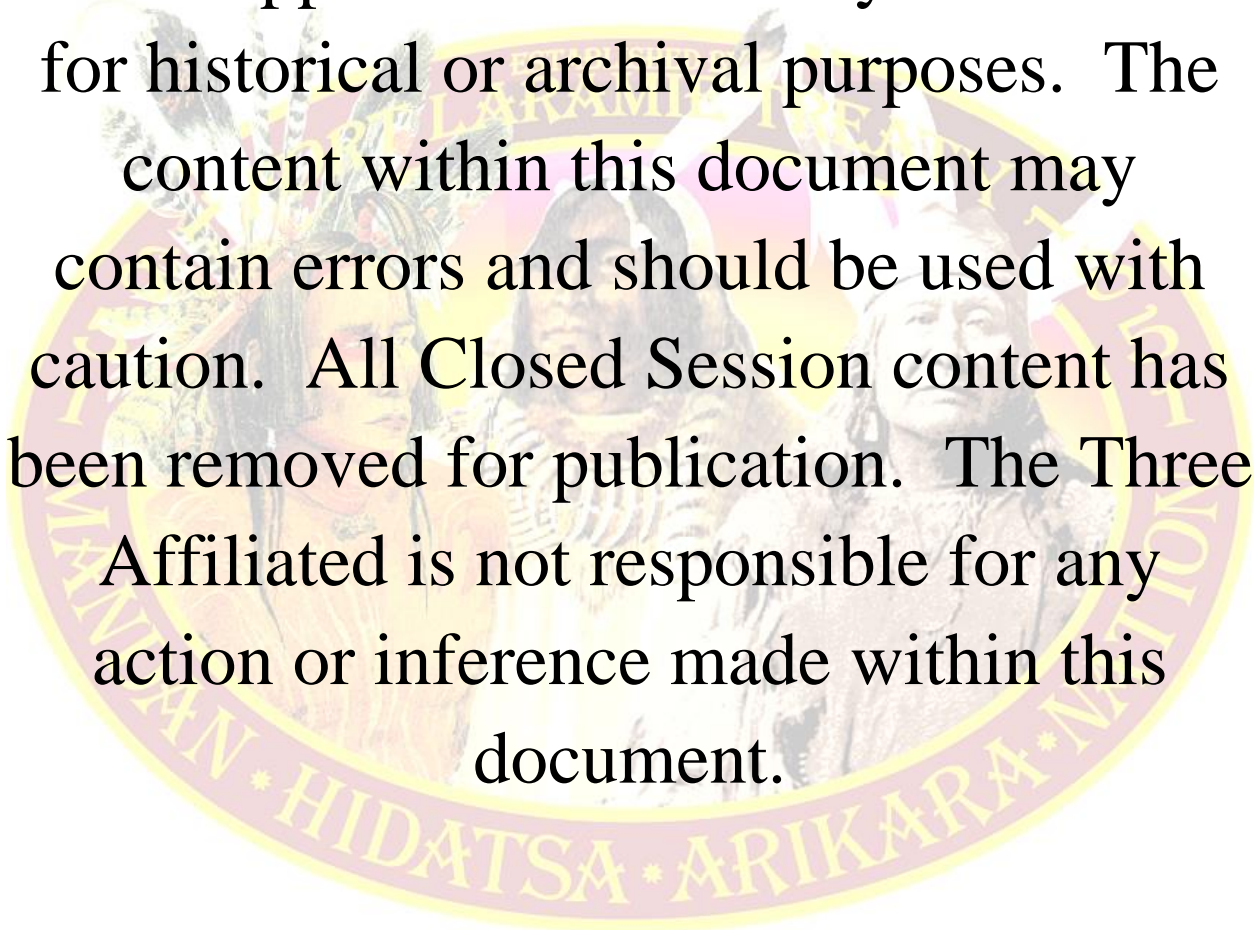


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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING 11-009-TGH
April 21, 2011, 11:00 A.M.**

CALL TO ORDER:

The meeting was called to order by Vice-Chairman Scott Eagle at 1:04 P.M.

ROLL CALL:

Present: Vice-Chairman Scott Eagle, Councilman Barry Benson, Councilman Frank White Calfe, Councilman Arnold Strahs, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh. A quorum is established. **Absent:** Chairman Tex G. Hall. Councilman Benson left the meeting at 4:50 P.M.

APPROVAL OF AGENDA:

Add-ons:

Councilman Eagle: Roads
Councilman White Calfe: Arrow Pipeline, LLC
Councilwoman Brugh: Fish and Game Proclamations

Councilman White Calfe moved to approve the agenda as amended. The motion is seconded by Councilman Packineau.

Discussion: The rest of the council members reserve their add-ons.

VOTE: 6 Ayes Motion carried.

01. White Headed Eagle Contract Clarification

For clarification: The contract dates are from February 24, 2011 to February 24, 2012, this will include retro pay. The salary will be \$43.75 per hour. There will be no specific work station.

02. TERO Department

The TERO Ordinance will be update by Dennis Fox, Programs Analyst and Charles Foote, TERO Director and brought back to the TBC. TERO training and the Roads Department are to receive a percentage from the Spud on wells. TERO trainings are to be advertised fairly. Training policies are to be put in place with reference to the TERO Ordinance on the amount of training allowable before it needs to go before the Tribal Business Council for ratification. Some suggestions from the TBC are to have provisions in place by disclaimer for a trainee to pay back the training funds if they do not complete the training (i.e.; sloughing off). CDL training can be taught by the Roads Department to save the Tribe money.

03. TERO Training Approval

Councilman White Calfe moved for approval for three individuals to attend heavy equipment and CDL training in Watkins, Colorado. The individuals are Myron Foote, Cody White Bear and Morgan Felix. The amount of training approved is \$13,995.00 per individual. Councilman Benson seconded the motion.

Discussion: We need to have a policy in place if training is over a certain amount, then it needs to be approved. Procedures for advertising trainings and screening

for trainings are to be put in place because of the number of people that need training. The TERO Director, Commission Board, and Program Analyst are work on this. A stipulation needs to be put in place that requires the trainee to do a return back to the tribe with the skill learned. This is to pay back the money spent on them. This should be put in the policy. When a trainee returns from training, a notification of names and skills needs to be sent out so they can be utilized by people looking for help in their fields of study. Notifications of the trainings are to be sent out. Satellite offices can post in the segments and maybe newspaper or something. A list will be forwarded to TBC offices and CEO and Programs Analyst.

VOTE: 4 Ayes 2 Nays Motion carried.

04. TERO Reimbursement for Shingobee Purchase: Charles Foote

\$210,000 was taken out of the TERO Funds to purchase property. The money has not been put back this was for Shingobee and A & E. The inspection and appraisal never came back to the TBC. The TBC was not sure if it was purchased. It should have come back to the TBC and didn't. The CEO is to check on this, make sure deeds are completed. We will work on the \$210,000.00.

Councilman White Calfe moved for approval by recommendation of the CFO to bring in the invoice for the property purchase, to put this amount into the TERO budget which the Finance department will make the adjustment to the Tribal budget to include the \$210,000.00. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes 0 Nays 1 Abstention Motion carried.

05. John Kingsbury and Associates Payment for Oil Company plan: Charles Foote/Dave Williams

Dave Williams of Missouri River Resources will bring back a resolution specifically to pay John Kingsbury and Associates for consultant work on an Oil Company plan. The bill amount of \$19,475.36 will come out of the allocated \$500,000.

06. Rescheduling of the TBC Meeting

The TBC meeting on Personnel that was to be held on April 26, 2011 will be rescheduled to May 5, 2011 10:00 A.M.

07. Game & Fish Proclamation: Fred Poitra

Councilman Packineau moved to approve of Game & Fish Proclamations for 1. Fishing Proclamations from 2011 to 2012. 2. 2011 Small Game & Fur Bearer. 3. 2011 Spring Turkey. The motion is seconded by Councilman Strahs.

Discussion: Did you get anything done with the State MOU. The Natural Resource Administrator and Game and Fish Director are submitting a letter to the State Game & Fish. The request is to change the fees from \$25,000 to \$100,000 for this year due to the water level in the past three years. If they fall through

with their money then we can do away with the MOU and go ahead with the Conservation Access Permit for non members on the Ft. Berthold Indian Reservation. This will be brought back to TBC. We want the same deal. We will bring back in May. It came up 40 feet plus, now they can access areas they couldn't before. Waterfowl supplement what is that? We sell a waterfowl permit now. This is added into what the original proclamation was.

VOTE: 6 Ayes Motion carried.

08. Ethics Board: Damon Williams

Discussion was held on putting an Ethics board in place.

09. Sergeant-of-Arms and Security Positions to Advertised

Councilwoman Brugh moved to have the Sergeant-of-Arms and Security positions advertised at large. The motion is seconded by Councilman White Calfe.

Disc: MP: Evan though it is in the constitution, the way it came about it should be where every time a new chairman came in he thought he had to appoint, especially the Sergeant-of-Arms. Until the chairman is here and we clearly tell him that no, that is not the way the TBC interprets the constitution. It would be best if all were here to interpret the constitution. VJB: We need to follow our constitution and do what is right. We need to follow our ethics and do what is right. If there are people out there that believe that I am not doing what is right then to go ahead and file an ethics complaint. We need to follow the constitution and do what is right by our people. I am a strong believer in fairness. If we are being subjected to surveillance cameras in one particular office then I don't believe that is right. If we can't have law and order in our own chambers, I don't think that is right. If we can allow the last administration previous to when I was elected, to remove computers and things out of this office here the night of the election because they were elected by the Chairman, then that isn't right either. And we need to start correcting the wrongs. To start righting the wrongs today not tomorrow, that is why I made the motion. WC: The reason I second that is because it got pretty rough in the chambers and there was a request to remove some of the people. Point of order was not called like you just called. I agree with that, order has to be taken and respect has to be up here. If we are going to change something lets all be involved in the decision. If it needs to be cleaned up then let's do it by motion. That's democracy. MP: It needs to be spelled out to the employee that loyalty lies not with just the Chairman but the whole TBC. This is cleaning it up the loyalty part of appointees. VJB: Concurred with White Calfe on not putting a security in a peculiar situation when order is called and they look at the chairman for approval to do it. Eagle: Comments on security assisting his security. Wished Chairman Hall was here for this motion. Would like this to follow the chairman's that are successors. This needs to be in policy.

VOTE: 5 Ayes 1 Nays Motion carried.

They are to stay working until advertised, Mike was ratified by motion.

10. Legal Department Request: Law student

Councilman White Calfe moved to hire Peter J. Breuer for a summer Legal Department intern, May 23, 2011 to August 19, 2011. Councilman Packineau seconded the motion.

Discussion: He is an enrolled member, second year law school University in Montana. Legal would like to have him work on all the codes, usually start intern at \$17.00 per hour with no benefits. His GPA is 3.5.

VOTE: 6 Ayes. Motion carried.

11. CONSENSUS: Meeting May 5th - Frank add on Arrow Pipeline

Eddie Geiser will be added to the agenda for the May 5, 2011 Special TBC.

12. TRIBAL ROADS:

Suggestions are: Increase the TERO Fee. Oil companies to take on the care of the roads by getting a tax break. The 60/40 with TERO and the Tribe, this would not be enough. The consensus is that it would take around \$100-\$200 million to take the road down and then build it back up to specs.

13. Other Meeting Dates

April 26, 2011 at 1:00 in the Governors Conference room at Bismarck for a meeting on water quantification. April 27, 2011 at 8:00 A.M. at the Four Bears Casino for a meeting with the Turtle Mountain and Standing Rock Tribes regarding Oil impact on the Ft. Berthold Reservation.

14. Letter of Intent: Richard Mayer, CEO/Dennis Fox, Programs Analyst

Councilman White Calfe moved for approval to have the Legal department draft a letter of intent for all oil companies, fracking companies and any other oil related company to be in favor of using their percent of taxation from the Federal Government for repairing roads for Fort Berthold. This would be a tax exemption for them. The motion is seconded by Councilman Strahs.

Discussion: We need to work with all three, Senators, Congressman, etc. Vice-Chairman Eagle is the go to person for contact with TAT.

VOTE: 6 Ayes Motion carried.

15. Heirloom for Sale

Councilman White Calfe moved to approve of a loan for TJ Plentychief within the criteria of the larger loan policy. Motion failed due to a lack of a second.

The request is for the Tribe to purchase a family heirloom. The suggestion is to do a loan with object as collateral. His loan would be refinanced in the amount of \$720.00. Mr. Plenty Chief needs a \$5,000 loan. This will be worked out through the Small Loans Department loan policy. This is to be brought back to the May 5, 2011 Special TBC meeting under Small loans.

16. Travel

Councilman White Calfe moved for approval to have the Tribal Business Council approve of all travel for all from the Tribal Business Council on down. The motion is seconded by Councilwoman Brugh.

Discussion: What constitutes as travel? A trip to Minot or Aberdeen? For clarification, only out of state travel. Airlines and things like that are what prior approval is needed for. Four signatures are needed if there is no TBC meeting. A form will be made. The normal travel form will be used with a form attached with approval signatures. This will be effective as of today, from this point forward. The CEO will follow up on this.

VOTE: 4 Ayes 1 Nays Motion carried.

17. CEO of the Clinic

Councilman White Calfe moved for approval to extend CEO Fred Baker to the Tribal Clinic. The motion is seconded by Councilwoman Brugh.

Discussion: Until filled? Maybe not until filled, but until someone is trained in. This will be for a period of 30 days after someone is hired. Valerie Mayer may help with transitioning in there or Val Finely. This would save the tribe some money. Leave as is.

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

18. Petition for Annexation for Clinic Area in New Town, ND

Councilman Packineau moved for approval to for the Programs Analyst to work it out with the city of New Town for putting in an application for the annexation. The motion is seconded by Councilman Strahs.

Discussion: VJB is asked to attend a meeting tomorrow in the Tribal Chambers with the City of New Town. To discuss the truck traffic and fixing the roads from Bakers Field to the reservation line. A youth center, property taxes will also be discussed.

VOTE: 5 Ayes Motion carried.

19. Clarification on Signature Authority of Minutes

The opinion is that there are no guidelines but that since the former Chairman is no longer in office, that the Vice-Chairman who is in office, sign the minutes.

Legal: Vice Chairman at the time could certify the minutes. It is more important to have another officer sign. A sitting councilman at the time would sign.

20. Ethics Complaints

Complaints can be accepted in the secretary office. The secretary will stamp a date and give the original complaint/violation to the Ethics Board. No further action will be taken until the Board is in place.

21. ADJOURNMENT:

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

The meeting adjourned at 5:30 P.M.



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum 5 were present at the Meeting thereof duly called, notice, convened and held on the 21st day of April, 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.

ATTEST:

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

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