



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

CALL TO ORDER:

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

PRAYER:

Councilman Ken Hall gave the invocation.

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 all members present.

I. APPROVAL OF AGENDA:

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

VOTE: 7 Ayes. Motion carried unanimously.

II. APPROVAL OF MINUTES:

November 8, 2012 Minutes

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

VOTE: 7 Ayes. Motion carried.

November 14-15, 2012 Minutes: Deferred

III. CHAIRMAN'S REPORT: Tex G. Hall

➤ **Oil and Gas State Tax Agreement/Compact:**

Chairman Hall will be lobbying for an Oil and Gas Agreement to make it fair and equitable. Attorney, John Fredericks drafted an amendment to the Oil and Gas Agreement- 70/30 split across the board. The tribe had tried unsuccessfully for an 80/20 split two years ago premised on the inability to fund roads with dangerous potholes.

PEOPLES FUND:

The Peoples Fund has been invested for one year already. An additional \$25,000,000 was put in the principle to make it an even \$100,000,000 and after two years 2014 —every enrolled member will receive interest money. The Tribe will establish a board to determine incentives for our tribal youth to successfully finish high school or higher education.

Cobell Lawsuit's dividend investment soon to be mailed to eligible tribal members. The 149.2 JTAC principle funds can never be spent only interest earned from it.



- **WATER SALES 50/50 SPLIT BETWEEN COMMUNITY AND TRIBE.**
- **ELDERS CHRISTMAS: DECEMBER 19, 2012:**
- **DRUG TASK FORCE: December 20,2012**
- **EMPLOYEE CHRISTMAS PARTY:**

IV. RESOLUTION NO. 12-137-VJB

Councilman Packineau moved to approve “Resolution No. 12-137-VJB as amended. Councilman Phelan seconded the motion.

AMENDMENTS: *Last whereas: delivered..... to the Section 17 Corporation in segment where the intake is. Second isbe it include home access roads. Further resolved.BOR feel they own the lines 638 Project.
Read changes: 1st resolved “excess water.”*

VOTE: 7 Ayes. Motion carried.

V. RESOLUTION NO. 12-138-VJB.GAMING COMPACT ND LOBBYIST: LEGISLATION

Councilman Phelan moved to approve Resolution No. 12-138-VJB, entitled “Authorization to contract for Representation before the North Dakota Legislation.” Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

- Councilman Packineau left the meeting.

VI. RESOLUTION NO, 12-139-VJB:

Councilman Phelan motioned to approve Resolution No. 12-139-VJB, “Badlands Protection Act” amending the Resolution to a ½ mile set back. Councilman Ken Hall seconded the motion.

NOTE: This would apply for very extenuating circumstances.

VOTE: 6 Ayes. Motion carried.

VII. SPECIAL GUESTS/ELDERS:

A. FOUR BEARS COMMUNITY CORPORATION: Frank Grady

Councilwoman Brugh moved to approve an advance payment of \$10,000 segment funds to the Four Bears Community with a repayment plan of \$5,000 monthly until paid in full. Councilman Phelan seconded the motion.

Change this motion!

VOTE: 6 Ayes. Motion carried.

- Councilman Benson left the meeting.



B. RESOLUTION NO. 12-140-VJB HEALING HORSE:

Councilman Packineau moved to approve of the proposal for Services – Healing Horse Sanctuary and Estates – J2 Ventures International, LLC. Councilman Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

VIII. UNFINISHED BUSINESS:

A. CLARIFICATION OF STANDING COMMITTEE:

Councilman Phelan reiterated his interest in serving as Chairman of the Natural Resources Committee. He based his opinion on ¹ Mandaree has the largest land base and the majority of the oil boom is located in Mandaree area. He further clarified he wasn't at the meeting when it decided Fred Fox would be Natural Resources Committee Chairman. After discussing the need for monthly meetings to take of Judiciary matters— it was recommended to revote on Judicial committee.

Councilman Fox moved to appoint Councilman Phelan as Chairman to the Judicial Committee. Councilwoman Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

B. FULTZ CONSTRUCTION SETTLEMENT PAYMENT:

Councilwoman Brugh moved to approve a \$30,000 settlement offer to Fultz Construction. Councilman Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

C. RESOLUTION NO. 12-141-VJB - NORTH SEGMENT APPOINTMENTS:

Councilman Phelan moved to approve a Resolution entitled, "North Segment Representative Appointees." Councilman Fox seconded the motion.

➤ Councilman Barry Benson left the meeting sick.

VOTE: 6 Ayes. Motion carried.

IX. NEW BUSINESS:

A. CONSULTANT CONTRACT MARILYN YOUNG BIRD:

Councilman Phelan motioned to approve the consultant agreement with Marilyn Young Bird not to exceed \$86,000. Councilman Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.



NOTE: The funding will come from the Drug Task Force and the request for an additional \$10,000 for expenses is figured in the \$86,000 budget. She will work under the direction of the CEO on assessing the drug and alcohol problems reservation wide.

B. CHRISTOPHER GRANT CONSULTANT:

Councilman Phelan moved to approve Chris Grant's Consultant Agreement. Councilwoman Brugh seconded the motion.

NOTE: Based upon the concerns expressed by representatives of the TAT concerning illicit drug activity occurring on the Fort Berthold Reservation, the Consultant proposes to conduct a comprehensive Community Drug Assessment.

VOTE: 5 Ayes. Motion carried.

C. TRIBAL EMPLOYMENT RIGHTS OFFICE BUDGET : Charles Foote

The 2012 Tero Budget was negotiated to 2.6 Mil although they asked for 3.4 Mil. At the November Budget meeting the council slimmed down TERO Budget by \$885,276.00. TERO is now requesting those funds back to hire 2 Compliance Officers in Mandaree and purchase vehicles.

The Directors should be more involved in the process of their budgets. Their request for 2012 was 3.4 Million.

Energy Administrator, Carson Hood said his staff is also working at night and agreed both programs need to hire additional field Inspectors and equipment to curb the problems. Charles Foote was advised to continue on with existing budget until March, 2013 whereas they can come back to the Tribal Business Council for additional funds.

D. CONSULTANT AGREEMENT RON HALL: Transportation

Councilman Phelan motioned to approve the amended consultant agreement with Barbar & Hall and the Three Affiliated Tribes. Councilman Fox seconded the motion.

Changes: # 12 (30 days) - 1 year contract for \$50,000 and # 12: DOT Administrator shall be immediate supervisor and they will report to the Natural Resources Chairman.

VOTE: 5 Ayes. Motion carried.

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

Councilman Phelan moved to approve the Public Safety & Traffic Safety Division Proposal and for Lisa Redford to work with the CEO on finalizing it.

Councilman Fox seconded the motion.



VOTE: 5 Ayes. Motion carried.

F. WIND TURBINES:

Lane Voc presented a proposal to develop a wind farm on the Fort Berthold Reservation about 6 miles out of Parshall.

G. RESOLUTION NO. 12-143-VJB

Councilman Phelan motioned to approve "Submission of the Northern Plains Native American Research Center for Health (NARCH) VII Grant application." Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

H. WEST SEGMENT HIDATSA HOUSING PROGRAM:

Councilman Phelan moved to approve the "West Segment Hidatsa Housing Program." Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

I. NGI WATER COMPANY:

Information estimated appraisals value be considered in the Land Consolidation.
No action taken.

J. RESOLUTION NO. 12-144-VJB WAR PONY- Ron Brugh

Councilman Phelan motioned to approve Resolution Number 12-144-VJB 200,000 tons of scoria the Tribe owns. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

C. FORT LARAMIE REIMBURSEMENT TO WAR PONY-Ron Brugh

Councilman Phelan motioned to approve the reimbursement of \$750 to Ron Brugh for bringing his horses to the Fort Laramie Ride, subject to Karen Sitting Crow's review. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

X. LEGAL DEPARTMENT:

A. RESOLUTION NO. 12-142-VJB -TAT GAMING COMPACT:

Councilman Phelan motioned to approve the amended TAT Gaming Application between the Three Affiliated Tribes and the State of North Dakota. Councilman Hall seconded the motion.



VOTE: 5 Ayes. Motion carried.

B. RESOLUTION NO. 12-145-VJB - ENROLLMENT: Sevant Taft

Councilman Phelan moved to approve the 92 applicants for enrollment with the Three Affiliated Tribes. Councilwoman Brugh seconded the motion.

Alvarado, Linda Maria 04/17/2012 15/64
Arpan, Larissa Whisper 12/27/2002 1/8
Arpan, Teila Faith 03/07/2006 1/8
Ayala Jr., Eloy Leander 07/02/2012 91/256
Azure-Erbentraut, Calli Theresa 09/06/2011 1/8
Baker Jr., Caleb Leon 08/16/2008 23/128
Baker, Cabrina Dawn 11/16/2011 23/128
Beaks, Mila Rae 05/16/2012 47/128
Bell, Declan Rae 08/05/1990 11/32
Big Back, Quintin Light 10/19/2012 15/64
Black, Kingston James Morrisee 02/18/2008 41/128
Blackford-Mulluk, Michael Ian 03/04/1990 5/32
Bracklin, Kenzi Veronica Zenae 11/13/2006 9/64
Brady, E'ssa Doris-Aires 04/25/2012 1/4
Brady, I'sis Mira 01/18/2011 1/4
Chasing Bear, Emily Jayne 05/14/1999 1/4
Chasing Bear, Kevin Jordan 03/20/1996 1/4
Chasing Bear, Thomas Joseph 02/08/1995 1/4
Danks, Joselyn Ann 10/25/2006 39/128
De Cecio Jr., Anthony Joseph 04/25/1995 11/64
Desjarlais, Brayden Zane 08/31/2008 15/64
Desjarlais, Rylan Kadence 12/22/2011 15/64
Dogskin, Morgan Eric 10/01/1990 13/64
Douville, Lucas Allen 03/13/2011 1/8
Douville, Wade James 07/25/2007 1/8
Driver, Mariesa Marilyn 06/16/2012 1/2
Fast Dog, Devin Layne 08/13/1984 1/4
Finley, Jazmyn Dakota 03/23/2010 7/8
Fox, Cael Mae 08/07/2012 137/256
Fox, Drex Kaylen 05/15/2011 45/64
Fox, DuWayne Rex 02/06/2009 45/64
Gerou, Wyatt Ryder 10/02/2012 13/64
Gonzales, Leilah Sarae 08/10/2012 15/64
Grace Jr., Thomas Jerel 04/22/2011 1/4
Grant Jr., Jerrod Lee 07/05/2001 15/64
Grant, Donald Stephin George 07/17/2002 15/64
Grant, Ernest Stone 08/09/1998 15/64
Grinnell, Simya June 12/28/2011 69/128
Hall, Brynlee Genevieve 09/29/2012 1/8
Howling Wolf, Jordison Michael Cole 04/25/2012 5/8
Jackson, Amani Kaydence 04/21/2012 7/32
Jerome, Tristan Wayne 04/23/2012 7/32
King, Samantha Sierra-Jean 07/08/1996 17/128
Knight, Jermaine Corliss 10/18/2012 71/128
Kuiphoff, Jacob John 01/13/1980 11/64
Landin, Sophie Linda 03/24/2009 29/128
Lindbom, Emily Anthony 11/27/2011 69/256
Little Owl, Aiden Jae 02/21/2007 47/128
Little Owl-Londo, Juliet Linda 06/27/2012 15/64
Little Owl-Londo, Shaunie Mary 06/27/2012 15/64
Littlebird, Angela Estelle May 10/30/2010 55/128
Lockwood, Jackie Lynn 06/18/1985 1/8
Lockwood, Lana Rae 08/25/1981 1/2
Martinez, Dayna Cano 09/25/2011 1/8
Martinez, Santino Cano 10/22/2007 1/8



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
DECEMBER 18, 2012**

Moberg, Tanner Dane 07/21/2011 7/32
Monsegue, Marcello Maleko 03/13/2009 3/16
Mulluk, Audrey Ann 03/31/1989 5/32
Nez, Areeanne Pearl 09/02/2010 23/64
Olesen, Billy Justin 08/23/1983 11/64
Perkins, Savannah Haley 09/02/2012 3/16
Picciotti, Daniela Marie 08/12/1999 3/16
Ramirez, Polly lone 12/27/2011 23/64
Real Bird, Legend Walker 03/31/2012 1/4
Rice, Brian Lee 04/02/1989 1/8
Rodd, Elizabeth Marie 11/15/2007 1/8
Rodriguez, Elizabeth Victoria 06/06/1990 11/64
Rodriguez, Jewley Ann Monique 10/05/1988 11/64
Rodriguez, Lisa Dawn 09/10/1997 7/32
Rojas Jr., David Carrera 03/19/2011 1/4
Ross, Guy Daniel 05/18/1995 1/4
Ross, Kade Lynn 09/28/1993 1/4
Sitting Crow, Zachery John 03/03/1989 61/64
Smith, Adam Gene 09/04/2012 17/32
Sonnenburg, Jax Maurer 02/20/2012 19/64
Spotted Bear, Brooklynn Rose 05/24/2011 7/16
Steen, Skylee Jay 06/17/1996 1/2
Stevenson, Kennedy Leigh 12/29/2003 21/64
Thongphet, Illiana Marie 05/04/1998 1/8
Thunder, Dylon Zane 09/18/2010 89/512
Torres, Adrienne Lynae 01/22/2010 23/128
Trousdale, Kirah Elizabeth 04/15/2011 1/8
Turner-Charging, Keston Colter Hayes 10/31/2011 31/64
Walters, Axel Albert 05/27/1997 27/64
Walters, Jacob Stephen 05/27/1997 27/64
Walters, Lea Rae 12/06/1995 27/64
Wellman III, Smith Everett 01/14/2010 1/8
White, Chloe Kenadi 06/11/2012 29/128
Whitman, Amari Ann 07/19/2012 31/128
Whitman, JoDee Quade 07/10/2008 79/128
Young Bird, Nathaniel Evan 11/07/1997 37/64

VOTE: 5 Ayes. Motion carried.

C. ENROLLMENT ORDINANCE DRAFT First Reading:

The Enrollment Office was directed to have Majel Russell review the ordinance and it will be considered the first reading. They will also submit to attorneys to review. John Charging will contact her tomorrow.

D. TAX DEPARTMENT /WATER SALES:

North Segment Intake is close to 2 Million.

E. GERALD "TEXX" FOX JUSTICE CENTER:

Titus White Body, Administrator of the Gerald "Texx" Fox Justice Center gave an updated report on the center. He will bring up the 1st National Bank at the next meeting.



F. MARY FREDERICKS:

Councilman Phelan moved to direct Valarie Mayer and Karen Rabbithead to assist Mary Frederick's in obtaining Medicare, and to contact Darcie Fredericks with any results. Councilman Kenneth Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

G. SMALL LOAN FOR TBC ACTIONS:

Councilman Phelan moved to approve the following small loans. Councilwoman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

TREASURERS REPORT: SMALL LOANS:

Ellen Otterman	12/18/2012	\$1,000	Personnel	Approved
Rebecca Jenson	11/9/2012	2,000	Personnel	Approved
Samantha Antonio	11/26/2012	2,500	Personnel	Approved
Cliff Whitman	12/10/2012	2,500	Personnel	Approved
Barbara Little Swallow	12/10/2012	3,500	Personnel	Approved
Newlyn Little Swallow	12/10/2012	3,500	Personal	Approved
Arthur Smith	12/13/2012	5,000	Personnel	Approved subject to becoming current with past due
Theodora DuBois	1222/18/12	5,800	Personnel	Approved
Carolyn Spotted Horse	11/27/2012	7,000	Personnel	Approved
Fred Fox	12/17/2012	10,000	Personnel	Approved
Angela Stiffarm	12/4/2012	12,000	Personnel	Approved
Lori Finley	12/26/2012	14,000	Personnel	Approved
Mavis Young Bear	12/10/2012	15,000	Personnel	Approved

MOTION: Councilman Phelan moved to approve the three Education Loans. Councilman Hall seconded the motion.



VOTE: 5 Ayes. Motion carried.

Sheralyn Painte	12/14/2012	2,250.00	UTTC
Bennette Everett Jr	10/29/2012	2,250.00	Salish
Tara Everett	10/29/2012	2,250.00	Salish

H. PERSONAL LOAN:

Councilman Phelan moved to approve a \$15,000 loan to Necoy Fox, subject to policy and procedure of the Small Loan Program; and a \$15,000 loan to Darnell Baker, subject to the needed collateral. Councilman Fox seconded the motion.

The Small Loan staff was directed to calculate 5.5% Interest rate retroactive to loans made within the past five years. They will bring back a report to the next Tribal Council Meeting.

VOTE: 5 Ayes. Motion carried.

I. RESOLUTION NO. 12-146-VJB DISBURSEMENT TO ELDERS.

Councilman Fox moved to authorize the disbursement to 978 Tribal elders. Councilman Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried.

VI. INVESTMENTS CLAIMS:

Councilman Phelan moved to approve the hire of Payden & Rygel, to formulate a Sample Investment Policy and comprehensive structuring appropriate guidelines for the tribes' ¹ Proposed Strategy for People's Fund, and ² Proposed Strategy for JTAC Fund. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

VII. MCGLADRY – AUDITORS:

The audit will be out in 2013

A. RANGE UNIT 103 REAFFIRMATION:

Councilman Phelan moved to reaffirm RU 103 Lease to Tex G. Hall based upon the facts and reaffirmed by previous Tribal Business Council. Councilwoman Brugh seconded the motion.

VOTE: 4 Ayes, 0 Nays, 1 Abstention, 0 Not voting. Motion carried.



B. EMPLOYEE FUND FOR EMERGENCIES

Councilman Phelan moved to approve the Employee Fund for emergencies only. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

NOTE: Each employee shall put in \$5.00 a pay period.

C. MHA STAFF COST OF LIVING INCREASE (5.3) FOR 2013:

Councilman Fox moved to approve a COLA of 5.3% for all MHA Nation programs, subject to Program budget availability. Councilman Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried.

D. CHRISTMAS EMPLOYEE AND ELDER PARTIES:

Councilman Phelan moved to approve the budgets submitted for the Employees Christmas Party and the TAT Elders Party. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

E. BUSINESS LICENSES

Councilman Phelan moved to approve the business licenses for the Four Bears Casino and Lodge, Patrick Packineau, -and Ed's Bar. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

NOTE: Robert RuPert business licenses were not approved pending a face to face meeting with him. His prices are in excessive.

F. RESOLUTION NO. 12-147-VJB: RESERVATION WIDE HYDROLOGY STUDY:

Councilman Phelan moved to approve a Reservation Wide Hydrology Study. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

G. RESOLUTION NO. 12-148-VJB - TRIBAL MATCH FOR WATER COMMISSION IN TWIN BUTTES:

Councilman Phelan moved to approve a tribal match for water commission in Twin Buttes. Councilwoman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.



CLOSED SESSION – ELBOWOODS MEMORIAL HEALTH CLINIC

VII. A. SHORT ELLIOT HENDRICKSON AGREEMENT:

Councilman Hall moved to approve the SEH which provides planning and programming support to develop Phase 2 of the EMHC. \$310,000 Councilman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

B. ELBOWOODS MEMORIAL HEALTH CENTER:

Councilman Hall moved to approve the \$310,000.00 RFP Bidding Process with Marion Construction. (SEH). Councilwoman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

C. ELBOWOODS CLINIC REPORTS DIRECTLY TO HEALTH BOARD:

Councilwoman Brugh moved it is premature to change organizational chart as they are in the infantile stage of the program and to report to the Health Committee until the Tribal Health Board becomes active. Councilman Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried.

D. INTERGOVERNMENTAL EMPLOYEES EXTENSION FOR ONE YEAR.

Councilwoman Brugh moved to approve an extension of one more year of the IPA employees. Councilman Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried.

E. RESOLUTION NO. 12-149-VJB

Councilman Hall moved to approve Resolution No. 12-149-VJB, "East Segment Representative Health Board," Wayne Fox. Councilman Phelan seconded the motion.

VOTE: 4 Ayes, 0 Nays, 1 Abstention, 0 Not voting. Motion carried.

F. PER CAPITA DISCUSSION:

No action taken.

G. FOUR BEARS CASINO AND LODGE REPORT:

Councilwoman Brugh moved to approve the Four Bears Casino and Lodge Report and update. Councilman Phelan seconded the motion.



VOTE: 5 Ayes. Motion carried.

H. BONE MARROW DONOR DRIVE PROJECT: \$2,000

Councilman Phelan moved to approve a \$2,000 donation to the “Bone Marrow Donor Drive Project.” Councilman Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

I. FRANCIS BLACK TAIL DEER TRAVEL REQUEST:

Councilman Phelan moved to fund a trip for (8) Red Woman’s Circle to attend a Wellness Seminar in Morton, Minnesota for a total of \$2,677.88, and subject to the per diem rate, to be taken out of TBC actions. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

J. BRANDY CANYON FINANCIAL REPORT:

Councilwoman Brugh moved to approve a donation of \$1100.00 sponsorship for Brandy’s daughter to attend an acting seminar. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

K. HUMAN RESOURCES DEPARTMENT: CLOSED SESSION:

Please refer to Personnel Action forms.

L. ADJOURNMENT:

Councilwoman Fox moved to adjourn the meeting at 1:00 am. 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 _____, 2013; 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 _____, 2013.

ATTEST:

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

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