



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR TRIBAL BUSINESS COUNCIL
MEETING 12-038-TGH
JULY 12, 2012, 10:00 A.M.**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 12:22 p.m.

PRAYER:

Ramona Two Shields gave the invocation.

ROLL CALL:

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

01. APPROVAL OF AGENDA:

One hour for the Hydro Fracking tour break. Reconvene at 3:30 pm. The election Board appointment, Small Loans, and Federal Programs Executive Officer Report will be prioritized.

Add-ons: Councilman Benson: Security Cameras: James Brugh P.

Councilman Packineau: Financial Request: Jerry White Q.

Councilman Packineau moved for approval of the amended agenda. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

02. Minute Approval

June 14, 2012 meeting 12-037-TGH

There is a correction to #10 on Recall. It should read 51% vs. 31% throughout the document. Item #4 should read, Indian Reform Committee.

Councilwoman Brugh moved for approval of the June 14, 2012 minutes subject to corrections. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

03. Housing Improvement Program Trailers from FEMA Update: Lawrence Baker

Housing Urban Development put a contingency of 20 trailers that the tribe can receive through them. So far the tribe has 5 coming through the Bureau of Indian Affairs. The tribe can only get 15 more.

04. Dynamic Home for Jay James & Ashley Thorton: Lawrence Baker

Councilwoman Brugh moved for approval of a Dynamic Home to go to Jay James and Ashley Thornton. The motion is seconded by Councilman Benson.

VOTE: 5 Ayes. Motion carried.

NOTE: This is one of Councilwoman Brugh's 210 Home Initiative recipients.

05.Chairman's Report: Tex G. Hall 12:50

A. Bureau of Reclamation Update-Sales of Commercial Water

The Tribe is going through a few Federal agencies to get the Water sales started. A letter was sent in response to a Bureau of Reclamation letter. The Tribe is working on water sales agreements with the oil companies to cut down on truck traffic. A meter and vault will be set up in heavy Well areas. Due to the 638 contract with the Bureau of Reclamations, the water will be separated and an accounting system is being set up for the commercial water sales portion. The Tribe has first rights to the water and a water rights team is being pursued to look at quantification.

B. Hydro Fracking Demonstration

The Hydro Fracking will be held with WPX Energy today at 2:00 p.m. with Halliburton to assist.

C. Bureau of Land Management Consultation with the Three Affiliated Tribes

A consultation with the BLM will be held at 10:00 am at the Mandan Hidatsa Room at the Four Bears Casino and Lodge.

D. Probate Code Session & Wills Workshop

The Wills Workshop is scheduled for Tuesday, August 7th at the Four Bears Casino and Lodge. The Probate Code Session is scheduled for Wednesday, August 15th and Thursday August 16th at the Crowne Plaza in Billings Montana. Attorney Majel Russell will provide the logistics.

E. Army Corps of Engineers Update

A letter issued to Colonel Ruch-Resolution No. 12-048-VJB, formally requesting that the Corps of Engineers (COE) "refrain from and cease and desist issuing permits for the use/taking of water from Lake Sakakawea for commercial or industrial purposes until it has engaged in meaningful consultation as required to said subject matter", and authorizes me to take such further action as necessary to carry out the terms and intent of the Resolution. Deputy Cross will take Colonel Ruch's Place by the end of the month. The Tribe issues its own permits. August will be the Army Corp consultation this is to include the Wildlife management agreement with the state.

F. Land Transfer Approximately 38,000 Acres

The land transfer of approximately 38,000 acres should have been done in 2004-2005. A letter to the Tribe from the solicitor and from the assistant Secretary John Paul Woodley at the Pentagon, that these were access lands and were to be returned to the

Tribe. Politics prevented it. The concern was that the Tribe was going to deny access to certain recreation areas. Access was never denied. In the 1960's, when the land was sold to the cabin owners, they should have gotten the right-of-way or easement. If the Tribe is going to be working on issues of access like Mahto Bay, then the Tribe would like the Corp of Engineers to be looking at returning the approximate 38,000 acres back to the Tribe and the Game and Fish Wildlife management areas. This will be a part of the August Consultation. Councilman Benson's office will work with the Chairman's office to set up a tour of the Mahto Bay access road before or to even invite Alice Harwood for the BIA Regional Office. The Tribe is trying to find resolution 40 years later.

G. 2012 Elders Summer Disbursement

The resolution was completed and the Elders disbursement will be the week of July 16, 2012 for \$500.00 each.

06. Resolution 12-062-VJB: Next Steps Project Survey Approval: Phillip Skipp Longie/ Michael Meit

Councilman Packineau moved for approval of a resolution entitled, "Authorization for the Health Professions Survey by NORC." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

07. Fractionated Indian Land Purchases

The Fractionated Indian Lands Purchase will be addressed at the next Regular Tribal Business Council in August.

08. Resolution 12-063-VJB: Special Consultant Contract for Wolde Mesghinnaa for Water Quantification

Councilman Packineau moved for approval of a resolution entitled, "Approval of Special Consultant Contract to Retain Natural Resources Consulting Engineers, Inc. to Initiate Activities to Quantify the Tribes' Reserved Water Rights." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

09. Resolution 12-064-VJB: Council Contract for Fredericks Peebles and Morgan Firm for Water Quantification

Councilman Packineau moved for approval of a resolution entitled, "Approval of Special Counsel Contract to Retain Fredericks, Peebles, and Morgan, LLP to Initiate Activities to Quantify the Tribes' Reserved Water Rights." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

10. Elders Organization: Constitution Revision Article VIII: Ramona Two Shields/Donna Morgan/Titus Hall

Councilman Strahs moved for approval of a resolution entitled, "Three Affiliated Tribes Tribal Business Council Petition to the Secretary of Interior or his Authorized Representative Pursuant to Article X of the Three Affiliated Tribes Constitution and By-Laws and 25 CFR Part 81 To Call a Secretarial Election on Proposed Amendment to Article VIII of the Constitution." The motion is seconded by Councilman Packineau.

Discussion: Frequent referendums will be expensive.

Section 1. Changes are: Requirement of 30% of qualified voters (in each segment, is taken out) to call a referendum and the votes of the Majority of the 30% of qualified voters is required to pass the referendum.

Section 4. Essential Government services: Tom Fredericks of Peebles, Morgan, and Fredricks Legal Firm gave an opinion on section 4 and they do not have any suggested edits to the proposed text.

VOTE: 4 Ayes 1 Nay. Motion fails.

11. Resolutions 12-050-VJB & 12-051-VJB:

12. Peoples Fund: Ramona Two Shields/Donna Morgan/Titus Hall

Approval fails for the Elders Resolution #12-01-RTS entitled, "Resolution of the Governing Board of the Mandan, Hidatsa, and Arikara Elders Organization of the Three affiliated Tribes of the Fort Berthold Indian Reservation." The motion fails due to no motion maker and no second.

13. Elders Electronic Voting: Ramona Two Shields/Donna Morgan/Titus Hall

Councilman Strahs moved for approval to use electronic voting machines for the primary and general election for 2012. The motion is seconded by Councilman Benson.

Discussion: The funding for the machines will come from the general fund it's in the budget.

VOTE: 5 Ayes. Motion carried.

14. Energy Department: Fred Fox/Neil Cornsman/Mike Ned/Jamie Connell/Diane Freeze/Dale Manchester/Paul Okon

Recess at 2:52 and to reconvene at 4:30
6:02 reconvened.

15. Energy Office Department: Fred Fox

Oil Royalties are updated to the tribe. The Oil companies need to get caught up on their reporting. September 13th

16. Resolution 12-065-VJB: Purchase Dakota-3, LLC Operating Interest in Dragswolf #1 Well: Dave Williams/Fred Fox 6:54

Councilman Packineau moved for approval of a resolution entitled, "Purchase of Dakota-3, LLC's Operating Interest in Dragswolf #1 Well." The motion is seconded by Councilman Strahs.

Discussion: Letter of request from Rose Crow Flies High to BIA Superintendent Silk. She would like a new well drilled with the newer technologies.

VOTE: 5 Ayes. Motion carried.

NOTE: This was previously approved by motion. Now needs a resolution per the request of the company. Amendments are for repayments to the Tribe to begin the first month of production. The royalty reporting to the allottees shall continue with the Energy Department.

17. Resolution 12-066-VJB: Memorandum of Agreement between the Three Affiliated Tribes and the North Dakota Industrial Commission Dept. of Mineral Resources: Fred Fox, Energy Dept. Director

Councilman Brugh moved to approve of a resolution entitled, "Approval of a Memorandum of Agreement with the North Dakota Industrial commission." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

NOTE: Consultation for permitting a well in fee in any designated area: Fred Fox

18. Solstice Energy: Fred Fox 7:21 7:41

Councilman Packineau moved for approval of an IMDA with Solstice Energy and the Three Affiliated Tribes. This is approved subject to review of the summary/Legal review. Solstice Energy is to work with Fred Fox in the Energy Department. The motion is seconded by Councilman Strahs.

NOTE: John Fredericks, Attorney would like to complete his legal summary by next week before the resolution is passed.

VOTE: 5 Ayes. Motion carried.

19. Resolution 12-067-VJB: Election Board Appointments for 2012

Councilman Packineau moved for approval of a resolution entitled, "Appointment of the Election Board for the 2012 Tribal Business Council Election." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

20. Resolution 12-068-VJB: Contracting the One Stop Shop: Bonnie Red Fox, Federal Programs Executive Officer 7:55

Councilman Brugh moved for approval of a resolution entitled, "Three Affiliated Tribes Request to Contract from the Bureau of Indian Affairs program functions, services and activities related directly and indirectly to energy and mineral development on the Fort

Berthold Reservation Pursuant to the Indian Self Determination and Education and Assistance Act.” The motion is seconded by Councilman Strahs.

Discussion: The Chairman and Staff met with Cathy Atkinson and others for a few days on this action.

VOTE: 5 Ayes. Motion carried.

21. Resolution 12-069-VJB: 638 of the Indian Mineral Leasing Development

Councilman Packineau moved for approval of a resolution entitled, “Request to Contract Staffing Positions Created for the Delivery of programs function, services and activities related directly and indirectly to the management of Indian mineral leasing and development on the Fort Berthold Reservation pursuant to Public Law 93-638.” The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

22. Resolution 12-070-VJB: Re-contracting of the Transportation Planning Funding: Bonnie Red Fox, Federal Programs

Councilman Strahs moved for approval of a resolution entitled, “Re-contracting of Program Functions, Services and Activities related directly and indirectly to Transportation Planning commencing October 1, 2011, and extending for an Indefinite Period of Time.” The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

23. Fire Department Second Reading on the Fire Protection Code: Marle Baker 8:03

Councilman Strahs moved for approval of the second reading of the Fire Protection code. The motion is seconded by Councilman Benson.

VOTE: 5 Ayes. Motion carried.

24. Resolution 12-071-VJB: Mandaree Volunteer Fire Department

Councilman Strahs moved for approval of a resolution entitled, “Authorization of the Mandaree Community to pursue establishment and Organization of the Mandaree Fire District and establishment an organization of the Mandaree Volunteer Fire Department.” The motion is seconded by Councilman Benson.

VOTE: 5 Ayes. Motion carried.

25. Resolution 12-072-VJB: Twin Buttes Volunteer Fire Department

Councilman moved for approval of a resolution entitled, “Authorization of the Twin Buttes community to pursue establishment and organization of the Twin Buttes Fire District and establishment and organization of the Twin Buttes Volunteer Fire Department.” The motion is seconded by Councilman

VOTE:

26. Resolution 12-073-VJB: White Shield Volunteer Fire Department

Councilman moved for approval of a resolution entitled, "Authorization of the White Shield Community to pursue establishment and organization of the White Shield Fire District and establishment and organization of the White Shield volunteer Fire Department." The motion is seconded by Councilman

VOTE:

27. Resolution 12-074-VJB: Fire Management Credit Cards

Councilman Strahs moved for approval of a Resolution entitled, "Authorization of the Three Affiliated Tribes Fire Management Program to acquire Wild land Fire Incident Procurement Credit Cards." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

28. Resolution 12-075-VJB: Man Camps Ordinance: Dennis Fox, CEO

Councilwoman Brugh moved for approval of a resolution entitled, "Adoption of an Ordinance Governing the Constructing and/Operating of Oil Field Worker Camps aka 'Man Camps' on the Fort Berthold Indian Reservation." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

29. New Tribal Building Proposal: Dennis Fox, CEO/ Herb Fricke, Cooper-Zeitz/Denby Degan 8:26

A presentation was given. This is not set in stone.

30. Gevings Ranch Property: Dennis Fox

Councilman Packineau moved for approval to purchase the John Gevings Property located in the Parshall Segment. A resolution will be brought back to Full TBC. The total price is \$1.85 Million. \$195,000 was put forward as Earnest money. The motion is seconded by Councilwoman Brugh.

Discussion: There are 62 or 63 acres with "Out" buildings included.

VOTE: 5 Ayes. Motion carried.

31. Mortgage Loan Program: Dennis Fox, CEO

Councilman Packineau moved for approval of the Mortgage Loan Program. The motion is seconded by Councilman Strahs.

Discussion: The percentage rate of 30% adjusted gross income is questionable— 15% sounds more affordable. This is to be figured on homes already here and revisited.

VOTE: 5 Ayes. Motion carried.

32. War on Diabetes Golf Tournament Sponsorship: Dennis Fox, CEO

Councilman Benson moved for approval of \$5,000.00 for the War on Diabetes Golf Tournament to be held during the Little Shell Pow-wow. The motion is seconded by Councilman Packineau.

Discussion: Diabetes awareness will be present at the tournament administering health tests.

VOTE: 5 Ayes. Motion carried.

33. New Town Little Shell Pow-wow Request: Jim Baker

Councilwoman Brugh moved for approval to split the \$32,000.00 Little Shell Pow-wow financial request with the 4 Bears Casino and Lodge. The Casino and the Tribe will each be paying \$16,000.00. The motion is seconded by Councilman Benson.

VOTE: 4 Ayes 1 Nay. Motion carried.

34. Resolution 12-076-VJB: Enrollment: Sevant Taft

Councilman Strahs moved for approval of a resolution entitled, "Approval of 28 Applicants for Enrollment into the Three Affiliated Tribes." The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

35. Resolution 12-077-VJB: Relinquishment of Mathew Lee Williams

Councilman Packineau moved for approval of a resolution entitled, "Approval of the Conditional Relinquishment of Matthew Lee Williams Enrollment #301U-10979 from Membership in the Three Affiliated Tribes." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

36. Resolution 12-078-VJB: Rescission of Relinquishment of Shayne James Mason Frank Sr.

Councilman Benson moved for approval of a resolution entitled, "Rescission of Resolution: #04-060-RP." The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

37. Resolution 12-079-VJB: Rescission of Relinquishment of Ethel Louise Baker

Councilman Packineau moved for approval of a resolution entitled, "Rescission of Resolution: #07-066-VJB." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

38. Resolution 12-080-VJB: Rescission of Relinquishment of Mykal Robert Drosdal

Councilman Packineau moved for approval of a resolution entitled, "Rescission of Resolution: #07-147-VJB." The motion is seconded by Councilman Benson.

VOTE: 5 Ayes. Motion carried.

39. Resolution 12-081-VJB: Rescission of Relinquishment of Shelby J. Baker

Councilman Packineau moved for approval of a resolution entitled, "Rescission of Resolution: #07-150-VJB." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

40. Resolution 12-082-VJB: Rescission of Relinquishment of Margaret Baker

Councilman Packineau moved for approval of a resolution entitled, "Rescission of Resolution : #07-151-VJB." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

41. Resolution 12-083-VJB: Rescission of Relinquishment of Lawrence Baker

Councilwoman Brugh moved to approve of a resolution entitled, "Rescission of Resolution: #07-152-VJB." The motion is seconded by Councilman Benson.

VOTE: 5 Ayes. Motion carried.

42. Resolution 12-084-VJB: Rescission of Relinquishment of Tayloure Tail Baker

Councilman Packineau moved for approval of a resolution entitled, "Rescission of Resolution: #07-153-VJB." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

43. Enrollment Equipment Purchase: Sevant Taft

Councilman Packineau moved for approval for the Enrollment office to purchase mobile Tribal Identification equipment for \$9,100.95. The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

44. MHA Clean Fuels Refinery: Richard Mayer

Councilman Packineau moved for approval for a Contract Extension for ARCADIS to the end of this Fiscal Year. The total contract cost amendment is \$30,000.00. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

NOTE: The extension is for ARCADIS to complete the Environmental permits.

45. Contract Extension for the Corvel Group: Richard Mayer

Councilman Packineau moved for approval of a Clean Fuels Refinery contract extension for the Corvel Group. The total contract extension cost is \$25,000.00. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

46. Report Update June 26 to July 30 days not enough time to respond to the RFP.

47. Resolution 12-085-VJB: Health Benefits through the Tribe then would be reimbursed by the Company 10:02

Councilman Packineau moved for approval of a resolution entitled, "Employment Benefits to Employees of MHA Systems Incorporated Makes Cents Inc. and First Cents Inc." The motion is seconded by Councilman Strahs.

Discussion: Typo to be fixed E-Commerce.

VOTE: 5 Ayes. Motion carried.

48. Landman Training Course Financial Request: Delvin Rabbithead 10:07

Councilman Packineau moved for approval for Delvin Rabbithead to receive financial assistance to go to the Landman Training Course in the amount of \$4,134.28. The motion is seconded by Councilman Benson.

Discussion: Can some of the cost get reimbursed through the 477 Program?

VOTE: 5 Ayes. Motion carried.

49. Resolution: Surveillance on Tribal Well Sites: Clair Fox/Cliff Whitman 10:20

This will be tabled until Tribe gets feedback from the oil companies.

50. Business Development: Merle Bruce Family/Marcus Levings/Steve Richards 10:41

A Performa of what the tribe is going to get needs to be submitted.

51. Canonization in Rome, Italy of Tekakwitha: Delphine Baker 11:24

Councilman Packineau moved for approval to assist the Tekakwitha Group with \$1,500.00 for each of the individuals Teresa Danks, Tessa Baker, Delores Sand, Cleo Charging, Greta Whitecalfe, Glenda Embry, James Baker, Jim Baker, Delphine Baker, and Wendellyn Marie White. The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

NOTE: They will be eligible for small loans if they need more money for the trip.

52. Road Construction Settlement Payment with Fultz Contracting, LLC: Dennis Fox, CEO 11:34

Councilman Packineau moved for approval to pay Fultz Contracting, LLC for the work they did up to October 13, 2011 at the rate of \$140.00 for a total of \$129,545.38. From October 14, 2011 forward the work will be paid at a rate of \$90.00. The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

NOTE: The \$133,355.46 amount after the Oct. 14, 2011 date will be reduced down and paid at the rate of \$90.00.

53. Trailer Windows: Jolene Grady

One Good faith payment needs to be put forward.

54. Levings Administration Severance Pay: Marcus Levings 11:53

Councilman Packineau moved for approval for Jackie Morsette, Alvina Levings, Florene Halvorson, Rose Crow Flies High, and Kathy White Tail to receive severance pay for years of service based on the severance pay out resolution, subject to review. The motion is seconded by Councilman Benson.

NOTE: The motion is subject to review to find out if Jackie Morsette has been paid already.

VOTE: 5 Ayes. Motion carried.

55. Human Resource: Denise Cavanaugh/James Grinnell (Closed Session)

See Personnel Action Forms.

56. June 14, 2012 Regular Tribal Business Council meeting

Councilwoman Brugh moved to adjourn the June 14, 2012 Regular Tribal Business Council meeting. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

57. Small Loans: Terry Logg

Councilman Packineau moved for approval of the small loan list. Approved on the list is 1,2,3,4,6,7,8,9,10,11, 14, and the Educational loans. Not approved are 5, 12, and 13. The motion is seconded by Councilman Benson. NOTE: See attached list.

VOTE: 5 Ayes. Motion carried.

58. Adjournment:

Councilman Packineau moved for approval to adjourn the meeting. The motion is seconded by Councilman Benson.

The meeting adjourned at 12:52 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/or 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