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THREE AFFLIATED TRIBES TRIBAL BUSINESS COUNCIL CONTINUATION MEETING FROM 6-10-11 NO. 11-011-TGH JUNE 15, 2011 10:00 AM

RESUME MEETING:

In the absence of Chairman Tex G. Hall, Vice-Chairman Scott Eagle presided over the meeting, which began at 12:46 p.m. This meeting is a continuation from June 10, 2011. Chairman Hall will be in attendance at 2:00pm.

PRAYER:

Councilman Strahs gave the invocation.

ROLL CALL:

Present: Vice-Chairman Scott Eagle, Councilman Barry Benson, Councilman Frank Whitecalfe, Councilman Arnold Strahs, Councilman Packineau, and Councilwoman V. J. Brugh. Chairman Tex G. Hall will be in attendance around 2:00 p.m.

01. CLARIFICATION OF AGENDA:

Councilwoman Brugh motioned for approval of the agenda as amended. Councilman Strahs seconded the motion.

Note: The Human Resources Personnel and staff reports will be placed at the end of each agenda—to accommodate our tribal members not having to sit for hours on end for the meeting to be open to public.

VOTE: 6 Ayes. Motion carried.

02. <u>CHAIRMAN'S REPORT:</u> Tex G. Hall A. TWIN BUTTES ELDERS MEDICAL INSURANCE:

Twin Buttes elders, Dennis Huber and Diana Tomlin presented a proposal to purchase medical insurance for elders. Dennis Fox, Tribal Analyst was directed bring a report of the feasibility and cost to purchase insurance for all tribal elders. He will bring back a hard copy proposal to the next council meeting.

INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT:

The Elders from Twin Buttes requested the Tribe to apply for the Indian Community Development Block Grant funds to build an Elder Care Facility. They were informed that their request would be denied because North Segment is next in line for the next ICDBG Rotation. The request for a new van for the elderly in Twin Buttes will be taken care of by the tribe. It was clarified that Twin Buttes Community budget does have a staff and vehicle cost in their budget. But, when tribe hires someone, the Elders don't care for them. Also, the Twin Buttes Elder worker was made to fix fence which is not in their scope of work.

03. SEVERANCE PAY FOR FORMER CHAIRMAN STAFF (OLD BUSINESS)

Councilwoman Brugh motioned to approve the Severance pay requests (as detailed in Marcus Levings June 15, 2011 letter) and directed Dennis Fox to verify the number of years of employment and pay them out as soon as possible. Councilman Whitecalfe seconded the motion.

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

04. JACKIE JACKSON SEVERANCE PAY REQUEST:

Councilman Whitecalfe motioned for approval to allow the aggrieved former employees; *Jackie Jackson, Kathy White Tail, Alvina Levings, and Florence Halverson*, to submit their grievance to Human Resources Administrator —who will set up the hearing process with the Hearing Officer, Peter Furseth who has the authority to overturn or uphold a disciplinary action. Councilman Packineau seconded the motion.

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

05. RFP TURN KEY PROJECT FOR EXPANSION OF FOUR BEARS CASINO & LODGE: Scott Wilson –

Councilman Whitecalfe motioned for approval of a RFP (Request for Proposals) for Constructing and expanding the Four Bears Casino and Lodge hotel. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried. (VJB out of room)

NOTE: Chairman Hall entered the meeting at 3:15 pm.

Discussion: Closure of the Four Bears Casino and Lodge's C-Store at 11:00 a.m., is not viable and deemed more than a failure than a business decision. Wages are a huge factor in work performance.

06. NATIVE VETERANS STUDY:

Wendell White presented a request from the UND, requesting information on the number of Tribal Veterans and the services they received. He was directed to meet with the Legal Department, Tribal Health Administrator, and Chief Medical Officer, and Thomas Crowsheart Sr., who is the TAT Administrative Veteran Officer. This request will need to be placed on a resolution format defining what the survey will be used for with emphasis of the confidentiality clause.

07. TWIN BUTTES SCHOOL CONSTRUCTION PROJECT:

Councilman Benson motioned for approval to rebid the "Twin Buttes School Construction Project," due to substantial 4.5 Mil over budget. Councilman Strahs seconded the motion.

VOTE: 7 Ayes. Motion carried.

08. LONNY BURR PROJECT MANAGER HIRE:

Councilman Packineau motioned for approval to hire Lonny Burr as the Project Manager for the construction of the Twin Buttes School, at \$74,000 for one year and to include moving expenses of \$5,000. Councilman Benson seconded the motion.

VOTE: 7 Ayes. Motion carried unanimously.

09. FINANCIAL REQUESTS:

A. NORTHERN THUNDER BASKETBALL REQUEST:

Councilman Eagle motioned to approve a financial request from Alfred Smith for travel assistance to attend NABI (Native American Basketball Invitation) in Phoenix, Az. and to the Indigenous Games in Milwaukee, Wisconsin at \$500 X 10 players. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

B. APPROVAL OF ROPING STEER REQUEST:

Councilman Eagle motioned to approve the Roping Steer request of \$2500 to Denny Wolf —provided they are working with youth. Councilman Eagle amended his motion to include Everette Hall's request to purchase 10 steer for \$2500, for a total of \$5,000. Councilman Packineau accepted the amendment.

VOTE: 7 Ayes. Motion carried.

C. APPROVAL OF RESPITORY WELDING MASK:

Councilman Whitecalfe motioned to approve the purchase of a Respiratory Welding Mask for Richard Ornelas, to be paid with the 477 funds. Councilman Eagle seconded the motion.

VOTE: 7 Ayes. Motion carried.

D. DELPHINE BAKER FINANCIAL REQUEST - STEUBENVILLE TRIP:

Councilman Strahs motioned to approve \$4,800 request to take 10 students to the Steubenville Trip, with one-half to come from the Four Bears Casino & Lodge. Councilman Eagle seconded the motion.

VOTE: 7 Ayes. Motion carried.

E. LEONARD CHARGING JR. SEWER REPAIR REQUEST:

This matter was turned over to Councilman Strahs who will contact the Indian Health Service for assistance.

F. TEKAWITHA CONFERENCE TRAVEL ASSISTANCE:

Councilman Whitecalfe motioned to approve \$650 per active participant to attend the Tekawitha Conference in Tucson, Arizona July 20-24, 2011. Councilman Packineau seconded the motion.

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

G. LYDA BEARSTAIL SEVERENCE / RETIREMENT:

Councilman Strahs motioned to provide a \$5,000 (as affirmed in the Severance Policy) to Lyda Bearstail retiring after 11 years of work. Councilwoman Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

I. ARIKARA DEVELOPMENT CORPORATION:

Councilman Whitecalfe motioned for approval of startup fees of \$150,000.00 to the Arikara Development Non-profit Corporation; with half grant \$75,000/ half loan/\$75,000, to set up infrastructure to improve quality of life in White Shield. The funds will be taken from the contingency fund account 380. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

J. ARIKARA SCOUTS FINANCIAL REQUEST:

Councilman Whitecalfe motioned to approve the financial request from Arikara Scouts Financial Travel Assistance to Little Bighorn Memorial in honor of Bloody Knife for \$8750.00 to include singers, honor guard, dancers and presenters. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

K. PATTY SMITH:

Councilman Packineau motioned to approve a small loan of \$1500 to Patty Smith for her mother, Anita Deane Memorial; and to add Mariam Gwin for \$500 Memorial Grant and \$500 from the Twin Buttes Community fund. Councilman Strahs seconded the motion.

VOTE: 6 Ayes. Motion carried.

L. RON FOOTE LOAN:

Councilman Packineau motioned to approve a Small Loan of \$2,000 to Ron Foote to purchase a transmission for his vehicle. Councilwoman Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

M. SPIRIT RIDERS GRANT:

Councilman Whitecalfe motioned for approval of a \$7,000 grant to the Spirit Riders Group for help with youth programming. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

10. APPROVAL OF NAME CHANGE:

Councilman Eagle motioned for approval of a Resolution entitled, "Approval of Name Change of MHA Resources, LLC to Missouri River Resources LLC and Expansion of Board." *No second - the motion failed.*

11. APPROPRIATION FOR MISSOURI RIVER RESOURCES:

Councilman Eagle motioned for approval of a Resolution entitled, "Appropriation of \$549,328.00 to Missouri River Resources to be paid from Red

Willow Great Plains LLC/Stetson Oil and Gas Extension Proceeds." No second – motion failed.

12. <u>RESOLUTION NO. 11-70-VJB - GODFREY & KAHN MISSOURI RIVER</u> RESOURCES:

Councilman Eagle motioned to approve the payment to Carl Artman with Missouri River Resources to be capped at \$150,000.00. Councilman Strahs seconded the motion.

VOTE: 7 Ayes. Motion carried.

13. RESOLUTION NO. 11-071-VJB - PAYMENT FOR JOHN KINGSBURY

Councilman Packineau motioned to approve the onetime payment of \$19,475.36 to John Kingsbury dba Gas Processing Management Inc. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

14. MISSOURI RIVER RESOURCES RIGHT OF REFUSAL:

Councilman Eagle motioned for approval of the Missouri River Resources Right of First Refusal to Mineral Interests of the Three Affiliated Tribes. *No second – Motion failed.*

15. T148N R 95W - RONALD BRUGH:

Councilman Whitecalfe motioned to approve a cost share with Tribe over Scoria Pit similar as contract given to Foote Construction on Range 904 – undeveloped Scoria Pit. Councilman Strahs seconded the motion.

VOTE: 7 Ayes. Motion carried.

16. MHA ENERGY – FRED FOX:

Councilman Whitecalfe motioned to approve the report on oil and gas activity on the Reservation in regards to royalties and status broken down by Well and Spill Prevention Report by Oil Company. Councilman Strahs seconded the motion.

VOTE: 7 Ayes. Motion carried.

17. ENERGY DEPARTMENT PERSONNEL ACTIONS:

Refer to Personnel Action Forms - Hubert Danks/Delvin Rabbithead.

18. BOBBY JOE DEANE BOXING CHAMPIONSHIP:

Councilman White Calfe motioned to approve a grant of \$1500 to Bobby Joe Deane to participate in the Boxing Championship in Colorado Springs, Colorado. Councilman Eagle seconded the motion

VOTE: 7 Ayes. Motion carried.

19. VERLEE WHITECALFE SAYLER:

Presentation: Man Camp Code – Motion to create tribal codes in place to regulate sanitation, environmental factors, and placement of Man Codes within the Fort Berthold Reservation. Food Code also was brought up. Two Resolutions were presented as well, but needed to be corrected and clarified by Legal as they were not ready to be approved. Refer the Codes back to HP/DP Committee for further review then bring Resolutions and plan back to Council.

20. GRAZING PERMITS NATURAL RESOURCES:

Councilman Whitecalfe motioned to approve grazing permits for Natural Resources in bulk excluding four range units that have not been applied for—that can be advertised. Councilwoman Brugh seconded the motion.

VOTE: 6 Ayes, 0 Nays, 1 Abstention, 0 Not voting. Motion carried.

21. PURCHASE OF BACKHOE FOR RURAL WATER:

Councilman Packineau motioned to approve the purchase of a backhoe for the Fort Berthold Rural Water. Councilman Strahs seconded the motion.

VOTE: 7 Ayes. Motion carried.

22. UNIT 904 NEGOTIATION OF LEASE:

Lessee has paid fees but only 30 cattle have health certificates although there are over 200 head. Lease was signed and accepted by Randy Phelan. There have been complaints from neighboring ranches about cattle ranging on their land. There was no fencing or repair stipulations in signed lease or brand inspections either. Natural Resources Committee-Chair Arnie Strahs will send a letter to include that lessee mend and repair fences and compensate Tribal Ranch for work done on their behalf.

23. TRAINING EMPLOYMENT RIGHTS OFFICE:

A. Councilman Eagle motioned to approve a request from the Tribal Employment Rights Office to purchase, safety equipment @ \$105,000.00 for both single and dual gas monitors as well as other oil safety equipment. Councilman Packineau seconded the motion.

NOTE: A bid was submitted by Sillitti Oil Field Supply, Oil and total Safety with them being the lowest at \$115,184.50. They have a check in place for \$10,000 already— and are requesting the difference from Council.

VOTE: 7 Ayes. Motion carried.

- B. Fiscal Year 2011 Tribal Employment Rights Office staff wage rate increases A directive was given to Charles Foote to work with Rich Mayer and Dennis Fox to approve a merit increase across the board for TERO employees and also decide on a Fair and Market Value hazard pay rate for Oil Field Workers.
- C. Councilwoman Brugh motioned to table the Renewal of Contract until the next Oil Meeting, with Resolution and Contract to be run past legal. She

amended her motion to temporary hire Law E. Tech., until contract is amended. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

TERO Code to be amended to suspend license for people who violate tribal code in regards to environmental issues as well as regulatory issues which regulates all TERO Businesses.

Marcus Levings requested his TERO Contract be administered similar to travel payments as he has not received his fees on schedule. He requested that 80% up front with 20% given upon completion of reports. No action was taken.

24. RESOLUTION NO. 11-072-VJB, ENERGY AND MINERAL DEVELOPMENT:

Councilman Whitecalfe motioned to approve Three Affiliated Tribes request to contract from the Bureau of Indian Affairs program functions, services and activities related directly and indirectly to energy and mineral development on the Fort Berthold Reservation pursuant to the Indian Self-Determination and Education and Assistance Act Resolution 11-072-VJB. Councilman Eagle seconded the motion.

VOTE: 7 Ayes. Motion carried.

25. TRIBAL COURT STAFF TRANSFER:

Councilman Whitecalfe motioned to move TAT, Tribal Court to the "old North Segment Building" until mold and environmental issues are dealt with. Councilman Packineau seconded the motion.

VOTE 7 Ayes. Motion carried.

26. TRIBAL COURT STAFF PERSON ADMINISTRATIVE LEAVE:

Councilman Packineau motioned for approval of administrative leave for Carol Chapin due to health reasons until TAT Court is moved and open – beginning immediately. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

27. KDU/MAIN ELECTRICAL CONTRACT:

Councilman Eagle motioned for approval of Main Electrical Contract for TAT-KDU and approval of KDU Fire system paid out of Indian Health Service funds. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

28. KIDNEY DIALYSIS CENTER:

Councilman Strahs moved for approval to pay out 80 hours of compensatory time to the two Bio Techs, *Roger Grady and Gabe Fettig*—as they are required to be at KDU during patient hours to regulate machines and procedures. Councilman Whitecalfe seconded the motion.

NOTE: Councilwomen Brugh said to include pay out compensatory leave to the Four Bears Utility workers as they are always on call and unable to use their comp. time hours.

VOTE: 7 Ayes. Motion carried.

29. ENOLA AND RAMONA POND HOME LOAN:

Councilman Packineau motioned to approve a \$15,000 loan to Enola Pond and a \$15,000 to Ramona Pond for flood assistance. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

30. SMALL LOAN KENNY/SANDRA SMITH

Councilwoman Brugh motioned to approve a \$5,000 Loan to Kenny Smith and a \$5,000 to Sandra Smith for a total of \$10,000 with title of a new vehicle to be held as collateral. Councilman Eagle seconded the motion.

VOTE: 7 Ayes. Motion carried.

31. WHITE SHIELD POW-WOW COMMITTEE:

Clair Fox White Shield Pow-wow Committee Chairman has requested \$10,000 from Tribal Business Council and requested \$10,000 from Casino on top of the \$40,000.

32. CONTRACT FOR DOMINICK SILLITTI AS DOI PROJECT MANAGER:

Councilman Eagle motioned to hire Dominick Sillitti at \$45,000 per annum to include Health Insurance, whereas he is to assist the Economic Committee. Councilman Benson seconded the motion.

VOTE: 7 Ayes. Motion carried.

33. COUNCILWOMAN BRUGH - FOUR BEARS SEGMENT TRUCK:

Councilman Eagle motioned to purchase for the Four Bears Segment a three quarter ton Dodge Ram Work Truck with a $\frac{1}{2}$ ton trade in with 3 Bids and will be given to Whitney for approval. Councilman

VOTE 7 Ayes. Motion carried.

34. ELBOWOODS MEMORIAL HEALTH CENTER:

Councilman Packineau motioned to approve \$230,000 for the Elbowoods Memorial Health Center's Health Budget, and to include the purchase of a vehicle for the project. Councilman Benson seconded the motion.

VOTE: 7 Ayes. Motion carried.

35. ELBOWOODS MEMORIAL HEALTH CENTER:

Councilman Eagle motioned for approval to award the remainder of Red Willow's Lease Money Lease to go to Elbowoods Memorial Health Center for Infrastructure. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

36. RESOLUTION NO. 11-073-VJB, AMENDED SEX OFFENDERS REGISTRATION

Councilman Packineau motioned to approve the adoption of amended Sex Offenders Registration and Notification Act. Councilman Eagle seconded the motion.

VOTE: 7 Ayes. Motion carried.

37. APPROVE MOU FOR SORNA:

Councilman Eagle motioned to approve the Memorandum of Understanding of amended Sex Offenders Registration and Notification Act. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

38. APPROVAL OF TWIN BUTTES TRADING POST LIQUOR LICENSE:

Councilman Packineau motioned to Twin Buttes Trading Post Liquor License. Councilman Strahs seconded the motion.

VOTE: 6 Ayes, 1 Nay. Motion carried.

NOTE: Councilman Whitecalfe left the meeting at 12:00 midnight.

39. RESOLUTION NO. 11-074-VJB APPROVAL OFFISCAL YEAR 2011 GENERAL FUND TRIBAL BUDGET:

Councilman Packineau motioned to approve of FY 2011 Budget for the Three Affiliated Tribes General Fund in the amount of \$40,000,000.00 Councilman Eagle seconded the motion.

VOTE: 6 Ayes. Motion carried.

40. JD CREDIT AND MIDWEST LEASING:

Councilwoman Brugh motioned to approve payments of Capital Lease due to JD Credit and Midwest Leasing per month per memo from Sarah Billing from account 380. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

41. AGREEMENT FOR AMBULANCE SERVICE CONTRACT:

Councilman Packineau motioned to approve Agreement for Ambulance Service Contract between Gerald T. Fox Justice Center and New Town Ambulance Service. Councilman seconded the motion.

VOTE: 6 Ayes. Motion carried.

42. VEHICLE PURCHASE FOR COUNCILMAN BENSON:

Councilman Packineau motioned to purchase a vehicle for Councilman Benson, plus trade in value who will pay back via a four year wage assignment with a \$3332 of new vehicle. Councilman Strahs seconded the motion.

VOTE: 5 Ayes, 1 Abstention. Motion carried.

43. PURCHASE OF (6) SEGMENT VANS:

Councilwoman Brugh motioned to approve the purchase for all 6 segments with insurance and payments to be made by Tribe from fund 380, gas and maintenance to be paid by segments. Councilman Eagle seconded the motion.

VOTE: 6 Ayes. Motion carried.

44. TRIBAL FINANCIAL ADVISORS PAYMENT:

No motion - No action taken.

45. <u>DUSTIN YOUPEE MOBILE HOME</u>:

Councilman Eagle motioned to incorporate moving costs and back rent of lot rent for Youpee, moving fees not to exceed \$4000 and lot fees of \$1000 on back rent on lot rent. Councilman Strahs seconded the motion.

NOTE: Whitney Bell, Chief Financial Officer recommended the TBC approve a loan to Dustin Youpee for Trailer bought by Robert Hinshaw. Hinshaw will owe \$5,228 on original loan and Youpee will assume loan of \$33,482 including interest. Should Youpee buy a house, tribe will buy back trailer at depreciated value. Dustin Youpee has been served notice to surrender lot but does not have a new lot or money to move trailer. The Original Lot owned by Hinshaw inlaws.

VOTE: 6 Ayes. Motion carried.

46. TRIBAL BUFFALO RANCH:

Councilman Packineau motioned to approve of 2 four wheelers for Tribal Buffalo Ranch to be used in Buffalo up keep and Hunting excursions for \$19,706.00 to come out of the Ranch Budget. Councilman Strahs seconded the motion.

VOTE: 6 Ayes. Motion carried.

47. NORTHERN LIGHTS SUBDIVISION MORTGAGES:

Councilman Packineau motioned to authorize mortgage payments of \$30,000.00 to Chase Manhattan Bank for the Northern Lights Subdivision back rent. Councilman Eagle seconded the motion.

VOTE: 6 Ayes. Motion carried.

48. TRIBAL VEHICLE PURCHASES:

Councilman Packineau motioned to approve the purchase of a van for Finance not to exceed \$35,000, and also include a van purchase for Chairman's staff. Councilman Benson seconded the motion.

VOTE: 6 Ayes. Motion carried.

49. DK RESOURCES CONTRACT:

Councilman Packineau motioned to approve a contract for DK Resources. Councilman Eagle seconded the motion.

VOTE: 6 Ayes. Motion Carried.

51. LLOYD JOHNSON TITLE TRANSFER 05 DODGE RAM PICK-UP:

Councilman Packineau motioned for approval of a small loan of \$6600 to purchase a 05 Dodge Ram Truck from the TERO Program, price based on the Kelly Blue Book Value. Councilman Eagle seconded the motion.

VOTE: 6 Ayes. Motion carried.

52. PRAIRIE PLAINS SAFETY SERVICE:

Councilman Eagle motioned to contract Prairie Plains Safety Service for preassessment of Hazards and Safety systems relating to the Bakken Resource Drive to be used for future grant writing in the amount of \$30,000.00. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion Carried.

53. ARBY LITTLE SOLDIER FINANCIAL REQUEST:

Councilman motioned to send seven TAT representatives to Dallas, Texas attend a White Buffalo Calf naming Ceremony proposed by Arby Little Soldier. Councilman Eagle seconded the motion.

VOTE: 6 Ayes. Motion carried.

54. HWY 23 IMPROVEMENT PROJECT:

Councilman Eagle motioned to approve to move water and sewer mains for Hwy 23 Improvement Project. Councilman Strahs seconded the motion.

NOTE: A request from the State of ND for grading, widening and moving of utility lines. The State will reimburse Tribe up to \$200,000.00.

VOTE: 6 Ayes. Motion carried.

55. ELAINE JOHNSON BUILDING RENTAL: Dennis Fox - Tribal Analyst

Councilman Eagle motioned to Rent Elaine's Floral @ \$3000 a month for office space for the Tribal Agricultural Department and Business Development Program; for \$39,000 for a full year to come out of respective renting program Funds. Councilman Packineau seconded the motion.

VOTE:	5 Ayes, 1 Nays,	, 0 Abstentions, 0 Not voting. Motion carried.
		CERTIFICATION
the Fort Berthold Incomposed of seven Meeting thereof duly 2011; that the foreg	dian Reservation, I (7) members of who called, notice, coro oing Minutes were members; oting.	Tribal Business Council of the Three Affiliated Tribes of hereby certify that the Tribal Business Council is om (5) constitute a quorumwere present at the hvened and held on theday of, amended and/or duly adopted at such meeting by themembers opposed;members abstained;
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Dated thisday	OI,	, 2011.
		ATTEST:
Tribal Secretary, V.	Judy Brugh	Tribal Chairman, Tex G. Hall
Tribal Business Cou		Tribal Business Council,
Three Affiliated Tribes		Three Affiliated Tribes