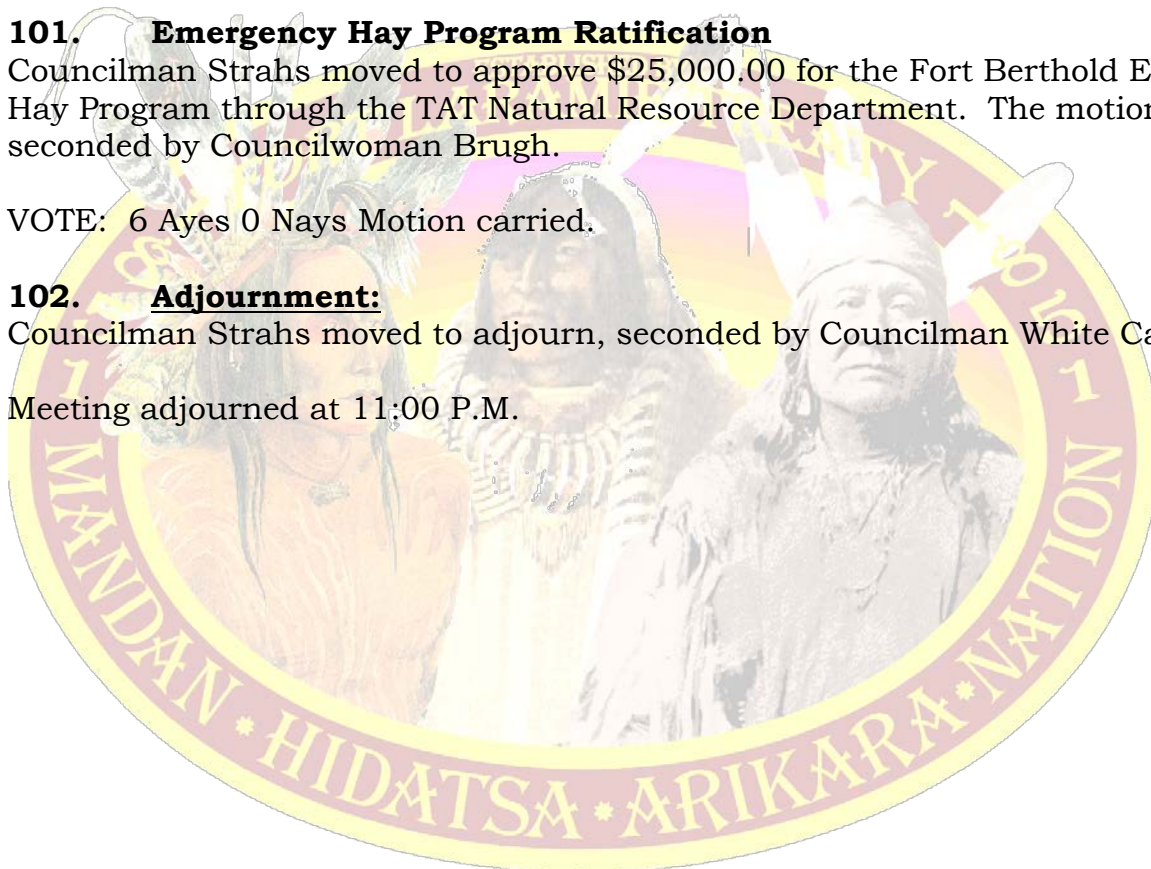
Councilman Strahs moved to approve \$25,000.00 for the Fort Berthold Emergency Hay Program through the TAT Natural Resource Department. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**102. Adjournment:**

Councilman Strahs moved to adjourn, seconded by Councilman White Calfe.

Meeting adjourned at 11:00 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 6 were present at the Meeting thereof duly called, notice, convened and held on the 15<sup>th</sup> day of February, 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

