

DISCLAIMER: The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three Affiliated is not responsible for any action or inference made within this document.





**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING 11-007-TGH
April 14, 2011, 10:00 A.M.**

CALL TO ORDER:

Vice-Chairman Scott Eagle called the meeting to order at 11:35 A.M.

PRAYER:

Elder Gail Baker said the invocation.

ROLL CALL:

Vice-Chairman Scott Eagle, Councilman Barry Benson, Councilman Frank White Calfe, Councilman Arnold Strahs, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh are present. A quorum is established. Chairman Tex G. Hall arrived at 11:45 P.M. Councilwoman Brugh arrived back at the meeting at 5:25 P.M. She left when FBHA was talking.

01. APPROVAL OF AGENDA:

Add-ons:

Councilman Strahs: Resolution for Corridor
Cancel Resolution on Mandaree Appointment
Councilman Packineau: Patty Smith
Education Requests
Councilman Eagle: Suicide Prevention Conference

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

Discussion: Councilmen Strahs and Councilman White Calfe reserve their additions.

VOTE: 5 Ayes Motion carried.

02. APPROVAL OF MINUTES:

February 10-15, 2011 March 10, 2011 March 24, 2011
March 31, 2011 April 7, 2011

Councilman White Calfe moved to approve of the five sets of minutes, seconded by Councilman Strahs.

Discussion: This is subject to corrections.

VOTE: 6 Ayes 0 Nays Motion carried.

**03. Resolution 11-037-VJB: Programmatic – Resolution Oil & Gas:
Chairman Tex G. Hall**

Councilman White Calfe moved to approve of a resolution entitled, "Request to the Bureau of Indian Affairs to conduct a Mitigated Programmatic Environmental

Assessment on the Fort Berthold Indian Reservation.” The motion is seconded by Councilman Strahs.

Discussion: Explanation of this resolution is given by Chairman Hall. Any Oil and Gas development, if you compare this to the state, the EPA has the jurisdiction involving the NEPA. In this case, the BIA would have the jurisdiction involving the NEPA because it is Federal trust land. You have to be in compliance with NEPA. This resolution puts it back to the BIA. The word mitigated means to correct any discrepancies involving the NEPA. If the BIA and EPA had any discrepancies, it would go back to the BIA. This will clarify between the two departments.

VOTE: 7 Ayes Motion carried.

04. Resolution 11-038-VJB: Chairman’s Gaming Enterprise Board Appointment

Councilman White Calfe moved to approve of a resolution entitled, “Approval of Tribal chairman – Tex G. Hall, Board Appointments for the Gaming Enterprise Advisory Board.” The motion is seconded by Councilman Strahs.

VOTE: 7 Ayes Motion carried.

05. Resolution – Ed Hall Transportation
Deferred.

06. Federal Programs Executive Officer: Bonnie Red Fox

Referencing the Gov. Shut down- If there was anything left over, we scrambled to get things in on Friday. Drawdown’s and MOs had to be done by five 0 clock. The money should be in our bank. The Gov. did not shut down; although we did get cut backs. We still have until September 30 to get all the rest of our funding. SE: Is there a way for a magistrate system? This would be through the Federal programs. This has to do with LE, and roads and jurisdiction. Daryl Salter and Dan Uran will have a meeting tomorrow at 1 o’clock with the Chairman and TBC. The meeting location will be here in the Tribal Chambers.

07. Taylor Group: Chief Executive Officer: Richard Mayer

The request is for a \$30,000.00 final payment for the Taylor Group, he wants to ratify and get approval from TBC. Jonathon Taylor used to work for Harvard. He has a good rep. Bob McLaughlin – worked on JTAC II. This is the Taken Area of Tribal and Individual lands. Attorney John Fredericks said this was a study of the damages done as a result of the taken area. This payment is needed for Tom Fredericks to complete his work. This would be for the shore line. It looks like we paid about \$60,000.00 for Phase I and II.

Councilman Packineau moved for approval to make a final payment in the amount of \$30,000.00 for the Taylor policy Group. This is subject to a final review and acceptance of the report. The motion is seconded by Councilman Eagle.

VOTE: 6 Ayes Motion carried.

08. Surveillance System for TAT: Richard Mayer, CEO

This will be brought back with a changed up RFP.

09: PEA Narrative: Chairman Hall

In addition, this guidance affirms the appropriateness of what is traditionally referred to as a mitigated FONSI. Mitigated FONSI's can result when an agency concludes its deeper review with an EA that is based on a commitment to mitigate significant, environmental impacts so that a more detailed EIS is not required. In other words, if BIA concludes that the proper mitigation is done for the EA or doesn't have to go for an EIS. This section needs to be highlighted and is a key to part of that CFR and us supporting that resolution.

10. Entryway at Tribal Building: Richard Mayer, CEO

Bids are coming in. This will be brought back. Entry way Sprinkler system, landscaping. This initial cost for the entry way is 20-25 Thousand dollars. Maintenance will remove the tiles to save some costs.

11. Motion: Arcades Payment for Refinery

Councilman Packineau moved for approval to pay Arcades the \$38,000.00 for the cost for the oil refinery. Councilman White Calfe seconded. EPA has requested this information.

Discussion: The CEO will try to negotiate a lower cost. This is to Arcades but these items were requested by the EPA themselves. EPA has requested this information in order for us to get them the information, Arcades needs to do the work.

VOTE: 7 Ayes Motion carried.

12. TAT Oil and Gas Hazardous Material Team: Richard Mayer

The request is for startup cost for the team in the amount of \$10,000.00. The current fire department only does grass fires. The Boots and Coats Company handle the Oil and Gas fires but response time is needed sooner. The Tribal Oil and Gas Fire Department could contract with a national company. The CFO will bring this back. Let's build on this with the New Town city Council at the meeting tomorrow. This will include all hazardous materials.

Councilman Eagle moved to approve of \$10,000.00 for Oil and Gas Hazardous Material team start up costs. This will come out of the general fund. The motion is seconded by Councilman Strahs.

Discussion: The CFO will work with the CEO on the funding for the start up costs. TERO is maybe where the funding will come from. This budget is for hiring

an employee to do the actual detailed budget report, the narrative, the position description, equipment description, and equipment quotes.

VOTE: 7 Ayes Motion carried.

13. Tim Purdon: Fighting for Tribal Justice Presentation

All U.S. Attorney Offices with Tribal jurisdiction are putting together a plan to address Violent Crimes. There are three glaring issues on the reservation: 1. Traffic Safety, 2. Violent Crimes, 3. Drug Trafficking Increase. The U.S. Attorney will be the liaison between the county, state, federal, BIA, BCI, etc; to build consensus to bring additional resources to the Three Affiliated Tribes. The idea is to bring Partners. The Highway Patrol (H.P.) will ticket Tribal members into Tribal court. There is no authority with the H.P. to cross deputize Tribal Police. Only County Sheriffs have that authority. The H.P will be trained in Federal Law. The BIA would bring BIA Officers for the summer if they are invited. The N.D. BCI could MOU with the Three Affiliated Tribes to investigate drug trafficking/Issues. It is up to the Tribe to balance sovereignty and the increased need for public safety. The Three Affiliated Tribes will take the first step. 1. MOU with H.P. to ticket members into tribal court. 2. TBC to give BIA permission to license H.P.'s with SLEC's (Special L.E. Commission) to enforce Federal Regulations on the reservation. Super Cops-They can stop enrolled and non-enrolled and issue tickets to anybody. 3. To bring in N.D. BCI on drugs. The County Sheriffs want to talk about a Mutual Agreement for all L.E. to have the right to respond to emergency incidents. Tim Purdon will come back in June after meeting with the County and Highway Patrol.

14. Dr. Tom Walker for Chief Medical Officer

Dr. Tom Walker is introduced to the Tribal Business Council. He is an enrolled member of the Three Affiliated Tribes. He may come on board as the Chief Medical Officer. He is awarded a blanket and thanked for coming home to take care of his people.

15. New Town High School Senior Trip: Amy Baker/Trebor Baker

Councilman Eagle moved to approve of a \$6,200.00 grant for the New Town High School Senior Class Trip to New York City. The motion is seconded by Councilman White Calfe.

Discussion: There will be 19 students traveling. The students have raised about 75% of the total cost. The class trips in other segments, a policy, and amounts are discussed.

VOTE: 7 Ayes Motion carried.

16. ALCO: Carol Smith, Manager and Iva White

This ALCO is number one in all ALCO Stores. Carol has been nominated for manager of the year. The need is for 25 employees. Can elders work there with the technologies of today? Security, laborers to building shelves, etc., are

positions needed. Carol said she is going to move on and needs to train in a manager and workers.

17. Myrna White Tail Housing and Financial Issue: Mary Alice Wells (Closed Session)

Diagnosed and on limited time. She wants to move home. She needs a home in White Shield area. She is advised to go to the HIP office. Six water mains from I.H.S. are being done for FEMA Trailers in White Shield. Councilman White Calfe will put Myrna White Tail on his FEMA Trailer list.

18. Resolution 11-038-VJB I.H.S. Home Sites

Councilman Eagle moved to approve of a resolution entitled, "Three Affiliated Tribes Tribal Business Council Authorizing Resolution to utilize a portion of I.H.S. Scattered Sites Funding for Home sites in the White Shield Community." The motion is seconded by Councilman Whitecalfe.

Discussion: Chad Snelling was asked how much they could help with emergency sewer systems. FEMA trailers were designated to the homeless.

VOTE: 7 Ayes Motion carried.

19. Myrna White Tail Medical Situation (Closed Session)

Councilman Packineau moved for approval for a combination grant for extenuating medical circumstances. The Twin Buttes, White Shield, New Town, Mandaree, and Four Bears Segments will give a grant of \$500.00 each to assist Myrna White Tail with her medical needs. One check will be process out of the Finance Department for all the segments assistance. The motion is seconded by Councilwoman Brugh.

VOTE: 7 Ayes Motion carried.

20. Draft Probate Code: Majel Russell

In 2006 the Government issued a Model Probate Code which took over ND State Laws that had governed on the Ft. Berthold Indian Reservation. Issues under the Model Probate Code: 1. No Will-Spouse receives a life estate. 2. Single Heir Rule applies if decedent has less than 5% interest. The Three Affiliated Tribes will need to do a Directional Disclaimer if the tribe wants to give the 5% back to the family. The Three Affiliated Tribes will need to adopt their own Probate Code to override the Model Probate Code by presenting a resolution to the Assistant Secretary in D.C. There are policy decisions to think about to put in our Probate Code: 1. The 6 year term period to declare someone is dead if someone disappears or can't be located. The Tribe can lengthen but not shorten this period. 2. Children that are adopted out-Should they be allowed to inherit from the biological parent. The Model Code says they are cut-off. By Will: a person can include the child. No Will: the child could not try to go to court to get the land. Only Heirs Rule: adopted out child has the right. 3. Spousal Life Estate: No Will: Life Estate for spouse only but the Tribe can allow that spouse to inherit rather than have a life estate. Policy

issue: life estate owner can treat land as if in fee which is termed “life estate without regard to waste”. 4. Policy issue: to prevent fractionation the Single Heir Rule applies: The Tribe can designate who that would be-youngest, oldest, middle child, or the tribe. Other issue: Will drafting and storage. 1. No official Will repository for safekeeping. Will the Tribe be the repository? 2. The BIA has two FTE positions to be contracted out to the Tribe. These positions deal with preparation of the probate package to be taken before the judge.

Councilman Eagle moved for approval to extend Majel Russell’s contract with the MHA Nation to complete the Probate Code. The motion is seconded by Councilman Packineau.

Discussion: The FTE positions are critical to maintain the tribal land base. She will go out to the communities. A directional disclaimer Boiler plate will be left with the tribe.

VOTE: 7 Ayes Motion carried.

21. FEMA Trailers: Lawrence Baker

NOTE: They have to be moved by April 20th. We have to pay for the blow outs and axle damage. It may be cheaper to go with another company but Ponderosa is offering that damages are included in the contract. HIP takes care of the set-up. They incur this cost. This will be billed to the owners of the trailers. The HIP will eventually generate their funds.

Councilwoman Brugh moved for approval to take receipt of 15 FEMA trailers at the cost of procuring them in the amount of \$120,000.00. The motion is seconded by Councilman Eagle.

Discussion: Belcourt has people that picked up their own trailers at their own costs. After April 20th after other tribes have picked up, we can go get some more if we want them.

VOTE: 7 Ayes Motion carried.

22. H.I.P ARRA Contract: Lawrence Baker

Councilwoman Brugh moved to approve of the Ron Foster bid for the HIP 2009 ARRA Contract. Councilman Packineau seconded the motion.

Discussion: HIP is to do nine homes and if there are sufficient funds then HIP would modify their ARP Contract and then they will identify how the remaining funds can be utilized. The stitch ups are \$7500.00. They will all have ramps for handicap accessibility. Pads (drive way) may be added, it is not a make or break deal. This is not in the price quote, but we will talk to the contractor.

VOTE: 4 Ayes 2 Nays Motion carried.

23. Sidrick Baker Home

There was a time frame. There may have been some cause to turn it over to the successor. The ground hadn't been turned over yet. That is why it didn't happen. This happened in Parshall and a home wasn't given but the rental unit was conveyed. Lawrence Baker will come back to TBC with some options.

24. FBHA Resolution 11-040-VJB: Amendment to Awa'Hu Lease

Councilman White Calfe moved to approve of a resolution entitled, "Authorization of an amendment to a lease between the Fort Berthold Housing Authority and the Tribe for the Awa'Hu Village, White Shield." The motion is seconded by Councilman Strahs.

VOTE: 7 Ayes Motion carried.

25. FBHA Resolution 11-041-VJB: Sublet for Aw'Hu in Parshall Bay Subdivision

Councilman Packineau moved to approve of a resolution entitled, "Authorization and approval of Sub-leases between Fort Berthold Housing Authority and Arikara Homes Limited Partnership under leases between the Fort Berthold Housing Authority and the Tribe for the Awa'Hu Village, White Shield, Hilltop Subdivision, and Parshall Bay Leases." The motion is seconded by Councilman White Calfe.

Discussion: The life of the project will be 15 years for which the FBHA will exercise its right to buy the project back for nominal amount based on the cost of the limited partnership and any tax liability incurred with exiting. The sub-lease will terminate with the buy back after 15 years. These will have to be low-rent for the first 15 years. FBHA can authorize the purchase of these homes after the 15 years with individuals. The White Shield site is in trust. Two of the other sites are in fee. Essentially the lease hold would be purchased from the FBHA, the home owner would then have the house plus the lease.

VOTE: 7 Ayes Motion carried.

26. USDA Lean on parcels, to close we need USDA to release the lean.

The request to release the lease is signed by the TBC. John Fredericks explains the process of releasing a lease.

27. New Town Ambulance Service

NOTE: A recommendation by the CFO and I.H.S. Staff is to agree on an amount in good faith service to keep the service going. The contract says to pay \$300.00 for every call for Tribal members. The ambulance service will bill contract health. We are unclear as to how the billing process should go. There is no verification of signature that the patients received services. \$170,000.00 is half of what they say we owe. A grant from them is given every year in the amount of \$1,000.00. There are five different levels of billing, from the basic call to events.

Delphine Danks comments on patient services. The ambulance service is going to shut down and that is a concern for the tribal enrolled. Maybe the GTFJC should

be billed individually. The JTAC fund pays. Our contract is and is billed through CHS. We are up to date on this contract. This does not include the segments. Chairman: About midway down on the contract. On number 4, does HIPA handle these concerns? Val Mayer: comments. Renae Good Bird: has mtgs 4 times a week, if it is a priority one then we authorizes with the report. If it is approved at a priority one then we pay the bill. We make sure that the alternate resource is paid. This could take a couple of months. We may get the bill a year later. The bills have not been less than \$1700 a ride. Ambulance Rep: Does this include the GTFJC? This does not include it. It is \$99,000.00 for 2009 and 2010. For auditing purposes we cannot go further then 2009. Bonnie Red Fox: Adjustments need to be made if we have federal funds.

Councilman Eagle moved for approval to pay \$100,000.000 as partial payment for the New Town Ambulance Service and close out the rest in 90-days. The changes will be made in the contract. The motion is seconded by Councilman Strahs.

Discussion: We will probably have to pay the contract health side too. Holliday, ND Ambulance Service is going to be coming in for payment too. No other segments bills have come in. The fire department hasn't been paid either. The clinic will consolidate all outlying ambulance bills.

VOTE: 6 Ayes Motion carried.

28. Small Loans Policy Cap: Whitney Bell, CFO

Councilman Packineau moved for approval to put a cap on the Small Loans department Policy at \$3,500.00. The motion is seconded by Councilman Eagle.

Discussion: Anything over the cap will need to be approved by TBC. They have to be current.

VOTE: 6 Ayes 1 Nays. Motion carried.

29. Larger Loans Policy

Councilman Benson moved for approval for Tribal Loan Program Policies for Larger Loans, not to exceed \$15,000.00. The motion is seconded by Councilman White Calfe.

Discussion: The loans are revolving.

VOTE: 6 Ayes 1 Nay Motion carried.

30. Educational Loans Separate from Small Loans

Councilman Packineau moves to approve to exclude the Educational applicant loans from the Small loans policy. An Educational Loans policy is to be brought back to the TBC. The motion is seconded by Councilman Eagle.

VOTE: 7 Ayes Motion carried.

31. Small Loan Applicant Approval

Councilman Packineau moved to approve of the Small Loan applicant list based on the CFO's recommendation. Councilman Eagle seconded the motion.

Discussion: Councilwoman Brugh requested updated copy of the list from the CFO for the Recording Secretary. Eligible on the list is: Monica Hosie-\$1,500.00, Miranda Young Bird-\$2,000.00, Kate Danks-\$2,000.00, Nevada Meyers-\$1,800.00, Carol Whiteman-\$3,000.00, Barbara Walking Hawk-\$1,300.00, Marie Baker-\$3,000.00, Bruce Crows Heart-\$2,000.00, Vernon Young Bear-\$3,500.00, Edmund Fixico-\$3,500.00, Amy Grady-\$3,500.00, Gerri Renae Good Bird-\$3,500.00, Andrietta Siers-\$3,500.00, Mary Ellen Sun-\$3,500.00, Jeanette Bintliff-\$3,500.00, Kathy Albers-\$3,500.00, Justin Spotted Bear-\$3,500.00, David Holding Eagle-\$3,500.00, Eugene Eagle Jr.-\$3,500.00, Joseph Roulette-\$3,500.00, Dennis Fimbers-\$1,000.00, Monica Dixon-\$1,000.00, Theodora Everett Jr.-\$800.00, Kelly Foote-\$1,800.00, Cornell Poitra-\$1,000.00, Janice Smith-\$700.00, Cory Yellow Bird-\$1,000.00, Evangeline Conklin-\$1,000.00, Gayla Bear-\$600.00. Councilman Eagle would like to see a budget in the different loans categories, so that the TBC can monitor and maintain it. He requests to present this to the next Council meeting. He would like to see how the money is invested, put away, or loaned out. Councilman Eagle would like to have a budget set, maybe maintained yearly. That would be up to the Council.

VOTE: 7 Ayes. Motion carried.

32. Educational Applicant Loans

Councilman Packineau moved for the list of educational loans based on the CFO's recommendations. Councilman Whitecalfe seconded the motion.

Discussion: Eligible are: Jalen Finley-\$2,250.00, Cassandra Aulameau-\$2,250.00, Drew Johnson-\$2,250.00, Sherry Hall-Smith-\$2,250.00, Faith Skogstad-\$2,250.00.

VOTE: 7 Ayes. Motion carried.

33. Larger Applicant Loans

Councilman Benson moved for approval of the larger loan applicant list based on the CFO's recommendations. Half will be process now and the other half will be processed on April 25, 2011. Councilman White Calfe seconded the motion.

Discussion: Eligible are: Sommer Cummings-\$5,000.00, Blanche Hunts Along-\$6,000.00, Shylo Baker-\$13,000.00, Melissa Everett-\$12,000.00, Arthur Smith-\$1,600.00. The larger loan applicants will put up collateral except #30, he is based on wages.

VOTE: 6 Ayes 1 Abstention Motion carried.

34. Melvin Hale Loan Request

Councilman Eagle moved for approval for a larger loan for Melvin Hale in the amount of \$13,000.00. The motion is seconded by Councilwoman Brugh.

Discussion: Melvin is to work with the Small Loans Department and Jean Baker will be paying \$200.00 bi-weekly payments on her son's loan.

VOTE: 6 Ayes. 1 Abstention Motion carried.

35. Grants & Planning/Mental Health: Region VIII Suicide & Prevention Conference

Councilman Eagle moved for approval to fund \$10,344.00 for the Suicide Prevention Conference to be held at the Four Bears Casino Event Center on May 10, 2011. Councilman Packineau seconded the motion.

Discussion: Reimbursable back to the Tribe is \$4,800.00.

VOTE: 7 Ayes. Motion carried.

36. Resolution 11-042-VJB: Approval of Renewal of the Existing \$14,000,000.00 Revolving Line of Credit with BNC: Whitney Bell, CFO

Councilman Packineau moved for approval of a resolution entitled, "Approval of Renewal of the Existing \$14,000,000.00 Revolving Line of Credit with BNC Bank of Bismarck, North Dakota for General Operating Purposes of the Tribes and Authorization for the Chairman and Treasurer to Execute all Necessary Loan Documents." Councilman Strahs seconded the motion.

Discussion: This is not a new loan; this is a renewal that has to be done every year.

VOTE: 6 Ayes. Motion carried.

37. Dynamic Homes Loan Agreement Ratification: Whitney Bell, CFO

Councilman Packineau motioned to approve the Dynamic Homes loan agreement for 2010. Motion dies due to lack of a second.

Councilman Packineau moved for approval to make the Dynamic Homes loan payment as it is on the schedule. Councilwoman Brugh seconded the motion.

Discussion: One month is due right now for April in the amount of \$35,241.50. There is an amortization schedule with the monthly payment. Two of the homes are here. Some are (set) built. There is no resolution in place on the loan. The homes will be offered to the people listed. If there are any problems with financing, a lease agreement will try to be worked out to work towards an individual mortgage agreement. If it doesn't work out then another client will be eligible for the home. There are lease agreements on the current two homes that are here. A current market rate is being looked at for payment. Our members

should not be subjected to the sky rocketed market value due to the oil boom. The homes that are not fulfilled to the individual on the list may be used as clinic housing.

VOTE: 5 Ayes 1 Nays 1 Abstention Motion carried.

38. Resolution 11-043-VJB: Cell Phone Policy

Councilman White Calfe moved for approval of a resolution entitled, “Adoption of a Cellular Phone Use, Distribution and Payment Policy for Three Affiliated Tribes Tribal Employees.” The motion is seconded by Councilman Strahs.

Discussion: Councilman Eagle comments that repair charges for essential service employees should not have to pay for repair services if it is broken at work. Councilwoman Brugh comments that there is a cell phone policy in place that is to enforce payment of excess usage. If the employee is paying out of pocket, why should they be penalized for it? This new policy will cut the cell phone bill in half.

VOTE: 4 Ayes 2 Nays 1 Abstention Motion carried.

39. Resolution 11-044-VJB: Donsia Strong-Hill Borrower’s Counsel

Councilman Eagle moved for approval of a resolution entitled, “Engagement of Donsia Strong Hill – Tyson Strong Hill Connor LLP as Borrower’s Counsel for the Three Affiliated Tribes.” The motion is seconded by Councilman Packineau.

Discussion: The cap is at \$75,000.00. Mark Fox suggests considering Jacobson, Buffalo, Schushler, and Max out of Dickenson.

VOTE: 7 Ayes Motion carried.

40. Expense Report on General Fund Programs

A report is handed out to the Tribal Business Council from the TAT CFO. The report is based upon the continuing resolution, budget, and what is in place. The CFO has requested to set up a meeting for the FY’ 11 budget approval within the next 30 days.

41. Northern Thunder Basketball Request: Mr. Alfred Smith

Councilwoman Brugh moved to approve a grant in the amount of \$2,100.00 for the Northern Thunder Basketball team to travel to Michigan and phoenix, AZ. The motion is seconded by Councilman Eagle.

Discussion: The coach’s effort in working with the New Town basketball players has played an important part in them achieving what they have done this past year and it has paid off. We need more mentors for our youth and more support is needed. This is well within the \$500 limit for students.

VOTE: 7 Ayes Motion carried.

42. Northern Hoops Girls Basketball: Jay Hale

Councilman Packineau moved to approve a grant in the amount of \$5,000.00 from the Three Affiliated Tribes for the Northern Hoops Girls Basketball Team. This is a 50/50 match for the Four Bears Casino and Lodge to match at \$5,000.00. The eight girls and two coach team will be traveling to the NABI Tournament in Phoenix, AZ. The motion is seconded by Councilman Eagle.

VOTE: 7 Ayes Motion carried.

43. Caesar Alvarez Airline Request

Councilman Eagle moved for approval to purchase an airline ticket, not to exceed \$2,000.00 for Caesar Alvarez to travel to Africa for Harvard Summer School. The dates of travel are from June 12 to August 12, 2011. The motion is seconded by Councilwoman Brugh.

VOTE: 7 Ayes Motion carried.

44. Thadd Hall Education Request

Councilman Packineau moved for approval for an Educational grant for Thadd Hall in the amount of \$3,000.00. This is for a Student Ambassador trip to the South Pacific. The motion is seconded by Councilman White Calfe.

VOTE: 7 Ayes Motion carried.

45. Tre Coffey Student to Student

Councilman Packineau moved to approve of a grant in the amount of \$3,000.00 for Tre Coffey for a Student Ambassador trip to Europe. The motion is seconded by Councilman White Calfe.

Discussion: Overall sales including donations are \$4,000.00. Tickets sales are not selling as expected.

VOTE: 7 Ayes Motion carried.

46. FBCC Pool Tournament: Garrett Smith

Councilwoman Brugh moved to approve a grant in the amount of \$1,000.00 for the Forth Berthold community College pool tournament. The motion is seconded by Councilman Eagle.

VOTE: 7 Ayes motion carried.

47. Graduation Coats for the College and GED Graduates: Rebecca Cronis

Councilman Eagle moved to approve of a 50/50 match request from the Three Affiliated Tribes and the Four Bears Casino and Lodge for jackets. The jackets are for the 63 FBCC and GED Graduates. The motion is seconded by Councilman Benson.

Discussion: The amount is $63 \times 112.00 = \$7056$. Half is \$3,528.00.

VOTE: 6 Ayes 1 Nays Motion carried.

48. Gaming Commission: Mariam Wolf

Councilman Packineau moved to approve of the 41 new key and non-key employees for the 4 Bears Casino and lodge. The motion is seconded by Councilman Eagle.

VOTE: 7 Ayes Motion carried.

49. Safety Oversight Report: Mariam Wolf

Councilman Packineau moved to approve the request for action on three items: 1. TAT Gaming Commission Health and Safety checklist for use; 2. Authorize the Executive Director to coordinate the necessary reports from the individuals identified under each Section of the Checklist, including the Fire Chief for the Department providing coverage to the Casino, the Casino Security Director the Casino Facilities Director, the Tribal Environmental Director, the Tribal Sanitation Director, the Tribal Wastewater Director and I.H.S.; 3. Authorize the Executive Director to solicit proposals from qualified professionals for providing annual inspections in the following areas: Fire Prevention; Building Maintenance; Plumbing; Electrical; and Mechanical Systems and to present those proposals to the Gaming Commission for further consideration. The motion is seconded by Councilman Strahs.

VOTE: 7 Ayes Motion carried.

50. Resolution 11-045-VJB: Enrollment: John Charging

Councilman Brugh moved to approve of a resolution entitled, "Approval of 40 Applicants for Enrollment into the Three Affiliated Tribes." The motion is seconded by Councilman Strahs.

VOTE: 7 Ayes Motion carried.

51. UND Research Project Approval for use of Archival Data: Jennifer Short

As soon as the IRB approves it, the Three Affiliated Tribes would participate. A letter is to be drawn up. Protection of the TAT is strongly expressed. Jennifer is to work with Bonnie red Fox, Deb Thompson, and Mark Little Owl. When they know more then she can bring it back. Can this be used for writing grants for our tribe? Suicide prevention is a big one that this data may assist. A project could be the UND college assisting the TAT with funding. It can be written up and given to mental health for them to have the copy rights but Jennifer would need it to publish her thesis.

Councilman Eagle moved to approve of a letter to be drafted in support of the UND Research Project. This is subject to Jennifer Short working out the language with Bonnie Red Fox, FPEO; Deb Thompson, Tribal Health Administrator; and Mark

Little Owl, Mental Health Director. Attorney John Fredericks will have final oversight on the letter for TAT protection. The motion is seconded by Councilman Strahs.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

52. Resolution 11-046-VJB: Motor Fuels Gas Tax: Mark Fox

Councilman Scott Eagle moved for approval of a resolution entitled, "Authority for Tribal Department to Determine and Approve Motor Fuel Tax Refunds for Tribal Members. The motion is seconded by councilman Strahs.

Discussion: The amendment to the motion is for 75% to be effective in 2011 and 100% to be in effect for 2010.

VOTE: 5 Ayes 1 Nays 1 Abstention Motion carried.

53. Meetings on Water Issues: Mark Fox

Councilman Eagle moved for approval for Mark Fox to take the lead as part of his duties, to set up meetings to get the Three Affiliated Tribes water issues addressed. The motion is seconded by Councilman Packineau.

Discussion: The meetings will be with Billings Regional Office, BOR, Solicitors, Congressional Delegation, etc.

VOTE: 7 Ayes Motion carried.

54. Resolution 11-047-VJB: Tribal Easement Utility Corridor: Councilman Strahs

Councilman Strahs moved for approval of a resolution entitled, "Establishment of the Three Affiliated Tribes' Utility Corridor Concept for all Right-of-ways on Fort Berthold Indian Reservation." The motion is seconded by Councilman White Calfe.

VOTE: 7 Ayes Motion carried.

55. Tribal Industrial Commission & Water Commission: Mark Fox

Wants to develop these commissions and bring it back.

56. Water Quantification: Mark Fox

Put on hold at this time, we are trying to do now is we are tied so close to Standing Rock and are ahead of us in the quantification process. We have to be careful. We don't want to settle for less than what we should have. In the next 30 day we will be having a meeting with Standing Rock.

57. CEO for Minne Tohe: Bonnie Red Fox

Deferred.

58. Resolution: Red Willow Extension Proceeds to Missouri River Resources: Dave Williams

Councilman Eagle moved for approval of a resolution entitled, "Appropriation of \$805,784.00 to Missouri River Resources to be paid from Red Willow Great Plains LLC/Stetson Oil and Gas Extension Proceeds." The motion dies due to a lack of a second.

59. Resolution 11-048-VJB: Red Willow Acreage: Dave Williams

Councilman White Calfe moved to approve of a resolution entitled, "Approval of Assignment of Tribal Mineral Leases (Red Willow Great Plains LLC) to Missouri River Resources." The motion is seconded by Councilman Eagle.

Discussion: This is going to give us something to work with. This gives an opportunity to try to find an investor. If you could find someone to invest in that, it would be helpful to the Tribe on that side of the lake.

VOTE: 6 Ayes 0 Nays 1 Abstention Motion carried.

60. Missouri River Resource Salaries: Dave Williams

Councilman Eagle moved to approve of the Missouri River Resource salaries to come out of the Red Willow lease for the \$805,784.00, seconded by Councilman Packineau.

Discussion: Be about 500,000.00 with fringe. This takes care of the technical advisors, attorneys and geologists at intervals.

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

61. Missouri River Resource Board Additions: Dave Williams

There are two positions left to fill on the board. Councilman Packineau places C.J. Packineau on the board. One position remains to be filled.

62. Tribal Ranch Range Unit 904 & 906 Lease Negotiation

Councilman Packineau moved to authorized Randy to negotiate a lease with Johnsrude Cattle Company for range unit 904 & 906 for a lease at starting high 20-25 and not going lower than 20 per acre. This is to be brought back to the Natural Resource Committee. The motion is seconded by Councilman Strahs.

Discussion: If we don't do anything it will set idle and won't do anything. Randy will start at 25 an acre, no less than 20. (This is a proposal and not an actual lease for range units 904 & 906). This is what they are proposing. 1. Range Unit 904: This is the old Chase Ranch East of Mandaree. It's about Five Thousand acres. The fence needs patching on the west side. This will be a 4 ½ month lease from May 1st to October 1st 2011. This unit will only run yearlings. 2. Tribal Ranch Range Unit 906: The same individual that leased it last year will lease it again with the same size herd. The majority will be yearlings but 325 will be cow/calf pairs. This is revenue for the ranch for 2011. . The request is for authorization

for Randy Phelan and Annette Young Bird to negotiate a lease. The individual said they would pay next week if he got the lease. The south field hay is reserved. The north hay field is a prairie dog town. How much did you pay for hay this year? Hay was bought in the amount of \$7500.00 to \$8,000.00 for this year Total. The bales were picked up by Makoti.

VOTE: 7 Ayes Motion carried.

63. Earth Lodge Interpretive Center: Randy Phelan

Councilman Eagle moved for approval for Randy Phelan to apply for the New Market Tax credit for the MHA Interpretive Center. The motion is seconded by Councilman Packineau.

Discussion: This would be like your equity that you could take to a bank. Norman Nolt is the investor. This is about 18% of the total cost or about \$2.7 million for the Interpretive Center.

VOTE: 7 Ayes Motion carried.

64. Tourism Update: Randy Phelan

Tourism is in the process with the Four Bears Representative to do a 20 plot RV Park next to the road. This is still in the planning stages. They have not brought it to the Natural or Econ Dev Committees yet. They will meet with Rural Water and I.H.S. regarding the sewer system, so the cost analysis is being done. The thought is to put it in the area where you turn into the Earth lodge village. It is marked out on the side of the hill. The sewer and water are basically there already. Another update, Tourism is preparing to have another photo shoot and will meet with Dr. John Herington.

65. Educational Request: Yvette Gunderson Ward

Councilman Strahs moved for approval for an education loan in the amount of \$2,250.00 request. Interest is low with payback after graduating. Councilwoman Brugh seconded the motion.

VOTE: 7 Ayes Motion carried.

66. Resolution: Authorization for Non-Indians to Receive Healthcare

This is recommended to go back to the people that will be working with it. The Annexation in New Town will be brought up in tomorrow's meeting.

67. Hobbs Straus Dean and Walker: Damon Williams

Tabled.

68. Resolution: Godfrey and Kohn: Damon Williams

Councilman White Calfe says we are done with this.

69. Frederick, Peebles, Morgan Invoices: Damon Williams

Councilman Eagle moved to approve to pay the invoices owed to Fredericks, Peebles, and Morgan Law Firm. The motion is seconded by Councilman Packineau.

Discussion: We need to have our legal work together. Different departments are in the invoices how do we do this? Roads and FBRW should have federal money. We still haven't received March's bill. Packineau: concerned that we are paying other law firms when we thought it was just him. John says he can't do things without his law firm. The contract is with the law Firm. No amendment will be made to the contract. Tom Frederick's tie in is the refinery to this contract.

VOTE: 5 Ayes 0 Nays 1 Abstention Motion carried.

70. Business Licenses: Damon Williams

Councilman Eagle moved for approval of Dave Harmon business license for frozen food delivery service. The motion is seconded by Councilman Strahs.

VOTE: 7 Ayes Motion carried.

71. Veteran Field Officer Program Services: Demetrius Mandan

Councilman White Calfe moved for approval for a grant in the amount of \$3,536.00 for Demetrius Mandan. This will be for startup and research on planning a budget for a Veteran Representative Program for each outlying segment community. Demetrius will be back in two months for a report. The motion is seconded by Councilman Strahs.

VOTE: 7 Ayes Motion carried.

72. Resolution 11-049-VJB: White Shield Charter: Councilman White Calfe

Councilman White Calfe moved to approve of a resolution entitled, "Amendment to Charter of White Shield Community Development Corporation, as previously authorized by Resolution No. 89-251-TL of the Three Affiliated Tribes." The motion is seconded by Councilman Strahs.

Discussion: The non-profit organization status is already in the Community Development Boards charter to apply for a 501C3. The plan is to build an Ambulance and Fire Station.

VOTE: 7 Ayes Motion carried.

73. Ethics Ordinance: Steve Kelly, Hank Bolman

Complaints like this need to go before the Ethics Board Committee.

74. Resolution 11-050-VJB: Fractionated Interests

Councilman Packineau moved to approve of a resolution entitled, "Three Affiliated Tribes Renovation of Right to inherit Fractionated Interest in the Estate of Dana

Marie Freeman AKA Dana Marie Dean #301 U-05575.” The motion is seconded by Councilman Eagle.

Discussion: This is a less than 5% fractionated Interest. Lavonda Dean will be named successor in the fractionated Interest.

VOTE: 7 Ayes Motion carried.

75. White Headed Eagle Consulting Contract with TERO: Charles Foote, Marcus Levings (Closed Session)

Councilman White Calfe moved to approve of a 12 month TERO Contract with White Headed Eagle Consulting from February 24, 2011 through February 24, 2012. The motion is seconded by Councilman Eagle.

Discussion: The request is for fringe. After negotiations, he will be a contract consultant at \$43.75 salary without fringe benefits ($\$3,500 \times 26 = \$91,000$). The TERO Director advised the council that Marcus Levings is owed four weeks pay. There is a clause that it can be terminated at any time.

VOTE: 6 Ayes 1 Nays Motion carried.

76. Severance for Previous Chairman Staff

This will be addressed under Personnel at the Special TBC meeting on April 26, 2011.

77. ADJOURNMENT:

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

The meeting adjourned at 2:10 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 Meeting thereof duly called, notice, convened and held on the ____ day of _____, 2011; 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 _____, 2011.

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

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

