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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING 11-019-VJB
NOVEMBER 28, 2011, 8:00 A.M.**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:28 A.M.

PRAYER:

Councilwoman V. Brugh gave the invocation.

ROLL CALL:

Chairman Tex G. Hall, Councilman Frank White Calfe, Councilman Scott Eagle, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh are present. A quorum is established. Not present: Councilman Barry Benson, he is sick but available for Telephone conference. Councilman Arnold Strahs is not present. Note: Councilman Mervin Packineau will need to leave at 5:00 P.M.

01. APPROVAL OF AGENDA:

Councilman White Calfe-Solstice IMDA in White Shield-New Business K.
Councilman White Calfe-Sacred Arikara Bundle Holders-Special Guest G.
Councilman Packineau-JD Smith Financial Request-New Business.

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

VOTE: 5 Ayes. Motion carried.

NOTE: Don Davidson will present in place of Lonny Burr on Native Touch LLC. There will be an I.H.S. budget formulation in Bismarck tomorrow, November 29, 2011. Chairman Hall will push the I.H.S. Housing issue. All items on today's agenda will be prioritized and the rest will be deferred to the Regular TBC on December 14, 2011. The White House is holding an Indian Nations Conference. Chairman Hall submitted five issues that they asked from each tribe. 1. EPA 2.Transportation. There will be an EPA Minor Source Rule meeting in Denver, CO on November 30, 2011. This meeting should be held here. TAS-Treatment as a State to do our own Air Quality Monitoring. Jim Hickman will be contacted to do this for the Tribe.

02. APPROVAL OF MINUTES:

October 20, 2011

Councilman White Calfe moved for approval of the October 20, 2011 minutes, subject to review and corrections. The motion is seconded by Councilman Eagle.

Discussion: Number nineteen regarding the Comstock Trailer purchases; it is verified that they have been purchased.

VOTE: 5 Ayes. Motion carried.

03. CHAIRMANS REPORT: Resolution: 11-116-VJB Tribal State Oil & Gas Tax Agreement: Tex G. Hall

Councilman White Calfe moved for approval of a resolution entitled, "Providing for a Fair Oil and Gas Tax Proceeds Agreement with State of North Dakota." The motion is seconded by Councilman Eagle.

Discussion: The Tax issue needs to go to the legislature to be fixed.
VOTE: 4 Ayes 0 Nays 1 Abstention. Motion carried.

04. CHAIRMAN'S REPORT: Man Camps Permits:

This will be deferred.

05. CHAIRMAN'S REPORT: BNC Renewal Documents

This will be re-addressed later in the meeting.

06. RESOLUTION: 11-117-VJB: Request for Unused Year End Tribal Priority Funds

Councilman Packineau moved to approve of a resolution entitled, "Request for all Unused Year End Tribal Priority Allocation Funds, to be used for Oil and Gas Production and Royalty Auditing and Reconciliation Services on Allotted Lands." The motion is seconded by Councilman White Calfe.

Discussion: Tribal Priority Allocation funds come from the Aberdeen Area.
VOTE: 5 Ayes. Motion carried.

07. SPECIAL QUEST/ELDERS: Resolution 11-118-VJB: Water Depot in Mandaree Permit: Lyda Bearstail/ Harriet Good Iron

Councilman Packineau moved to approve of a resolution entitled, "Approval of Proposed Water Depot in Mandaree and Authorization to issue a Permit for said Project." The motion is seconded by Councilman Eagle.

Discussion: This was previously approved in another meeting but just needed to bring back a resolution.

VOTE: 5 Ayes. Motion carried.

08. SPECIAL QUESTS/ELDERS: Proposal for Assessment of Hazards & Safety Systems Relating to the Bakken Resource Drive: Kurt Fleck, PPSS

This will be deferred.

09. SPECIAL GUESTS/ELDERS: War Pony Land & Energy Agreement Contract: Ron Brugh

Councilman Eagle moved to approve of the amendments to the cost-share agreement with War Pony Land & Energy. The motion is seconded by Councilman Packineau.

Discussion: The amendment was on the second page to include the reclaim clause.

VOTE: 5 Ayes. Motion carried.

10. SPECIAL GUESTS/ELDERS: Introduction of FEMA Tribal Liaison with Q&A: Lisa Redford/Gail Richards

No action is taken. This is informational only.

Note: She is her putting together the Tribes Mitigation hazard plan. They are about 50% through with that. They are having problems getting information from some of the departments. A letter to the departments encouraging cooperation is requested. Gail Richards maybe leaving on December 18, 2011 or it is undecided about January. Gail's problem is to learn about things before she can write about it. There is a lot to learn here, oil & Gas, hazmat, roads, resolutions, ordinances, etc. She would like to say to the departments; you know what you are talking about, you have the information so let me tell you what we need in this plan. Don't feed me some technical stuff and statistics that Gail guesses she can put in an appendix. She requests that when she puts in a request, that someone write it up. It doesn't have to be a big, long thing but certain facts and Gail will let them know what is needed. Gail believes it would sound more intelligent then what she could write. Gail has a handle on the other things. Gail reiterates that it is the real technical things that she doesn't have a handle on. Councilman Packineau suggests she have the CEO go with her when she makes a request.

Mitigation Plan-When there is a natural or man-made hazard, it is a lot easier to obtain funding if there is a document in place to back the hazard when it happens (ex. flooding).

Previous Grants-Lisa learned through a recent training while Gail has been here, that some of the grants she applies for have been denied due to not having this plan.

11. RESOLUTIONS: Resolution 11-119-VJB: Traffic Safety: Lisa Redford

Councilman Packineau moved for approval of a resolution entitled, "Establishment and Authorization of Enforcement Authority of MHA Department for Transportation –MHA Highway Patrol encompassing a Traffic Safety Enforcement Field Operations Division and Motor Carrier Safety and Inspection Division." The motion is seconded by Councilman Eagle.

Discussion: The budget needs to be approved. Strike the 6th **Where As** on page 1. Change it to say: Recognizes high importance of making roadways on Ft. Berthold safer. In the fourth **Where As**, the word Certifiable will be changed to Certified. The budget amount has a typo; it should be \$1.2 Million and not \$1.5 Million.

VOTE: 5 Ayes. Motion carried.

12. NEW BUSINESS: Parshall Segment Red Hall Replacement: Lisa Redford

Councilman Packineau moved for approval for the Parshall Red Hall Floor replacement in the amount of \$148,000. This will be taken out of the Tribal Business Council actions line item. The motion is seconded by Councilman White Calfe.

VOTE: 5 Ayes. Motion carried.

13. Resolution 11-120-VJB: Starion Extension

Councilman Packineau moved to approve of a resolution entitled, "Approval of an Extension of the \$9,500,000 loan with Starion Financial, and Authorization for

the Chairman, Treasurer, or Secretary to execute all Necessary Loan Documents.”
The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

14. Resolution 11-121-VJB: 39 Applicants: Sevant Taft

Councilwoman Brugh moved to approve of a resolution entitled, “Approval of 39 Applications for Enrollment into the Three Affiliated Tribes.” The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

15. Keeps Eagle Claims Office in North Segment:

Discussion only. No action taken.

NOTE: December 27, 2011 is the deadline for farmers to put in a claim for their land. United Tribes will be having a meeting on December 20-22, 2011. Councilman Eagle wanted to set up an office in the Northern Lights building for the people so they will know the criteria.

16. RESOLUTION: 11-122-VJB: Relinquishment of Anthony Gerald Roasting Stick: Sevant Taft

Councilman Packineau moved to approve of a resolution entitled, “Approval of the Conditional Relinquishment of Anthony Gerald Roasting Stick Enrollment #301U-08336 from Membership of the Three Affiliated Tribes.” The motion is seconded by Councilman White Calfe

Discussion: He is of age and can make his own relinquishment. MHA membership is at 12,626.

VOTE: 5 Ayes. Motion carried.

17. RESOLUTION: 11-123-VJB: BNC Renewal: Damon Williams

Councilman Packineau moved to approve of a resolution entitled, “Approval and Ratification of Renewal of the Existing \$14,000.000 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.” The motion is seconded by Councilman White Calfe.

VOTE: 5 Ayes. Motion carried.

18. RESOLUTION: 11-124-VJB: Elders Disbursement:

Councilman Packineau moved to approve of a resolution entitled, “Authorization for a Disbursement to the Elders.” The motion is seconded by Councilwoman Brugh.

Discussion: December 19, 2011 will be the day that off-reservation elder's checks will be mailed out. The Elders Christmas party will be held on December 20, 2011.

VOTE: 5 Ayes. Motion carried.

19. SPECIAL GUESTS: Arrow Pipeline Amendment No. 1: John Fredericks

This was discussion only. No action was taken.

NOTE: The legal attorney has three issues that need clarification from the Tribal Business Council. 1. Date of Interest rate. 2. Length of time to negotiate with a company after the right of refusal by Arrow Pipeline. 3. After payoff of the 10%, the tribe would like length of time to purchase the 20% to be less than 1 year.

Arrow Pipeline would like to meet with Councilman Mervin Packineau and Councilman Frank White Calfe regarding a bank loan to complete the pipeline.

20. SPECIAL GUESTS: Capital Investment: Shyla Sheppard

A presentation was given. The PPM will be given to Bonnie Red Fox and she will share with John Fredericks and the rest.

21. UNFINISHED BUSINESS: Twin Buttes Memorial Hall Repairs: Pete Fredericks

Councilman Eagle moved for approval for the repairs to the Twin Buttes Memorial Hall for \$52,750.00 to be taken out of Tribal Business Council actions (380). The motion is seconded by Councilman White Calfe.

Discussion: Karen Sitting Crow, Programs Analyst is to look into how much the I.H.S. can contribute to this for a sewer system.

VOTE: 5 Ayes. Motion carried.

22. Pete Fredericks was Inducted into the INFR Cowboy Hall of Fame: Councilman White Calfe

An announcement was made in honor of Pete Fredericks being inducted into the Indian National Finals Rodeo Cowboy Hall of Fame in Las Vegas, Nevada.

23. NEW BUSINESS: White Shield Spirituality Request: Frank White Calfe

Councilman Eagle moved for approval of \$3,500 a day for the White Shield Bundle Carriers Cultural event. The event will be one day on December 21, 2011. The motion is seconded by Councilman White Calfe.

Discussion: Councilman White Calfe will donate \$500 from Grants and Donations. Treasurer Packineau will contribute \$200 also.

VOTE: 5 Ayes. Motion carried.

24. UNFINISHED BUSINESS: White Headed Eagle Consulting: Marcus Levings

Councilman Eagle moved for approval of the White Headed Eagle Consulting to come out of the Indian Action II budget for \$3,750.00 bi-weekly. The term is for one year, to end on November 22, 2012. Not to exceed \$97,500.00. The motion is seconded by Councilwoman Brugh.

Discussion: The \$3,750.00 will include mileage and phone. The contract is to be amended so that nothing will be submitted for these two items. Marcus Levings will no longer be on the Four Bears budget. The CEO will verify and will oversee the contract while under Indian Action II. A line item will need to be added to the Indian Action II budget for consultants.

VOTE: 5 Ayes. Motion carried.

25. MHA Nation Health Board Charter Amendment: CEO & Federal Programs Executive Officer

No action taken.

NOTE: John Fredericks requests two tribal programs employees need to be taken off the board. The amendment is to article 3 sections 1 of the charter, delete everything in the resolution to amend 1.g and 1.h.

26. Amendments to Corporate Charter Article 3 section 1 of the charter G & H. KDU & Circle of Life

Councilman Packineau moved to approve of the amendments to the Corporate Charter Article 3, section 1, and subsections G & H. The motion is seconded by Councilman Eagle.

Discussion: The master contract from the early eighties is discussed.

VOTE: 4 Ayes 1 Nays. Motion carried.

27. UNFINISHED BUSINESS: Twin Buttes School Contract Agreement with Native Touch LLC: Mr. Don Davidson

Councilman Eagle moved to approve of a contractual agreement between Twin Buttes School and Dr. Bordeaux of Native Touch, LLC. This will be on a time and material basis that is not to exceed \$28,000.00. The cost will come out of the project management budget. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

28. NEW BUSINESS: Solstice Oil and Gas IMDA:

Solstice will visit with TAT legal and the Energy Department further on the Red Willow acreage. The idea is to do a joint venture with Solstice Oil and Gas.

(Councilman Packineau left the meeting at 5:08 P.M.)

29. RECESSED: 5:12 P.M. until December 14, 2012.

30. RECONVENED: at 5:15 P.M.

(Councilman Packineau returned to the meeting.)

31. NEW BUSINESS: Corval Business Plan Implementation: Richard Mayer/Kurt Swenson

Councilman Packineau moved for approval to accept the business contract between Corval Group Inc. and MHA Nation. The motion is seconded by Councilman Eagle.

Discussion: The amount is \$110,610.00 and will come out of the Oil Refinery Budget. The term will be for 10 to 12 weeks for the final completion plan. The study will be done to find the most profitable refine able. In a study completed for the state, Diesel was the most profitable and so the focus will be on Diesel but other products will be looked at.

VOTE: 5 Ayes. Motion carried.

32. RESOLUTION: 11-126-VJB: Corporation Act: Richard Mayer

Councilman Eagle moved to approve of a resolution entitled, "Three Affiliated Tribes Tribal Business Corporation Act." The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

33. RESOLUTION: Thunder Butte Petroleum Services, Inc.

Councilman Eagle moved to approve of a resolution entitled, "By-laws and Articles of Incorporation of Thunder Butte Petroleum Services, Inc." Motion dies due to a lack of a second.

34. NEW BUSINESS: Termination letter for Robert G. Woolley: Richard Mayer

Councilman White Calfe moved for approval of a termination letter for Robert G. Woolley President and CEO of Triad Project Corporation. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

35. NEW BUSINESS: Letter Agreement between ASRC Energy Services, Inc. and Thunder Butte Petroleum Services, Inc.

The previous resolution on Thunder Butte Petroleum Services, Inc. will need to be revisited.

36. RESOLUTION: 11-127-VJB: By-Laws for Thunder Butte Petroleum Services, Inc.

Councilman Eagle moved to approve of a resolution entitled, "By-Laws and Articles of Incorporation of Thunder Butte Petroleum Services Inc." The motion is seconded by Councilman White Calfe.

Discussion: To take a. off the list of board members and put ASRC representative in place of it.

VOTE: 5 Ayes. Motion carried.

37. NEW BUSINESS: Letter of Agreement between ASRC Energy Services, Inc. and Thunder Butte Petroleum Services, Inc.

Councilman Packineau moved for approval of a letter of Agreement between ASRC Energy Services, Inc. and Thunder Butte Petroleum Services, Inc. The motion is seconded by Councilman White Calfe.

Discussion: The contract for \$220,000 is to come out of the refinery Budget.

VOTE: 5 Ayes. Motion carried.

38. NEW BUSINESS: Extend the Clean Fuels Refinery Project RFP Deadline to January 1, 2012: Richard Mayer

Councilman Packineau moved for approval to extend the MHA Nation Clean Fuels Refinery Project request for proposal deadline from December 1, 2011 to January 1, 2012. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes. Motion carried.

39. UNFINISHED BUSINESS: Financial Close out for FBDC Contract: Richard Mayer

Councilman Packineau moved for approval to pay the outstanding balance of \$346,009.00 for Fort Berthold Development Corporation to subcontractor JJK to finalize and close out the contract. The Government will then issue the remaining contract value left to be drawn down by the Tribe in the amount of \$90,115.70. The motion is seconded by Councilman White Calfe.

Discussion: This is to keep our 8A.

VOTE: 3 Ayes 2 Nays. Motion carried.

40. Small Loans: Whitney Bell

Councilman Packineau moved to approve the amended small loans list. There is no action on numbers 3 & 4. Jordan Danks will be added as number 21 for \$15,000.00 with the trailer as collateral. Tribal employees under numbers 6, 7, 9, & 15, will be refinanced. Number 20 will be changed to \$15,000.00 and the house will be used as collateral. Number 16 is subject to collateral. Included for approval are the three Educational loans which are subject to the Educational Loan guidelines. The motion is seconded by Councilwoman Brugh.

Discussion: All Loans are subject to the Small Loans Department Guidelines.

VOTE: 5 Ayes Motion carried.

41. NEW BUSINESS: Roads Gravel Payment: Doyle Bell/Whitney Bell

Councilman Packineau moved for approval to pay a Roads Department invoice payable to Lee Voight for gravel in White Shield. The invoice amount is \$60,142.25. The motion is seconded by Councilman White Calfe.

Discussion: It is a stock pile.

VOTE: 5 Ayes. Motion carried.

42. NEW BUSINESS: Jack Sawyer Asphalt for Route 2: Doyle Bell/Whitney Bell

Councilman Packineau moved for approval to pay an invoice in the amount of \$672,500.00 to Jack Sawyer Asphalt for completed work on Route 2. The motion is seconded by Councilman White Calfe.

Discussion: This meets the expectations after a re-fix. He said he will come back in the spring if any of it breaks up.

VOTE: 5 Ayes. Motion carried.

43. NEW BUSINESS: Fultz Contracting, LLC. Invoice Route 17

Councilman Packineau moved for approval to pay an invoice in the amount of \$1,331,159.20 to Fultz Contracting, LLC. This will come out of the approximated \$8 Million Roads Department budget. The CFO will pay what is up to date and pay as it is inspected. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried.

44. NEW BUSINESS: Asphalt Zephyr Purchase for Roads Dept.: Doyle Bell/Whitney Bell

Councilman Packineau moved for approval to purchase an Asphalt Zephyr for \$126,725.00. The motion is seconded by Frank White Calfe.

Discussion: This will be used for patching the roads.

VOTE: 5 Ayes. Motion carried.

45. NEW BUSINESS: Wayne & Martha Hunter Reimbursed for Meals

Councilman Packineau moved for approval for a reimbursement for Wayne and Martha Hunter in the amount of \$3,000.00. This is for meals incurred while Housing Improvement did repairs to their home. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried.

46. RESOLUTION: 11-128-VJB: Inter Tribal Ag Council: Jim Mossette

Councilman White Calfe moved to approve of a resolution entitled, "Membership to the Intertribal Agriculture Council." The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes Motion carried.

47. NEW BUSINESS: Ground Water Testing Project: Jim Mossette

Councilman White Calfe moved for approval of a Farm Worker Family Initiative project for Ground water testing on drinking water wells. Councilman Packineau seconded the motion.

Discussion: Jim Mossette is to work with the Natural Resources Department.
VOTE: 5 Ayes. Motion carried.

48. Recessed 6:33 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 ____ 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.

ATTEST:

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

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

