



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
MEETING NO. 13-09-TGH  
JUNE 13, 2013**

**CALL TO ORDER:**

Chairman Tex G. Hall called the meeting to order at 12:00 Noon.

**INVOCATION:** Councilman Phelan gave the invocation.

**ROLL CALL:** *Present*) Chairman Tex G. Hall, Councilman Fred Fox, Councilman Barry Benson, Councilman Randy Phelan, Councilman Ken Hall, and Councilwoman V. Judy Brugh. *Absent*) Councilman Mervn Packineau.

**01. APPROVAL OF THE AGENDA:**

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

VOTE: 6 Ayes. Motion carried.

**02. APPROVAL OF THE MINUTES:**

The minutes were deferred until the next meeting.

**03. UNFINISHED BUSINESS:**

**A. RESOLUTION NO. 13-078-VJB Fort BERTHOLD DISTRICT  
WELLNESS COURT: - Alva Irwin®**

Councilman Phelan moved to approve a Resolution entitled, "Planning and Development of a Tribal healing to Wellness Court." Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**B. AUDIO/VIDEO RECORDING POLICY: - Dennis Fox Jr.**

Councilman Phelan moved to approve the MHA Nation Audio and Video Recording Policy as amended. Councilman Hall seconded the motion.

**AMENDMENTS INCLUDE:** Add "*per Federal Guidelines.*" Page 2: add confidentiality required; and under Unauthorized Recording: "*No cell phones allowed in the Tribal Chambers during a TBC Meeting.*" Delete Number 2. This will be considered the first reading of the Policy.

VOTE: 6 Ayes. Motion carried.

**C. CONSULTANT AGREEMENT WITH FOX & HAWK LLC:**

Councilman Phelan moved to approve the Consultant Contract between MHA Nation and Fox & Hawk, LLC, to provide services to the MHA Nation's Security Department, first payment 80% installment of \$89,038.62 and remainder of \$17,807.73 upon completion. Councilman Hall seconded the motion.

VOTE: 5 Ayes, 0 Nay, 1 Abstention, 0 Not voting. Motion carried.





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**D. SAFE HAVEN** – Marilyn Young Bird

Councilman Phelan moved for approval to direct Marilyn Young Bird to work with Lawrence Baker to send a notice for bid to purchase houses, and to RFP authorize an RFP for Safe Haven Attendant Care. Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**E. RESOLUTION NO. 13-080-VJB JONATHON TAYLOR GROUP:** ®2203

Councilman Hall moved to amend Jonathan Taylor Policy Group; fee for professional services for this work shall be \$135,000 inclusive of modest travel and research expenses and cannot be changed without prior written consent from the client. Councilman Benson seconded the motion.

VOTE: 6 Ayes. Motion carried.

**04. NEW BUSINESS:**

**A. RESOLUTION NO. 13-079-VJB: BEAVER CREEK Dale Little Soldier** ®

Councilman Phelan moved to approval of partition of Allotment 594A and settlement with Dale Little Soldier regarding his ownership in fee and use of Allotment 594A. Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**B. RESOLUTION NO. 13-080-VJB JONATHON TAYLOR GROUP:** ®2203

Councilman Hall moved to amend Jonathan Taylor Policy Group; fee for professional services for this work shall be \$135,000 inclusive of modest travel and research expenses and cannot be changed without prior written consent from the client. Councilman Benson seconded the motion.

VOTE: 6 Ayes. Motion carried.

**C. MAHTO BAY CABINS** –

Frank Bitterman was directed to work with the Natural Resources Administrator to come into agreement on the “Need to Consent Survey Agreement” with Melissa Starr; Diane and Mavis Medicine Stone owners of the two tracts. Once it is agreed on who will replace Alice Harwood, as contact person AAO the BIA will order appraisals go on 1 or 2 acres of allottees land.

VOTE: 6 Ayes. Motion carried.



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**D. RESOLUTION CHANGES: – Rich Mayer®**

**E. SCORIA RESOLUTION:**

Councilman Phelan moved to amend the “Scoria Resolution to include the Tribal Ranch subject to Legal review. Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**F. MANDAREE ROAD CONDITIONS: 2203 1314**

Councilman Phelan moved to hire Foote Construction to repair Route 12 and add Clause 8 weeks and time limit within 8 weeks of the contract or they will be fined daily for damages. Councilman Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

**05. RESOLUTION NO. 13-081-VJB ENROLLMENT: ®**

Councilman Phelan moved to approve the Enrollment of 50 applicants to the membership of the Three Affiliated Tribes. Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**06. RESOLUTION NO. 13-082-VJB SERREL BRYCE LONE FIGHT:®**

Councilwoman Brugh moved to approve Resolution No. 13-082-VJB— Serrel Bryce Lone Fight: ® Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

**07. TERO CONSULTANT FEE – MARCUS LEVINGS:**

Councilwoman Brugh moved to approve a payment contract of \$6,000 between Marcus Levings and TERO. Councilman Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

**08. NORTH DAKOTA WAR HAWKS: (See attached list)**

Councilman Fox moved for approval of \$700 per enrolled member for a total of \$4,900. Councilman Hall seconded the motion.

NOTE: (\$700X 7 Members)

VOTE: 7 Ayes. Motion carried.

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**09. AMENDMENT TO JOHN LOOFBURROW:**

Councilwoman Brugh moved to amend third paragraph – the following sentence is added to the end of that paragraph.”Loofbourrow agrees to defer the June 15, 2013 Payment to September 15, 2013; the July 15, 2013 payment to October 15, 2013 and the August 15, 2013 payment to November 15, 2013; second paragraph “Change sentence, “This agreement will automatically terminate 6 months after execution.” To “This agreement will automatically terminate twelve 12 months after execution.” Councilman seconded the motion.

VOTE: 7 Ayes. Motion carried.

**10. RESOLUTION NO. 13-083-VJB—”TECHNICAL REPORT TO DETERMINE THE PRELIMINARY DESIGN, AND COST AND SCHEDULE FOR THE PROJECT:**

**11. RESOLUTION NO. 13-084-VJB, A RESOLUTION ENTITLED, “TO AMEND LEGAL SERVICES CONTRACT WITH HOBBS, STRAUS, DEAN & WALKER.”**

Councilman Fox moved to amend Tribal Resolution No. 12-096-VJB to Resolution No. 13-084-VJB. Councilman Phelan seconded the motion  
AMENDMENT: “*Replacing the law firm of Hawkins, Delafield, & Wood LLP with Orrick, Herrington, and Sutcliffe, LLP (Townend Hyaatt and Scott Schickli to act as co- bond counsel with Hobbs, Straus, Dean and Walker LLP, in connection with the financing of Thunder Butte.*”

**12. RESOLUTION NO. 13-085-VJB, A RESOLUTION ENTITLED, “AUTHORIZATION AND APPROVAL OF PHASE I ENGINEERING AGREEMENT WITH CORVAL CONSTRUCTORS, INC.”**

Councilman Fox moved to approve Resolution No. 13-085-VJB. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

**13. RESOLUTION NO. 13-086-VJB - PHYSICIAN’S CHOICE WELLNESS<sup>@4:12:58</sup>**

Councilman Phelan moved to approve a Consultant contract not to exceed \$25,000, last page amendment Number 12 should be 7.5, Code 380.

VOTE: 7 Ayes. Motion carried.





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14. **SUMMER YOUTH PROGRAM** 4:31 23- Ruth Buffalo  
Councilman Phelan moved to approve the Summer Youth Budget of \$836,000 submitted by Ruth Buffalo. Councilman Fox seconded the motion.  
  
VOTE: 5 Ayes. Motion carried.
15. **AMENDMENT OF RESOLUTION NUMBER 00-144-DSB SUN DANCE FINANCIAL REQUEST:**  
Councilman Phelan moved to amend Resolution Number 00-144-DSB to change \$1000 to \$4000 and to change "on Fort Berthold" to include off-reservation. Councilman Fox seconded the motion.  
  
VOTE: 7 Ayes. Motion carried.
16. **RESOLUTION NO. 13-087-VJB EAST SEGMENT BOARD APPOINTMENT@**  
Councilman Phelan moved to approve the Summer Youth Budget of \$836,000 submitted by Ruth Buffalo. Councilman Fox seconded the motion.  
  
VOTE: 5 Ayes. Motion carried.
17. **BLUE CROSS/BLUE SHIELD REPRESENTATIVE: David Walker**  
This matter will be referred back to Human Resources Department.  
  
NOTE: Councilman Packineau left the meeting at 3:04 pm.
18. **RESOLUTION NO. 13-088-VJB—OIL AND GAS AGREEMENT 2013:**  
Councilman Phelan moved for approval of the 2013 Oil and Gas Agreement between the Three Affiliated Tribes and the State of North Dakota. Councilman Hall seconded the motion.  
  
VOTE: 6 Ayes. Motion carried.
19. **RESOLUTION NO. 13-089-VJB — WATER/TAX UPDATES - MARK FOX**  
Councilman Phelan moved to approve Resolution No. 13-089-VJB Request for Bureau of Indian Affairs support the Three Affiliated Tribes Section 17 Corporation. Councilman Hall seconded the motion.  
  
VOTE: 6 Ayes. Motion carried.
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- 20. RESOLUTION NO. 13-090-VJB—EDGEWATER GOLF COURSE:**  
Councilman Phelan moved to approve Resolution No. 13-090-VJB, “Edgewater Golf Course \$50, 000,” North Segment fund contribution to the new water system.” Councilman Hall seconded the motion.  
VOTE: 5 Ayes, 1 Nay. Motion carried.
- 21. LEGAL DEPARTMENT:**  
**A. BUSINESS LICENSES –**  
Councilman Fox moved to approve the Business Licenses as presented. Councilman Phelan seconded the motion.  
  
VOTE: 5 Ayes. Motion carried.
- 22. RESOLUTION NO. 13-091-VJB—“Policy for General Assistance.”**  
Councilman Phelan moved to approve Resolution 13-091-VJB entitled, “Policy for General Assistance.” Councilman Fox seconded the motion.  
  
VOTE: 6 Ayes. Motion carried.
- 23. RESOLUTION NO. 13-092-VJB—THUNDER BUTTE REFINERY:**  
Councilman Phelan moved to approve Resolution 13-092-VJB entitled, “Thunder Buttes Refinery Member, Karen Rabbithead Appointment for Councilman Hall seconded the motion.  
  
VOTE: 6 Ayes. Motion carried.
- 24. RESOLUTION NO. 13-093-VJB—FORT BERTHOLD COMMUNITY COLLEGE BOARD MEMBER.**  
Councilman Phelan moved to approve Resolution 13-093-VJB entitled, “FBCC Appointment of Richard Mayer.” Councilman Hall seconded the motion.  
  
VOTE: 6 Ayes. Motion carried.
- 25. GTFJC JUVENILE:**  
Councilman Hall moved to approve “GTFJC to assume 36 juvenile beds, subject to checking schedule and funding.” Councilman Phelan seconded the motion.  
  
VOTE: 5 Ayes, 1 Nay. Motion carried.
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**26. INCREASING PENALTIES:**

This Resolution was deferred until there can be 30 Day Comment Period.

**27. RESOLUTION NO. 13-094-VJB—INCREASING FEES FOR ATTORNEYS— PRACTICE TRIBAL COURT:**

Councilman Phelan moved to approve Resolution 13-094-VJB entitled, "Increasing Fees for Attorneys to practice in Tribal Court." Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried

**28. RESOLUTION NO. 13-095-VJB—JUDGE ZUGAR ASSOCIATE JUDGE TRIBAL COURT**

Councilman Hall moved to approve Resolution 13-095-VJB entitled, "Contract for Hire Judge Zugar as Associate Judge for Tribal Court." Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried

**29. RESOLUTION NO. 13-096-VJB—FORT BERTHOLD SUPREME COURT:**

Councilman Phelan moved to approve Resolution 13-096-VJB entitled, "FORT BERTHOLD SUPREME COURT:" Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

**30. RESOLUTION NO. 13-097-VJB—TEMPORARY RESTRICTED LICENSE:**

Councilwoman Brugh moved to approve Resolution 13-097-VJB entitled, "Temporary Restricted License." Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

**31. CREATION OF A PUBLIC SAFETY JUDICIAL AND CRIMINAL JUSTICE:**

Councilman Phelan moved to approve the "Creation of a Public Safety, Judicial and Criminal Justice Commission and to approve a consultant not to exceed \$15,000.00 to help establish a Justice Commission." Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.



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**32. CONSULTANT SPECIAL PROSECUTOR:**

Councilman Fox moved to hire for Grant Walker, as a consultant Special Prosecutor, subject to review July 1, 2013 and June 30, 2014. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**33. TRIBAL CHILD SUPPORT DIVISION: Ellen Smith**

Councilwoman Brugh moved to support the motion from Judicial Committee to approve a financial request of \$10,000 (General fund) from the Tribal Child Support Division to create a line item for electronic transfer fees to custodial parents accounts. Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**REPORTS:**

**34. WHITE SHIELD SPIRIT RIDERS:**

Councilman Fox moved to approve a grant of \$3,500 from the White Shield Segment funds, and to direct the Four Bears Casino and Lodge to match the \$3,500. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**35. MEDICAL TRAVEL REQUEST:**

Councilman Hall moved to approve \$1500 medical request to Jessy Klimpel to travel to University of Minnesota for surgery, code 380. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**36. OLD SCOUT SOCIETY -**

Councilman Phelan moved to approve financial assistance to the Old Scouts Society. Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**37. RICHARD FINLEY JR.**

Councilman Phelan moved to refer Richard Finley, Jr., to work with the Business Loans Company. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.





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**38. ASSOCIATION: NATIVE AMERICAN VETERANS WOMEN**

Councilman Packineau moved to approve \$1500 from Code 380 is donated to the NA Veterans Women 501C3 for Mona Pond TAT woman Veteran to their membership. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**39. MOLLY K. WALLNER EDUCATIONAL STUDENT LOAN PAY-OFFS:**

There was no action taken by the Tribal Business Council due to no other enrolled member get student loans paid and would create a presedance.

**40. SMALL LOANS \$10,000 for fixtures appliances from the mortgage for - qualified Applicants.**

Name of Applicant	Date of App	Reason	Requesting	Current Loan	Total	Notes Regarding Loan
1. Irene White Owl-Hill	5/11/13	RF	\$2,000.00	5,811.88	\$ 7,811.88	No Coll.
2. Margie Iverson	6/12/13	Bills	\$3,000.00	2,354.08	\$ 5,354.08	Current on loan
3. Flora Wolf	6/10/13	Bills	\$5,000.00	8,763.63	\$13,763.63	Currently paying Pay Due Title to Vehicle
4. Alva Irwin	6/6/13	Personal	\$5,000.00	2,977.75	\$ 7,977.75	Title to Trailer
5. Collen Stone	6/13/13	Home	\$6,850.00	8,132.68	\$14,982.68	Currently paying 2 titles o
6. Edmund Fixico	6/12/13	Home	\$7,500.00	11,615.10	\$19,115.10	Currently paying and curr
7. Mariam Fixico	6/12/13	Home	\$7,500.00	51,949.96	\$59,449.96	Currently paying and current
8. Martha Phelan	6/13/2013	Home	\$13,820.00	1,179.85	\$14,999.85	Currently paying and current
9. Murphy Young Bird	6/12/13	Vehicle	\$15,000.00	-	\$15,000.00	No loans title when veh is purchased





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10. Monica Travino	5/23/13	Vehicle	\$ 15,000.00		\$ 15,000.00	Coll. 2009 Nomad travel trailer
11. Karen Lynch	5/9/13	Personal	\$ 15,000.00		\$ 15,000.00	Ask that she have a co-signer & Coll
12. Nicole Nygaard	5/9/13	Personal	\$ 15,000.00		\$ 15,000.00	Ask that she have a co-signer & Coll
13. Erika Cisneros	5/9/13	Vehicle	\$ 11,679.50	\$ 2,220.60	\$ 13,900.10	No loans title when veh is purchased
14. Shylo Baker	5/14/13	Home	\$ 15,000.00	\$ 10,552.73	\$ 25,552.73	Currently paying past due \$5800.
15. Dorothy Packineau	6/11/13	Home	\$ 15,000.00	\$ 13,215.18	\$ 28,215.18	Current and Currently paying

**41. ECONOMIC DEVELOPMENT/EDUCATION COMMITTEE**

**A. YATES WHITE BUFFALO/TRIBAL HOUSING:**

Councilman Phelan moved to approve the purchase of a house and lot from Yates White Buffalo (Council approved home purchase for \$150,000 (Lot for \$6,000/Home for \$144,000) with his loan remain through Small Loans as part of negotiation of purchase price. Councilman Hall seconded the motion.

VOTE: 4 Ayes, 1 Nay. Motion carried.

**42. MCKENZIE BAY PURCHASE INQUIRY:**

Councilman Phelan moved for approval to negotiate the purchase of McKenzie Bay Marina not to exceed \$450,000.00. Councilman Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

**43. ELBOWOODS RESIDENTIAL DEVELOPMENT - JIM FOOTE**

Councilman Phelan moved to hire Curt Swenson as Project Manager subject to negotiations not to exceed \$325,000.00. Councilman Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.





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**44. FOUR BEARS CASINO:**

Councilman Phelan moved to approve the Four Bears Casino Update.  
Councilman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

**45. RESOLUTION NO. 13-098-VJB - AUX SABLE/MRR- Dave Williams®**  
**CLOSED SESSION:**

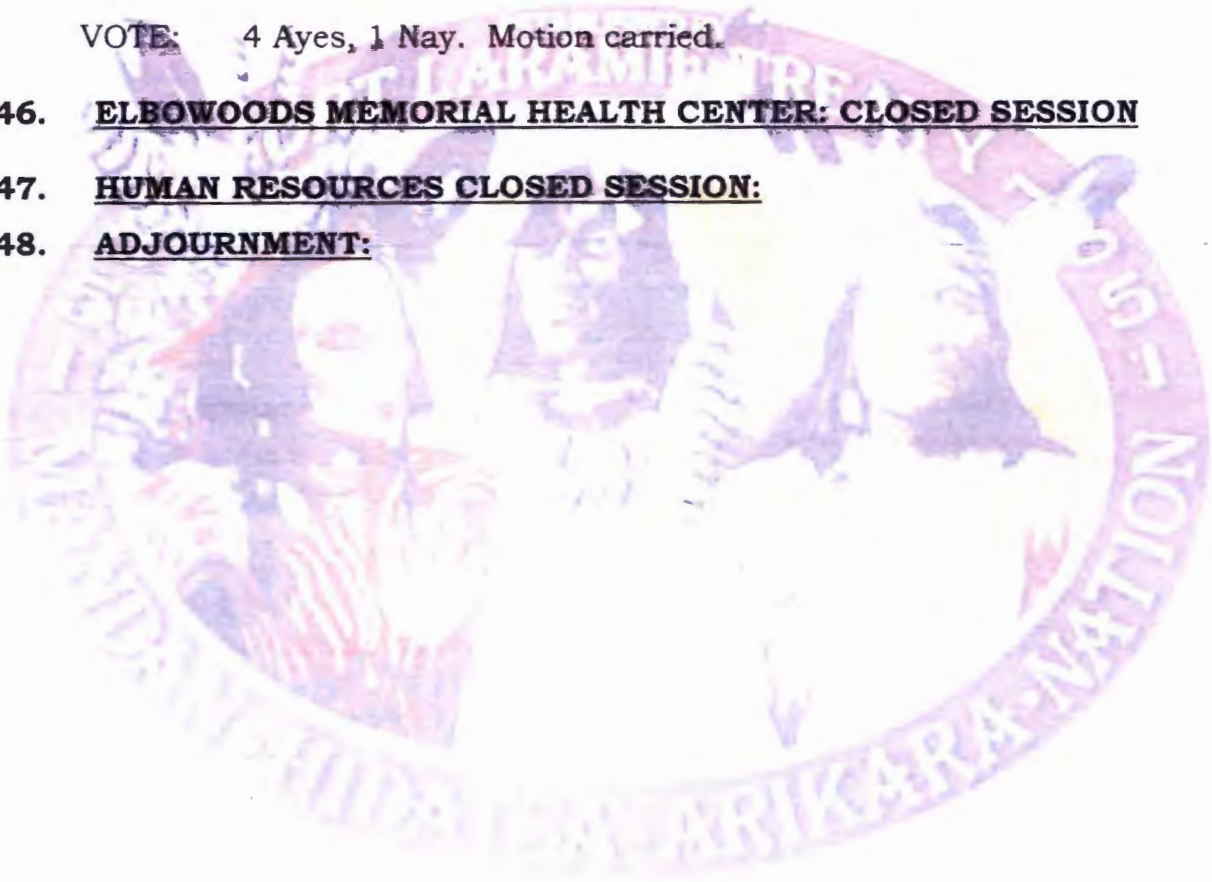
Councilman Hall moved to approve Resolution No. 13-098-VJB.  
Councilman Packineau seconded the motion.

VOTE: 4 Ayes, 1 Nay. Motion carried.

**46. ELBOWOODS MEMORIAL HEALTH CENTER: CLOSED SESSION**

**47. HUMAN RESOURCES CLOSED SESSION:**

**48. ADJOURNMENT:**





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**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 7 were present at the Meeting thereof duly called, notice, convened and held on the 11 day of **JULY, 2013**; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 5 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman (X) Voting    ( ) Not Voting

Dated this 11th day of **JULY 2013**.

**ATTEST:**

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

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

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