



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING 12-32-TGH  
NOVEMBER 08, 2012, 10:00 am.**

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**CALL TO ORDER:**

Chairman Tex G. Hall called the meeting to order at 11:30 am.

**PRAYER:**

Councilwoman Brugh gave the invocation.

**ROLL CALL:**

**Present)** Chairman Tex G. Hall, Councilman Fred Fox, Councilman Lewis Ken Hall, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh. **Absent)** Councilman Randy Phelan, (arrived at 11:50 pm.) Councilman Barry Benson. A quorum is established with five members present.

**I. APPROVAL OF AGENDA:**

Councilwoman Brugh moved to approve the agenda as amended. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

**II. APPROVAL OF THE MINUTES:**

October 11, 2012 Minutes

Councilman Fox moved for approval of the Minutes as corrected. Councilwoman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

**III. CHAIRMAN'S REPORT: Tex G. Hall**

**A. RESOLUTION NO. 12-130-VJB**

**APPROVAL OF TRIBAL CHAIRMAN APPOINTEES:**

Councilwoman Brugh moved for approval of a Resolution entitled, "No. 12-130-VJB, Approval of Tribal Chairman Appointees." Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

**B. RESOLUTION NO. 12-131-VJB APPROACH OF TBC STANDING**

**COMMITTEES:**

Councilwoman Brugh moved for approval of a Resolution entitled, "No. 12-131-VJB, TBC STANDING COMMITTEES." Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

**NOTE: Councilman Randy Phelan entered the meeting at 11:50 am.**

**C. SADDLE BUTTE TO CONSENT TO ASSIGNMENT OF ROW CONSENT**

**LETTER:**

Saddle Butte Pipeline desires to assign Saddle Butte Fort Berthold Gathering, LLC, a Colorado limited liability company and wholly owned subsidiary of Saddle Butte Pipeline (SBFB) those certain Rights-of-Way and Grants of Easement described on exhibit "A."

***EXHIBIT A:** (1) Right-of-Way and Grant of Easement dated February 12, 2012 from Three Affiliated Tribes to Saddle Butte Pipeline, LLC recorded as instrument number 431503 with the County Recorder of McKenzie County, North Dakota.*

*(2) Right-of-Way and Grant of Easement dated March 14, 2012 from Three Affiliated Tribes to Saddle Butte Pipeline, LLC recorded as instrument number 431503 with the County Recorder of McKenzie County, North Dakota.*

*(3) Right-of-Way and Grant of Easement dated June 6, 2012 from Three Affiliated Tribes to Saddle Butte Pipeline, LLC recorded as instrument number 431503 with the County Recorder of McKenzie County, North Dakota.*

Councilman Phelan moved for approval of Saddle Butte pipeline's request that the Three Affiliated Tribes evidence its consent to the above assignment to assign SBFB, by having its duly authorized representative execute a copy of this letter in the space provided below a Colorado limited liability company and wholly owned subsidiary of Saddle Butte Pipeline (SBFB) those certain Rights-of-Way and Grants of Easement described on exhibit A. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

**D. GUESTS/ELDERS:**

a. Twin Buttes Elders: Deferred

b. 7-Oil Inside the Bakken (documentary) Jodi Rave/James Brugh |  
Save the copyrights. Forward on to the RIB Committee.

**E. BUDGET MATTERS:**

- Chairman Budget Retreat November 15-16, 2012 beginning at Noon for one and a half days in Bismarck, ND scheduled in Governors Room at the Double wood.
- Presentations for Managers, received 29 responses across Nation 6 potential advisors. In-depth in budgets 2013.
- Presentation Development with Gevings Ranch.
- Tribal Investment funds advisors will be the best investor for the "People's Budget." Last December approved to \$100,000 and needs to select a company for moderate investments.. Councilman Packineau pointed out that only the interest fees and not the principle will be released. In future let the fund build

for our grandchildren. Segment Budgets should be according to the head count and not equal across the board.

**IV. RESOLUTION NO. 12-132-VJB ENTITLED “APPROVAL OF 36 APPLICANTS FOR ENROLLMENT INTO THE THREE AFFILIATED TRIBES.” Enrollment**

Councilman Phelan moved for approval of a Resolution entitled, “Enrollment of 36 applicants for enrollment with the Three Affiliated Tribes.” Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

For the Record: Councilman Phelan stated for the record that he is in favor of approving all enrollment if they are eligible.

**V. NEW BUSINESS:**

**a. MHA/DOT/TERO APPROVAL OF CONTRACT WITH CALVIN LAWRENCE:**

Councilman Packineau moved for approval for TERO/DOT to pay Law E. Tech \$8665 and for the programs to split \$70,803.00. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**b. APPROVAL OF 2012 CONTRACT WITH LAW E. TECH:**

A contract between Law E. Tech and TERO Program for the period of October 1, 2012 and September, 2012 was presented. No action taken.

**c. REFINERY THUNDER BUTTE PETROLEUM EQUITY: Resolution: Defer**

**d. CONTRACT EST. CORRAL & A.E.S.**

Councilman Phelan moved to approve the reimbursement of \$5500 to Ted Mertz for paying the entry fees out of pocket. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**e. BIA CLOSURE ON WEDNESDAYS:**

Chairman Hall advised that the BIA will close on Wednesday for ½ days 12:30 – 4:30 for a short interim period for Leases, Permits, Farm and Grazes paperwork. Contract Officer should have used the \$1Mil to hire 7 positions. *The \$ should have been used to pay for staff. RP) Documentation showed increase of work justification of work load as backlog increased management. Fred has all of the reports on the backlog.*

**f. DRAGSWOLF WELLS:**

For the Record: Councilman Kenneth Hall will follow up with the Purchase Agreement of the Dragswolf Well.

**g. RESOLUTION NO. 12-133-VJB FBHA CHANGE OF APPOINTMENT FOR FOUR BEARS SEGMENT BOC:**

Councilwoman Brugh moved to approve a Resolution entitled, "Appointment of Francine White to serve as commissioner for the Four Bears Representative on the Fort Berthold Housing Authority Board of Commissioners." Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**h. REAPPOINTMENT OF TENA WHITE HORN:**

Councilman Brugh moved to approve the reappointment of Tena White Horn to the Fort Berthold Rural Water Department. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**VI. FINANCIAL REQUESTS:**

**A. LEEANNA NATION:**

Councilwoman Brugh moved to approve an Education Loan of \$2250, with the check to be made to Leeanna Nation and not the school. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

**B. UND FOUNDATION LAW ENERGY:**

Councilman Phelan moved to approve a grant of \$1500 to the UND Law Energy Foundation on behalf of Lane Thompson. Councilwoman Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

**C. CAIN FOX MEDICAL GRANT**

Councilman Phelan moved to approve a medical grant match of \$2245.00 to the Cain Fox family. Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**D. LUANN PHELAN HOMESITE APPROVAL:**

Councilman Packineau moved to approve the home site of Luann Phelan. Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

a. **CHIEF TRIBAL JUDGE:** *Dennis Fox*

Councilman Phelan moved for approval to ratify the Executive memorandum to appoint Diane Johnson to Chief Judge Position, and to strike language “the term” in case the Tribe decides to hold an election in future. Councilman Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

b. **ROSIE WHITE OWL:**

Councilman Phelan moved for approval of a financial request of \$8,000 to Rose White Owl, \$4,000 Small Loan Program, \$3,000 from Mandaree Segment, and \$1,000 from Chairman Hall’s budget for home improvements and electricity. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

**E. ELBOWOODS HEALTHCARE UPDATE:** James Foote

No action taken.

**NOTE:** Councilman Packineau left the meeting at 2:00 pm.

**F. COMSTOCK TRAILER PURCHASE TO MIKE SMITH:**

Councilman Phelan moved to approve Comstock Trailer purchase to Mike Smith. Councilman Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

**a. TERO PROGRAM:**

Report – No action taken.

**b. SMALL LOAN FOR TBC ACTIONS:**

Councilman Fox moved to approve the following Small Loans. Councilman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

	Name of applicant	Date of app.	Loan Amt.	Reason
1	Whispering Willow Smith	11/8/2012	\$1,500	Personal
2	Kenneth Smith	10/6/2012	2,500	Personal
3	Good Earth Woman	11/8/2012	6,500	Personal
4	Clarence Sun Jr.	11/7/2012	4,500	Personal
5	Stephanie Foote	11/5/2012	13,000	Personal
6	Brooklyn Maxon	10/11/2012	2,000	Personal
7	Forest Mandan	11/6/2012	15,000	Personal

8	Masheyti Romero	11/8/2012	15,000	Personal
09	Charles Foote II	11/5/2012	15,000	Personal
10	Grace Rodriguez	9/16/2012	2,250	Education
11	Rose White Owl	11/8/2012	4,000	Personal

c. **VERNON YOUNG BEAR:**

Councilman Phelan moved to approve \$8,200 loan to Vernon Young Bear, subject to the policy and procedures. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

d. **FRANCINE WHITE:**

Councilman Phelan moved to approve Francine White accumulating annual leave and sick leave from the Gerald Texx Fox Justice Center, subject to verification with Human Resources. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

e. **BUSINESS LICENSES:** Blanket approval.

Councilman Phelan moved to make a blanket motion to approve all Business Licenses as presented. Councilman Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

**G. HUMAN RESOURCES: CLOSED SESSION**

See PAF.

**A. SEVERENCE PAY:**

Councilman Brugh moved for approval of severance pay for Garrett Smith as Policy reads. Councilman Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried.

**Y. ADJOURNMENT:**

Councilman Fox moved to approve the meeting at 3:10 pm. Councilman Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried.

**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