



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR TRIBAL BUSINESS COUNCIL
MEETING 12-032-SE
March 22, 2012, 10:00 A.M.**

CALL TO ORDER:

Acting-Chairman Scott Eagle called the meeting to order at 1:10 P.M.

PRAYER:

Arnold Strahs gave the invocation.

ROLL CALL:

Chairman Tex G. Hall, Councilman Arnold Strahs, Councilman Scott Eagle, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh are present. A quorum is established. Councilman Frank Whitecalfe is not present. Councilman Barry Benson is not present. Councilman Benson arrived later in the meeting.

01. APPROVAL OF AGENDA:

Add-ons:

Councilman Eagle: Hidatsa Flats working with I.H.S.-Jerry Nagel

Councilman Strahs: Budget Narrative for Mandaree School

Chairman Hall: The Management Team Resolution

Councilman Strahs moved to approve of the amended agenda. The motion is seconded by Councilwoman Brugh.

Discussion: Councilwoman Brugh and Councilman Packineau reserve their add-ons.

VOTE: 5 Ayes. Motion carried.

02. Chairman's Report: Tex Hall

Local Issues:

- Reservation Wide Clean-up: CEO will coordinate a clean-up day. Law Enforcement or Game & Fish will supervise for traffic safety.
- Dust Control

Governmental Issues:

- Transportation Bill in Washington D.C.
- Fines & Levies in Lieu of Tax Agreement for Road Repairs
- Energy Summit May 8-9, 2012:
- BIA & I.H.S. Budget Testimony March 27, 2012 in Washington, D.C.

03. Resolution Management Team: Tex Hall

This is tabled.

04. Bartlett & West Water MOU: John Fredericks

He is not present. They will try to contact him by telephone.

05. Approval of Minutes

February 22, 2012 March 7, 2012 March 20, 2012

Councilman Strahs moved to approve of the three sets of minutes subject to corrections. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

NOTE: Clarification is given to the June 15, 2011 minutes regarding the segment purchase of vans for the elders use.

06. Budget Report: Whitney Bell, CFO

Small Loans will be presented even though the CFO is not present.

07. Resolution 12-023-VJB: Twin Buttes Elders 501C-3 Grant: Dennis Huber/Diana Tomlin/Pete Fredericks

Chairman Tex Hall moved for approval of a resolution entitled, "Approval of Amendment to the Articles of Incorporation of the Twin Buttes Elders Organizations Inc." The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

08. Elders Insurance: Dennis Huber/Diana Tomlin/Pete Fredericks

Councilwoman Brugh moved for approval to have Cheryl Bruce contacted to do a report to all the Elders Organizations on her progress of obtaining the surveys needed for Insurance purposes. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

09. Elders Organization Man Camp Resolution: Pete Fredericks

Tabled.

10. Gloria Lone Fight Housing Unit: Dennis Fox, CEO

The TAT CEO will do a follow-up on this.

11. Joann Mathews: Tribal Health Insurance Issue

The Blue Cross/Blue Shield issue has been addressed.

12. Spec Ops: Jim Rasch

Spec Ops is to work with the TAT Energy department for their suggestions.

**13. Camp Shane Health Camp Financial Request: Anita Geggelman:
Teleconference**

Councilman Packineau moved for approval to do a match for Anita Geggelman's son to attend Camp Shane. The match will be half from the tribe and the other half will be up to Anita. The amount of the match is \$1,450.00. The camp dates are from June 17th through the end of July. The motion is seconded by Councilwoman Brugh.

Discussion: Other programs will be asked to assist with the fundraising. One week at the camp costs \$2,900.00 and two weeks costs \$5,800.00.

VOTE: 5 Ayes. Motion carried.

NOTE: Anita Geggelman is to contact El Marie Conklin, Boys & Girls Club and Councilman Eagle's office for fundraising.

14. Travel Agency Business Proposal: Jody Thongphet

Jody Thongphet is to work with the CEO on her travel agency proposal.

15. Laundromat Proposal: Kyle Mandan

This is referred to the Business Loans Department located at the Northern Lights Building under Toni Starr.

16. Nathaniel Young Bird Ambassador for People to People Program Financial Request: Kris Burr

Councilwoman Brugh moved for approval for a \$1,500.00 grant for Nathaniel Young Bird to attend the Ambassador People to Peoples program. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

(Councilman Benson arrived at the meeting at 4:06 p.m.)

17. Zoning Report: El Marie Conklin

Councilman Strahs moved for approval to accept the first reading of the Planning and Zoning ordinance for Oil and Gas Development near Residential Areas. The zoning ordinance is to be fixed to include the half mile distance between an oil rig and the community. The motion is seconded by Chairman Hall.

Discussion: This reading is only a portion of the Zoning Ordinance. This will be brought back to the Tribal Business Council.

VOTE: 4 Ayes 0 Nays 2 Abstentions 0 Not Voting. Motion carried.

NOTE: El Marie is to get the Man Camp resolutions from the Executive Secretary Office and she is to set it up with Dennis Fox, CEO to meet with the Directors.

18. Educational Request: Elaine Bolman

Elaine Bolman is not present.

19. Housing Trailer Request For Mahlon Gunn: Kelly Fox

No action is taken. This was discussion only.

NOTE: The Tribal Business Council has recommended to the Housing Improvement Program to move Mahlon Gunn to the top of their trailer list as he is a medical emergency case. Mahlon will need to work on a place to put the trailer. Councilwoman Brugh is willing to send her workers/drivers to pick up trailers for the Four Bears Segment.

20. FEMA Trailer: Francine White

Councilwoman Brugh moved for approval to accept the 25 trailer homes and 13 travel trailers. The motion is seconded by Councilman Strahs.

VOTE: 6 Ayes. Motion carried.

21. Elbowoods Healthcare Receives Grant from the City of New Town: Jim Foote

The city of New Town Mayor Dan Uran formally presents a check to the Three Affiliated Tribes. This acknowledgement is due to all the work the tribe did on the Elbowoods Healthcare facility and for a partnership between the tribe and the city. A picture is taken with the Tribal Business Council. The monetary gift is \$600,000.00.

(A break is taken 4:25 P.M.)

(The meeting is called back to order at 5:10 P.M.)

22. Portraits for the 2006-2010 Administration: Hank Richardson

Councilwoman Brugh moved for approval to add to the Artist Contract with Hank Richardson; the 2006-2010 Tribal Business Council administration portrait drawings. The motion is seconded by Councilman Packineau.

VOTE: 6 Ayes. Motion carried.

NOTE: West Segment Councilman Bernard Nathan Hale, West Segment Councilwoman Evelyn Hale, North Segment Councilman Malcolm Wolf, and Chairman Marcus Levings.

23. Resolution 12-24-VJB: Enrollment of 41 Applicants: John Charging/Sevant Taft

Councilman moved for approval of a resolution entitled, "Approval of 41 Applicants for Enrollment into the Three Affiliated Tribes." The motion is seconded by Councilman Strahs.

VOTE: 6 Ayes. Motion carried.

24. Enrollment Cost of Living Increase: John Charging/Sevant Taft

Councilman Packineau moved for approval of a cost of living increase for the Enrollment Staff of two. The amount will be in line with the other programs and depend on the budget absorbing the cost of the increase. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes. Motion carried.

25. Tribal Court Domestic Violence Prosecutor Job description: Judy Black Hawk

Councilwoman Brugh moved to approve of Attorney Bill woods to be hired as a Domestic Violence Prosecutor for Tribal Court in the amount of 8 hours per week. He will remain with the Child Support Division for the other 32 hours. This is approved subject to the FPEO looking it over. The motion is seconded by Councilman Strahs.

VOTE: 6 Ayes. Motion carried.

26. Resolution 12-25-VJB: Application for Grant for Childhood Obesity: Jared Eagle

Councilman Packineau moved for approval of a resolution entitled, "Authorization to apply for a Grant Funding for the Purpose of Decreasing and Preventing Childhood Obesity. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes. Motion carried.

27. Approval to Incorporate Sanish with Hidatsa Hill's Waste Water Development: Jerry Nagel

Councilman Packineau moved for approval for Jerry Nagel to move forward with working with I.H.S., Councilman Eagle, and the North Segment to tie in a lagoon system for Sanish and Hidatsa Flats. The motion is seconded by Councilman Strahs.

Discussion: Thunder Butte Lagoon needs funding.

VOTE: 6 Ayes. Motion carried.

28. Small Loans: Mary Ellen Sun

Councilman Packineau moved for approval of the 10 listed small loan applicants with changes. The motion is seconded by Councilwoman Brugh.

Name of Applicant	Loan Amount	Collateral	
Theodora Dubois	\$1,500.00	Yes	
Elgin Crows Breast	\$2,500.00	Yes if they have collateral	
Lorry Little Swallow	\$2,800.00	Yes if there is collateral	
Kathleen Delarosa	\$3,500.00	Yes	
Daniel Vallejo		Not Approved Not Current	
Faith Wilkinson	\$7,500.00	Yes	
Brandi Halvorson	\$8,500.00	Yes purchased vehicle title as collateral	
Dennis R. Fox Jr.	\$10,000.00	Yes	
Malone Wilkinson	\$5,000.00	Yes with lower amount	
Madeline P. Chase	\$13,000.00	Yes the balance from the \$15,000.00	

VOTE: 6 Ayes. Motion carried.

29. Educational Loans: Mary Ellen Sun

Councilman Strahs moved for approval of the seven Educational loans. The motion is seconded by Councilman Packineau.

Name of Applicant	Loan Amount	
Joseph Everett Jr.	\$2,250.00	
Kenzie Young Bird	\$2,250.00	
Lee Ann Nation	\$2,250.00	
Martha Phelan	\$2,250.00	
Jalen Finley	\$2,250.00	
Alysha Crazy Thunder	\$2,250.00	
Edward Krueger	\$2,250.00	

VOTE: 6 Ayes. Motion carried.

30. Teen Domestic Violence Prevention: Verlee Whitecalfe Saylor

Councilman Strahs moved for approval of a \$3,500.00 grant from the general fund for the Teen Domestic Violence Prevention to be held on April 6, 2012 at

the Northern Lights Community Center. The motion is seconded by Councilman Packineau.

VOTE: 6 Ayes. Motion carried.

NOTE: The \$3,500.00 will pay for the guest speaker and the meal. Other entities will be sought after to pay for incentives.

(Chairman Hall excuses himself from the meeting at 6:26 P.M.)

31. Game & Fish Proclamations: Fred Poitra

Councilman Strahs moved for approval of the 2012 – 2013 Game & Fish Proclamations. The motion is seconded by Councilman Benson.

Discussion: An Animal reserve for the future needs to be established due to the oil industry expansion.

VOTE: 4 Ayes 1 Abstention. Motion carried.

32. Resolution 12-026-VJB: Division of Energy and Mineral Development Study Proposal for Development on Fort Berthold Grant: Ken Hall

Councilman Packineau moved for approval of a resolution entitled, "Approval of U.S. Department of the Interior-Office of Indian Energy and mineral Development - Division of Energy and Mineral Development Study Proposal for Industrial Mineral Development on the Fort Berthold Reservation." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

33. Resolution 12-027-VJB: \$300,000.00 Grant: Dave Williams

Councilman Packineau moved for approval of a resolution entitled, "Authorization for Missouri River Resources to Apply for Grant Funding from the Department of Interior Office of Indian Energy Programs and Policy in the amount of \$300,000.00." The motion is seconded by Councilman Strahs.

VOTE: 4 Ayes 1 Abstention. Motion carried.

34. Makes Cents Inc. a Subsidiary of MHA Systems Proposal: Richard Mayer

Councilwoman Brugh moved for approval to move forward with the Makes Cents Proposal in the amount of \$2,500,000.00. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

35. Thunder Butte Oil Refinery Report: MHA Nation Refinery Economic Analysis: Richard Mayer

The Tribal Business Council is to read the report and give feed back to Richard Mayer. He will meet individually with them if they would like.

36. Soil Testing Bid Proposal for Oil Refinery by Braun Intertec Corp.: Richard Mayer

Councilman Packineau moved for approval to go with bid proposal by Braun Intertec Corp. The amount of the bid is \$27,235.00 but is allowed up to \$35,000.00 for a change order. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

37. Top Five RFPs for the Thunder Butte Refinery: Richard Mayer

This will be presented at the next Tribal Business Council meeting.

38. Confidentiality Agreement Between Saddle Butte Pipeline Inc. and MHA Nation/TAT

This is to be looked over by the lead legal attorney.

39. Resolution 12-028-VJB: Game & Fish Proclamation

Councilman Benson moved to approve of a resolution entitled, "Approval of the 2012-2013 Tribal Hunting and Fishing Proclamations." The motion is seconded by Councilwoman Brugh.

VOTE: 4 Ayes 1 Abstention. Motion carried.

40. Elders Resolution: Ban on Man Camps in Twin Buttes

This is tabled for further review.

41. \$3 Million for 210 Homes Allocation Request:

Councilwoman Brugh moved for approval to have \$3 Million allocated yearly to the 210 homes initiative. The motion is seconded by Councilman Benson.

Discussion: The time is now to get started building while the weather is warm. The council will meet with the CFO to have this written into the budget. The funding is to come from the General Fund.

VOTE: 5 Ayes. Motion carried.

42. UWADSA Fund: Wilbur Wilkinson

Wilbur Wilkinson is not present.

43. Resolution 12-029-VJB: Telemedicine: Health Board

Councilman Benson moved for approval of a resolution entitled, "Purchase of Telemedicine Equipment and Hardware – Specialized Management Inc." The motion is seconded by Councilman Strahs.

Discussion: All other costs are written into the proposal. They may have to do a sole source justification. The legal department will look into doing a sole source and will draw it up if needed.

VOTE: 5 Ayes. Motion carried.

44. Resolution 12-030-VJB: Appointment of Athletic Commission

Councilman Packineau moved for approval of a resolution entitled, "Appointment of Mandan Hidatsa Arikara Nation Commission of Athletic Regulation Commission Members." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

45. Resolution 12-031-VJB: Intertribal Court of Appeals

Councilman Packineau moved for approval of a resolution entitled, "Approval of Membership in the Northern Plains Intertribal Courts of Appeals for 2012 & 2013 and Approval of Payment of Annual Dues." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

46. Business Licenses: Damon Williams

Councilman Strahs moved for approval of Business Licenses for Hale's Marina & Concession, Jacobs Tobacco Company, Lightning Power Sales, LLC, V-Services LLC, Von's Wheels-A-Smokin. The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

47. Non Disclosure Confidentiality Agreement: Richard Mayer

Councilman Packineau moved to approve of the non disclosure between Saddle Butte Pipeline LLC and the Three Affiliated Tribes/MHA Nation. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

48. Resolution 12-032-VJB: 3-D Geophysical: Dale Wiseman

Councilman Strahs moved for approval of a resolution entitled, "Approval of 3D GEO (3D GEO), Inc. Proposal for 3D Seismic Data Program." This is subject to the two changes: 1. 80/20 to 225% and 2. After that it goes to 51% to the Tribe and 49% to the company. Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

49. Resolution 12-033-VJB: Proceeds of Labor Account Drawdown PL228700 \$42,500,000.00

Councilman Packineau moved for approval of a resolution entitled, "Directive to the Office of Trust Fund Management to Make Available Funds for Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL228700 in the Amount of \$42,500,000.00." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

50. Federal Programs Executive Report: Bonnie Red Fox, FPEO

Bonnie addressed: 1. The Great Plains Tribal Chairman's Association BIA Budget Priority list. An upcoming meeting in Rosebud, South Dakota will be May 1-2, 2012 for the United Nations Special Report on Rights of the Indigenous People.

51. Programs Analyst Report: Karen Sitting Crow

She addressed four items: 1. 2012 Energy Expo 2. Constitution Revision Elder Committee 3. ND Indian Education Advisory Committee for REA 4. Great Plains Tribal Chairman's Association-Bureau of Indian Education

52. Four Bears Casino Report: Scott Wilson

The Ribbon Cutting Ceremony for the Casino Expansion will be March 30, 2012 at 12:00 P.M.

53. Elbowoods Healthcare Facility Report: Jim Foote

Jim Foote gave an update.

54. S.E.H. Phase II Conceptual Design For Elbowoods Facility: James Foote

Councilman Strahs moved for approval of \$16,000.00 for Short Elliott Hendrickson to start Phase II the Conceptual Design for the Elbowoods Healthcare Facility. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

55. Oil & Gas Department: Fred Fox

This is deferred.

56. Human Resources Update: Val Finley/Candice Sanchez (Closed Session)

See Personnel Action Forms.

57. TERO Budget: Charles Foote/Dewey Hosie/Marcus Levings/ Clement Packineau (Closed Session)

58. TERO Salary Increases:

The TERO salary increases are tied to the budget being approved first.

59. Conflict of Interests-Memorandum: Clement Packineau (Closed Session)

60. ADJOURNMENT:

Councilman Strahs moved to adjourn the meeting. The motion is seconded by Councilman Benson.

The meeting adjourned at 2:33 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 _____, 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