



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING- Continuation 14-02-MF
DECEMBER 18TH, 2014 10:00 a.m.**

CALL TO ORDER: Chairman Mark Fox called the meeting to order at 10:45 am.

PRAYER: Allan Demaray

ROLL CALL:

Present: Chairman Mark Fox, Councilman Cory Spotted Bear, Councilman Fred Fox, Councilman Randy Phelan, Councilman Frank Grady, Councilman Mervin Packineau, and Council Ken Hall.

I. APPROVAL OF AGENDA:

Councilman Randy Phelan moved to accept the agenda. Councilman Frank Grady seconded the motion.

VOTE: 7 Ayes. Motion Carried.

Chairman Mark Fox- aye
Councilman Cory Spotted Bear-aye
Councilman Fred Fox-aye
Councilman Randy Phelan-aye
Councilman Frank Grady-aye
Councilman Mervin Packineau-aye
Councilman Ken Hall-aye

II. APPROVAL OF November 13th, 2014 MINUTES:

Councilman Mervin Packineau moved to approve the Minutes of November 13th, 2014 as amended. Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.
Chairman Mark Fox- aye
Councilman Cory Spotted Bear-aye
Councilman Fred Fox-aye
Councilman Randy Phelan-aye
Councilman Frank Grady-aye
Councilman Mervin Packineau-aye
Councilman Ken Hall-aye

III. New Business:

A. Board Elections :

Councilman Randy Phelan moved to have the number of boards and the policies to be researched to determine election for board members.
Councilman Ken Hall seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

Councilman Mervin Packineau moved to approve Resolution number 14-196-LKH entitled "Approval of the Tribal Business Council's Change of Appointment for Fort Berthold Housing Authority Board of Commissioners"
Councilman Ken Hall seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

Councilman Frank Grady moved to approve resolution #14-197-KLH entitled "Approval of the Tribal Business council's appointment for the communication board by the Tribal Business Council" Councilman Mervin Packineu seconded the motion.

Vote 7 Ayes. Motion carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

B. Appointments

Councilman Randy Phelan moved to appoint Arnie Sworenson as the interim to the Tero board stated in Resolution #14-198-KLH "Approval of the Tribal Business Council's Interim Appointment of Arne Sorenson to the TERO Commission" Councilman Fred Fox seconded the motion.

Vote 7 Ayes. Motion carried.
Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

Councilman Randy Phelan moved to appoint Rose Crows Flies High as the interim appointee to the Fort Berthold Communication Enterprise stated in Resolution #14-199-KLH "Approval of the Tribal Business Council's Interim Appointment of Rose Crow Flies High to the Fort Berthold Communications Enterprise Board of Directors" Councilman Frank Grady seconded the motion.

Vote 6 ayes. Motion carried.

Chairman Mark Fox- abstain
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-aye
Councilman Randy Phelan-aye
Councilman Frank Grady-aye
Councilman Mervin Packineau-aye
Councilman Ken Hall-aye

C. Grants/sponsorship

1. Mid winter powwow-

Councilman Randy Phelan moved to approve a \$20,000.00 out of the Tribal 380 account for the 2014 Mid Winter Powwow. Councilman Frank Grady seconded the motion.

Vote 6 Ayes. Motion carried.
Chairman Mark Fox- aye
Councilman Cory Spotted Bear-aye
Councilman Fred Fox-not voting
Councilman Randy Phelan-aye
Councilman Frank Grady-aye
Councilman Mervin Packineau-aye
Councilman Ken Hall-aye

2. Water Buster Powwow

Councilman Randy Phelan moved to approve \$20,000.00 out of the Tribal 380 account. Councilman Frank Grady.

Vote 6 ayes. Motion Carried.
Chairman Mark Fox- aye
Councilman Cory Spotted Bear-aye
Councilman Fred Fox-not voting
Councilman Randy Phelan-aye
Councilman Frank Grady-aye
Councilman Mervin Packineau-aye
Councilman Ken Hall-aye

3. Higher Education Request

Councilman Randy Phelan moved to approve the two Higher Education Grants for Elizabeth Tikanye, and Coco Cummings. Councilman Frank Grady seconded the motion.

Vote 5 Ayes. Motion Carried.
Chairman Mark Fox- aye
Councilman Cory Spotted Bear-aye
Councilman Fred Fox-not voting
Councilman Randy Phelan-aye
Councilman Frank Grady-aye
Councilman Mervin Packineau-not voting
Councilman Ken Hall-aye

4. Sophia Holen

Councilman Cory spotted Bear moved to approve the Education Grant request of 1,870.00 for Sophia Holan. Councilman Randy Phelan seconded the motion

Vote 6 Ayes. Motion Carried.

Chairman Mark Fox- aye
Councilman Cory Spotted Bear-aye
Councilman Fred Fox-not voting
Councilman Randy Phelan-aye
Councilman Frank Grady-aye
Councilman Mervin Packineau-not voting
Councilman Ken Hall-aye

5. Education request

Councilman Frank Grady moved to approve the education request of \$500.00 out of the Tribal 380 account for Trajon Vigen Councilman Randy Phelan seconded the motion.

Vote 7 Ayes. Motion carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

Councilman Randy Phelan moved to approve the education request of \$500.00 for Yeseneia Vigan Councilman Frank Grady seconded the motion.

Vote 7 Ayes. Motion carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

D. Ron Brugh

Councilman Fred Fox moved to have Caleb Dog Eagle, TAT Legal Department director a letter to the Director of the TERO Program, Charlie Foote requesting a reason the Scoria Business owned by Tribal members are not being utilized. Councilman Randy Phelan seconded the motion.

Vote 7 ayes.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

VI. REPORTS:

A. Chairman Report

1. TBC Schedule

The Tribal Business Council will be meeting on Wednesday January 7th, 2015 instead of the regular scheduled second Thursday due to scheduling conflicts.

2. Enforcement of the Bypass

Councilman Hall gave an update as to the city working on the enforcement of the Bi Pass. Chairman directed legal to develop an interim policy for enforcing the use of the Bi Pass.

3. Crestwood

Chairman reported that the Crestwood has invested 7 million dollars into security measures to be taken to prevent future spills.

4. Secretary of State

Chairman addressed three issues:
Centralization of the energy process
Flaring-assistance in technology that can capture the flaring
State taxation of energy on trust lands.

5. Election Board

Chairman has written a letter thanking the Election board for their services which was completed on November 5th, 2014.

Councilman Mervin Packineau moved to approve a working committee for election ordinance changes and to be paid hourly. Councilman Ken Hall seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

B. Legal

Councilman Mervin Packineau moved to authorize Peebles and Morgan to continue to be legal representation for the Tribal Court-Diane Johnson, Chief Judge. Councilman Ken Hall seconded the motion.

Vote 7 ayes. Motion Carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

Councilman Fred Fox moved to hire Pearline Kirk with an employment contact and resolution to be brought back to the January 7th, 2015 TBC meeting. Councilman Frank Grady seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

Councilman Fred Fox moved to approve the contracts of Al Nygard and Al Stenhjems. Councilman Mervin Packineau seconded the motion.

Vote 6 Ayes. Motion Carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- not voting
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

Councilman Fred Fox moved to approve the employee contracts of Caleb Dog Eagle and Tyra Wilkinson, Resolutions #14-201-KLH entitled "Attorney Contract with Mr. Caleb Dogeagle" and Resolution #14-202-KLH entitled "Attorney Contract with Tyra Wilkinson" Councilman Frank Grady seconded the motion.

Vote 6 Ayes. Motion Carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- not voting
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

Councilman Frank Grady moved to approve Caleb Dog Eagle's salary at \$60.00.00 an hour. Councilman Fred Fox seconded the motion.
Vote 6 Ayes. Motion Carried.

C. Natural Resources

Update on the Crestwood spill

Councilman Mervin Packineau moved to approve the transfer of Travis Hallam as the Pipeline Safety Officer subject to position advertised and filled. Councilman Frank Grady seconded the motion.

Vote 7 ayes Motion Carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

Councilman Cory Spotted Bear moved to approve the contract of Michael Harnett subject to legal review. Councilman Ken Hall seconded the motion.

Vote 7 Ayes. Motion carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

Councilman Randy Phelan moved to have the Environmental Division coordinate with any agency necessary to ensure the safety of the environment from spills with priority in the Mandaree segment. Councilman Ken Hall seconded the motion.

Vote 6 Ayes. Motion Carried.

Chairman Mark Fox- aye
Councilman Cory Spotted Bear-aye
Councilman Fred Fox-aye
Councilman Randy Phelan-aye
Councilman Frank Grady-aye
Councilman Mervin Packineau-not voting
Councilman Ken Hall-aye

D. Judicial

911 calling system-

No action taken. Law Enforcement advised to develop a resolution for review at the next TBC

E. Four Bears Casino

Councilman Randy Phelan moves to approve resolution #14-200-KLH entitled "Approval of Loan and related Loan Documents for \$23.7 Million Construction Loan to the 4 Bears Casino & Lodge" Councilman Fred Fox seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

FTR Councilman Phelan left the meeting 2:33 p.m.

Councilman Frank Grady moved to approve the Four Bears Casino financial report. Councilman Fred Fox seconded the motion.

Vote 6 Ayes. Motion Carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-not Aye
Councilman Randy Phelan- Aye
Councilman Frank Grady-Aye
Councilman Mervin Packineau-not voting
Councilman Ken Hall-Aye

F. Elbowoods- Kathy Felix

Update on the Elbowoods clinic- *Retreat held December 1-2, 2014
*AAAH Accreditation Survey successful.
*MRI testing will be available weekly.

G. Energy Department

Update provided to the Tribal Council on oil commodity prices, activity update, Energy plan, and special projects.

3. HUMAN RESOURCES: CLOSED SESSION

VII. ADJOURNMENT:

Councilman Fred Fox moved to adjourn. Councilman Frank Grady seconded the motion.

Vote 6 Ayes. Motion carried.

Chairman Mark Fox- Aye
Councilman Cory Spotted Bear-Aye
Councilman Fred Fox-Aye
Councilman Randy Phelan- not voting
Councilman Frank Grady- Aye
Councilman Mervin Packineau-Aye
Councilman Ken Hall-Aye

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 7 were present at the Meeting thereof duly called, notice, convened and held on the 18th day of December; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 5 members; members opposed; members abstained; 2 Members not voting.

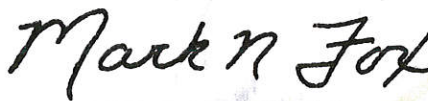
Chairman (X) Voting () Not Voting

Dated this 3rd day of March.

ATTEST:



Tribal Secretary, L. Kenneth Hall
Tribal Business Council,
Three Affiliated Tribes



Tribal Chairman, Mark Fox
Tribal Business Council,
Three Affiliated Tribes