



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING 14-06-TGH
April 10th, 2014 10:00 a.m.**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:50 am.

PRAYER:

ROLL CALL:

Present: Councilman Fred Fox, Councilman Barry Benson, Councilman Randy Phelan, Councilman Ken Hall, Councilman Mervin Packineau and Councilwoman Judy Brugh.

I. APPROVAL OF AGENDA:

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

VOTE: 6 Ayes. Motion carried.

Amendment: So noted include the Four Bears Classic/Ray Poitra request.

II. APPROVAL OF MARCH 27, 2014 MINUTES:

Councilman Randy Phelan moved to approve the Minutes of March 27, 2014 as amended. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

III. SPECIAL GUESTS/ELDERS:

UNFINISHED BUSINESS:

A. MOTION ONE-THUNDER BUTTE OIL REFINERY, \$200 MILLION BOND:

Councilman Fred Fox moved to approve PRO-Forma Cash Flow and Debt Calculations \$200 Tribal, and to authorize and approve the bank financing model. Councilman Mervin Packineau seconded the motion.

VOTE: 5 Ayes, 1 Opposed. Motion carried. (FTR) Councilman Randy Phelan opposed the motion.

B. MOTION TWO- THUNDER BUTTE OIL REFINERY PAYMENT SCHEDULE:

Councilman Mervin Packineau moved to approve the Thunder Butte Oil Refinery Payment schedule and to work the Finance Office and the Chief Financial Officer. Councilman Fred Fox seconded the motion.

VOTE: 4 Ayes, 2 Nays. Motion carried.

(FTR) Councilman Randy Phelan opposed the motion.

C. MOTION THREE: THUNDER BUTTE OIL REFINERY CORVAL GROUP, OSBL ENGINEER:

Councilwoman Judy Brugh moved to approve the CORVAL Group, OSBL Engineer Recommendation to hire Worley Parsons for OSBL Engineering portion of the MHA Clean Fuels Refinery. Councilman Fred Fox seconded the motion. VOTE: 5 Ayes, 1 Nay. Motion carried.

(FTR) Councilman Randy Phelan opposed the motion.

D. MOTION FOUR: THUNDER BUTTE OIL REFINERY OLAF E. ROENNSPIESS PMP AS IN-HOUSE ENGINEERING FOR THE THUNDER BUTTE OIL REFINERY:

Councilman Fred Fox moved to approve the hire of Olaf E. Roennspiess PMP as In-House Engineer for the Thunder Butte Oil Refinery upon completion of legal background check. Councilman Mervin Packineau seconded the motion.

VOTE: 5 Ayes, 1 Nay. Motion carried.

E. MOTION TWO: MAKES CENTS:

Councilman Fred Fox moved to approve Makes Cents Inc's five million repayment plan, (a \$152,000.00 split to the tribe and the other half will be split between Parshall and White Shield, \$38,000 a piece with other \$76,000.00 to the tribe.) Retro will be paid back to March, 2014. Councilman Mervin Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

F. RESOLUTION NO. 14-056-VJB— INDIAN CHILD WELFARE ACT CASES

Councilman Mervin Packineau moved to approve a Resolution entitled, "Designation of Qualified Expert Witnesses on ICWA cases. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

IV. NEW BUSINESS:

A. RESOLUTION NO. 14-057-VJB ENROLLMENT DEPARTMENT:

Councilman Randy Phelan moved to approve a Resolution entitled, "Approval of 23 Applicants for Enrollment into the Three Affiliated Tribes." Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

B. NEW TOWN HIGH SCHOOL SENIOR TRIP:

Councilman Ken Hall moved to approve a sponsorship of \$11,600 to the New Town, High School for its Senior Trip to Orlando, Florida. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

C. BUSINESS DEVELOPMENT & REALTY: Toni Star

MOTION ONE: RESOLUTION NO. 14-058-VJB SAMANTHA EAGLE HOUSE PURCHASE:

Councilman Ken Hall moved to approve a Resolution entitled, "Approval of the Purchase of Samantha Eagle property located at 314 9th Ave., S.E. and to reserve the house for family usage – Hospital stays ETC." Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

D. MOTION TWO: RESOLUTION NO. 14-059-VJB – NICOLE HENRY HOUSE

PURCHASE:

Councilwoman Judy Brugh to approve a Resolution entitled, “Approval of the Purchase of Nicole Henry property located in Parshall, North Dakota.

Councilman Ken Hall seconded the motion.

NOTE: Consensus of TBC say tribal housing administrator with input from Council Representative.

VOTE; 6 Ayes. Motion Carried.

E. RTC FCC TRIBAL ENGAGEMENT LETTER BROADBAND:

Councilman Randy Phelan moved to authorize Chairman Hall to sign support letter for the RTC to institute a broadband to Reservation after reviewed by the Legal Department. Councilman Mervin Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

F. RESOLUTION NO. 14- SPECIAL PROJECTS THUNDER BUTTE-8 PLEX

APARTMENTS:

Councilman Fred Fox moved to approve a request for FY2014 Appropriation of \$1,385,000 for 8 plex Apartment to be located with Thunder Butte Subdivision in Four Bears Segment, subject to the final approval at the budget meeting.

Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

G. PANTHER DEVELOPMENT INVESTMENTS -MANDAREE INDUSTRIAL PARK:

Councilman Randy Phelan moved to approve A Resolution Entitled: “Approval of Recognition Agreement and Ground Sublease Agreement relating to West Segment Industrial Park - Panther Development Investments LLC of 6401 Congress Avenue, Suite 250, Boca Raton, Florida 33487.” Councilman Fred Fox seconded the motion.

VOTE: 4 Ayes, 2 Nays. Motion carried.

H. RESOLUTION NO. 14-061-VJB MANDAREE SCHOOL DISTRICT:

Councilman Fred Fox moved to approve a Resolution entitled, “Approval of Mandaree School District Interest-free Loan for Teacher Housing for fiscal year 2014 and establishment of a Repayment plan. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried

I. FORT BERTHOLD COMMUNICATION AND ENTERPRISES CONSTRUCTION

UPDATE: *Jodi Rave*

Councilman Randy Phelan moved to approve \$538,880 Tribal Enterprises, Building subject to Budget Retreat May 5, 2014. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

J. RESOLUTION NO. 14-062-VJB ESTABLISHMENT OF THE THREE AFFILIATED TRIBES STANDARDIZED MINIMUM RATES FOR OIL AND GAS BONUS, ROYALTIES.

Councilman Fred Fox moved to approve Resolution as presented.

Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried.

K. RESOLUTION NO. 14-063-VJB LANGUAGE PRESERVATION AND MAINTENANCE GRANT

Councilman Randy Phelan moved to approve a Resolution entitled, "Language Preservation and Maintenance Grant monetary match. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

L. HEARTVIEW FOUNDATION REQUEST:

Councilman Randy Phelan moved to approve \$5,000 payable to the Heartview Foundation for treatment of a tribal member and to be coded to the Volunteers of America Fund when the line item is set up. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

V. CHAIRMAN'S REPORT: *Tex G. Hall*

A. RESOLUTION NO. 14-064-VJB— CHARGING EAGLE BAY BRIDGE:

Councilman Ken Hall moved to approve a Resolution entitled, "Addition of the Charging Eagle Bay Bridge and connecting roads to the Long Range Transportation Plan and Transportation Improvement Program." Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

B. RESOLUTION NO. 14-066-BAKER LAND SALE RESOLUTION

Councilman Fred Fox moved to approve A Resolution entitled, "Baker Land Sale Councilman Ken Hall seconded the motion.

—Pursuant to the "Set-back Resolution, there will be no future wells drilled.

VOTE: 4 Ayes, 0 Nays, 1 Abstention. Motion carried.

C. M.H.A. OIL & GAS EXPO FINAL AGENDA:

Presentation.

D.) TWYLA BAKER-DEMARAY:

Councilman Randy Phelan moved to approve \$2000 for a "Buffalo Feed at "Time-Out Wacipi." Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

E.) Introduction of Executive Director for the Fort Berthold Housing Authority.

VI. REPORTS:

A. CHIEF EXECUTIVE OFFICER: *Dennis Fox Jr.*

1.) RESOLUTION NO. 14-067-VJB BIA ROUTE 14 AWARD TO LOWER BIDDER FOR CONSTRUCTION GRADE, DRAIN, SURFACING AND ALL ITEMS TO COMPLETE RECONSTRUCTION FOR THE TAT ROADS:

Councilman Randy Phelan moved to approve a Resolution Entitled: "BIA Route 14 Award to Low Bidder for Construction Grade, Drain, Surfacing and all items to complete re-construction for the Three Affiliated Tribes Roads." Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

2.) **RESOLUTION NO. 14-068-VJB** - Request for Additional Routes & Maintenance work to be included in the current Transportation Improvement Plan "TIP" List for the Three Affiliated Tribes."

Councilman Randy Phelan moved to approve a Resolution Entitled: "Request for Additional Routes & Maintenance work to be included in the current Transportation Improvement Plan "TIP" List for the Three Affiliated Tribes."

Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

3.) DRUG TASK FORCE- -program report given
Bruce Gillette gave a presentation.

4.) DAWN-FREDERICKS JOHNSON

Councilman Ken Hall moved to approve to pay the \$3,500 medical bill of Dawn Fredericks-Johnson, check payable to Mid-Dakota Clinic. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

5.) SATERMO BUSINESS LOAN CONSTRUCTION:

Councilman Ken Hall moved to approve a business loan of \$870,000.00 to Scott Satermo to be coded to the Economic Development Fund. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

6.) CLOSING OF 4-PLEX and repaired by the Title Company.

7.) **SEGMENT CLEAN-UP DAYS:** Councilman Fred Fox moved to approve \$15,000 (Coded 380) to each segment for clean-up days in each community. Councilman Randy Phelan seconded the motion. coded to 380.

VOTE: 6 Ayes. Motion carried.

8.) **RICK MARSH CONSULTANT AGREEMENT** Gone from family 21/2 years try to be flexible going to take another job in Denver where he's from Analysis (Rick Marsh) Consultant Agreement

VII. A. TAX DEPARTMENT: *Mark Fox*

REPORT UPDATE: 1.) Summary of Wells Count, 2. Tax Collections, 3. Drilling Fees, 4. Water Sales Revenue, 5. Water Sales Distribution 6. Amended Water Policy John Fredericks

B. RESOLUTION NO. 14-070-VJB - SECTION 17 CORPORATIONS

Councilman Randy Phelan moved to approve a Resolution entitled, "Authorizing the Section 17 Corporation to construct and operate waters storage facilities to support its Water Marketing Program."

Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried

C. LEGAL DEPARTMENT: *Legal Department Staff*

Councilman Ken Hall moved to approve 50 Business Licenses: (3 new licenses 2 change names and 45 business renewals.) Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

D. TREASURERS REPORT: *Councilman Mervin Packineau*

1.) Small Loans: *Mary Ellen Sun*

Councilman Mervin Packineau moved to approve Small Loans Number 1-21 Councilman Fred Fox seconded the motion.

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

2.) Councilman Randy Phelan moved to approve an Education loan for No.1. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

- 3.) Councilman Randy Phelan moved to transfer the following loans for clients No. 1,3,4,6,9,10,13,14,15,16, and 8, to Housing Assistance Program at a lower interest rate. Councilman Mervin Packineau seconded the motion.
VOTE: 6 Ayes. Motion carried.

- 4.) Councilman Randy Phelan moved to transfer 1,3,4, and 6 to Business Loans to lower their interest percentages. Councilman Ken Hall seconded the motion.
VOTE: 6 Ayes. Motion carried.

5.) **CLEAR VOICE:** *Jason Two Crow*

Councilman Mervin Packineau moved to resolve the repayment balance of a business loan in the amount of negotiated with Clear Voice, “after the equipment is sold and applied to bill. Councilman Fred Fox seconded the motion.
VOTE: 6 Ayes. Motion carried.

6.) **EVERETT AND TRENT HALL BASEMENT COSTS:**

Councilman Ken Hall moved to approve both Trent and Everett Halls basement requests of \$46,950 and \$53,630 added to cost of their home mortgage. Councilman Fred Fox seconded the motion.
VOTE: 6 Ayes. Motion carried.

7.) **SPONSORSHIP REQUEST:** *Wind Spirit Spotted Bear*

Councilman Randy Phelan moved to approve a sponsorship request from Wind Spirit Spotted Bear for a total of \$3,000.00 Councilman Fred Fox seconded the motion.
VOTE: 6 Ayes. Motion carried.

8. **SPONSORSHIP REQUESTS:**

Councilman Randy Phelan moved to approve a \$3500.00 sponsorship for each individual listed; David Miranda, Shasta P., Ester Hall, and Enola Pacer (\$500X7 Segments = \$3500) . Councilman Fred Fox seconded the motion.
VOTE: 6 Ayes. Motion carried.

IX. JUDICIAL COMMITTEE:

1. **MHA NATION SUPREME COURT, RULES OF APPELLATE PROCEDURE.**

Councilman Randy Phelan moved to approve a Resolution entitled, “MHA Nation Supreme Court, and Rules of Appellate Procedure.” Councilman Fred Fox seconded the motion.
VOTE: 6 Ayes. Motion carried.

Cases had to be dismissed —because of failure to prosecute within 5 years or more. Possible hire of a Prosecutor: Miami Fla.

Councilman Mervin Packineau moved to approve hiring Judge BJ Jones to finish the Probate Hearing for the John Fredericks family. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

X. HEALTH COMMITTEE:

1. RESOLUTION 14-073 DR. ZANE RISING SUN CONTRACT RENEWAL:

Councilman moved to approve a Resolution entitled, “Employment Contract – Dr. Zane Rising Sun.”

NOTE: Employment contract shall be:

- A two year term
- Total annual compensation shall be \$273,000.00
- A retention bonus of \$27,300.00 (subject to loan repayment)
- Leave shall be accrued at a rate of 8 hours annual and 6 hours sick leave per pay period.
- Supervisor of Employee shall be the Tribe’s Medical Officer

VOTE: 6 Ayes. Motion carried.

XI. FOUR BEARS CASINO AND LODGE:

Presentation: Meeting with Casino Advisory Board.

VIII. ADJOURNMENT:

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 _____, 2014; 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 _____, 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)