



CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:10 am.

PRAYER: June Lizotte gave the invocation.

ROLL CALL: Present) Chairman Tex G. Hall, Councilman Fred Fox, Councilman Barry Benson, Councilman Randy Phelan, Councilman Ken Hall, Councilman Mervin Packineau, and Councilwoman Judy Brugh. A full quorum was present.

01. APPROVAL OF AGENDA:

Councilman Randy Phelan moved to approve the agenda as amended.
Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

02. APPROVAL OF MINUTES:

The minutes were deferred until the end of the meeting.

03. SPECIAL GUESTS/ELDERS:

A. HEALTH AUTHORITY BOARD:

Tribal Business Council Monthly Report:

- E.M.C.H. Expansion,
- Elbowoods residential,
- Elbowoods Maintenance Building.

B. MOTION: NEW DIALYSIS CENTER:

Councilman Randy Phelan moved to approve the concept of prioritizing new dialysis center in Phase 2. Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried unanimously.

**C. MOTION: EMHC MAINTENANCE BUILDING CONSTRUCTION
\$237,466.72:**

Councilman Mervin Packineau moved to approve the amount of \$237,466.72 taken out of the 380 Account for Elbowoods Memorial Health Center's Maintenance Building. Councilwoman Judy Brugh seconded the motion.

VOTE: 7 Ayes. Motion carried unanimously.

B. TERO: (2 RESOLUTIONS)

1. RESOLUTION NO. 14-001-VJB—LAW E. TECH CONTRACT:

Councilman Randy Phelan moved to approve Law E Tech Consultant contract.
Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried unanimously.

2. LAW E. TECH —OUTSTANDING BILLING STATEMENT

Councilman Randy Phelan moved to approve an outstanding billing statement of \$10,945.00 to Law E. Tech for Supplies services provided



for TERO Conference to come out of same line item. (TERO)
Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes, 0 Nays. Motion carried.

3. RESOLUTION NO. 14-002 KELSEY PACKINEAU CONSULTANT CONTRACT:

Councilman Randy Phelan moved to approve Kelsey Packineau's Consultant Contract with the TERO Office. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried unanimously.

C. ROWENA STANDING ALONE:

Tribal elder will work closely with Councilman Packineau as priority for FEMA list.

D. ALICE HARWOOD BUSINESS LOAN

Councilwoman Brugh moved to approve an additional \$100,000 for a home loan for Alice Harwood from the Home Loan Mortgage Program. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes, 1 Abstention. Motion carried.

04. UNFINISHED BUSINESS:

A. THUNDER BUTTE PETROLEUM SERVICES: GAS PLANT FEASIBILITY STUDY:

Councilwoman Brugh moved to approve Black and Ventech \$29,000 proposal. Councilman Mervin Packineau seconded the motion.

VOTE: 4 Ayes, 3 Nays. Motion carried.

B. THUNDER BUTTE PETROLEUM SERVICES VERENDRYE ELECTRIC AGREEMENT FOR TRANSLOAD FACILITY PHASE 1:

Councilman Randy Phelan moved to approve the Verendrye Electric Service Agreement for Transload Facility Phase 1 \$286,000 take off 100,000 the tribes pay 2/3 for hook ups, funding by foot. Councilman Mervin Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried unanimously.

C. THUNDER BUTTE PETROLEUM SERVICES

Councilman Mervin Packineau moved to approve Ventech study approval of \$100,000 to complete additional study to see if 23 Million can be reduced to these units. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. Motion carried.



D. THUNDER BUTTE PETROLEUM SERVICES TRANSLOAD PHASE 1:

Councilman Randy Phelan moved to approve up Transload Phase 1 \$57,665,205.00. Councilman Barry Benson seconded the motion.

VOTE: 6 Ayes. Motion carried.

E. BOWLIN GROUP LLC. RESOLUTION NO. 14-003-VJB:

Councilman Randy Phelan moved to approve a Resolution entitled, "Engagement of the Bowlin Group of Walton Kentucky to perform an initial investigative Phase 1 study regarding energy independency for Fort Berthold Indian Reservation. Councilman Fred Fox seconded the motion.

VOTE: 4 Ayes, 3 Nays. Motion carried.

F. S.O.N.I.C.

No actions taken – go back and visit with the Health Board.

G. PUBLIC HEALTH UNIT:

Testimony of Arne Sorenson before the ND State Legislative Management Health Services Committee regarding the feasibility and desirability of placing the entire Fort Berthold Indian Reservation in a single Public Health Unit Governance.

F. TWIN BUTTES LAGOON:

Councilman Barry Benson moved to approve a \$2,000,000.00 for unforeseen costs of the Twin Buttes lagoon project coming from segment funds. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

05. NEW BUSINESS:

A. RESOLUTION NO. 14-004-VJB: ENROLLMENT:

Councilman Randy Phelan moved to approve 172 Applications to the membership of the Three Affiliated Tribes. Councilwoman Judy Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

B. RESOLUTION NO. 14-005-VJB—CONDITIONAL RELINQUISHMENT

MATHEW BELL –Councilman Fred Fox moved to approve Resolution No. 14-005-VJB, "Conditional Relinquishment Mathew Bell." Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

C. SPECIAL BUDGET MEETING SCHEDULED:

Special Budget meeting on financial issues presented by the CFO and Enrollment will be included. Dates 1-31-2014 Friday, 10:00 am



D. HIGHWAY PATROL SPECIAL LAW ENFORCEMENT COMMITTEE

RESOLUTION: 18:04:50:51

BIA letter allows them to activate the system. Need Resolution Maro Red Legs AAO. Application process to get Criminal jurisdiction. BIA/MOU...

E. 2014 M.S.U. NATIVE AMERICAN CULTURAL AWARENESS CLUB SPRING HONOR DANCE:

Councilman Randy Phelan moved to approve \$5,000 financial donation to the 2014 M.S.U. Native American Cultural Awareness Club. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

F. NORTHERN PLAINS CHILDREN'S ADVOCACY CENTER:

Councilman Randy Phelan moved to approve a donation of \$2,000 to the Northern Plains Children's Advocacy Center. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

G. RESOLUTION NO. 14-006-VJB—PANTHER DEVELOPMENT INVESTMENTS:

Councilman Randy Phelan moved to approve a Resolution entitled, "Approval of Nathan Good Iron Memorial Facility- Panther Development Investments LLC of 6401 Congress Avenue, Suite 250, Boca Raton, Florida. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

H. RESOLUTION NO. 14-007-VJB—WHITE OAK TRAILER PARK:

Councilman Randy Phelan moved to approve a Resolution entitled, "White Oak Trailer Park, Infrastructure Contract – Panther Development Investments LLC Resolution No. 13-007-VJB." Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

I. CRESTWOOD PIPELINE: Joshua Mallory

No action taken....T1153 allow for full functionality up and running 6 months. Scata report got environmental approval. Have Right of Way on sent. Generic

J. NEW RIGHT OF WAY FORM AGREEMENT: Shannon Atsetee, Esq.
Councilman Randy Phelan moved for approval of a Resolution entitled, "Approval of MHA Nation Application for Right of Way and Uses of Right of Way Form, and approval of MHA Nation Right of Way Terms and Conditions. " First reading add-during the interim we will continue to use the old form until the new one is adopted.



Councilman Fred Fox seconded the motion.
VOTE: 6 Ayes, 1 Abstention. Motion carried.

Comment Period will be 30 days for the 1st Draft Resolution, 2 Actual ROW Form Protection for the Tribe Agreement executed by both parties terms and conditions for particular purpose. Look on (f) Specific Project description.

**K. THE LANGUAGE CONSERVANCY TEACHING MATERIALS
PRESENTATION AND BUDGET APPROVAL:**

Councilman Ken Hall moved to approve a Memorandum of Agreement between the Tribe's Education Department and The Language Conservancy 2620 N. Walnut St. Suite 810 Bloomington, IN 47404 to establish Phase I of the Mandan, Hidatsa, and Arikara Language Revitalization plan, —with the Tribe to finance the Program @ a total of \$371,500. Councilman Fred Fox seconded the motion.

NOTE: Nine Mandan, Hidatsa, and Arikara school systems will be fully supported in their efforts to provide effective Mandan, Hidatsa, and Arikara-language instruction.

VOTE: 7 Ayes. Motion carried.

**L. RESOLUTION 13-008-VJB: NATION WIDE ELDER ASSESSMENT SURVEY
AGING SERVICES:**

Councilman Randy Phelan moved to approve a Resolution entitled, "Authorization for Tribal participation in a Nationwide Elder Needs Assessment Survey for the Title VI Grant funding year 2014 through 2017." Councilman Fred Fox seconded the Motion.

M. RESOLUTION 13-009-VJB: AGING SERVICES

Councilman Ken Hall moved to approve a Resolution entitled, "Authorization for the Title VI Aging Service Grant Application to the Administration on Aging, Office of Health and Human Services, United States. Councilman Randy Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

NOTE: Program Director Polly Chase thanked TBC for distribution of Life Alert devices to Tribal elders.

**N. RESOLUTION ENTITLED AMENDMENT TO THE MANDAN, HIDATSA,
AND ARIKARA NATION ETHICS IN GOVERNMENT ORDINANCE:**
TABLED.

**O. RESOLUTION 14-010-VJB —AMENDMENTS TO CHAPTER IV-A MOTOR
VEHICLE CODE OF THE THREE AFFILIATED TRIBES TRIBAL CODE:**

Councilman Randy Phelan moved to approve an amendment to Chapter IV-A, "Motor Vehicle Code of the Three Affiliated Tribes, Tribal Code."

Councilwoman Judy Brugh seconded the motion.



VOTE: 7 Ayes. Motion carried.

P. RESOLUTION NO. 14-011-VJB ENTITLED “THREE AFFILIATED TRIBES, TRIBAL BUSINESS COUNCIL PETITION TO SECRETARY OF THE INTERIOR OR HIS AUTHORIZED REPRESENTATIVE PURSUANT TO ARTICLE X – AMENDMENTS OF THE THREE AFFILIATED TRIBES CONSTITUTION AND BY-LAWS AND 25 C.F.R. PART 81 TO CALL A SECRETARIAL ELECTION ON PROPOSED AMENDMENTS TO ARTICLE III SECTION 2 OF THE CONSTITUTION.”

Councilman Fred Fox moved to approve a Resolution entitled, “Three Affiliated Tribes, Tribal Business Council Petition To Secretary Of The Interior Or His Authorized Representative Pursuant To Article X – Amendments of the Three Affiliated Tribes Constitution And By-Laws and 25 C.F.R. Part 81 to call a Secretarial Election on Proposed Amendments to Article III, Section 2 of The Constitution.” Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes, 2 Nays. Motion carried.

Q. RESOLUTION NO. 14-012-VJB—APPOINTMENT OF ASSOCIATE JUDGES FOR THE FORT BERTHOLD TRIBAL DISTRICT COURT FOR 2014:

Councilman Mervin Packineau moved for approval of a Resolution entitled, “Appointment of Associate Judges for the Fort Berthold Tribal District Court for 2014.” Councilman Randy Phelan seconded the motion

VOTE: 7 Ayes. Motion carried.

RESOLUTION NO. 14-013-VJB—APPOINTMENT OF PANEL OF JUDGES ASSOCIATE JUDGES FOR THE FORT BERTHOLD TRIBAL DISTRICT COURT FOR 2014: PANEL OF JUDGES FOR THE MHA NATION SUPREME COURT:

R. GREAT LAND POWER CORP:

S. RESOLUTION NO. 14-013-VJB— PURCHASE OF MCLEAN MANOR PROPERTY: Councilman Ken Hall moved to authorize the purchase of McLean Manor House property described above in the amount of \$500,000.00. Councilman Randy Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

DISCUSSION:

The McLean Manor and The Tribal Business Council also agree to enter into a Lease to Own Agreement with Mr. Larry Trujillo for the McLean Manor property at the following terms:



1. A principle in the amount of \$500,000.00
2. An annual interest rate of 3.5%.
3. A term of ten (10) years and monthly payments shall be calculated accordingly.
 - a. Tenant shall have the right to make excess payments and said payments shall be applied directly to any outstanding principal.
4. The term of the Agreement shall begin on January 1, 2014 with the first payment to be made on March 1, 2014.
5. The Tribe shall be owner of the property and listed / recorded on the title to the property.

T. RESOLUTION NO. 14-015-VJB “ESTABLISHMENT OF NORTH SEGMENT ELDERS BOARD:

Councilman Ken Hall moved to approve Resolution entitled, “Establishment of North Segment Elders Board.” Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

T. \$300, CLEAN-UP FOR MOCCASIN CREEK PAY :

Councilman Randy Phelan moved to approve the Councilman Ken Hall.

VOTE: 3 Ayes, 2 Nays, 2 Abstentions. Motion carried.

TRIBAL HOUSING:

V. TAX COMMISSION & SECTION 17 WATER DEVELOPMENT UPDATE: CORPORATION:

- L.E.C./COURT CONSTRUCTION UPDATE:
- SUMMARY OF WELL COUNT:
- TAX COLLECTIONS
- DRILLING FEES
- WATER SALE REVENUE

W. WATER SALE DISTRIBUTION

Councilman Mervin Packineau moved to reaffirm Mark Fox’ authority as Administrator for the Mandaree Raw Water Project regarding the construction of it. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

Councilman Randy Phelan moved to authorize Chairman Tex G. Hall signature authority to sign two easements for McKenzie Electric for TAT Section 17 West Segment Water Depot. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.



X. WEST SEGMENT MEC C STORE PURCHASE:

Councilman Randy Phelan moved to approve the West Segment Development Corporation to purchase of the West Segment MEC Store at \$440,000 land purchase account. Councilman Fred Fox seconded the motion.

NOTE: McKenzie Bay will not be purchased and the payment will be taken from the land purchase account.

VOTE: 7 Ayes. Motion carried.

6. FINANCIAL REQUESTS:

A. JAMES HIGH PLAINS SUBSTANCE ABUSE CONFERENCE: JANUARY 29-30-31, 2014:

Councilman Randy Phelan moved to approve fund \$13,929.81 to cover the cost of the James High Plains Substance Abuse Conference, with transaction posted to the 380 Account Code. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

B. FINANCIAL REQUEST LARRY FOX FINANCIAL:

Councilman Randy Phelan moved to approve assistance of \$500 from each Representative for a total of \$3500, and for the Four Bears Casino and Lodge to match the \$3500, and also a \$500 donation from Ron Brugh/War Pony.

VOTE: 7 Ayes. Motion carried.

C. JAY JAMES FINANCIAL HEALTH MATCH:

Councilman Randy Phelan moved to direct each Tribal Business Council Representative approve \$500 X 7 for a total of \$3500, and for the Four Bears Casino and Lodge to match \$4500 that was raised by family members. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

D. ELBOWOODS MEMORIAL HEALTH CENTER:

Councilman Fred Fox moved to reassign EMHC CEO Dawn Berg so she can concentrate on the 21 HIPPA complaints that are due on January 31, 2014 and to appoint Dr. Monica Mayer. Motion failed due to no second.

Councilwoman Judy Brugh moved to give Dennis oversight authority to oversee the Elbowoods Memorial Health Center's Chief Executive Officer for 60 days to allow her to concentrate on answering the 21 HIPPA complaints.

Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

E. MORTON COUNTY HOUSING AUTHORITY JAMES CHASE:

Councilman Randy Phelan moved to authorize each Segment Representative to pay \$100 to Morton County Housing Assistance for James Chase for a total of \$600.00. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.



F. CALLIE BAKER-HOWLING WOLF:

Councilman Randy Phelan moved to authorize moving expenses of \$8,000 to Callie Baker-Howling Wolf. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

G. JUSTIN YOUNG

Councilman Fred Fox moved to approve Justin and Angel Young to refinance a small loan upon a \$500.00 payment. Councilman Randy Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

H. RESOLUTION NO. 14- VJB: SERVICE CONTRACT FOR DR. ALDEN BIG MAN JR.

Councilman moved to approve a Resolution entitled, "Service Contract for Dr. Alden Big Man. Councilman seconded the motion.

VOTE: 7 Ayes. Motion carried.

WRONG MOTION:

I. NATIONAL INDIAN EDUCATION ASSOCIATION:

\$13,500 RECEPTION IN MEMORY OF ALYCE SPOTTED BEAR:

Councilman Ken Hall moved to approve a financial donation of \$13,500 to the National Indian Education Association and to include fees for reception in memory of former Chairwoman Alyce Spotted Bear. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

RIGHT MOTION:

HONORING NATIVE CHILDREN –\$13,500 RECEPTION IN MEMORY OF ALYCE SPOTTED BEAR:

Councilman Ken Hall moved to approve a financial donation of \$10,000 to "Honoring Native Children Tribal Leaders and Congressional Members," and to include \$3,500 fees for reception in memory of Alyce Spotted Bear. Councilman Fred Fox seconded the motion.

Note: A check for \$3500 to be made out to Restaurant Associates for catering the reception.

VOTE: 7 Ayes. Motion carried.

J. FOUR BEARS CASINO AND LODGE:

K. JOB FAIR DOOR PRIZES: SEGMENTS

Asking all segments to donate something as door prizes.

L. MENTAL HEALTH -BEN POITRA:

Councilman Judy Brugh moved to direct the Four Bears Casino and Lodge to waive the hotel bill of \$19,000 for Ben Poitra as he provides Mental Health services to our enrolled members. Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.



M. POLICIES AND PROCEDURES FOR TBC MEETINGS:

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 5 were present at the Meeting thereof duly called, notice, convened and held on the 28TH day of February, 2014 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 28th day of February, 2014.

ATTEST:

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

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

Seal)