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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING 11-018-VJB
October 20, 2011, 3:00 P.M.**

CALL TO ORDER: Chairman Tex G. Hall called the meeting to order at 3:40 P.M.

PRAYER: Councilman Arnold Strahs gave the invocation.

ROLL CALL: Present: Chairman Tex G. Hall, Councilman Frank Whitecalfe, Councilman Arnold Strahs, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh. Absent: Councilman Barry Benson.

01. APPROVAL OF AGENDA:

Councilwoman Brugh moved for approval of the agenda as amended. Councilman Frank Whitecalfe seconded the motion.

AMENDMENTS: Remove from the agenda-Eagle Rock Timber Inc.: Hollund Dredge. Move under the Chairman's Report (A) Twin Buttes School and defer Maxine Bolman until a later date. (B) NCAI Conference. (C) (VJB) Helena Mahsetsky.

VOTE: 5 Ayes. Motion carried.

02. APPROVAL OF MINUTES: September 14, 2011

Councilman Whitecalfe moved for approval of the September 14, 2011 minutes of the Tribal Business Council meeting. Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

03. APPROVAL OF MINUTES: October 6, 2011

Councilman Packineau moved for approval of the October 6, 2011 minutes of the Tribal Business Council meeting. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes. Motion carried.

04. CHAIRMAN'S REPORT: Tex G. Hall RESOLUTION NO. 11-108-VJB Twin Buttes School: Lonny Burr

Councilman Packineau moved for approval of presentation and Resolution entitled, "Request to the Bureau of Indian Affairs for Negotiated Guaranteed Maximum Price and Square Footage Reduction for Twin Buttes K-8 Replacement School." Councilman Arnold Strahs seconded the motion.

NOTE: Karen Sitting Crow is to follow up on two issues: 1. Asbestos 2. Ownership issues.

VOTE: 5 Ayes. Motion carried.

- 05. CHAIRMAN'S REPORT: Tex G. Hall RESOLUTION NO. 11-109-VJB NCAI Dues**
Councilman Strahs moved for approval of a Resolution entitled, "2011 Delegates to the National Congress of American Indians." Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

- 06. UNFINISHED BUSINESS: RESOLUTION NO. 11-111-VJB Tall Salt Financial Advisors**

Councilman Packineau moved for approval of Tall Salt Asset Management/Mette Associates LLC Contract for Service. Councilman Whitecalfe seconded the motion.

NOTE: Advisors gave an update on Royalty Reconciliation for June 1, 2008 through June 30, 2011. They also presented a proposal to go further into reporting. Tall Salt advisors are to provide Royalty Verification Services to the MHA Nation.

VOTE: 4 Ayes 1 Nay 0 Abstention 0 Not Voting. Motion carried.

- 07. UNFINISHED BUSINESS: Helena Mahsetsky Financial Request**

Councilman Whitecalfe moved for approval of a \$15,000.00 medical loan to Helena Mahsetsky on behalf of her grandson, "Kevin Johnson, Jr." subject to a Ketterling Hold through the B.I.A. on her IIM account. Councilwoman Brugh seconded the motion.

NOTE: Helena Mahsetsky, a Tribal member; made a request for a financial grant on behalf of her grandson, "Kevin Johnson, Jr." who is an Oncology patient. She is moving to Fargo, North Dakota so he can be close to a treatment center.

VOTE: 5 Ayes. Motion carried.

- 08. UNFINISHED BUSINESS: Mabel Bear Nichols Tribal Housing Request: Barb Pegg, FBHA Executive Director**

Mabel Bear Nichols received a letter from the Affordable Housing Development Manager that allowed her for a replacement home with a crawl space. Barb Pegg did an assessment but due to the conditions of her house it is beyond repair and renovation. Also, the Housing Preservation Grant funds cannot be used to build or complete a new dwelling; and it is not an allowable cost. Barb Pegg is recommending her to the Tribal Home Improvement Program. Mabel does have minerals, land, and a plan to acquire a second lot. She may be able to acquire a home through the USDA 504 Program, Elder low Income.

The Fort Berthold Housing has determined that it will reimburse Mrs. Nichols for the storage costs she has incurred to date and assist in returning her items to her home if she so desires. Tribal Housing and Fort Berthold Housing will continue to locate resources to make certain for Mrs. Nichols to receive her home.

- 09. NEW BUSINESS: RESOLUTION NO. 11-110-VJB Enrollment of 39 Applicants: John Charging, Enrollment Director**

Councilwoman Brugh moved for approval to accept 39 applicants for enrollment with the Three Affiliated Tribes. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

10. NEW BUSINESS: Ft. Berthold Communication Enterprises By-Laws: Roseann Johnson, President

Councilman Packineau moved for approval to amend the Charter and Bylaws of the Ft. Berthold Communication Enterprises. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

11. NEW BUSINESS: Water Distribution Sites: Lyda Bearstail/Harriet Good Iron/Howard Fritz Fettig

Councilman Strahs moved to approve a request from Lyda Bearstail, Harriet Good Iron, and Fritz Fettig to move forward with their water distribution sites, and to have them come back to the Tribal Business Council with a resolution at a later date. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes. Motion carried.

12. NEW BUSINESS: Rural Water Recreation Bulk Distribution: Maynard Demaray

Councilman Strahs moved for approval of the Recreation Bulk Distribution, and to approve contracts for Fort Berthold Rural Water and Recreation area or Work Force Lodging Camp Water Purchase Contract and FBRW and Commercial or Industrial Bulk User Water Purchase Contract. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes. Motion carried.

13. NEW BUSINESS: Cumulus, BPO, LLC., TERO Contract: Richard Hall

Councilman Whitecalfe moved for approval of an amended contract renewal between Cumulus, BPO, LLC., and TERO employees to process data and at a rate of \$75.00 per hour on-site and \$40.00 per hour remote sessions, Data Capture \$1.50 per document; set up fee being \$6,000.00 and after that a monthly fee of \$2,500.00, with the initial term for one year. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

14. NEW BUSINESS: Al Nygaard Contract: Dennis Fox, CEO

Councilwoman Brugh moved for approval of a contract with Al Nygaard to provide a feasibility study and economic impact study in relation to the oil and gas industry on the Fort Berthold Indian Reservation, in consideration of the services to be performed. The consultant shall be paid a total fee of \$90,000.00, with

term of contract for the period of October 20, 2011 through June 30, 2012.
Councilman Strahs seconded the motion.

Discussion: A grant in hand from the Bureau of Indian Affairs will reimburse the Tribe-as the money is needed by October 31, 2011. The sum of \$20,000.00 will be paid upon execution of this contract and the remainder of the total amount upon completion of each study, \$35,000.00 respectively.

VOTE: 5 Ayes. Motion carried.

15. NEW BUSINESS: Environmental Code: Dennis Fox, TAT CEO

Councilman Packineau moved for approval of the two amendments to the "Tribal Public Safety Commissioner" found in the final draft version on page 63 of the Environmental Code. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

16. NEW BUSINESS: Business Permit & Transportation Impact Permit Fees: Dennis Fox, CEO

Councilman Strahs moved for approval to waive the 1st and 2nd Reading of the Business Permit and Transportation Impact Fee and to approve the 3rd Reading and to post for public comment. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

17. NEW BUSINESS: Elbowoods Health Care Center Grand Opening: James Foote/Dennis Fox, CEO

Councilwoman Brugh moved for approval of the Elbowoods Health Care Center grand opening budget in the amount of \$50,000.00. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

18. NEW BUSINESS: Northern Lights Housing for Elbowoods Health Center and Police Transitional Housing: Dennis Fox, CEO

Councilwoman Brugh moved for approval to purchase 19 housing units for the Elbowoods Memorial Health Center and 8 units for the police officer housing, for a total of \$635,000.00. These units will be located in the Northern Lights subdivision area. Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

19. NEW BUSINESS: Elbowoods Purchase of Two Trailer Homes: James Foote/Dennis Fox, TAT CEO

Councilwoman Brugh moved for approval to purchase from ComStock Construction Co. two trailer homes (1985 & 1990) for the Elbowoods Memorial

Healthcare Center Staff. The total cost for the two trailers is \$30,000.00. The motion is seconded by Councilman Packineau.

NOTE: The two trailers are on site and already hooked into water, sewer, and electricity. They were previously occupied by ComStock employees while they worked on the Health care facility.

VOTE: 5 Ayes. Motion carried.

20. NEW BUSINESS: Resolution 11-112-VJB Request to Secretary of the Interior for Certain Fee Lands into Trust: Dennis Fox, TAT CEO

Councilman Packineau moved for approval of a resolution entitled, "Request to Secretary of Interior to Acquire Certain Tribal Fee Lands into Trust Status on Behalf of the Three Affiliated Tribes." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

21. NEW BUSINESS: Resolution 11-113-VJB MHA Cleans Fuels Refinery Project Lands Title Transfer: Richard Mayer

Councilman Packineau moved for approval of a resolution entitled, "Authorization to Transfer Title to MHA Clean Fuels Refinery Project Lands to United States to Be Held in Trust on Behalf of the Three Affiliated Tribes." The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes. Motion carried.

22. NEW BUSINESS: Resolution 11-114-VJB MHA Clean Fuels Refinery Authorization to Hire Company for Ground Water Monitoring: Richard Mayer

Councilman Strahs moved for approval of a resolution entitled, "Authorization to Hire Independent Company to Conduct Groundwater Monitoring for MHA Nation Clean Fuels Refinery Operations." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes. Motion carried.

23. NEW BUSINESS: Clean Fuels Refinery Baker Consulting, LLC Attorney Contract: Richard Mayer

Councilman Packineau moved for approval of a contract with Baker Consulting, LLC for Water well capping in the amount of \$15,630.00. This amount is included in the Clean Fuels Refinery Budget. The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes. Motion carried.

24. NEW BUSINESS: Clean Fuels Refinery Contract with ARCADIS for 3 Permits

Councilman Whitecalfe moved for approval of a contract extended to Jerry Koblitz of ARCADIS U.S., Inc. in the amount of \$57,995.00 for 3 permits. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes. Motion carried.

25. NEW BUSINESS: Resolution 11-115-VJB Clean Fuels Refinery Attorney Scope of Work and Budget: Richard Mayer

Councilman Whitecalfe moved for approval of a resolution entitled, "Special Legal Services Contract for the Clean Fuels Refinery Project." The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes. Motion carried.

26. NEW BUSINESS: Clean Fuels Refinery TRIAD Contract Extenuation Bob Woolley: Richard Mayer

Councilman Packineau moved for approval of the contract extenuation of \$70,000.00 TRIAD Project Corporation with \$30,000.00 to Robert Woolley totaling \$100,000.00. Councilman Strahs seconded the motion.

VOTE: 4 Ayes 0 Nays 1 Abstention 0 Not Voting. Motion carried.

27. NEW BUSINESS: Clean Fuels Refinery Fredericks, Peebles, & Morgan LLP TAT Refinery NPDES

Discussion only.

28. NEW BUSINESS: RFP for a Clean Fuels Refinery on Ft. Berthold Indian Reservation: Richard Mayer

Councilman Strahs moved for approval of a request for financing development Proposals for a Clean Fuels Petroleum Refinery on the Fort Berthold Indian Reservation, ND. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes. Motion carried.

29. NEW BUSINESS: Fort Berthold Development Corporation: Richard Mayer

Councilman Packineau moved for approval of Site 2 Narrative-Fort Berthold Development Corporation Contract Narrative DACA31-01-0046 Delivery Order 19. John J. Kirlin, LLC (formerly John J. Kirlin, Inc) approve payment subject to accounting to determine the exact amount owed. Councilwoman Brugh seconded the motion.

NOTE: John J. Kirlin, LLC (formerly John J. Kirlin, Inc.) was contracted by the FBDC to perform work on the "Site 2" Project in Washington, D.C. in February, 2006. The Project involved sensitive work at a U.S. Government Building for the U.S. Army Corp of Engineers as per the USAGE RFP dated 7-24-2005. Charles Gaskell owes a balance and the contract is not finished and it's on hold right now with major violation that have serious ramifications and the Board of Directors

ask for assistance in closing this account. We need a minimum \$166,539.00 owed. This leaves an additional \$147,352.00 of work to complete on the project. The last payment of \$106,419.00 was received March 21, 2011 and was for work completed through December 2010. When FBDC closed out the project before December 2010 JJ came up with the amount to turn in the contract. FBDC sent a payment of \$106,000.00 but for some reason-JJ, LLC continued to work until September, 2011.

VOTE: 5 Ayes. Motion carried.

30. NEW BUSINESS: Small Loans: Terry Logg

Councilwoman Brugh moved for approval of the following Small Loans, subject to the guidelines of the Small Loan Program. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes. Motion carried.

| Name of Applicant | Date of Application | Loan Amount | Reason | Notes Regarding Loan | Collateral |
|--------------------|---------------------|-------------|-----------------------|--|------------|
| Ricardo Villagrana | 10/7/11 | \$3,500.00 | Vehicle | Current owes \$2,994.17 | No |
| Kathleen DeLaRosa | 10/13/11 | \$2,000.00 | Personal | Current owes \$3,651.75 | No |
| John Wells | 10/13/11 | \$2,400.00 | Personal | Delinquent owes 42,164.55 | No |
| Douglas Hoffman | 10/11/11 | \$6,500.00 | Home Improvement | Doesn't owe | Yes |
| James P. Hale | 9/7/11 | \$10,282.36 | Home Improvement | Currently owes \$2,205.05, Refinance up to \$15,000.00 | Yes |
| Kelly P. Baker | 10/13/11 | \$12,500.00 | Vehicle | Eligible doesn't owe | Yes |
| Vernie Joy Chapin | 10/13/11 | \$13,000.00 | Personal/ Start up | Owes \$2,607.34 | Yes |
| Suthree Lovell | 10/12/11 | \$15,000.00 | Personal | Doesn't owe | Yes |
| Kandace Sanchez | 10/13/11 | \$15,000.00 | Home Improvement | Current owes \$2,773.46, /Delinquent Education owes \$9,925.46 | Yes |
| Colleen | 10/18/11 | \$15,000.00 | Vehicle | No Loans | No |

| | | | | | |
|-------------------|----------|-------------|------------------|---|-----|
| Stone | | | | | |
| Edmund Fixico | 10/18/11 | \$10,000.00 | Personal | Owes \$2,716.02 | Yes |
| Elsie Foote | 10/12/11 | \$15,000.00 | Vehicle | Owes \$8,825.29, up to \$15,000.00 | No |
| Tori Morning Star | 10/20/11 | \$15,000.00 | Personal/vehicle | Owes \$4,229.20 can refinance up to \$15,000.00 | No |
| Antoine Brugh | 10/20/11 | \$15,000.00 | Personal | Subject to Small Loans Guidelines | Yes |

31. NEW BUSINESS: New Town Middle School Trip: Coya Walker, At Risk Counselor

Councilwoman Brugh moved for approval of \$7,580.00 to supplement their trip to San Diego, CA November 30-December 30, 2011. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

32. UNFINISHED BUSINESS: Land and Home Site: Sue Romero

The land and home are for sale, the owner wishes to retain Mineral Rights. An appraisal was conducted by Haaland Appraisal Services from Minot, ND. Person was told the tribe could only offer her \$30,000.00. No action taken.

33. ADJOURNMENT:

Councilman Strahs moved for approval to adjourn the meeting. Councilman Whitecalfe seconded the motion.

The meeting adjourned at 9:27 P.M.

VOTE: 5 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 ____ day of _____, 2011; that the foregoing Minutes were amended and 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 _____, 2011.

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

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

