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THREE AFFILIATED TRIBES TRIBAL BUSINESS COUNCIL MEETING NO. 11-10-TGH JUNE 10, 2011 11:00 am

CALL TO ORDER:

Chairman Hall called the meeting to order at 11:00 am.

INVOCATION:

Councilwoman Brugh gave the invocation.

ROLL CALL:

Present: Chairman Tex G. Hall, Councilman Frank Whitecalfe, Councilman Arnold Strahs, Councilman Scott Eagle, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh. Councilman Barry Benson arrived at 12:15 pm.

01. APPROVAL OF THE AGENDA:

Councilman Eagle moved for approval of the agenda as amended. Councilman Strahs seconded the motion.

Additions: 1) Gail Baker 7D(8) Denny Wolf, 7D (18), Lyda Bearstail, 7D (19), Arikara Scouts Society, 7D (20), Arikara Development, 7D (21), Mina Crows Breast 7D (22), Patty Smith, 7D (23). Megan Danks.

VOTE: 6 Ayes. Motion carried.

02. APPROVAL OF THE MINUTES:

Motion One: Councilwoman Brugh moved for approval of the April 14, 2011 minutes as amended. Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

Motion Two: Councilman Packineau moved for approval of the April 21, 2011 minutes as amended. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes. Motion carried.

03. CHAIRMANS REPORT:

A. Ed Hall Consultant

Councilman Packineau moved for approval to temporary hire Ed Hall to send out a Request for Proposal (RFP) to hire an engineer to work with the Federal, State, oil companies, and Tribal roads on safety, road conditions, and oil traffic; and to implement a Transportation Commission. Councilman Whitecalfe seconded the motion.

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

B. Gail Baker/Deegan Home Restoration due to Natural Disaster:

Councilwoman Brugh moved for approval to give Lawrence Baker complete authority to restore the basement of Gail Bakers home; and also to include Donna Deegan's home in White Shield, water damaged/windswept by Natural



Disaster— and to report back to the Tribal Business Council with a detailed reports.

VOTE: 5 Ayes. Motion carried.

NOTE: Chairman Hall report is deferred until the Continuation Meeting.

C. <u>RESOLUTION NO. 11-053-VJB</u>, "Establishment of Fort Berthold Indian Reservation Roads Impact Aid and Charitable Contributions:

Councilman Whitecalfe motioned for approval of a Resolution entitled, Establishment of Fort Berthold Indian Reservation Roads Impact Aid and Charitable contributions. Councilwoman Brugh seconded the motion.

DISCUSSION: The Tribes do not receive enough revenue from taxes to fund the needed improvements, repairs and maintenance on the Indian Reservation Roads and infrastructure within the esterior boundaries of the Reservation. The Tribal Business Council has determined that it is in the best interest of the tribes, its members and the public to establish a charitable fund to seek grants and contributions to help mitigate the impact that the energy industry is taking on Reservation roads and infrastructure. The Charitable donations to the Fort Berthold Indian Reervation Roads Impact Aid and Charitable Contributions Fund are to be used solely for the purpose of maintaining, repairing and improving Indian Reservation Roads and infrastructure within the exterior boundaries of the Reservation.

Dennis Fox will be meeting with the oil companies on June 23, 2011. He will be requesting a map of projected oil companies within segments as they can't do planning without acreage and number of rig production.

VOTE: 7 Ayes. Motion carried.

04. FORT BERTHOLD HOUSING AUTHORITY PRESENTATION: A. RESOLUTION NO. 11-054-VJB, "AUTHORIZATION FOR FINANCIAL ASSISTANCE TO THE FORT BERTHOLD HOUSING AUTHORITY, (FBHA) LOW INCOME HOUSING TAX CREDIT (LIHTC) ARIKARA HOMES PROJECT FOR BASEMENTS IN THE AMOUNT OF \$326,000.00."

Councilman Whitecalfe moved for approval of Resolution No. 11-054-VJB, "Authorization for Financial Assistance to the Fort Berthold Housing Authority (FBHA) Low Income Housing Tax Credit(LIHTC) Arikara Homes Project for Basements in the amount of \$326,000. Councilman Strahs seconded the motion.

VOTE: 7 Ayes. Motion carried.



B. RESOLUTION NO. 11-055-VJB: AUTHORIZATION OF AMENDMENTS TO LEASES BETWEEN THE THREE AFFILIATED TRIBES AND THE FORT BERTHOLD HOUSING AUTHORITY FOR THE PARSHALL BAY LEASE AND THE HILLTOP ADDITION LEASE IN CONNECTION THE ARIKARA TAX CREDIT PROJECT.

Councilman Packineau motioned for approval of a Resolution entitled, "Authorization of Amendments to Leases between the Three Affiliated Tribes and the Fort Berthold Housing Authority for the Parshall Bay Lease and the Hilltop Addition Lease in Connection with the Arikara Homes Tax Credit Project." Councilman Whitecalfe seconded the motion.

DISCUSSION: The Fort Berthold Housing Authority requested amendments to the Parshall Bay and Hilltop Leases to extend the lease terms from fifty years to sixty five years effective as of March 9, 2011. Also, the FBHA also requested an additional amendment to the Hilltop Lease to correct a minor surveyor's error in the legal description as described in the Resolution.

VOTE: 7 Ayes. Motion carried.

C. RESOLUTION NO. 11-056-VJB, AUTHORIZING A LIMITED WAIVER OF TRIBAL SOVERIGN IMMUNITY FOR TITLE INSURANCE PURPOSES IN CONNECTION WIH THE ARIKARA HOMES DEVELOPMENT, AND AFFIRMING THE AUTHORITY OF THE FORT BERTHOLD HOUSING AUTHORITY TO LEASE AND SUB-LEASE PROPERTY FOR THE ARIKARA HOMES DEVELOPMENT.

Councilman Whitecalfe motioned for approval of Resolution No. 11-056-VJB, Entitled, "Authorizing a limited waiver of Tribal Soverign Immunity for Title Insurance Purposes in Connection with the Arikara Homes Development, and Affirming the Authority of the Fort Berthold Housing Authority to Lease and Sub-lease Property for the Arikara Homes Development. Councilman Eagle seconded the motion.

VOTE: 7 Ayes. Motion carried.

D. <u>RESOLUTION NO. 11-057-VJB, "CIVIL EXCLUSIONS AND REMOVAL CODE.</u>

Councilman Whitecalfe motioned for approval of a Resolution entitled, "Civil Exclusions and Removal Code." Councilman Eagle seconded the motion.

DISCUSSION: The Tribal Business Council of the Three Affiliated Tribes finds that certain types of conduct by persons within the Reservation endanger the health, safety and welfare of the Tribes and may threaten the political integrity and economic security of the Tribes. As a soverign Nation, the Tribes have the inherent power to exclude persons from the Fort Berthold Reservation, limited by certain provisions within the Tribes' Constitution and by various acts of Congress. The purpose of the Civil Exclusion and Removal



Ordinance is to protect the integrity and security of the Tribes as a whole, enrolled members and community. A banishment should be posted with Law Enforcement.

VOTE: 7 Ayes. Motion carried.

05. <u>CHIEF EXECUTIVE OFFICER</u>: Richard E. Mayer A. <u>MAINTENANCE PROPOSAL – HEATING AND COOLING SYSTEM</u> CONTRACT RENEWAL H.A. THOMPSON:

Councilman Packineau motioned for approval of a Three Affiliated Tribes Maintenance contract with H.A. Thompson to include 39 buildings @ \$165,000.00 per year, payable \$41,250.00 per quarter, through the period June 1, 2011 through May 31, 2012. Councilman Strahs seconded the motion.

VOTE: 7 Ayes. Motion carried.

B. METAL SIDING REPLACEMENT ON TAT BUILDING - HAMMERBURG II:

Councilman Eagle motioned for approval of a bid with Hammerburg II to replace metal siding on the Tribal building for \$16, 810.00. Councilman Strahs seended the motion.

VOTE: 7 Ayes. Motion carried.

C. REPLACE LOBBY FLOOR - HAMMERBURG III:

Councilman Strahs motioned for approval of a bid with Hammerburg III to replace the TAT Lobby flooring for \$19,745.00. Councilwoman Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

D. CENTRAL DAKOTA SPRINKLER - INSTALLING SPRINKLER SYSTEM:

Councilman Strahs motioned for approval of a bid with Central Dakota Sprinkler to replace the Sprinkler system around the Tribal Building. Councilwoman Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

E. LOWES LAWN AND GARDEN CONTRACT:

Councilman Strahs motioned for approval of a Contract with Lowes Lawn and Garden not to exceed \$15,500. Councilman Eagle seconded the motion.

VOTE: 6 Ayes. Motion carried. Councilman Whitecalfe out of the meeting.

F. RNOVATE RESTROOMS - HAMMERBURG

This agenda item is deferred until further notice.



G. RESOLUTION NO. 11-058-VJB REFINERY— CONSTRUCTION PERMIT

Councilman Packineau motioned for approval of a Resolution entitled, "Authorization of Non-Residential (Commercia,) Permit for Construction of MHA Nation Refinery." Councilman Eagle seconded the motion.

VOTE: 7 Ayes. Motion carried.

H. RESOLUTION NO. 11-059-VJB DETERMINATION OF MHATION CLEAN FUELS REFINERY AS A MINOR SOURCE UNDER THE CLEAN AIR ACT:

Councilman Strahs motioned for approval of a Resolution entitled,"Determination of MHA Nation Clean Fuels Refinery as a Minor Source under the Clean Air Act." Councilman Packineau seconded the motion.

VOTE:6 Ayes. Motion carried. (Councilman Whitecalfe not voting – out of room)

I. EMERGENCY APPROVAL OF THE LIMITED RFP FOR CONSTRUCTION OF THE FLARE STACK FOUNDATION FOR THE MHA NATIONS REFINERY PROJECT AND SITE SURVEY:

Councilman Packineau motioned for approval to ratify the limited Request for Proposals for Construction of the Flare Stack Foundation for the MHA Refinery and to hire Triad Engineering as the qualifying firm with a bid of \$184,829.00. Councilman Strahs seconded the motion.

NOTE: The deadline for submission of thee bids was May 31, 2011. There were two—one was found to be non-qualifying for compliance with the limited RFP.

VOTE: 6 Ayes. Motion carried. (Councilman Whitecalfe not voting – out of room)

J. TERO FEE EXEMPTION: REFINERY PROJECT:

Councilman Packineau motioned for approval to waive TERO Fees for the construction of the flare stack Foundation for the MHA Refinery. Councilman Eagle seconded the motion.

VOTE:6 Ayes. Motion carried. (Councilman Whitecalfe not voting – out of room)

K. FD WALSH WATER AND SEWER CONTRACT OUTSTANDING PAYMENT TRIBAL HOUSING:

Councilman Eagle motioned to pay the outstanding invoice billing statement of \$24,940.36 to FD Walsh who completed plumbing on the Tribal Housing Building. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried. (Councilman Whitecalfe did not vote – out of room)



L. ELAINE JOHNSON LEASE OF BUILDING:

Councilman Eagle motioned for approval to lease a building from Elaine Johnson for the sum of \$3,000 per month, payable in full for the term of this contract, in the sum of \$36,000, plus \$3,000 deposit with this amount due and owing at the signing of this contract. No second—Motion dies.

M. MHA SYSTEMS INC.

Councilman Packineau motioned for approval to pay the MHA Systems a sum of \$89, 183.55 to sort and scan medical files for on-line accessability. Councilman Eagle seconded the motion.

VOTE: 7 Ayes. Motion carried.

O. RESOLUTION NO. 11-060-VJB - ESTABLISHMENT OF MONTHLY RENTAL RATES FOR TRIBALLY OWNED RESIDENTIAL PROPERTIES:

Councilwoman Brugh motioned to approve a Resolution entitled,"Establishment of Monthly Rental Rates for Tribally-owned Residential Properties. Councilman Strahs seconded the motion.

The Tribal Business Council purchased a number of residential homes for the express purpose of providing adequate housing for its enrolled members under a rental agreement and the TAT Housing Services Program has utilized the HUD Fair Market Rent Schedule for FY2011 for all counties located on th Fort Berthold Reservation to identify the county with the lowest rental rates to be the basis of the determination of rates for said Tribal residential properties. (See Resolution for the monthly rental rates for said Tribal residential properties.)

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

P. 210 HOME INITIATIVE CONSTRUCTION STATUS AND BUDGET MAY 2011:

Councilman Packineau motioned for approval 210 Home Initiative Construction Status and Budget May, 2011 for a grand total of \$3,073,869. Councilman Brugh seconded the motion.

VOTE: 7 Ayes. Motion carried.

O. ELBOWOODS PHASE 1 PRIORTIZATION LIST:

Councilman Packineau motioned for approval of "Elbowoods Phase 1, Priortization List, for a total of \$797,877.00. Councilman Eagle seconded the motion.

FOR THE RECORD: Chairman Hall stated "It is the Federal Government Trust Responsibility."

VOTE: 7 Ayes. Motion carried.



R. RESOLUTION NO. 11-061-VJB -ENFORCEMENT OF THE ELDER HOMES PROGRAM MONTHLY RATE, OPTIONAL CONVEYANCE OF ELDER HOMES AND CEASE FURTHER CONSTRUCTION OF ELDER HOMES PROGRAM:

Councilman Packineau motioned to approve the Resolution entitled, "Enforcement of the Elder Homes Programs monthly Rate, Optional Conveyance of Elder Homes and Cease further construction of Elder Homes Program." Councilman Whitecalfe seconded the motion.

VOTE: 6 Ayes. Motion carried. (VJB not voting –out of room).

NOTE: Karen Smith added in on the empty elder's home in Twin Buttes. Lawrence Baker was not aware that the house was being conveyed to anyone. Councilman Benson informed him that he had designated this house to Karen Smith last fall, it was waiting for a sewer and septic system and that he had spoken withh Housing last fall. Chairman Hall clarified that Karen Smith was to be an add in for this motion.

S. RESOLUTION NO. 11-062-VJB -RESCISSION OF MOTION ENTITLED, "MORTGAGE RATES FOR 210 HOMES AND BOC" AND THE ESTABLISHMENT OF THE MORTGAGE LOAN DIVISION OF THE TRIBAL HOUSING PROGRAM:

Councilman Packineau motioned to approve a Resolution entitled, "Rescission of motion entitled"mortgage Rates for 210 Homes and BOC," and the estalishment of the mortgage loan division of the Tribal Housing Program. Councilman Whitecalfe seconded the motion.

NOTE: The Tribal Business Council previously approved a motion of May 25, 2010 at a Special Tribal Business Council Meeting entiled, "Mortgage Rates for 210 Homes and BOC," which established a flat rate of \$400 monthly payment for homes built under the 210 Homes Initatives and it has been determined that a rate of \$400 per month for payment on the homes constructed under this initative will not be adequate to pay for a 30-year mortgage debt or to recoup the costs expeded by the Tribes in constructing these homes. It has been recommended that payments should be individually based on the cost to construct the home amortized over a 30-year term at a rate of 6% per annum.

VOTE: 7 Ayes. Motion carried.

T. RESOLUTION NO. 11-063-VJB - MORTGAGE RATES FOR 210 HOMES AND BOC REGARDING THE NORTHERN LIGHTS SUBDIVISION:

Councilwman Brugh moved for approval of Resolution entitled, "Mortgage Rate for 210 Homes and BOC regarding the Northrn Lights Subdivision." Councilman Packineau seconded the motion.

NOTE: The Fort Berthold Housing Authority, acting as Manager of the Dreamcatcher Program did authorize and instruct the participants of this program with homes located in the Northern Lights subdivision to reduce their their monthly lease payment to \$400 pursuant to the above-mentioned motion.

VOTE: 6 Ayes. Motion carried.



U. CLARIFICATION OF TRIBAL HOUSING ADMINISTRATOR HOURLY RATE:

Councilman Eagle motioned for approval to adjust Lawrence Baker's hourly rate to \$32.60 retro to February 2011. Councilman Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

V. AMENDMENT FREDERICKS / PEEBLES LEGAL CONTRACT:

Councilman Packieau motioned approval to amend the Fredericks/Peebles Contract with the amendments being: (4) change to \$320,000; (5) \$20,000 travel per diem. Councilman Eagle seconded the motion.

VOTE: 7 Ayes. Motion carried.

W. TAT EMPLOYEE APPRECIATION DAY:

Councilwoman Brugh motioned for approval a budget of \$21,456.00 For the 2011 Employment Appreciation Day. Councilman Strahs seconded the motion.

NOTE: The Executive Secretary equipment will be used and Lawrence Baker will be paid \$250 for Emcee services.

VOTE: 7 Ayes. Motion carried.

X. RESOLUTION NO. 11-064-VJB - SUBLEASE FOR AWA'HU VILLAGE:

Councilman Strahs motioned for approval of a Resolution entitled, "Sub-lease for Awa'Hu Village." Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

6. NEW BUSINESS:

A. CHIEF FINANCIAL OFFICER REPORT - SMALL LOANS:

Councilman Eagle motioned approval of the small loans as listed below. Councilwoman Brugh seconded the motion.

VOTE: 7 Ayes. Motion carried.

01.	Tori	\$5,000.00	Personal	5/27/2011
	Morning			
	Star			
02.	Carmen Fox	\$500.00	Personal	4/29/2011
03.	Clement B.	1,000.00	Medical	5/11/2011
	Wells			
04.	Jolene Fox-	1,500.00	Personal	4/29/2011
	Burr			
05.	Elsie Hall	5,000.00	Personal	5/2/2011
06.	Richard	3,500.00	Personal	4/18/2011
	Hall			



07.	Miranda T. Beston-Fox	4,000.00	Personal	4/14/2011
08.	Meranda Johnson	3,500.00	Personal	No date
09.	John Bruce	10,000.00	Personal	5/23/2011
10.	Cheryl Gillette	3,500.00	Personal	6/9/2011
11.	James Foote	8,000.00	Personal	5/17/2011
12.	Philamine Smith	2,100.00	Personal	6/9/2011
13.	Margaret Winanz	1,000.00	Personal	6/8/2011
14.	Paul Fredericks	15,000.00	Personal	3/30/2011
15.	Edmund Baker	2,000.00	Educational	6/7/2011
16.	Merval Hall	2,500.00	Medical	5/16/2011
17.	Dorvan White Bear	3,500.00	Medical	6/10/2011
18.	Mina Crows Breast	3,500.00	Medical	6/10/2011

B. JOY CHAPIN EDUCATIONAL REQUEST:

Councilwoman Brugh motioned for approval of an Entrepeneur Grant of \$4994.25 to Joy Chapin, with 1/2 to be paid by the Four Bears Casino and Lodge. Councilman Eagle seconded the motion.

VOTE: 7 Ayes. Motion carried.

C. SAMANTHA ANTONIO:

Councilman Eagle motioned for approval of a \$4,000 cash settlement agreement for a damaged vehicle. Councilman Strahs seconded the motion.

VOTE: 6 Ayes. Motion carried.

D. STACEY BLACKSMITH SON:

Councilman Eagle motioned to approve a grant of \$1500 to Stacey Blacksmith's son,_____ Knife to attend and participate in Australia's Down Under Cross Country. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

E. VERLEE WHITECALFE-SAYLER:

Councilman Eagle motioned for approval of a \$9,000 payment for Veterinarian Services, to be taken from the General Fund Budget. Councilman Strahs seconded the motion.



VOTE: 6 Ayes. Motion carried.

F. KEN KLAUDT:

Councilman Whitecalfe motioned for approval of payment of \$3,869,63 medical bills. Councilwoman Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

G. MINA CROWS BREAST:

Councilman Eagle motioned for approval of a \$3,500 medical loan. Councilman Packineau seconded the motion.

DISCUSSION: Her husband has a medical condition and has to have treatments weekly in Bismarck, ND.

VOTE: 6 Ayes. Motion carried.

H. JOE GULLICKSON FINANCIAL REQUEST:

CouncilmanWhitecalfe motioned for approval of a \$847.15 Grant from the General Fund Budget. Councilman Strahs seconded the motion.

VOTE: 6 Ayes. Motion carried.

I. FOUR BEARS CASINO AND LODGE:

Councilman Brugh moved for approval of the Casino Report. Councilman Strahs seconded the motion.

VOTE: 6 Ayes. Motion carried.

J. FOUR BEARS CASINO AND LODGE CONSTRUCTION EXPANSION:

Councilman Packineau moved for approval to al<mark>lo</mark>w the Four Bears Casino and Lodge construct five cabins. Councilman Whitecalfe seconded the motion.

VOTE: 6 Ayes. Motion carried.

K. FOUR BEARS CASINO & LODGE EXPANSION:

Discussion was held by the Tribal Business Council to hire Bruce Benson to construct the five cabins for Four Bears Casino and Lodge. This item was deferred to June 15, 2011.

L. SILVER STATE CAPITAL:

Recommendation Hotel Expansion Update Defer to June 15, 2011.

M. GUNDERSON GROUP:

Recommendation Hotel Expansion Update Defer to June 15, 2011

N. TWYLA GOOD BIRD:



Tribal member appealed to TBC for termination of position from the Four Bears Casino and Lodge. TBC recommendation to apply for tribal positions, and negotiate her living quarters with the Four Bears Casino and Lodge.

0. GAMING COMMISSION EXECUTIVE DIRECTOR:

Councilman Packineau moved for approval to hire Marian Wolf as Executive Director for the Gaming Commission. Councilwoman Brugh seconded the motion.

VOTE: 2 Ayes, 2 Nays, 0 Abstained, 1 Not voting. Motion failed.

DISCUSSION: Her application will be processed through the interview and selection process.

P. RESOLUTION NO.11-067-VJB ICDBG GRANT APPLICATION:

Councilman Eagle moved for approval of the Indian Community
Development Block Grant for the North Segment area. Councilman
Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

Q. TERO SUMMER YOUTH:

Councilman Eagle moved for approval of a \$108, 880.00 budget to hire 20 youth and 1 coordinator or 2 coordinators and less staff. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

R. MEGAN DANKS:

Councilman Brugh moved for approval of a \$500 Rodeo Sport Grant. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

S. RESOLUTION 11-066-VJB - MHA HEALTH AUTHORITY:

Councilman Brugh moved for approval of a Charter for the MHA Health Authority. Councilman Strahs seconded the motion.

DISCUSSION: Clarification requested – if the MHA Health Authority replaces the Health Committee.

VOTE: 5 Ayes. Motion carried.



T. TWIN BUTTES POW-WOW:

Councilman Eagle moved for approval to pay for one-half of the electric bill (\$8,867.00) with th other one-half (\$8,867.00) paid by the Twin Buttes Segment. Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

U. MAYBELLA LONE FIGHT:

Councilman Strahs moved for approval to grant Maybella Lone Fight a \$1,000 for a school trip. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried.

V. ADJOURNMENT:

Councilman Strahs moved for approval to adjourn the meeting at 11:04 p.m. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried.

CERTIFICATION

CERTI	FICATION
the Fort Berthold Indian Reservation, hereby composed of seven (7) members of whom (5) of Meeting thereof duly called, notice, convened a foregoing Minutes were amended and/or duly	
Chairman () Voting () Not Voting	
Dated thisday of, 2011.	· ARIKARM
	ATTEST:
Tribal Secretary, V. Judy Brugh Tribal Business Council,	Tribal Chairman, Tex G. Hall Tribal Business Council,
Three Affiliated Tribes	Three Affiliated Tribes