



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING 12-33-TGH  
DECEMBER 18, 2012, 11:20 am.**

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**CALL TO ORDER:**

Chairman Tex G. Hall called the meeting to order at 11: 20 am.

**PRAYER:**

**ROLL CALL:**

Present: Chairman Tex G. Hall, Councilman Fred Fox, Councilman Barry Benson, Councilman Randy Phelan, Councilman Kenneth Hall, Councilman Mervin Packineau and Councilwoman V. Judy Brugh. A quorum was established with a full quorum members present.

**I. APPROVAL OF AGENDA:**

**II. APPROVAL OF MINUTES:**

**A. November 8, 2012 Minutes**

Councilman Phelan moved to approve with amendments. Councilman Ken Hall seconded the motion

**B. November 16, 2012, 2012 Minutes- Deferred**

**III. CHAIRMANS REPORT: Tex G. Hall**

**Oil and Gas State Tax Agreement/Compact:** Go for a deal to make it fair and equitable. asked John to draft for 70/30 split across the board. 2 years ago tried for 80/20 Made the case tribe can't pay for all the roads. Potholes still dangerous. In line with Governors 50/50 Billion \$ infrastructure..fresh water and. Gas and gas money is fully fund roads agreement still say in place moved the Governor 2-4 billion. Plan B. Retro to 2008 60/40 Governor 50/50.Rich Wardner needed for a lobbyist. Reso to allow TERO on Fee lands. Put that in a bill give jurisdictional issues.

**PEOPLES FUND:**

Principle invest for one year and the Peoples Fund for every enrolled member establish a board to determine incentive for education getting diploma. Give a base for everyone a lot of things to consider. Cobell recd Dividend invest go out 149.2 JTAC CAN'T EVER SPEND only interest. Oil barrels coming out is 714 million property taxes 814 home reasonable and clear. If we have to spend royalties we would not have tribal trust fund. 100,000 BPD.

**WATERSALES 50/50 SPLIT BETWEEN COMMUNITY AND TRIBE.**

**RESOLUTION NO. 12-137-VJB distribution**

Last whereas: delivered? To the Section 17 Corporation in segment where the intake is. Second is be it include home access roads.further resolved. BOR feel they own the lines 638 Project.

MP/RP: Read changes: 1st resolved excess water still want this in there. 50%  
etc. public purposes could be for  
Mfox: Clarification on water sales section 17 is a requirement that Federal Govt  
has on us have to have in place to sell Revenue half to the segments good thng  
need code, commission, environment and reinvest it back into those areas.  
Having a work agreement running a pipe over to

**ELDERS CHRISTMAS:** DECEMBER 19, 2012:

Have tables set up individually. Decorated. Contest.. gifts.

**DRUG TASK FORCE:** December 2

LW

Tribal Court

Drug & Alcohol

Professional assessment

Receive numerous tips drugs sold

Perpetuators very organized cohabit right in community, 52 deaths in small  
community. Someone is selling drugs. Banish them. How long is it going to take  
there is no action? Mike White is criminal Investigator. Officer Angela Cummings  
good understanding, Need undercover informants then. Fort Berthold  
Reservation has declared War against Drugs. Include all programs, tribal  
members

**EMPLOYEE CHRISTMAS PARTY:**

6:00 PM.

**RESOLUTION NO. 12-138-VJB.GAMING COMPACT ND LEGISLATION**

**LOBBYIST:**

Fees 50 -100,000 to educate them sitting down this next week and see how  
many numbers defer and between the 2 of them NTE 150,000 working for four  
months. Strike each out. These will include other matters that impact the tribes  
funding sources. Would include Bill for the Home Health Care: Instead of just  
Tribal Chairman but to the Tribal Business Council shall hire and retain.

Vote: 6 Ayes. Motion carried.

**RESOLUTION 12-139-VJB AMENDMENT MISSOURI RIVER:** rp/kh”

Last whereas “ tribal energy variance ¼ mile of the tribal energy office badlands?  
600 hundred feet can’t move back towards the river. 8 wells on one pad.

Vote: 6 Ayes. Motion carried.

**IV. SPECIAL GUESTS/ELDERS:**

**A. Youth Education Industry:** D.E. LeMay Defer

**B. Petrogulf** (*Proposed Well Sec. 24/25 T151-R94*): Jerry Goedert Defer

**C. Fultz Construction Payment**

Councilman moved to approve a settlement offer of \$30,000

**D. Four Bears Community Corporation: Frank Grady  
Councilman**

Fort Berthold HEALTHY START PROGRAM:

**V. UNFINISHED BUSINESS:**

- A.** Clarification of Standing Committee Vote: Councilman Hall  
**NATURAL RESOURCES:** First and second Thursday of each month.  
RP Couldn't be at meeting was giving away a van for Veterans. Chairman also does a good job and we all vote on the same issues.  
Councilman Kenneth Hall in all fairness to Councilmen [ep];e weren't present and to revisit the votes and revisit standing committees. RP) If Fred agrees would like Chairman of NRD. Want to make sure committee met month to month. We tried to have a meeting one a month ago. Sitting out here and we couldn't even have a committee meeting even though we had enough TBC members here waiting since July and I would like to move forward to this. No quorum we should be docked in pay unless medical conditions. When one of us isn't there it doesn't mean  
*COIUNCILMAN PACKINEAU LEFT THE MEETING AT 3:10 PM. BECAUSE OF GIRLS GAME.*

**Judicial Committee:** Councilman Phelan Chairperson and Mervin will be a member. FF/VJB. VOTE: 6-0-0-0.

**B. RESOLUTION NO 12-141-VJB North Segment Appointments:**

Councilman Hall

Councilman Phelan moved to approve the North Segments appointments including Phyllis Howard as a member of the Housing Board.  
Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**VI. NEW BUSINESS:**

**A. Consultant Contract Marilyn Young Bird**

Councilman moved for approval to hire Marilyn Young Bird for \$80,000+10,000

To come out of the Drug Task Force budget.

**B. CHRISTOPHER M. GRANT:**

Councilman Phelan moved to approve a consultant Agreement between Christopher Grant and Three Affiliated Tribes, to9 conduct a comprehensive Drug Assessment 90 days for a total of \$9,000.  
Councilwoman Brugh seconded the motion.

Won't be here for 90 days and do an assessment and report back to tribe.

Funding to come out of the task force budget.

VOTE: 5 Ayes. Motion carried.

**C. TERO: MHA**

**D. TRANSPORTATION CONSULTANT AGREEMENT: Ron Hall:**

**E. PUBLIC SAFETY & TRAFFIC SAFETY DIVISION PROPOSAL: Redford**

**F. WIND TURBINES: Lane Voco**

This matter will be referred to Councilman Fox who will meet with Carson Hood and Lane Voco.

**G. RESOLUTION NO. WAR PONY- Ron Brugh**

Three Affiliated Tribes Scoria Usage Resolution

Non-Indian companies coming in selling scoria that is not Indian owned.

Sit down with TERO Commission lack of manpower..Companies doing business free will. No certification and Randy go to yours.

**H. WEST SEGMENT APPOINTMENTS:**

Councilman Phelan moved to approve the appointments of West Segment.

Councilman Fox seconded the motion, subject to Hidatsa Housing Program. SUBJECT TO HIDATSA HOUSING PROGRAM:

**I. NGI ENGINEERING, PROCUREMENT OPERATIONS; mp ADD-ON**

**VII. LEGAL DEPARTMENT:**

**A. RESOLUTION NO. 12-142-VJB - TAT Gaming Compact**

**VIII. REPORTS:**

**A. RESOLUTION NO. Enrollment: Sevant Taft**

**B. Tax Department/Water Sales/Items: Mark Fox**

**C. Gerald "Texx" Fox Justice Center: Titus White Body**

CFO will draft a Resolution requesting credit cards to purchase gas for officers when they transport inmates.

**IX. Financial Request: Mary Fredericks (elder)**

- A.** Tribal member in Kindred Hospital in Fargo, North Dakota. She's not acute enough to stay in the hospital. Elbowoods will take care and she doesn't qualify as this is not a money issues. Medical Issues. Not ready to make that decision. Option: Possibly home care. Asking for Council for help she does get some royalties but it's not enough. She could gift deed her assets to family. Their mother is on a ventilator and they are pushing her stress on top of illness. Look into Medicare....Byron Baker, MD practices in Bismarck and willing to work things out with her. Basic narrative and try to answer them. Cost average is \$1,000 a day. Assign Valarie Mayer to get her on Medicare/Medicaid. Move her close to home where Dr. Baker can work with her. We can move her close to Bismarck,

ND. You assigned Dennis to look for homes and we have Shelly that works closely with elders.

Councilman Phelan moved to authorize Val Mayer and Karen Rabbithead to work with Elmer and Delores Fredericks with her immediate needs. Councilman Hall.

VOTE: 5 Ayes. Motion carried.

**B. Legal Department: Business Licenses**

**C. TREASURERS REPORT:**

**01. SMALL LOANS:** Whitney Bell, Chief Financial Officer

<b>Ellen Otterman</b>	<b>12/18/2012</b>	<b>\$1,000</b>	<b>Personnel</b>	<b>Approved</b>
<b>Rebecca Jenson</b>	<b>11/9/2012</b>	<b>2,000</b>	<b>Personnel</b>	<b>Approved</b>
<b>Samantha Antonio</b>	<b>11/26/2012</b>	<b>2,500</b>	<b>Personnel</b>	<b>Approved</b>
<b>Cliff Whitman</b>	<b>12/10/2012</b>	<b>2,500</b>	<b>Personnel</b>	<b>Approved</b>
<b>Barbara Little Swallow</b>	<b>12/10/2012</b>	<b>3,500</b>	<b>Personnel</b>	<b>Approved</b>
<b>Newlyn Little Swallow</b>	<b>12/10/2012</b>	<b>3,500</b>	<b>Personal</b>	<b>Approved</b>
<b>Arthur Smith</b>	<b>12/13/2012</b>	<b>5,000</b>	<b>Personnel</b>	<b>Approved subject to becoming current with past due</b>
<b>Theodora DuBois</b>	<b>12/22/18/12</b>	<b>5,800</b>	<b>Personnel</b>	<b>Approved</b>
<b>Carolyn Spotted Horse</b>	<b>11/27/2012</b>	<b>7,000</b>	<b>Personnel</b>	<b>Approved</b>
<b>Fred Fox</b>	<b>12/17/2012</b>	<b>10,000</b>	<b>Personnel</b>	<b>Approved</b>
<b>Angela Stiffarm</b>	<b>12/4/2012</b>	<b>12,000</b>	<b>Personnel</b>	<b>Approved</b>
<b>Lori Finley</b>	<b>12/26/2012</b>	<b>14,000</b>	<b>Personnel</b>	<b>Approved</b>
<b>Mavis Young Bear</b>	<b>12/10/2012</b>	<b>15,000</b>	<b>Personnel</b>	<b>Approved</b>

**EDUCATION LOANS:**

<b>Sheralyn Painte</b>	<b>12/14/2012</b>	<b>2,250.00</b>	<b>Personnel</b>	<b>Approved when application is complete</b>
<b>Bennette Everett Jr.</b>	<b>10/29/2012</b>	<b>2,250.00</b>	<b>Education Salish Kootenai</b>	<b>Approved</b>
<b>Tara Everett</b>	<b>10/29/2012</b>	<b>2,250.00</b>	<b>Education Salish Kootenai</b>	<b>Approved</b>

**PERSONAL LOAN: Councilman Phelan moved to approve a small loan to Necoy Baker. Councilman Fox seconded the motion.**

**VOTE: 5 Ayes. Motion carried.**

<b>Necoy Baker</b>	<b>12/18/2012</b>	<b>\$15,000</b>	<b>Approved</b>
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**12: DISBURSEMENT TO ELDERS, Resolution**

- 02. Small Loans Interest rate of 4.5% retroactive to loan beginnings.
- 03. Small Business Loan Application: Donavan Lagov?

**11. FINANCE ORGANIZATIONAL CHART:**

Councilman moved to approve the Organizational Chart for the Tribal Finance Department. Councilman seconded the motion.

VOTE: 5 Ayes. Motion carried.

**12. ALLOCATION OF RANGE UNIT 103:**

Tom Wells should not have signed the letter Supt. Silk re-award this lease back to Tex G. Hall Range Unit 6 LARRY KAHL  
100% sub-leased. TBC acted and awarded the unit to Hall.

FOR THE RECORD: Chairman Hall removed himself as Chairman based on the Ethics Ordinance, and Vice- Chairman Fred Fox presided over the matter.

Councilman Phelan moved to reaffirm the decision of prior TBC actions on April 20, 2012 to award Range Unit 103 to Tex G. Hall. Councilwoman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

**EMPLOYEE FUND FOR EMERGENCIES:**

Councilman Phelan moved for approval of the "EMPLOYEE FUND" for Emergencies. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

**COLA OF 5.3% INDIVIDUAL PROGRAM BUDGETS:**

**BUDGET FOR ELDERS CHRISTMAS PARTY:**

**BUDGET FOR EMPLOYEES CHRISTMAS PARTY:**

\$47,300.00 \$32.00 A PLATE. (Surf and Turf) Call the General Manager

**BUSINESS LICENSES (5)**

VOTE: 5 Ayes. Motion carried.

**04. FINANCIAL REQUESTS:**

- 05. Per Capita Payment: Verdell Smith/Doreen Lyons
- 06. MHA Nation Rodeo Club: Dale Hall
- 07. Financial Assistance Sponsorship: Bethrechay Howling Wolf
- 08. Bone Marrow Donor: Judy Yesliff
- 09. Funding for Red Woman Circle
- 11. 2013 Minot State NA Awareness Cultural Awareness Club

**F. NATURAL RESOURCES COMMITTEE:**

- 01.** Oil and Gas Mining 301 7420A9001 (KODIAK)
- 02.** Mary Jo Packineau: Water Permit
- 03.** Probate Issue: Lonnie L. Charging

**G. HEALTH COMMITTEE 12/17/12**

- 1. Hire additional security/surveillance cameras for Tribal Programs
- 2. Fredericks Law Firm Attorney – Leonika Charging Assignment Meth Code
- 3. Solid Waste: Purchase vehicles and dumpsters reservation wide

**H. CHIEF EXECUTIVE OFFICER: Dennis Fox**

**I. FOUR BEARS CASINO AND LODGE: Pat Packineau/Scott Wilson**

**J. OIL & GAS DEPARTMENT: Oil & Gas update: Fred Fox**

**G. THUNDER BUTTE REFINERY: Richard Mayer**

**H. ELBOWOODS MEMORIAL HEALTH CENTER: (Closed session)**

- 1. Elbowoods Residential /Development Update

**I. CLOSED SESSION REQUESTS:**

- a. Child Custody: Jodi & Jerry Lucier (Closed Session)
- b. Human Resources Department: James Grinnell. (Closed Session)

**X. ADJOURNMENT:**