



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING 12-28-TGH
JANUARY 12, 2012, 10:00 A.M.**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 9:48 A.M.

ROLL CALL:

Present: Chairman Tex G. Hall, Councilman Arnold Strahs, Councilman Scott Eagle, Councilman Mervin Packineau, and Councilwoman Brugh. A quorum is established.
Absent: Councilman Frank White Calfe is approved leave. Councilman Barry Benson is on travel.

PRAYER:

Scott Eagle gave the invocation.

01. APPROVAL OF AGENDA:

Add-ons:

Councilman Strahs: Resolution Mandaree ICDBG Grant: NEW BUSINESS

Councilman Strahs: Belinda Beston Severance Pay: CHAIRMANS REPORT Human Resources

Councilman Packineau: Parshall Fire Department/Jaws of Life Equipment: NEW BUSINESS

Councilwoman Brugh moved to approve the agenda as amended. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

02. APPROVAL OF MINUTES:

December 14, 2011

Councilwoman Brugh moved to approve the December 14, 2011 minutes. The motion is seconded by Councilman Eagle.

Discussion: The budget amount is requested to be included in motion No. 22.

VOTE: 5 Ayes. Motion carried.

NOTE: Under Tribal Interior Budget Council (TIBC): On the One Stop Shop, Patty Marks informed Chairman Hall that the money was included in the Omnibus Bill that was passed.

03. APPROVAL OF MINUTES:

December 22, 2011

Councilman Packineau moved to approve the December 22, 2011 minutes. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

04. CHAIRMANS REPORT: Education Meetings: Tex G. Hall

NOTE: Chairman Hall has been appointed as Co-Chairman of a Special Education Committee alongside Jefferson Keel at NCAI with Secretary Duncan and Secretary of Interior Salazar. This is to look at the low achievement scores, the status of Bureau of Indian Education, and the

Department of Education. There will be five meetings throughout Indian Country from January through February. Karen Sitting Crow, Programs Analyst will set up meetings for Chairman Hall with the Superintendents/Principals of the schools on the reservation for updates. The segment representatives are invited to attend.

05. CHAIRMANS REPORT: Personnel: (Closed Session) Val Finley/Denise Cavanaugh/Kandace Sanchez

See Personnel Action Forms.

(Break is taken at 12:56 P.M.)

(The meeting reconvened at 1:34 P.M.)

06. CHAIRMANS REPORT: Resolution 12-001-VJB: 4 Bears Casino and Lodge Hotel Expansion Team: Pat Packineau, Scott Wilson (Closed Session)

07. CHAIRMANS REPORT: Hotel Construction Project Budget Letter: Pat Packineau, GM/Scott Wilson, COO/Spencer Wilkinson, CAO (Closed Session)

08. NEW BUSINESS: Resolution 12-002-VJB: Melford J. Gunderson Jr. Consultant Contract: MJ Gunderson

Councilwoman Brugh moved to approve of a resolution entitled, "Approval of Consultant Contract with Melford (MJ) Gunderson Jr." The motion is seconded by Councilman Packineau.

Discussion: MJ will start work right away with the health service.

VOTE: 5 Ayes. Motion carried.

NOTE: MJ would like an hourly wage of what is comparable to when he was last hired by the tribe, so he may have health coverage for his family. There will be some additions to the agreement for more services.

09. NEW BUSINESS: Prairie Winds Trailer Park Eviction/ S.E.H.: Scott Lang/Scott Eagle (Closed Session)

10. NEW BUSINESS: Prairie Winds Trailer Park Eviction: Rebecca Deschamp

Note: The previous trailer park owner, Stubstad said they wouldn't have to move but on January 1st there was a letter of eviction. John Reese from Cenex bought it but now investors have it. The legal department will take a look at the situation and how it was presented to the people. A business Proposal is presented by Verdel Smith on The Spotted Bull Trailer Court. The tribe may be eligible for the \$200 million Oil and Gas Impact Grant if it is not trust land. Verdel needs to crunch some numbers because it is \$10,000 for infrastructure in the Northern Lights area. Verdel will work with Dennis Fox, CEO. Actual figures from the Elbowoods infrastructure will be used to assist Verdel with his Proposal. There has to be a list of tribal members living in the Prairie Winds trailer court to figure out the number of trailers and the cost of moving these trailers.

11. UNFINISHED BUSINESS: Proposal for Assessment of Hazards & Safety Systems Relating to the Bakken Resource Drive: Kurt Fleck, PPSS

Kurt Fleck is not present. This will be deferred.

12. CHAIRMANS REPORT: Electronic Voting: Ramona Two Shields/Donna Morgan

Councilman Packineau moved to approve of amending the Election Ordinance to include electronic voting in all six segments for the upcoming election in 2012. The motion is seconded by Councilman Eagle.

Discussion: Ramona Two Shields adds that they plan on using the machines for the 2012 Election. She wasn't present at the training when the trainees had a problem with the machines malfunctioning. There wasn't enough time to put it in the ordinance before the last election. Jennifer Fyten will be the attorney involved in the amended election ordinance process.

VOTE: 5 Ayes. Motion carried.

13. NEW BUSINESS: Elders Prayer Day: Donna Morgan/ Ramona Two Shields/Roberta Crowsbreast/John Danks

NOTE: The elders will have a prayer day on January 22, 2012.

14. UNFINISHED BUSINESS: Budget for 210 Home Initiative/Four Bears Community: Councilwoman Brugh

NOTE: The following items will be addressed at the February 9, 2012 Regular Tribal Business Council meeting; budget update, housing, grants & donations, and revenue.

15. UNFINISHED BUSINESS: Hank Richardson Employment Contract

Councilwoman Brugh moved to approve of an employment contract with Hank Richardson. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

16. NEW BUSINESS: Enrollment: 12-003-VJB: Sevant Taft

Councilwoman Brugh moved to approve of a resolution entitled, "Approval of 17 Applicants for Enrollment into the Three Affiliated Tribes." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

Full Name	Fathers Full Name	Mothers Full Name	Tribal Blood	DOB
Bryan-Hodges, Nicholas Matthew	Hodges, Shannon Gabriel	Bryan, Kimberly Dawn	13/64	10/18/2001
Bryan-Hodges, Arianna Gabrielle	Hodges, Shannon Gabriel	Bryan, Kimberly Dawn	13/64	8/14/2003

Enno, Michael Julius	Enno, Michael Anthony	White Tail, Tashena Ann	1/4	5/6/2011
Felix, Saint Thomas		Felix, Lindsey Rayleen	1/8	7/20/2011
Foote, Marley Sedric	Foote, Jr., Gary Ray	Fox, Farhen Denae	21/32	11/10/2009
Foote, Miley Cain	Foote, Jr., Gary Ray	Fox, Farhen Denae	21/32	11/10/2009
Garcia, Jayden Dominick	Garcia, Bernardo Steve	Caylor, Amanda Ann	19/128	7/12/2007
Good Bird, Joshua Alan		Good Bird, Wanda Lee	7/32	6/7/1990
Hodges, Camille Royanne	Hodges, Shannon Gabriel	Moody, Cori Ann	13/64	9/7/1992
Irwin, Danielle Renee	Locke, Ryan Anthony	Irwin, Celina Elaine	29/128	8/19/1994
Krueger, Harmony Sage-Bliss	Krueger, Neal Shawn	Conklin, Alyssa Saloan	17/32	9/24/2009
Lone Bear, Zaid Dayson	Smith, Johathan James	Lone Bear, Morgan Dawn	27/64	5/30/2011
Mason, LeeAnn Josephine	Mason, Matthew Bautista	Mason, Jessica Leigh	9/64	4/28/2010
Olson, Baleigh Grace	Olson, Claude Lawrence	Jorgenson, Jessica	1/4	1/29/2011
Smith, Grace Kasey		Smith, Phillamine Marie	15/32	10/15/2009
White Owl, Jaylynn Jade	White Owl, Donavan Jay	Cooke, Tera Rose	63/128	1/16/2011
Wilkinson, Nevaeh Mahlon	Wilkinson, Derrick Colin	Moran, Stephanie Sue	145/256	9/6/2011

17. NEW BUSINESS: Small Loans: Whitney Bell, CFO

Councilman Packineau moved to approve of the Small Loans List with changes. This is subject to Small Loans Policy and Procedures. The motion is seconded by Councilman Eagle.

Discussion: Garrett Smith-\$1,200.00, Ardel J. Baker-\$2,000.00, Donovan Bird-Tabled, Nicole Thomas-\$2,500.00 with a co-signer, Tyrel Smith-Tabled, Shantel Fettig-\$5,000.00, Iva White-Tabled, Vernon Young Bear-Tabled, Alisa Two Crow-Not Approved due to delinquency, Junel Foote-\$10,000.00, Evangeline Conklin-Tabled, Cheryl Gillette-\$7,000.00 when Small Loans regenerates the loan fund, Helena Mahsetky-the CFO will work with a limit of \$5,000.00, Thomas Plenty Chief-He is to work on his loan balance and to come back. Educational loans approved are: Amber Davis-\$2,250.00, Kenneth Smith Jr.-\$2,250.00, Alvina Wolf-Educational loan for \$2,250.00 and the remainder of the requested amount is to be a personal loan to equal the requested balance of \$7,572.00.

VOTE: 4 Ayes 1 Nays. Motion carried.

18. RESOLUTION: 12-004-VJB: Partition Janice Hall/Kathleen Hall/ Francis Mossett Allot. No. 568A

Councilwoman Brugh moved to approve of a resolution entitled, "Approval of Partition between Three Affiliated Tribes and Janice M. Hall, Kathleen Hall, and Francis Mossett of Allotment No. 568A." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

NOTE: The land exchange was done in 1999.

19. NEW BUSINESS: Gravel & Scoria Pit Presentation: John Jack Rabbithead

Councilman Packineau moved for approval of the gravel & Scoria Pit mining proposal from Rogue Transport subject to legal review and due diligence in bringing forth an agreement. The Mandaree tracts will be eliminated except for 1114A, 1113A, & 1004A. The White Shield tracts to be eliminated are T3053 & 2181. The Lucky Mound tract to be included is T484A. The two New Town tracts to be included are T1900 & T3059. Motion fails due to a lack of a second.

20. NEW BUSINESS: Sponsorship Ft. Berthold Community College: Garrett Smith

Councilman Eagle moved to approve of a matching grant of \$3,000.00 with \$1,500.00 from the Three Affiliated Tribes and the Four Bears Casino. The motion is seconded by Councilman Strahs.

NOTE: This is for the Third Annual FBCC Pool Tournament with proceeds raised to go for purchasing items and updating equipment for the college's recreational room.

VOTE: 5 Ayes. Motion carried.

21. NEW BUSINESS: Resolution 12-005-VJB: Reporting Disclosure of Broker's Overriding Interest: Steve Kelly

Councilwoman Brugh moved to approve of a resolution entitled, "Requiring Disclosure and Reporting of Overriding Interest in Oil and Gas Leases for the Exploration and Development of Oil & Gas on the Fort Berthold Indian Reservation." The motion is seconded Councilman Eagle.

NOTE: Attorney John Fredericks will look this over and a penalty will be put in place for enforcement. This will be brought back to the February regular Tribal Business Council meeting. The Secretary's office or Natural Resource Department will keep a public record of any overriding interests.

VOTE: 5 Ayes. Motion carried.

22. NEW BUSINESS: Status of Ethics Committee Proposed Amendments to Ethics Ordinance: Steve Kelly

Councilman Packineau moved for approval to authorize and direct the Three Affiliated Tribes lead legal attorney Damon Williams to complete the selection process for the Ethics Board with a budget by the February 9, 2012 Regular Tribal Business Council meeting. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes. Motion carried.

23. NEW BUSINESS: Resolution 12-006-VJB: Mandaree ICDBG Grant: Arnold Strahs

Councilman Strahs moves to approve of a resolution entitled, "Tribal Business Council Approval and Certification for the FY-012 Grant Application in the amount of \$900,000.00 for the ICDBG Grant Program for the Mandaree West Segment for Infrastructure." The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

24. NEW BUSINESS: Parshall Fire Department Jaws of Life Request: Mervin Packineau

Councilman Packineau moved for approval of \$25,000.00 to the Parshall Fire Department to assist in purchasing Jaws of Life equipment. The motion is seconded Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

25. LEGAL: Resolution 12-007-VJB: BJ Jones & Peter Furuseth: Hazel Heart

Councilman Packineau moved for approval of a resolution entitled, "Appointment of Associate Judges for the Fort Berthold Tribal District Court for 2012." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

26. LEGAL: Business Licenses: J.C. Java Coffee House

Councilwoman Brugh moved to approve of a business license titled J.C. Java Coffee House effective January 12, 2012 to January 12, 2013. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

27. NEW BUSINESS: Resolution 12-008-VJB Four Bears Housing Board Appointment

Councilman Packineau moved for approval of a resolution entitled, "Approval of Four Bears Segment Tribal Council Representative's Change of Appointment for Fort Berthold Housing Authority Board of Commissioners." The motion is seconded by Councilwoman Brugh.

NOTE: Jennifer Mann is the new appointee for the Fort Berthold Housing Authority Board of Commissioners.

VOTE: 5 Ayes. Motion carried.

28. REPORTS: CEO Report: Dennis Fox Jr., CEO

NOTE: Annette Young Bird, Natural Resource Director will be sending out the Grazing lease agreements the week of February 20, 2012. A Special Tribal Business Council meeting will be held on February 23, 2012 for the Grazing Leases.

29. RESOLUTION: 12-009-VJB: James Heckman Proposal for EPA Air Quality Work: Dennis Fox, CEO

Councilman Eagle moved for approval of a resolution entitled, "Approval of Consultant Contract with James Heckman." The motion is seconded by Councilman Packineau.

Discussion: John Fredericks recommends including in negotiations that this be expanded to get TAS under the Clean Water Act as the Clean Air Act. This is in thinking of the refinery and the Corp. of Engineers proposal to start charging for surplus water permits. We need to get on top of the permitting process if we can. Mr. Heckman is a consultant under Dennis Fox, CEO.

VOTE: 5 Ayes. Motion carried.

30. NEW BUSINESS: Organizational Chart: Dennis Fox

Councilman Packineau moved for approval to amend the organizational chart to add a Committee over the Federal Programs manager, Human Resources, and Programs Analyst. The Chart is also amended to include Environmental under the Natural Resource Department. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

31. NEW BUSINESS: Rental/Lease Agreement: Dennis Fox, CEO

Councilman Eagle moved for approval of a Temporary Residential Lease for the 210 Home Initiatives homes. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

32. NEW BUSINESS: Home site Standard Lease 2.5 Acres

Ed Fox clarified the minimum is 2.5 acres for a home site but under special circumstances more acreage has been given.

33. NEW BUSINESS: Resolution 12-010-VJB: Office Space: Dennis Fox, CEO/Ed Hall

Councilman Eagle moved to approve of a resolution entitled, "Authorization to Pursue a Plan for the Development of a New Headquarters for the Three Affiliated Tribes." The motion is seconded by Councilman Strahs.

Discussion: The \$150,000 is to be added for the A&E and Soil testing.

VOTE: 5 Ayes. Motion carried.

34. NEW BUSINESS: Tesha and Tara Fredericks Home Site Lease Applications: Ed Fox

Councilwoman Brugh moved for approval of home site leases for Tesha Fredericks as Allotment No. 820A-C described as 2.5 acres within NE ¼ SE ¼ SW ¼, section 8, Twp. 151, Rge. 94, Fifth Principal Meridian, North Dakota, containing 2.5 acres for 25 years @\$50.00 per year with option to lease more land for horses and Tara Fredericks as Allotment No. 820A-C, described as 2.50 Acres within NESESW, section 8, Twp. 151, Rge. 94, Fifth Principal Meridian, North Dakota, containing 2.5 acres for 25 years @\$50.00 per year with option to lease more land for horses. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

35. REPORTS: 12-011-VJB: 638 Transportation Planning Contract: Bonnie Red Fox

Councilman Packineau moved for approval of a resolution entitled, "P.L. 93-638 Re-contracting of Bureau of Indian Affairs Program Functions, Services, and Activities related directly and indirectly to Transportation Planning under Mature-Status Contractual Agreement Specific to Transportation Planning." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

36. REPORTS: Resolution 12-012-VJB: General Assistance: Bonnie Red Fox

Councilman Strahs moved to approve of a resolution entitled, "P.L. 93-638 Contacting of Bureau of Indian Affairs Program Functions, Services and Activities

related directly and indirectly to Administration and Distribution of General Assistance Funds to eligible Program Participants.” The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes. Motion carried.

37. RESOLUTION: Resolution Attendance for Council and Committee Meetings: Tex Hall

NOTE: This will be looked over and brought back to council.

38. NEW BUSINESS: Ft. Berthold Housing Issue: Alliance Group/Dark Horse

This will be forward to the February 9, 2012 Regular Tribal Business Council meeting. The companies are to work with the Economic Development Committee.

39. NEW BUSINESS: I.H.S. Issue: Dawn Fredericks Schmidt & Preston Demaray

Councilwoman Brugh moved for approval to pay medical bills that are denied due to being out of the service area by Elbowoods Health Care Facility for Dawn Fredericks Schmidt and Preston Demaray. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

40. NEW BUSINESS: Energy Meeting In February

The Energy Summit in February 1-2, 2012 will be geared towards Allottees.

41. ADJOURNMENT:

Councilman Eagle moved to adjourn the meeting. Councilman Strahs seconded the motion.

The meeting adjourned at 7:38 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 _____, 2012; 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 _____, 2012.

ATTEST:

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

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

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