



CALL TO ORDER

Meeting called to order at 11:20am.

OPENING PRAYER

Opening Prayer by Barb Miller.

ROLL CALL

Present: Councilman Cory Spotted Bear, Councilman Fred Fox, Councilman Randy Phelan, Councilman Frank Grady-Not Present, Chairman Mark N. Fox, Councilman Mervin Packineau-Not Present, Councilman L. Kenneth Hall. ***Quorum established.***

I. APPROVAL OF AGENDA

FTR: Councilman Frank Grady and Councilman Mervin Packineau joined the meeting.

Motion: Councilman Randy Phelan moved to approve the agenda as amended. Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

II. APPROVAL OF TRIBAL BUSINESS COUNCIL MINUTES: Executive Secretary L. Kenneth Hall

A. May 27, 2015 Special Minutes

Corrections as follows;

- May 27th Page 3, Part 2. Councilman Fox and not Chairman Fox.
- May 27th. Page 17, Part 4, “Motion: Chairman Mark N. Fox moved to approve a motion”. The Chairman doesn’t make a motion. Councilman L. Kenneth Hall or Councilman Fred Fox made the motion or check notes.

Motion: Councilman Randy Phelan moved to approve the May 27, 2015 Special Meeting Minutes with corrections. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye



Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

B. May 28, 2015 Special Continuation Minutes

Corrections as follows;

- Page 8 part 8 Lower half of page; McKenzie Electric Chairman Fox can only add agenda items should say that only the full Council can add...
- Spelling error; Artman
- May 28th - Page 11 Judicial: Chairman Fox: need to be under the system of control of segment officers.

Motion: Councilman Randy Phelan moved to approve the May 28, 2015 Special Continuation Minutes. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

C. June 11, 2015 Regular Minutes – deferred

D. July 23, 2015 Continuation Minutes– deferred

E. August 11, 2015 Regular Minutes– deferred

F. September 2, 2015 Special Minutes– deferred

G. September 18th, 2015 Special Continuation Minutes– deferred

FTR: Tuesday October 27th Continuation Meeting. NRC will be on the 13th & 14th.

III. SPECIAL GUESTS – ELDERS

A. Department of Homeland Security, Blue Campaign - Maria M. Odom

Maria M. Odom is a member of the D.H.S leadership group and Chair of the Blue Campaign. She discussed human trafficking and the Blue (Hidden in Plain Sight) campaign and efforts to educating the community. Goal is to get the message out and discover the needs with an understanding of the



challenges through community response. We focus on four main areas; 1. National public information campaign. “The crime is hidden in plain sight message”. 2. Law Enforcement Training; This includes a wide range of training for Border Protection, Coast Guard, Airports, and most recently the Indian Police Academy. Finally, we are always looking for opportunities for collaboration. We are also looking for private sector partners. Chairman Mark N. Fox stated that we would like to see data sharing between the Agency and the TAT on the rate of prevalence on Fort Berthold. Maria M. Odom replied that we are working prevalence study through the Human Smuggling & Trafficking Center and we have an individual here observing. We are still working out the methodology. We are also engaging with NDSU and exploring the work by the American Indian Public Health Resource Center for data and local assessment. Chairman Mark N. Fox stated that you mentioned training and awareness, but would like to see Federal funding support for the partnerships. Councilman L. Kenneth Hall commented that enrolled members Carla Fredericks and Monty Fox met with the group and will also be working with them to combat human trafficking.

B. Enrollment Issue - Wendell White

Wendell White, uncle of Brandon LaCroix was denied enrollment due to receipt of benefits from the Cheyenne River Sioux. Caleb Dogeagle stated the issue may be resolved with the passage of the Enrollment Ordinance. Wendell White stated that the benefit was from the Salazar settlement and not the Tribe. Chairman Mark N. Fox discussed the need to define the types of benefits. Caleb Dogeagle discussed a 3 pronged test for enrollment and found that it stated “not enrolled AND having received benefits” and that in the language, the “And” nullifies the issue. Chairman Mark N. Fox stated that he has concern with the intent of the language in the Constitution and Mr. Dogeagles interpretation. I’m in favor of the family paying the benefits back. Councilman Mervin Packineau would like to get rid of the repayment clause in the Constitution. Councilman Fred Fox stated that he is in favor of letting them dis-enroll and enroll here. Chairman Mark N. Fox informed Wendell White that if we pass the Enrollment Ordinance today, there is a good chance of making application for enrollment.

Motion: Councilman Randy Phelan moved to approve a small loan of \$1,600.06 for Glen LaCroix subject to loan requirements and review to pay back the child’s benefits. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

C. White Shield School Construction



Wanbdi Waci, Tooksi Eagle, Wendell White and DJR discussed continued support for the construction of the new White Shield School with a completion date of December 24th. The group is seeking to secure 9 million in the budget for FY2016.

Motion: Councilman Fred Fox moved to leave the \$9 million in the budget for the new White Shield School Construction. Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

EXECUTIVE COMMITTEE REPORTS

IV. CHAIRMAN'S REPORT - *Chairman Mark N. Fox*

A. Report

Chairman Mark N. Fox provided an overview of upcoming events. Discussed attending an Energy Summit and meeting with Interior Secretary Jewell and Energy Secretary Moniz concerning issues of excess land returned to the tribe of about 33,000 acres or transferred from the Corp of Engineers to trust at BIA. We saw resistance from the delegation and were not happy, but we are very close to getting it done. We are advocating hard to get back the riverbed and resolve the title. We also attended a Federal Partners Meeting and discussed issues and with the Little Missouri river. The treaties say we own to the south bank of the river and the Federal government is wrong in their position of the boundary being in the middle of the river. Nov. 1-4 is NIGA, then meetings.

B. Lane Thompson Contract

An enrolled member that has recently passed the bar. Caleb Dogeagle asked to have the contract go through Committee and Legal review. Chairman Mark N. Fox asked that he put together an agreement. He is to be working with Tax, Environmental and others areas in a limited scope. The final terms will still need to be negotiated.

Motion: Councilman Randy Phelan moved to approve Lane Thompson Contract subject to legal review and to come from the Chairman's budget. Councilman Mervin Packineau seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye



Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

V. **VICE CHAIRMAN'S REPORT** - *Councilman Randy Phelan*

In Denver I met with John Echo Hawk and Mat Campbell at NARF and filing a discrimination suit against the State of ND on the voting issue and the Cotton Petroleum issues. This will be huge for our tribe. Chairman Mark N. Fox stated that about a billion in trust revenue from taxation of the oil revenue. We need to get with the Great Plains Tribal Leaders, NCAI, and other venues to gather support. Councilman Randy Phelan stated that John Echo Hawk expressed his support. Councilman Fred Fox asked if we could have a working Budget session on the 27th.

VI. **TREASURER'S REPORT** - *Councilman Mervin Packineau*

A. **CFO Report** – *Whitney Bell*

We completed two days of work sessions to finish the 2016 Budget. In accordance with the Constitution, we will bring forward a Continuing Resolution for FY2016 Budget that states we will continue with the prorated 2015 budget numbers until the FY2016 is completed. Chairman Mark N. Fox expressed to the audience that last year was the first year where our revenue was less than the year before. This is due to oil production and the price of oil. Our Council is having to be very conservative with the budget.

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-167-LKH entitled “*Approval of Continuing Resolution For FY2016 General Fund Budget Expenditures Based Upon FY 2015 General Fund Budget.*” Councilman Cory Spotted Bear seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

B. **Four Bears Casino** - *Pat Packineau*

Presented information on three construction options for Casino renovation and expansion plans that include an additional parking structure, entrance renovation, and new 8-story hotel addition. Various issues were discussed such as view, traffic flow, and cost. The Tribal Business Council was polled on preference of designs presented in the PowerPoint from Councilman Cory Spotted Bear to Councilman L. Kenneth Hall.



Motion: Councilman Frank Grady moved to accept the Four Bears Casino Financial Report. Councilman Randy Phelan seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

C. Small Loans *See Below*

FTR: *Small Loans will be placed under the Treasurer's Report till further notice.*

VII. SECRETARY'S REPORT – Councilman L. Kenneth Hall

Discussed upcoming Office of the Secretary Policies and Procedures for conducting Tribal Business Council meetings will be coming forward in November of December.

VIII. OFFICER REPORTS:

A. Chief Executive Officer Report – Al Nygard

1) Mary Mashunkashay Contract

Consultant to coordinate activities at the TAT Tax Department.

Motion: Councilman Cory Spotted Bear moved to approve a one year contract for Mary Mashunkashay. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

2) Dr. Biron Baker Contract

Recommendation to restructure the Health Authority Board and changes to the Master and 638 Contract.



Motion: Councilman Randy Phelan moved to approve the Dr. Biron Baker Contract at 4 months. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

Discussion: Total of 4 month contract with the same compensation rate. Iva Gillis stated that there has not been any communication with Dr. Baker to develop the contract and utility toward the project. The Tribal Business Council saw issues of; Compliance with 638, Quality of Care, and management issues were discussed.

3) **Frankie Lee Contract**

A two month contract at \$18,000 for work completed in the analysis and negotiation of the Tesoro Pipeline.

Motion: Councilman Cory Spotted Bear moved to approve the 2 month Frankie Lee Contract at \$18,000 for work completed in the analysis and negotiation of the Tesoro Pipeline. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

Discussion: Councilman Fred Fox stated that he should sign a confidentiality agreement.

4) **Grant L. Walker Contract**

Ethics Ordinance and Commission work.

Motion: Councilman Fred Fox moved to approve the Grant L. Walker 6 month contract. Councilman Cory Spotted Bear seconded the motion.



Vote: 5 Ayes. 2-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Not Present
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

5) Dr. Orland Jackson Contract

Al Nygard would like two Revisions with a maximum amount of \$164,800/yr. and Contract revision clause to be included. Also to allow Dr. Jackson to serve additional areas other than Twin Buttes, but his primary location to remain in Twin Buttes.

Motion: Councilman Cory Spotted Bear moved to approve the Dr. Orland Jackson Contract. Councilman Randy Phelan seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

6) Law Enforcement Issues

Credential check on new hire found that Rosebud would not share the information. Our policy requires a back ground investigation. 638 requires us to follow the tribes policy so we have an issue were we have 9 officers that need a back ground investigation. We recommend a resolution to exempt the officers until the inconsistency is remedied or we could be susceptible to tort action. Councilman Fred Fox is not in favor of pulling the officers of the road. Chairman Mark N. Fox stated that these need to be done by us and independently. On an interim basis, I would be willing to accept; verified, further investigated backgrounds that are not investigated by us, on an interim basis until those are complete, but they need to be completed. Councilman Fred Fox stated contingent on getting those done by us independently.

Motion: Councilman Mervin Packineau moved to develop a resolution to allow the utilization other back ground check information. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1-Abstention. Motion carried.

Chairman Mark N. Fox – Abstained
Councilman Randy Phelan – Aye



Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Lt. Marvel Heart stated that one of the reasons why they didn't want to share was cost. Chairman Mark N. Fox stated that we need an intergovernmental agreement

Motion: Councilman Fred Fox moved to approve to station Andria Martinez at White Shield. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 1-Abstention. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Abstained
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Not Present

Discussion: Lt. Marvel Heart stated that she will perform administrative work until she finishes at the Academy. Prairie Rose Chapin, Federal Programs Manager discussed liability issue and scheduled for back ground checks. Chairman Mark N. Fox recommends that annual background checks are done. Prairie Rose Chapin shared that another problem is that the BIA doesn't share results of their Internal Affairs investigations. Chairman Mark N. Fox requested that she write up a letter to the BIA concerning this and the Chairman will sign.

1. Update on Grants and Donation

Item deferred.

2. Enrollment - *Sevant S. Taft*

Motion: Councilman Fred Fox moved to approve Resolution no. 15-168-LKH entitled “Approval of 51 Applicants for Enrollment into the Three Affiliated Tribes”. Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. 2-Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye



Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: 14,708 enrolled members.

3. Jasten Bearstail

Resolution for relinquishment for Jasten Bearstail who had been approved for relinquishment of enrollment in 2007 but due to unknown circumstances was not fully approved. Mr. Bearstail has since enrolled at Spirit Lake and during an audit it came to their attention that he was still enrolled at Fort Berthold. Councilman Cory Spotted Bear asked if there is a recent letter asking for relinquishment.

Directive: Sevant S. Taft is directed to see if Jasten Bearstail concurs.

4. Waylon Joseph Gardner

Motion: Councilman Fred Fox moved approve Resolution no. 15-169-LKH entitled “*Approval of the Relinquishment of Waylon Joseph Gardner 301U-08468 from Membership in the Three Affiliated Tribes*”. Councilman Frank Grady seconded the motion.

Vote: 4 Ayes. 1-Oposition. 2-Not Voting. Motion carried.

Chairman Mark N. Fox – Opposed
Councilman Randy Phelan – Not Present
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

B. Chief Financial Officer Report - Whitney Bell

1. Tribal Budget

Motion: Councilman Randy Phelan moved to forward Resolution no. 15-167-LKH entitled, “*Approval of Continuing Resolution For FY2016 General Fund Budget Expenditures Based Upon FY 2015 General Fund Budget.*” to the Oct 27th Tribal Business Council Continuation Meeting. Councilman Cory Spotted Bear seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye



Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Prorated amount.

2. Small Loans – Mary Ellen Sun

Group A.

Motion: Councilman Fred Fox moved to approve applicants from Group A. Small Loans, All subject to Small Loans review & requirements. Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. 2-Abstentions. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Abstained
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Abstained
Councilman Cory Spotted Bear – Aye

Discussion: To be added to Group A. will be; as #22 - Glen Lacroix approved by the Tribal Business Council for \$1,607 and as #23 - Good Earth Woman Perkins for \$4,500. All subject to Small Loans review & requirements.

Group: B. If approved through audit/balance owed

Motion: Councilman Randy Phelan moved to approve Group: B. Small Loan applications, subject to audit completion and review. Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Group C.

Motion: Councilman Randy Phelan moved to approve Group C. Small Loan applications, subject to a lower amount and cosigner. Councilman L. Kenneth Hall seconded the motion.



Vote: 6 Ayes. 1-Abstention. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Abstained
Councilman Cory Spotted Bear – Aye

Group D. - Jody Fox Loan

Motion: Councilman Randy Phelan moved to approve Accounts Receivable to be held as Collateral. Councilman Mervin Packineau seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Caleb Dogeagle will add language in agreement and copy to Mary Ellen Sun.

3. Jody Fox Contract

Motion: Councilman Randy Phelan moved to approve the Jody Fox Vendor Agreement. Councilman L. Kenneth Hall seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Chairman Mark N. Fox stated that one change is item # 5 should read “the Vender is responsible for all the Vendor Expenses”. To be developed as a pilot project to provide Travel Agent Services to the tribe. Depending on your success we will move forward or draw back. A change on the second page should read Vendor instead of Consultant.



IX. UNFINISHED BUSINESS

A. Joe Myrick - *Deferred to the November Tribal Business Council.*

B. Insurance Issue – *Charlene Knight*

Al Nygard and Cheryl Bruce provided an update to the status of Charlene Knight's claim. As she was an employee the Insurance Agency states that its an Workmans Comp claim. Cheryl Bruce stated that the claim was filed on Monday. It will be filed and reviewed. Chairman Mark N. Fox asked Charlene Knight if she was ready to present her claim for pain and suffering. Charlene Knight stated because the days missed were under 4 days the insurance wouldn't cover. Chairman Mark N. Fox asked that we see what the Insurance will cover first. Work with the CEO and that they put the denial in writing.

C. Grant Walker Contract

X. MEDICAL REQUESTS

A. Garrett White Calfe – *Addressed*
Addressed

B. Ivan Johnson

Chairman Mark N. Fox stated there needs to be a policy at maybe 50% not to exceed \$25,000. Councilman Cory Spotted Bear stated that it should be a case by case thing.

Motion: Councilman Frank Grady moved to approve a policy for life and limb to be 50% not to exceed \$25,000. Councilman Randy Phelan seconded the motion.

Vote: 6 Ayes. 1-Not Voting. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman L. Kenneth Hall – Aye

Councilman Mervin Packineau – Not Present

Councilman Fred Fox – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Discussion: Chairman Mark N. Fox stated that we are spending tribal dollars where Federal dollars should be spent. This will be the standing policy.

C. Randy Deserly

Stated that he has some insurance. Chairman Mark N. Fox wants to know why he was denied a referral from I.H.S. He went out and got some insurance. Asked Mr. Deserly to write up or summarize his costs and expenditures and can help you with 50%. Life and limb is at \$5000. Without Tribal Business Council approval and anything above would have to come back to Tribal Business Council.



COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. ECONOMIC DEVELOPMENT COMMITTEE – *Councilman L. Kenneth Hall, Chair*

A. **Business Loans** – *Toni Starr*

Presented a report on loans. About 52% delinquent. About 9/34 have never made a payment. Councilman Randy Phelan stated that we need a collections dept. and enforcement.

B. **Tourism / Lumber Enterprises Contract** - *Darian Morsette*

Motion: Councilman L. Kenneth Hall moved to approve Consultant Contract between the Three Affiliated Tribes and William Leistiko. Councilman Fred Fox seconded the motion.

Vote: 5 Ayes. 2-Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Renovation comes out of the tribal renovation line item. Darian Morsette stated that his workers are temporary at 60-90 day and would also like to increase the wages of these workers. I would like to hire them permanently.

C. **TERO - T.A.T Minimum Wage** - *Mona Pond*

Davis Bacon wage scale and surrounding Job Service figures were used to develop this scale. To return with comparison figures for the Oct. 27th Continuation meeting.

FTR: *Chairman Mark N. Fox asked the Tribal Business Council to consider the following resolution.*

Motion: Councilman Fred Fox moved to approve Resolution no. 15-170-LKH entitled “*Partial Waiver of TERO Fee for the Construction of the Tribal Law Enforcement Building*”. Councilman Frank Grady seconded the motion.

Vote: 5 Ayes. 2-Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye



Councilman Cory Spotted Bear – Aye

D. Red Lightning Couture Request - Darlene Perkins

Requesting a donation to support Indian National Finals Rodeo Diabetes Fashion Show at South Point Casino. Chairman Mark N. Fox asked if the Tribal Business Council can get a breakdown of where the benefit proceeds go to.

Motion: Councilman Fred Fox moved to approve a donation not to exceed \$8,600 and \$8,600 from the Casino if they approve. Councilman Randy Phelan seconded the motion.

Vote: 6 Ayes. 1-Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

E. Orian Gillette Payment for Services – Jill Gillette

While performing services for MHA Tomorrow. Services concluded around July. Chairman Mark N. Fox stated to work with the CEO to produce a report with MHA Tomorrow find out why this program did not pay him. Councilman Fred Fox recommended back dating a contract. Chairman Mark N. Fox stated that we will have to see a product, a scope of work and the numbers. Deferred to the October 27th, Continuation Meeting.

F. Land Transfer/Home Purchase/Condemned House - T.J. Plenty Chief
Item deferred.

G. A.J. White Body

Seeking financial assistance for the Pathways to Glory Olympic Trials for the amount of \$2,595 in Memphis, TN. To participate in a national boxing event.

Motion: Councilman Frank Grady moved to approve financial assistance for \$2,500. Councilman L. Kenneth Hall seconded the motion.

Vote: 6 Ayes. 1-Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye



Councilman Cory Spotted Bear – Aye

Discussion: Councilman Frank Grady & Chairman Mark N. Fox contributed the remaining balance.

H. Annual Request; Brooks Heights Request- Leah Fyten Housing Authority Director.

Leah Fyten discussed renovation needs. Seeking supplemental budget of \$1 million and renovation for Brooks Heights for the amount of \$226,913. Chairman Mark N. Fox asked Whitney Bell and Al Nygard work together to try and get the \$1.4 million requested.

I. Seafood & Produce Trade - Chris Fox

Will gather data on the price of fish and produce to trade with the western tribes to bring back healthier diets for the elders for inter-tribal trade possibilities. Seeking \$250 from each Councilman and the Chairman for travel. Will work with the CEO to develop a proposal.

J. Tayloure Baker Sponsorship for the World Indigenous People Games – Lawrence Baker

Requesting \$4000 for cost plane ticket and visa fee to attend the 1st World Indigenous Games to participant in 100m Race & Pow-Wow.

Motion: Councilman Frank Grady moved to approve 75% of budget not to exceed \$4000. Councilman Fred Fox seconded the motion. Subject to providing a budget.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

XII. JUDICIAL COMMITTEE – Councilman Fred Fox, Chair

A. Primary Seatbelt Resolution – Fahtima Hood

Motion: Councilman Cory Spotted Bear moved to approve Resolution no. 15-171-LKH entitled “Adopting and enacting a Primary Offense Designation Law for Safety Belts on Fort Berthold Indian Reservation”. Councilman L. Kenneth Hall seconded the motion.

Vote: 4 Ayes. 1-abstention. 2-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Abstained
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye



Councilman Fred Fox – Not Present
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-172-LKH entitled “*Tribal Business Council Approval and Certification for the FY2016 Grant Application for the Indian Community Development Block Grant Program for the Mandaree West Segment Multi-purpose Building.*” Councilman Fred Fox seconded the motion.

Vote: 5 Ayes. 2-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

B. McLean County Law Enforcement Agreement - JR Kerzman
Item deferred to the November 12th Continuation Meeting.

C. Justice Commission Resolution - Diane Johnson
Previously addressed

D. Warriors of the 21st Resolution - Diane Johnson
Previously addressed

E. Valerie Heart Broker Contract
Consultant contract for federal audits and reviews.

Item deferred to the Oct. 27th Continuation meeting.

XII. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

A. INFR Sponsorship – Marty Young Bear

Seeking sponsorships for INFR qualifiers Adult: Marty Young Bear, Cassy Stone, Randy Baker
Youth: Jessie Chase, Taci Flynn, and Dylan Danks.

Motion: Councilman Fred Fox moved to approve a sponsorship subject to budget submission. Not to exceed to \$4,500 each. Councilman Randy Phelan seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye



Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Motion: Councilman Randy Phelan moved to approve individual sponsorships for LJ, Jerimiah, Jessie Yeahquo for \$3,225 each to attend the United States Team Roping Finals in Oklahoma City. Councilman Frank Grady seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Motion: Councilman Randy Phelan moved to approve Jesse Chase for the amount of \$3,375 subject to submission of budget. Councilman Frank Grady seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

B. Education Request - Carmen Two Bears

C. Education Request - Karen Paetz Sitting Crow

Motion: Councilman L. Kenneth Hall moved to approve financial assistance up to \$500 from each Councilman and Chairman. Councilman Frank Grady seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye



Councilman Cory Spotted Bear – Aye

D. Education Request - Chris McLaughlin - deferred

XIII. HEALTH & HUMAN SERVICES - Councilman Frank Grady, Chair

A. Native American Nurses - Madonna White Bear Azure

Motion: Councilman Frank Grady moved to approve a \$5000 donation for Video project. Check to be made out to the NDSU School of Nursing. Councilman L. Kenneth Hall seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

B. Medical Provider Agreement (Nephrologist) - James Good Bird

Clarice White Horse presented, Nutrition, and Third Party Contract. Al Nygard had some issues with some of the clauses but are being reviewed should be ready for signature tomorrow.

C. Colorado Health and Fitness (acupuncture & massage) - Marilyn Youngbird
Item deferred to Oct. 27th Continuation.

D. Laura Weishoff Contract - Bruce Gillette
Tabled

E. Red Tail Psychology Services Contract - Bruce Gillette
Chris Hertler

Motion: Councilman Fred Fox moved to approve the Red Tail Psychology Services Contract. Councilman Frank Grady seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye



F. Adverse Childhood Experiences Survey (ACES) Resolution – NDSU
Derrick Stonefish presented.

Motion: Councilman Cory Spotted Bear moved to approve Resolution no. 15-173-LKH entitled "Approving the Behavioral and Social Science Research on Understanding and Reducing Health Disparities (R21) National Institutes of Health proposal with North Dakota State University's (NDSU) American Indian Public Health Resource Center (AIPHRC) to focus on Adverse Childhood Experiences (ACEs) on MHA Nation". Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Chairman Mark N. Fox wants the information rights to stay with the Tribe and if used elsewhere, that it would benefit the Tribe in some way. Councilman Randy Phelan recommended that they work with the Boys and Girls Club. Bruce Gillette brought up the need for a tribal Institutional Review Board.

XIV. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

A. Range Unit 103 Allocation – Texx Lone Bear

Item deferred to the November 12th Continuation Meeting.

B. Max Dickens Jr. Utility Corridor

C. JC Java Coffee House Drive Thru - Joy Chapin

D. Snyder Land Sale – deferred to the Nov. 12th Tribal Business Council

E. McKenzie Electric Cooperative ROW

Item deferred to the November 12th Continuation Meeting.

F. Plant & Animal Baseline Study Grant Approval - Antoine Smith

G. Fracking Water Database Development - Nicole Wells

H. KLJ/RTC Fiber Resolution - Felicia Felix - deferred to the Nov. 12th Tribal Business Council

I. Energy Grant Closeout - Harry Sitting Bear

J. TENORM Resolution - Edmund Baker

K. Indian Community Development Block Grant Resolution – Planning & Grants (CEDs)

L. Alfred Smith Home Site - Valeri Hosie

M. 2 - Resolutions - Diane American Horse

1) Donald McKenzie Grazing Lease



2) Resolution - Almit Breuer – Farm Lease on Tribal land

N. New Town Fire Department Financial Request - Jessie Baker

Seeking \$500,000 in assistance to purchase a ladder truck and building to house it. Chairman Mark N. Fox: will defiantly advocate for you at the Capital. Jessie Baker stated that it was a 10 month to a year timeline.

O. ROW – Oil & Gas

- 1) WPX - WAPU Well Site and Well Bores / Grizzly Pad
- 2) WPX - Well Pad Expansion, Pipeline, Utilities Arikara 15-22
- 3) WPX - WAPU Eagle 13-14H
- 4) SHD – Wolf Pad Clarification (Allotment 194 inclusion)
- 5) SHD – Simba Pad – (TARGA Myrmidon 30th Street West Lateral)
- 6) ENERPLUS – Mountain Access Road
- 7) QEP – Disco Pad 8-28A Setback Variance
- 8) TARGA - West Myrimdon Lateral D1
- 9) TARGA - HBG-16
- 10) TARGA - West Myrmidon Lateral C
- 11) TARGA - Myrmidon 30th Street West Lateral
- 12) Crestwood – QEP 9-28G Gathering Line
- 13) Crestwood – Skunk Creek 4-18-17 Gathering Line

XV. LEGAL DEPARTMENT – Caleb Dog Eagle, Esq., MHA Acting Supervising Attorney

A. Business Licenses

Item deferred

B. Enrollment Ordinance

Item deferred

C. Chief of Police Resolution

Tabled

D. Trespass Code

Item deferred

E. Amy Mossett Contract Extension

Motion: Councilman L. Kenneth Hall moved to extend the duration of the contract to the end of June. Councilman Cory Spotted Bear seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye



F. Law Clerk/Attorney Hires

Motion: Councilman Fred Fox moved to approve the hiring of Law Clerks; White Fish Woman Perkins, Stacey Crawford, Full-time/Permanent at \$28/hr. Councilman Cory Spotted Bear seconded the motion. Motion carried

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Thelma Stiffarm Contract deferred to the Oct. 27th and will need a contract.

XVI. NEW BUSINESS – Tribal Councilman Add Ons

A. Chairman Mark Fox- Reserved

B. Chairman Mark Fox- Reserved

C. Councilman Frank Grady – Jerome Dancing Bull Boxing Sponsorship Request.

Motion: Councilman Frank Grady moved to approve a sponsorship for James Jerome Dancing Bull in the amount of \$2,500. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

D. Councilman Frank Grady -

E. Councilman Cory Spotted Bear -

F. Councilman Cory Spotted Bear -

G. Councilman Mervin Packineau - Jason Two Crow

Received \$150,000 and \$10,000 furniture allowance but home came up to \$160,251.64. Seeking the difference to pay to Dynamic Homes.



Motion: Councilman Fred Fox moved to approve extending the mortgage limit subject to income review by Home Mortgage. Councilman L. Kenneth Hall seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

H. Councilman Mervin Packineau – Luke Spotted Bear

Previously borrowed \$50,000 for home mortgage but have only been able to spend about \$13,000. Seeking to borrow \$37,000. Chairman Mark N. Fox stated the max is \$25,000.

Motion: Councilman Fred Fox moved to approve a loan for the amount of \$25,000 subject to Small Loans review & requirements and \$12,000 additional from Home Mortgage. Councilman Cory Spotted Bear seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

I. Councilman Randy Phelan –

J. Councilman Randy Phelan –

K. Councilman L. Kenneth Hall- City of New Town – Maynard Demaray

Seeking approval to partner on Water Plant expansion for \$2.5 million. Return to the Oct. 27th Continuation Meeting with better negotiation.

L. Councilman L. Kenneth Hall- Sally Steele

Seeking a new home mortgage loan because her home could be condemned.

Motion: Councilman Randy Phelan for a North Segment to provide temporary housing while Sally Steele applies for Home Mortgage. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye



Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

M. Councilman Fred Fox-

N. Councilman Fred Fox-

XVII. CLOSED SESSION

A. Human Resources

XVIII. ADJOURNMENT

Motion: Councilman Randy Phelan moved to adjourn the meeting. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1-Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Meeting adjourned at 7:12pm.



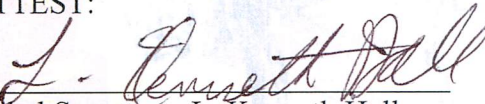
CERTIFICATION

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 Regular Meeting thereof duly called, notice, convened and held on the 8th day of October 2015; 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; 2 Members not voting.

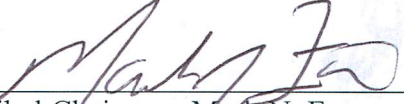
Chairman (X) Voting () Not Voting

Dated this 17th day of February 2016.

ATTEST:



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



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