



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING NO. 14-12-TGH  
SEPTEMBER 11, 2014**

**CALL TO ORDER:**

Chairman Tex G. Hall called the meeting to order at pm.

**PRAYER:** The Invocation was said by Robert?

**ROLL CALL:**

**Present:** Chairman Tex G. Hall, Councilman Randy Phelan, Councilman Mervin Packineau, Councilwoman V. Judy Brugh and Councilman Fred Fox are present. A quorum is established with five then six members present. **Absent:** Councilman Berry Benson.

**01. APPROVAL OF AGENDA:**

Randy reserved his add-on item.

Councilman Randy Phelan to approve the agenda as amended.

Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

**02. ELDERS BASEMENT REPAIRS - FINANCIAL REQUESTS:**

Councilman Ken Hall moved to direct the Tribal Housing Administrator to oversee the renovation of basements for <sup>1</sup>Elizabeth Morsette, <sup>2</sup>Yvonne Gunderson, <sup>3</sup>Dorvan White Bear, <sup>4</sup>Eunice Guimont and <sup>5</sup>Bear Stop Perkins and code the 380 General Fund. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

Motion amended to remove Bear Star Perkins name from the motion.

**03. PROBATE CODE: LEGAL COUNSEL MAJEL RUSSELL**

Councilman Fred Fox moved to approve the Tribes new Probate Code, subject to public comment. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

**04. ENROLLMENT ORDINANCE: LEGAL COUNSEL MAJEL RUSSELL**

Councilman Fred Fox moved to approve the proposed Enrollment Ordinance, subject to public comment. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

**05. FOUR BEARS CASINO AND LODGE EXPANSION:**

The General Manager did a presentation on the new expansion for the Four Bears Casino. Revisions to the Resolutions will be made, reviewed by legal, and will be presented at the next Tribal Business Council Meeting.

**06. TAT HUMAN TRAFFICKING LAW- "LOREN'S LAW:"CHALSEY SNYDER**

Councilwoman Judy Brugh moved to approve the second reading of the proposed "Human Trafficking Law," and to refer all comments to the Secretary's Office.

Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.



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*Under a conviction of any offense under Loren's Law, the Court may sentence the defendant to (sentences shall run consecutively) imprisonment for up to 365 days, but no less than 150 days with a fine of five thousand dollars (\$5,000.00.)*

**07. ELBOWOODS MEMORIAL HEALTH CENTER:**

Councilman Randy Phelan moved to announce the opening of a RFP bid process to complete the addition to the Elbowoods Memorial Health Center. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

**08. ELBOWOODS MEMORIAL HEALTH CENTER FY-2015 BUDGET:**

Councilman Mervin Packineau moved to approve 2015 funding for the Elbowoods Housing. Councilwoman Judy Brugh seconded the motion.

Discussion: Councilman Randy Phelan reminded them the 2015 budget would not be approved until after the November elections.

VOTE: 5 Ayes. 1 Nay (R.P.). Motion carried.

**09. RESOLUTION NO. 14-153-VJB: MATURE STATUS FOR ELBOWOODS MEMORIAL:**

Councilman Ken Hall moved to approve Resolution Number 14- 153-VJB entitled "Mature status for Elbowoods Memorial Health Facility P.L. 93-638 Contract #HHS-I-241-2014-004." Councilman Mervin Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

**10. NORTH SEGMENT PROPOSED PROJECTS: (4)**

Councilman Ken Hall moved to approve four proposed projects that will be located by the New Town by-pass land: Trailer Park of 21 acres, truck stop, hotel, and DOT parking lot. Councilman Mervin Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**11. RESOLUTION NO. 14-154-VJB: FOUR BEARS HEAD START- MARCUS LEVINGS**

Councilman Judy Brugh moved to approve Resolution Number 14-154-VJB entitled "Request for FY 2014/FY 2015 Appropriation of \$1,543,448 for construction of a new Head Start Center in the Four Bears Segment. Councilman Mervin Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**12. RESOLUTION NO. 14-155-VJB: COMMITMENT LETTER OF WITH TDS GROUP, MERRITT ISLAND, FLORIDA FOR FOUR BEARS SEGMENT HOTEL:**

Councilwoman Judy Brugh moved to approve Resolution Number 14-155-VJB entitled "Approval of Commitment Letter of With TDS Group, Merritt Island, Florida for Four Bears



Segment Representative of the Tribal Business Council of TAT. Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

FTR: Councilman Fred Fox left the meeting.

**13. NORTH SEGMENT - CHRISTMAS PROGRAM**

Councilman moved to grant the North Segment \$35,000 for their 2014 Christmas Program/Party. Councilman seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

FTR- Councilman Fred Fox returned to the meeting.

**14. RESOLUTION NO. 14-156-VJB: GIFT DEED OF INDIAN LAND ELGIN DYE**

Councilman Randy Phelan to approve Resolution Number 14-156-VJB entitled “Renunciation of Elgin Dye Estate interest less than 5 % in trust property in favor of Vivian Gillette”.

Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

**15. SMALL LOANS- B 1-22**

Councilman Randy Phelan to approve B1-22 with the exception of numbers 18 and 22. 18 and 22 —must provide collateral before being approved. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion approved unanimously.

**16. EDUCATION LOANS:**

Councilman Fred Fox moved to approve #1-3 subject to the Educational requirements.

Councilman Mervin Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

**17. CORDELLA GARDNER – HOME MORTGAGE LOAN:**

Councilman Mervin Packineau moved to have Cordella Gardner’s loan application forwarded to the Home Mortgage Program. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

**18. CRESTWOOD PIPELINE:**

Councilman Randy Phelan moved to direct Crestwood Pipeline to remove all “garbage pipe” at least a half a mile from sensitive areas. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.



**19. NATURAL RESOURCE- WH PACIFIC:**

Councilwoman Judy Brugh to approve a contract with WH Pacific for \$300,000.00, who will report on the oversight, monitoring and technical guidance on the Crestwood midstream spill. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**20. RESOLUTION NO. 14-157-VJB: WHITE SHIELD LAGOON RELOCATION**

Councilman Randy Phelan moved to approve Resolution Number 14-157-VJB.

Entitled, "Directive to the Finance Department to make funds available for withdrawal from the Three Affiliated Tribes Special Projects Budget fund number 97855033-330 in the amount of \$2,840,000.00 for IHS Project AB-14-S59, the White Shield Lagoon Relocation". Councilman Fred Fox seconded the motion. The check for \$2,840,000 should be made out to the "Great Plains Area Indian Health Service" and the memo line needs to read "Indian Health Service Project AB-14-S59"

VOTE: 5 Ayes. Motion Carried.

**21. TOURISM- DREX**

Councilman Ken Hall moved to approve the Tourism contract with the DREX for \$90,000.00. Councilman Randy Phelan seconded the motion.

VOTE 5 Ayes. Motion Carried.

**22. GREAT PLAINS INDIAN RODEO ASSOCIATION: PRAIRIE ROSE CHAPIN**

Councilman Ken Hall moved to approve a \$9,200.00 sponsorship to the Great Plains Indian Rodeo Association coded to 380 Tribal General Fund. Councilwoman Judy Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**23. BUSINESS LOAN-BERNADINE WILSON**

Motion made by Councilwoman Judy Brugh to approve the Business Loan of Bernadine Wilson in the amount of \$350,000.00. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**24. RESOLUTION #14-159-VJB USDA RURAL DEVELOPMENT - NORTH SEGMENT AREAS 2 & 4 PROJECTS - FORT BERTHOLD RURAL WATER SUPPLY SYSTEM:**

Councilman Randy Phelan moved to approve Resolution #14-159-VJB entitled "Approval of Application of a loan and grant from the USDA Rural Development in the amount of \$5,207,079.00 for the North Segment Areas 2 & 4 Projects—Fort Berthold Rural Water Supply System." Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.



**25. NISHU GENERAL STORE-GAS PUMP**

Councilman Randy Phelan moved to approve the \$218,286 bid for the NISHU gas pump in White Shield to be paid from the 380 Tribal General Fund. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**26. ROLANDO CURTIS FOODS, MS**

The Nu'eta Nation Builders and Rolando Curtis Foods executed Partnership Agreement whereby Nu'eta would use its SBA 8 (A) certification to acquire contracts in food and water supplies. These contracts would be passed on to Rolando Curtis Foods as the sole source sub-contractor for fulfillment. After reading the agreement, it was determined not a tribal matter as the agreement was not co-signed by the Tribe. This matter will be handled by Caleb Dogeagle from the Legal Department.

**27. BEAR STAR PERKINS- HOME MORTGAGE LOAN**

**A.** Councilwoman Judy Brugh moved to approve an additional \$40,000.00 to the Bear Star Perkins Home Mortgage Loan. Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**B.** Councilman Fred Fox moved to rescind the previous motion which included Bear Star Perkins –on the basement repairs. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**28. INCREASE FUNDING –HOME MORTGAGE PROGRAM**

Councilman Randy Phelan moved to approve the September 11<sup>th</sup>, memo from Valerie Mayer and to cap the limit to \$300,000.00 for Home Mortgage Loan Program.

Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**29. EDUCATION LOAN –VALARIE THREE IRONS:**

Councilman Ken Hall moved to approve the financial school request of Valerie Three Irons in the amount of \$500.00 from each segment and the Chairman's office.

Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**30. EDUCATION LOAN REQUEST DESIRE HOWLING WOLF:**

Councilman Randy Phelan to approve the financial school request of Desire Howling Wolf in the amount of \$2,509.69 to be paid equally from each council Representative's Segment Tribal Budget. Councilman Fred Fox seconded the motion.



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VOTE: 5 Ayes. Motion carried unanimously.

**31. RECONCILIATION OF SMALL LOAN ACCOUNTS:**

Councilman Ken Hall moved to approve the use of services of Accountant, Clifton Larson Allen to reconcile the accounts of Tribal Small Loans. Councilwoman Judy Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**32. SCHOOL FUNDING - FINANCE STAFF INCENTIVES:**

Councilman Randy Phelan moved to approve incentives for the TAT Finance staff who participated in expeditiously getting school payments out. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**33. LEGAL- RESOLUTION NO.14-160-VJB:**

Councilman Fred Fox to approve Resolution No.14-160-VJB entitled "United States Department of Defense – Defense Security Service Facility Security Clearance Exemption." Councilwoman Judy Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**34. NORTH DAKOTA RODEO ASSOCIATION:**

Councilman Ken Hall moved to approve \$20,000.00 for sponsorship of North Dakota Rodeo Association. Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**35. TWIN BUTTES TRUCK STOP**

**36. TRESPASS CODE**

Deferred until October. Code will be presented to each community for discussion.

**37. RESOLUTION NO. 14-161-VJB MHA DEVELOPMENT CORPORATION- UTTC**

Councilwoman Judy Brugh moved to approve Resolution No. 14-161-VJB Entitled "Authorization for MHA Development Corporation to enter into ground lease with the United Tribes Technical College for Land in Bismarck, N.D." and prorate to an average rate. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**38. TAX DEPARTMENT**

This item was deferred as there was no one available to make the presentation.



**39. DOT-JIM KELLER**

Councilman Randy Phelan to approve \$5,000.00 for the temporary easement of the DOT. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**40. VETERINARY SERVICES –GAME AND FISH:**

Councilman Fred Fox moved to approve a grant of \$66,900.00 to the Game and Fish Program to offer veterinary services for pet animals throughout the Reservation.

Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**41. ELTON SPOTTED HORSE-LOAN:**

Councilman Randy Phelan moved to approve a Small Loan of \$8,000 to Elton Spotted Horse. Councilman Fred Fox seconded the motion.

VOTE: 5 ayes. Motion carried unanimously.

**42. BUSINESS LOANS- DONNA REA HALL –MISTY MCKAY:**

Councilman Randy Phelan moved to approve the business loan of Donna Rea Hall in the amount of \$100,000.00 for a Food service business; and Misty McKay in the amount of \$250,000.00 for a Janitorial Service. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**43. HOME MORTGAGE LOAN LESLIE DEANE:**

Councilman Randy Phelan moved to approve a Home Mortgage Loan of \$45,000 to Leslie Deane and use the house title as collateral until the note is paid off.

Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**44. SHAYNE SMITH- SPONSORSHIP:**

Councilman Randy Phelan moved to approve a grant of \$500.00 from each Representative office including Chairman Tex G. Hall's to sponsor Shayne Lone Bear to attend the "Walk for Down Syndrome Awareness" in Bismarck, N.D.

VOTE: 5 Ayes. Motion carried unanimously.

**45. SMALL LOAN – TANYA FOX:**

Councilman Randy Phelan to approve the small loan of Tanya Fox in the amount of \$10,000.00. Councilman Ken Hall seconded the motion.

VOTE: 4 Ayes. 1 Abstention. Motion carried unanimously.



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**46. TARA LOCKWOOD – JUSTICE JAMES:**

Councilman Randy Phelan moved to approve the payment of \$2,882.00 for dental surgery for Tara Lockwood's child, Justice James. Councilman Fred Fox seconded the motion. Nelson Heart offered to pay the other half (\$2,882.00) for dental surgery for Justice James.

VOTE: 5 Ayes. Motion carried unanimously.

**47. ADJOURNMENT:**

Councilman Randy Phelan moved to approve the adjournment of the meeting. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.





**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 6 were present at the Regular Meeting thereof duly called, notice, convened and held on the 11<sup>th</sup> day of September, 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.

Vice-Chairman ( X) Voting ( ) Not Voting

Dated this 16<sup>th</sup> day of October, 2014.

**ATTEST:**

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**Tribal Secretary, V. Judy Brugh  
TRIBAL BUSINESS COUNCIL  
THREE AFFILIATED TRIBES**

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**Vice- Tribal Chairman, Fred Fox  
TRIBAL BUSINESS COUNCIL  
THREE AFFILIATED TRIBES**

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