



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
MEETING NO. 13-09-TGH JULY
11, 2013

CALL TO ORDER: Chairman Tex G. Hall called the meeting to order at 11: 14 am.

INVOCATION:

ROLL CALL (Present) Chairman Tex G. Hall, Fred Fox, Barry Benson, Randy Phelan, Ken Hall, V. Judy Brugh. A quorum was established with 6 members present. Mervin Packineau arrived at 11:23 am and all members were present.

01. APPROVAL OF AGENDA:

Councilman Fox moved to approve the agendas as amended. Councilman Hall seconded the motion. Limit add-ons to one

VOTE: 5 Ayes. Motion carried.

02. WHITE SHIELD SCHOOL BOARD:

The Superintendent of White Shield School thanked the Tribal Business Council for the \$100,000.00. They installed cameras, lights on doors, and have a full time position funded.

03. TEKAKWITHA REQUEST:

Councilman Phelan moved to approve a financial supplement of \$750 for 10 members of the

Catholic Church— to attend the National Tekakwitha Conference in El Paso, Texas from July

17-21, 20 13. Councilman Hall seconded the motion.

Members:

Glenda Embry, Theresa Danks, Cleo Charging, Greta White Calfe, Ethan Saylor, Joseph C. Young Bird, Debbie Chase, Charles Chase, Delores Sand and Wilkie

VOTE: 6 Ayes. Motion carried.

04. "ESTABLISHING REASONABLE MEETING HOURS FOR ALL THREE AFFILIATED TRIBES TRIBAL BUSINESS COUNCIL MEETINGS WITH DUE RESPECT AND CONSIDERATION TO THE TAT TRIBAL MEMBERSHIP."

Revise the draft and bring back to the meeting next month.

05. SAFE HAVEN- MARILYN YOUNG BIRD:

Councilman Fox moved to purchase 1 Unit @ \$133,820.00 from Centennial Homes for "Safe Haven Task Force," with the Chief Executive Officer. Councilman Phelan seconded the motion.

The CEO will assist Marilyn Young Bird to clarify liability issues with the Legal Department. VOTE: 6 Ayes. Motion carried.

06. ELBOW LIMITED PARTNERS: Presentation (Dennis Huber)

Councilman Fox moved to assign Carson Hood, Jr., to coordinate with El Bow Limited Partners to develop a complete proposal business plan Resolution and show budget of \$50,000 and to work with Councilman Hall. Councilman Phelan seconded the

motion. VOTE: 6 Ayes. Motion carried.

NOTE: *With Limited Information- makes it hard for the TBC to make a decision.*
o Send out the RFP

07. NELRENE YELLOW BIRD, NORTHERN PLAINS ADVOCACY:

Nelrene Yellow Bird presented the Northern Plains Advocacy and how it would enhance the services for the students. She explained that Social Services jobs are intense and have to have a certain personality to work with children. *Northern Plains Children's Advocacy Center and Family Services* provides a compassionate and effective way to bring services to children victimized by abuse.

08. RESOLUTION NO.13-099-VJB INCREASE IN CRIMINAL PENALTIES OF DRUG RELATED CRIME: CHAPTER 2 CRIMINAL CODE:

Councilman Phelan to waive the 30 day comment period for *Resolution No.13-099-VJB Drug Enforcement PENALTIES: Chapter 2 Criminal code*, and put the fees into action immediately. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

NOTE: The State of North Dakota has awarded 16.6 Million to beef up Law Enforcement Projects in all counties in the State. The Three Affiliated Tribes was not included in this Law Enforcement assistance. A meeting is scheduled at the Four Bears Casino and Lodge on August 8, 2013 with foreign dignitaries and top Law Enforcement in the United States on how to eliminate Drugs. Tim Purdon will have a presence here.

09. TAX/WATER UPDATES- CONSULTANT AGREEMENT- MARK FOX

The Tribe has been paid \$100,067,755.90 taxes on 701 active wells for this fiscal year. Councilman Phelan motion for approve of Chairman Hall's signature on approval of letter to BOR. Councilman Hall seconded the motion.

VOTE: 5 Ayes, 0 Nays, 1 Abstention. Motion carried.

10. TAX DEPARTMENT-CONSULTANT AGREEMENT TIFFANY HODGE;

Councilman Phelan moved for approval to extend Tiffany Hodge consultant contract until the end of fiscal year to work with water sales within the Tax Department. Councilman Hall seconded the motion.

- Total Well Count over 700 wells strictly 250 wells no tribal interest.
- Power poles. People paying big bucks. PIT taxes.
- Crossing tribal land can be taxed,
- Drilling fees total October to date.
- Water Sales Distribution Report
- Extend Sept. 30, 2013
-

VOTE: 6 Ayes. Motion carried.

11. AUSTIN FRIKIE: DENTISTRY

Councilman Fox moved to increase Austin Frikie's salary to that of a college intern, \$9.00 for Summer Youth and \$6.00 from "Red Sage Intern Budget." Councilman Phelan seconded the motion.

NOTE:

If an Intern position funding hasn't been used -Finance will take it back and supplement other budgets for College Interns 18 and over to be funded not to exceed \$16. Austin Frikie is going into third year of Dentistry.

VOTE: 6 Ayes. Motion carried.

12. ENROLLMENT:

- Enrollment issues tied into the TAT Probate Code.
- Voter registration needs a physical address -The Enrollment Office will be submitting Enrollment applications for Council review on a quarterly basis. TBC will make that decision.
- Protect sovereignty. Data Office in FY-14 will verify data control. Indian Health Service includes members of a Federal Recognized Tribe.

13. RESOLUTION NO. 13-100-VJB -GLOBAL LIFE:

Councilman Hall moved to approve a Resolution entitled, "Approval of Global Life Insurance and Cancer Insurance to tribal employees on a payroll deduction basis." Councilman Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried. (Councilwoman Brugh not in room when the vote was counted.)

14. **NATIVE AMERICAN COLLEGE PLACEMENT SERVICES** - Laurel Fricke
Councilman Hall moved to approve endorse the Native American College Placement Services and forward to the Committee Ed Board. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

NOTE: On August 6, 2013, a Budget Retreat is scheduled in Bismarck, North Dakota.

15. **FINANCIAL REQUEST - JAIME HARTMAN:**
Councilman Fox motioned to approve an Educational grant for Jamie Hartman to attend Veterinary school, subject to legal drafting a 4 year work commitment to the Tribe in return for educational assistance contract and will come out of the JTAC funding. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

16. **RESOLUTION NO. 13-101-VJB PUBLIC HEALTH CAPACITY GRANT:**
Councilman Hall moved to approve Resolution No. 13-102-VJB, "Public Health Capacity Grant of \$67, 000" and charge to Code 380. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

17. TWIN BUTTES SCHOOL GRAND OPENING- AUGUST 21, 2013:
The Twin Buttes School is having their "Grand Opening on August 21, 2013."

18. **RESOLUTION NO. 13-101-VJB-REGULATION AND POLICY GOVERNING THE MANAGEMENT, TREATMENT AND DISPOSING OF DRILLING WASTE ASSOCIATED WITH EXPLORATION OR PRODUCTION OF OIL AND GAS ON THE FORT BERTHOLD INDIAN RESERVATION:**
Councilman Hall moved to approve a Resolution entitled, "Regulation and Policy Governing the Management, Treatment and Disposing of Drilling Waste Associated with Exploration or production of oil and gas on The Fort Berthold Indian Reservation." Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

19. GOLDER ASSOCIATES- SOLID WASTE MANAGEMENT EVALUATION AND DEVELOPMENT PLAN:
Councilman Phelan moved to approve Golder Associates to look for a plan to dispose waste at a cost of \$47,103.00." Councilman Hall seconded the motion.

NOTE: The Solid Waste Program equipment has no budget. Currently they have only 2 trucks running out of 7 trucks. Needs analysis to clean out landfill now needs a transfer station. Maybe contracts with contractors with contracts with Waste Management from Bismarck North Dakota \$47,103.00 study Res. Co. \$2300.00 total cost to purchase four dumpsters.

VOTE: 5 Ayes. Motion carried.

20. **TRASH PICKS UP REZ-WIDE:**

Councilman Fox moved to approve and authorize Environmental to purchase roll-offs and hire contractors for emergency trash pick-up reservation wide using TERO Preference. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

Councilman Phelan moved to approve Solid Waste Management's Evaluation and Plan and Within 30 days will give a report. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

21. **RESOLUTION NO. 13-103-VJB: MAKES CENTS INC.**

Councilman Fox to approve a Resolution entitled, "Amendments to Articles of Incorporation Makes Cents. Councilwoman Brugh seconded the motion. VOTE: 4 Ayes, 0 Nays, 1 Abstention. Motion carried.

22. **RESOLUTION 13-104-VJB: FIRST CENTS RESO:**

Councilman Phelan moved to approve a Resolution entitled, "Amendments to Articles of Incorporation to First Cents, Inc. David Walker®." Councilman Fox seconded the motion.

DISCUSSION: Limited Sovereign Immunity for the Corp. VOTE: 3 Ayes, 1 Nay, 1

Abstention. Motion carried.

23. **REFINERY RESOLUTION NO.13-105-AMENDMENT TO RESO. NO. 13-083-VJB:**

Councilman Packineau to approve a Resolution entitled, "Amendment to Reso. No. 13-083- VJB," Technical reports to determine the preliminary designs, cost and schedule. Councilman Phelan seconded the motion.

DISCUSSION: Van Tech is coming in lower in price than Chem-Ex

VOTE: 6 Ayes. Motion carried.

24. **RESOLUTION 13-106-VJB APPROVAL OF RYDER SCOTT CONSULTANTS:**

Councilman Phelan to approve a Resolution entitled, "Approval of Ryder Scott Consultants to prepare an independent reasonable report of the Bakken/3 Forks property." Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

25. **RESOLUTION NO. 13-107-VJB \$1.5M INFRASTRUCTURE FOR NORTH SEGMENT:**

Councilman Phelan to approve a Resolution entitled, "Authorization for the North

Segment Community Development Corporation to draw down \$1.5 Million from the Tribal General fund for housing infrastructure development." Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

26. MANDAREE VOLUNTEER FIRE DEPARTMENT:

Councilman Phelan moved to approve "Mandaree Volunteer Fire Department Start up Budget of \$377,690.75 and to include them in Phase I Homeland Security Program.

Councilwoman

Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

27. INTERSTATE ENGINEERS NEW TOWN BY-PASS:

Councilman Phelan moved for approval for the Tribe to hire Interstate Engineer to design a wall around the clinic for protection and the tribe will cover the design costs. Councilman Hall seconded the motion.

DISCUSSION: The by-pass would be 588ft. from the clinic- -barriers-
enhancement- and if the City Council of New Town would be willing to come to a
meeting.

VOTE: 6 Ayes. Motion carried.

28. RESOLUTION NO. 13-108-VJB -WEST SEGMENT WATER SALES:

Councilman Phelan moved for approval of a Resolution Entitled, "West Segment Water
Sales." Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

29. CHAIRMAN HALL EXECUTIVE REPORT:

Chairman Hall gave a report on the following:

- Roads: WPX Route 6 adopted a Highway
Route 13 is doing a good job keeping up with maintenance.
- Marilyn Young Bird and Coby Rabbithead will disseminate a report on Drug Task
Force. We know it takes 24 months for successful treatment.
- Randy Phelan is Chairman for the Judicial Committee there is an increase in
heroin.
Mary Brunsell does food inspections.
- Elder Abuse Code:

- **MANDAREE VOLUNTEER FIRE DEPARTMENT BUDGET**

- **CONSTITUTION REVISION UPDATE:**

- a. July 8th – Due date for voter registration
- b. July 30th- the day to vote for proposed amendments
Governing Body - Vacancies and removal from office
- c. **Secretary Jewell meeting at MHA July 13th**
Streamline regulations Oil and Gas
- d. **Grant Thorton and Allottees Interviews for Indian Trust Commission July
8th:**
Maintain trust responsibility and had a pretty good turnout

30. RESOLUTION NO. 13-109-VJB -STANDARD MINS RATES:

Councilman Phelan moved for approval of a Resolution entitled, "Rates for Oil and Gas
Bonus Royalties & Pipeline Easements." Councilman Hall seconded the motion."

VOTE: 6 Ayes. Motion carried.

31. RESOLUTION NO. 13-110-VJB- TRIBAL MEMBERSHIP TO THE NAFAO:

Councilman Phelan moved for approval a Resolution entitled, "Tribal Membership to
the *"Tribal Membership with the Native American Finances Officers Association (NAFOA.)"*

Councilwoman Brugh seconded the
motion. VOTE: 6 Ayes. Motion
carried.

32. EMPLOYEE APPRECIATION DAY:

Councilman Phelan moved to approve a budget of \$54,250.00 for Employee Appreciation Day," that includes jackets for Maintenance Department. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

33. RESOLUTION NO. 13-111-VJB -OFFICE OF TRUST SERVICES DRAW DOWN:

Councilman Phelan moved for approval of a Resolution entitled, "Drawdown total of \$100,000.00. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

34. BUSINESS LICENSES APPROVAL:

Councilman Hall moved to approve a Resolution entitled, "8 Business License Approval." Councilman Phelan seconded the motion.

NOTE: 1 Lawrence Kingsley 2 Big River 3 Fox and Hawk 4 Platminos Poy Kin 6 TR&C Roustabot 1
 Rockell s White Shield.

VOTE: 5 Ayes. Motion carried.

35. RESOLUTION NO. 13-112-VJB -INVESTMENT COMMITTEE:

Councilman Phelan moved for approval of a Resolution entitled, "Investment Committee." Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

36. SMALL LOANS:

Councilman Phelan moved to approve the following Small Loans, subject to the Policy and Procedures of the Small Loan Program. Councilman Hall seconded the motion.

VOTE: 6 Ayes Motion carried

Name	Reason	Requesting	Current Loan	Total	Notes Regarding Loan
Kenneth Smith	Personal	\$1,000	\$5,851.53	\$6851.53	Current/Collateral onfile.
Paula Stiffarm	Bills	\$1200.00	\$13,482.74	\$14,682.74	Current/Collateral onfile.
Jolene Fox-Burr	Personal	\$5,800.00	\$3,148.41	\$8,948.41	Current title to car
Chris Rabbithead	Personal	\$4000.00	\$3,362.51	\$7,362.51	Current/Collateral onfile.

Russell Dixon	Personal	\$5000.00	\$2,927.00	\$7,927.26	Current/Collateral onfile.
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Angleo Solis	Car	\$12,000.00	\$2,927.00	\$14,297.26	Current/Collateral on file.
Stephani Baker	Personal	\$13,500.00	\$1,498.43	\$14,998.43	Currently paying, su bj. to land appraisal.
Patricia Big Crow	Car	\$14,441.00	\$558.11	\$14,999.11	Current/will use title to vehicle when purchased.
Sunny Hall	Personal	\$14,500.00	\$498.51	\$14,998.51	Currently paying, subj. to land appraisal

37. **YATES WHITE BUFFALO:**

Yates White Buffalo requesting the tribe to purchase his home for \$173,000. Lawrence suggested to him to go this route. It was suggested an appraisal be completed. There was discussion of purchasing it for \$150,000 as the Tribe already has a lien on it. Small Loans is where he makes \$450 monthly payments at the Small Loan program and wants to stay in good standing. Renovation costs are estimated \$15,007 and justification would be to purchase the lot. Jeff Fox would do the inspection as part of the Home Acquisition. If the Tribe pays \$144,000 for the house subject to clear title, and will buy the lot for \$6000 for a total of \$150,000.

38. **LESA FOX**

Councilman Fox moved to approve a Small Loan of\$, subject to getting a co-signor, and adherence of the Policy and Procedures of the Small Loan Program. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

39. **EARNEST SANDO**

Councilman Brugh moved to approve a Small Loan of \$3,000 to Earnest Sando, subject to obtaining a co-signor and adhering to the Policy and Procedures of the Small Loan Program. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

40. **WAKE FUND:**

Councilman Hall moved for approval to designate the Chairman's Office for Distribution of funeral funds. Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

41. **INFR FINANCIAL ASSISTANCE HIGH SCHOOL RODEO FINALS:** Councilman Phelan moved to approve a financial grant of \$750 to **Nolan Hall**, and \$750 to **Riley Blankenship** to subsidize their travel expenses to compete in the State High School Champion Riders, and any other tribal members who qualifies for High School Association. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

42. **FINANCIAL TRAVEL ASSISTANCE- ANNA MANDAN:** Councilman Brugh moved to approve a financial assistance grant of \$750 to subsidize Anna Mandan with her moving costs to Colorado. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

43. **ROBERT ANDEN:** Councilman Fox moved to approve \$2000 toward Robert Anden's medical needs because of extenuating circumstances. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

44. **ROBERTA KRUEGER:** Councilman Packineau moved to approve Roberta Krueger to purchase a 2010 Ford Edge owned by the MHA TERO Program for \$15,650.00 with a down payment of \$500. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

45. **RESOLUTION NO. 13-113-VJB -MORTGAGE PROGRAM:** Councilman Packineau moved for approval of a Resolution entitled, "Chairman Hall and Vice-Chairman has signatory authority for the MHA Mortgage Program." Councilman Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried.

46. **DENNIS AND SHERRI HEER:** Councilman Phelan moved to approve the purchase agreement with the Heers. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

47. **JOSEPHINE HEART-HARRISON REQUEST:** Councilman Phelan moved to approve a purchase agreement for Josephine Heart and offer her a 25 year home site lease on the property she's requesting. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

48. ONEOK PIPELINE:

Councilman Phelan moved to direct the Tax Commissioner work with the Legal Department to draft a Resolution for a Pipeline right away for Onek and present Resolution at the next meeting. 1 Brief Oneok Projects on FBIR, 2. Past Projects 3 Current projects to address: FLARING IO MONTHS OR MORE (PROBLEMATIC IN LIGHT OF RECENTLY PASSED FLARING summary of Resolution.) Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

49. SANITATION DEFICIENCY SYSTEM SUBMISSION:

Councilman Fox moved to approve the top four priorities of projects for the 2013 Indian Health Services (HIS) Sanitation Deficiency System (SDS)! White Shield Lagoon Relocation 2 Individual Water & Sewer Replacement 3 Reservation wide Open Dump Clean-up and 4 Four Bears Lift Station SCADA with the Tribal contribution is 2,981,500 Million for projects. Councilwoman Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

50. SALT WATER DISPOSAL WELL- MARATHON OIL

The Tribal Business Council discussed the fee for a Salt Water Disposal well south of New Town, and bring okay to the next meeting.

51. RESOLUTION NO. 13-114-VJB HALCON: Halcon Lease- Dave Williams®

Councilman Hall motioned to approve 204.07 acre oil and gas lease of the Missouri Riverbed to Missouri River Resources within the Halcon Communitized Area." Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

NOTE: Dave Williams asked for a 2-3 hour Special Meeting with the Tribal Business Council on Arrow Pipeline. The Special meeting is scheduled for July 29, 2013.

52. ELBOWOODS - Dawn Berg

MHA Nation needs a Resolution Health Authority®

53. CLOSED SESSIONS:

- **MARCUS LEVINGS:**
- **HUMAN RESOURCES:** Personnel

54. APPROVAL OF MINUTES: MAY 9, 2013

Councilman Phelan moved to approve May 9, 2013 with corrections.
Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

55. APPROVAL OF MINUTES JUNE 13, 2013 MINUTES:

Councilman Fox moved to approve June 13, 2013 with corrections. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

56. ADJOURNMENT:

Councilman Phelan moved for adjournment of the meeting. Councilman Hall seconded the motion. The meeting was adjourned at 10:20 pm.

VOTE: 6 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 **13th** day of **August 2013**; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of **7** members; **0** members opposed; **0** members abstained; **0** Members not voting.

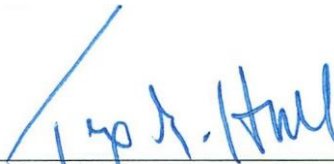
Chairman (X) Voting () Not Voting

Dated this **13th** day of **August 2013**.

ATTEST:



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



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