



CALL TO ORDER

Meeting called to 11:25AM.

OPENING PRAYER

Malcolm Wolf provided the prayer.

ROLL CALL (11:31AM)

Present: Councilman Cory Spotted Bear. Councilman Fred Fox. Councilman Randy Phelan. Councilman Frank Grady (Absent), Chairman Mark N. Fox, Councilman Mervin Packineau. Councilman L. Kenneth Hall. Quorum established

I. APPROVAL OF AGENDA (11:33AM)

Motion: Councilman Randy Phelan moved to approve the agenda Councilman Fred Fox seconded the motion.

Vote: 5 Ayes. 1–Not Voting. 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 – Not Voting
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

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

A. June 11, 2015 Regular Minutes (11:41AM)

- Part three, Page 3, Treasurer’s Report A. second line Joseph E to EVE term.
- Page 7: F. Bobbette Fox 2/3 down indicate raise amount/remove dollar amount,
- Page 11: Sec. Part 11: last two lines, change to: “we need a strong active and “Tribal Business Council shouldn’t be managing directly” should and Tribal Business Council shouldn’t be managing directly.
- Page 12: Chairman Fox stated no complaint needs to be written: change to No written complaints (all) complaints need to be in writing”
- Page 16: 5 from top; Chairman Fox wants to make sure stated following the letter of the law especially in the eye of the Feds as perceived by the federal government.
- Page 21: Closed Session - Top part about loan, regarding INFR – clarify statement - priority of first lean change to: our loan would have the priority...Change TO “Lien”. Also 5 lines down. Change spelling to adjudication. On top Tribal Business Council had a lengthy discussion

Motion: Councilman Randy Phelan moved to approve the June 11th, 2015 Meeting Minutes. Councilman Fred Fox seconded the motion.



Vote: 5 Ayes. 1–Not Voting. 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 – Not Voting
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

- B. **July 9, 2015 Regular Minutes** – *Item deferred*
- C. **July 23, 2015 Continuation Minutes**– *Item deferred*
- D. **August 11, 2015 Regular Minutes**– *Item deferred*
- E. **September 2, 2015 Special Minutes**– *Item deferred*
- F. **September 18th, 2015 Special Continuation Minutes**– *Item deferred*
- G. **October 8th, 2015 Regular Minutes**– *Item deferred*
- H. **October 27th, 2015 Continuation Minutes**– *Item deferred*

III. SPECIAL GUESTS – ELDERS

A. **Crow Fair Board** (12:08PM)

Hubert Two Leggings & wife Billy, Henry “Sarge” Old Horn. 2016 Crow Fair Board request sponsorship for drum segment Host Drums and Drum Contests for around \$48,876.18. Presented a budget into the record; drum contest for \$16,000, Host Drum for \$10,000 (Young Spirit), Host Drum 2 for \$8000 (Young Bear Singers, Host Drum 3 for \$2000 (Yellow Eagle), Daily Drum pay-out for \$4,985, Host drum Jackets for \$1,600, Hotel Rooms for Host Drums at \$6,291.18. The Board will advertise the TAT Logo on all media materials and invite all of the TAT elected officials and members of the tribe to the General Managers feed. We will also recognize your contributions on the Saturday Grand Entry of Crow Fair.

Motion: Councilman Fred Fox moved to approve a sponsorship in the amount of \$38,876. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 Ayes. 1 – Abstention. 1 – 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 – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye



Discussion: Chairman Mark N. Fox asked the Board to see if the tribe of their host drum is willing to sponsor their singing group. Councilman Fred Fox would like to see Young Bear Singers as a host drum. CEO or Stacey Driver will route the check. Sarge Old Horn revisited the story of the separation of the Hidatsa & Crow. Councilman Fred Fox stated the only reason I agree to the sponsorship is due to the connection between the Hidatsa & the Crow. Mr. Old Horn discussed the Crazy Dog & Kit Fox songs that he will be sharing with Malcolm Wolf.

B. Acknowledgement - Renee Mayer^(12:30PM)

Chairman Mark N. Fox related his memories & experiences of long time TAT employee, relative, and friend Renee Mayer, Social Services Director. In recognition and sincere appreciation of your distinguished service to the MHA Nation. Thank You for your dedication and commitment in the protection of our children and people. 10 years of commitment to the Casey Family Program and 12 years of dedication as the Director of Social Services. Representative of the Social Services Program accepted the plaque on Renee Mayer's behalf. Kayla Danks Superintendent of the Fort Berthold Agency, with the Bureau of Indian Affairs. On behalf of the Bureau of Indian Affairs and the Great Plains Regional Office we send our condolences to the family and thank Renee for the time she worked with us.

C. New Town Cross Country Team^(4:08PM)

Recognized the 2015 New Town Eagles High School Boys Cross-Country on their 4th consecutive State Class B Championship. Also presented star quilts to the parents and coaches of the runners.

EXECUTIVE COMMITTEE REPORTS

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

Information concerning the refinery, pipeline, and construction projects such as the new Law Enforcement and Court House (17 million dollar project). Precast arriving in a few weeks. Working hard to identify a site for a long term drug treatment facility in Bismarck. Having problems with zoning for the 10 acre site.

A. DAPL Agreement^(12:00PM)

30 inch pipeline. Chairman Mark N. Fox stated that we have to come to an agreement for lands we hold in fee.

Motion: Councilman Mervin Packineau moved to approve a resolution subject to legal review and resolution for the December 2nd Tribal Business Council meeting. 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 – Aye



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

V. **VICE CHAIRMAN'S REPORT**- *Councilman Randy Phelan (12:50PM)*

Expressed condolences to the Mayer Family. An optional debit card that will be available for members for TAT Payroll & disbursements. Councilman Randy Phelan also informed the crowd of upcoming events in the Mandaree Community.

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

A. **CFO Report**- *Whitney Bell(12:58PM)*

Whitney Bell, CFO presented the optional Rapid Pay Cards for disbursements & Payroll. December 7th mailing date for disbursements. Ramona Two Shields discussed the need for the FY2015 Draw down to being made available for the TAT Museum.

1) **Tribal Budget**

Item addressed above.

2) **HeadStart Finance Reconciliation Update** *(1:14pm)*

Whitney Bell discussed Letter of Concerns from HeadStart. We have 30 days to bring our financial reporting current. HeadStart is the most stringent as far as reporting. Previous issue of bank reconciliation is resolved. Letter presents new issues and OHS. Whitney Bell stated that the first 5 items from the letter are addressed from the letter and will have the remaining completed. Kelly Bradfield, Head Start Director stated that we have been at this for the last three years. This has been found in our monitoring report, we raised the questions, and now we are down to the stipulations by OHS. If we don't meet the deadline it is plain and clear, we lose our grant and terminated. It effects every one of the Federal grants we have. I'm asking for urgency and dedication to this. If we don't, there is a reason we haven't been able to draw down funding, because we haven't submitted the reports to be able to draw down. Kelly Bradfield stated that it is not in my department, it falls within Finance that OHS wants the reconciliation process to done on a monthly basis. Chairman Mark N. Fox stated that we segregated the funds to provide the reports on a timelier basis. Whitney Bell affirmed that the account was segregated but we don't have grant funds to segregate. Whitney Bell stated as soon as we get compliant they should release the money. Prairie Rose Chapin, Federal Programs Manager provided additional information about the required reporting issues. Prairie Rose Chapin stated that the 425's have been filed but can't reconcile without this fourth element; the General Ledger, Bank Ledger, and the outlay they require we have. I don't think the tribe can even provide a quarterly. Whitney Bell stated that OHS is asking for the 425's to be resubmitted with our current bank reconciliation. Kelly Bradfield stated that we are due about 3 million since 2013. The new Branch Manager won't take the reconciliation unless it is a complete package. It will affect our 2016 award if this is not taken care of.

B. **Small Loans** - *Mary Ellen Sun (1:30PM)*



All of Group A. has collateral or collateral on file and have been paying on their loans. People listed who don't have collateral will be bringing it in.

1. Group A.

Motion: Councilman Fred Fox moved to approve Group A. Small Loans Applications subject to Small Loans requirements. 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

2. Group B.

This group have legal fees, medical and the majority live off of the reservation and want to use their IAM Accounts. The ones that I do have IAM information for, will cover the loans that they are requesting. Councilman Randy Phelan stated that item B2 should be Brian. There is an individual that needs back surgery. Chairman Mark N. Fox stated that the amount is way beyond what we do for life and limb grants, so we want to decide whether to make it a loan or grant. We could do part of it a grant but if have to be careful if we can get an I.H.S. reimbursement. We will look at that after the fact, depending on what we can get out of them (I.H.S.). Nikki Thomas (Representing Brian) asked when he would start payment. Chairman Mark N. Fox stated that would be in December and to do a monthly payment schedule.

Motion: Councilman Randy Phelan moved to approve Group B. Small Loans Applications subject to Small Loan Requirements and with cosigner. Item B.2 - Brian Brugh is for medical issues and to be expedited with wage deduction and enrollment waiver for the cosigner. 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: We could look at making it a grant after the Contract Health options have been fully explored. Repayment is to start in December.

3. Group C

One issue is on 3 being an employee Rosie White Owl for 7 months and has a past due loan. She will put up a car title and do a wage deduction. C.2 has a past due balance and would need a cosigner and use IAM Account for collateral. Candy Knight (C.4) to be added to Group C. C.1 has a past due amount of \$4,700 that would need to be paid and have a cosigner.

Motion: Councilman Randy Phelan moved to approve Group C Small Loans Applications subject to Small Loan Requirements. 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 – Aye

Councilman Fred Fox – Aye

Councilman Frank Grady – Not Present

Councilman Cory Spotted Bear – Aye

Discussion: Councilman L. Kenneth Hall stated that item C.2 will need a cosigner. C.1 will be eligible if he pays off his past due amount have a cosigner. Mary Ellen Sun asked that item A. 29 & B.2 be expedited.

C. Four Bears Casino - Pat Packineau *Item deferred.*

VII. SECRETARY'S REPORT – Councilman L. Kenneth Hall (2:13pm)

Roger White Owl & Cesar Alvarez presented a summary report of the November 3-6, 2015 trip and meetings at the White House Tribal Nations Conference, NCAI National Tribal Leaders Preparatory Meeting, Senate Committee on Indian Affairs Listening Session-Taxation Issues, and the Indian Child Welfare Act (ICWA) National Tribal Leaders Meeting. Councilman L. Kenneth Hall stated the break out session were the most productive. Only resistance we are seeing on the return of Lands is from Hoeven.

MHA Nation Washington, D.C. Trip Executive Summary

November 3-6, 2015

During the week of November 2, 2015, Councilmen Ken Hall & Cory Spotted Bear, along with Intergovernmental Affairs staff from Councilman Hall's office, traveled to Washington, D.C. on behalf of the MHA Nation. The councilmen both



attended the 2015 White House Tribal Nations Conference while the Intergovernmental Affairs staff attended the National Tribal Leaders Indian Child Welfare Act (ICWA) Training sponsored by the Casey Family Programs. In addition to the White House Conference & ICWA training, other meetings were scheduled that included the Office of Senator Heidi Heitkamp, the U.S. Army Corps of Engineers, the Environmental Protection Agency, and other federal agencies.

Wednesday, November 4th (Day 1):

- NCAI National Tribal Leaders Preparatory Meeting
- White House Tribal Nations Conference Breakout Session 1
- U.S. Army Corps of Engineers Meeting
- Senate Committee on Indian Affairs Listening Session – Taxation Issues
- Indian Child Welfare Act (ICWA) National Tribal Leaders Meeting

Prior to the White House Conference, Councilman Hall & Spotted Bear attended the National Tribal Leaders Preparatory Meeting that was sponsored by the National Congress of American Indians (NCAI). The meeting provided tribal leaders an opportunity to discuss their priorities and strategize ways to maximize the use of their time with the highest level of the administration, including President Barack Obama. Following the preparatory meeting, Councilman Hall provided oral testimony to the Senate Committee on Indian Affairs that held a listening session on taxation issues. There was a unified message from across Indian Country during the session on the need to address states taking revenue from tribal communities.

The Councilmen also attended a meeting with the U.S. Army Corps of Engineers. The Councilmen updated the Corps on plans for Phase II of the New Town Bypass Project. They discussed the New Town Main Street ribbon cutting, and plans for the bypass to utilize a route that would avoid the golf course while also minimizing impacts to the environment. The Army Corps also provided updates on pipeline proposals and the return of Garrison Project surplus lands to the MHA Nation.

Councilman Hall & his intergovernmental affairs staff were invited to attend the 2015 ICWA National Tribal Leaders Meeting sponsored by the Casey Family Programs. The meeting provided training to tribal leaders, staff, and other key ICWA stakeholders on better understanding the law as well as strategizing on ways to improve public relations with the media and other external parties. The theme throughout the meeting was the need to greater mobilize tribal communities in defending the Indian Child Welfare Act by sharing its positive impacts on Native children and improving relations with the media. The law has faced challenges and major setbacks in recent years in not only the court of law but also in the “court of public opinion.”



Thursday, November 5th (Day 2):

- 2015 White House Tribal Nations Conference & Breakout Session 2
- Environmental Protection Agency (EPA) Meeting
- The Office of Senator Heidi Heitkamp Meeting

During the 2015 White House Tribal Nations Conference Councilman Hall attended breakout sessions on education, tribal sovereignty and self-determination that included engagement with senior administration officials (including Secretary of the Interior Sally Jewell & the Assistant Secretary for Indian Affairs Kevin Washburn). During one session, Councilman Ken Hall asked Secretary Jewell to address several issues, in particular he raised the points of a need for increased poll access in Indian Country as well as urging the administration to ensure that the U.N. Declaration on the Rights of Indigenous Peoples (UNDRIP) is fully implemented across all federal agencies – particularly the issue of mandated tribal consultation (citing the lack of tribal consultation that took place leading up to the recently-unveiled BLM hydraulic fracking rule). President Obama's address to the Conference was largely focused on empowering Native Youth. During a question and answer session with Native Youth, President Obama highlighted the importance of education and providing a supportive environment for the education of Native Youth.

Councilman Spotted Bear attended a meeting with the Environmental Protection Agency's Drinking and Sanitation Water Program to discuss plans for a new water treatment facility in Twin Buttes. Councilman Spotted Bear was seeking information about sources of Federal funding to help pay for upgrades and expansion to the current facility.

Councilman Spotted Bear also attended a meeting with Senator Heitkamp's staff in support of the Rural Water Projects Completion Act. The bill would provide additional funding to help ensure that the Fort Berthold Rural Water Project and other rural water projects are completed. Councilman Spotted Bear asked that Senator Heitkamp talk with other Senators to move this bill out of Committee.

VIII. OFFICER REPORTS:

A. Chief Executive Officer Report – Al Nygard (2:27PM)

B. Update on Grants and Donation

Item deferred

C. Enrollment - Sevant S. Taft (2:55PM)

Item deferred

D. Crosswhite Contract (2:42PM)



Three month consultant contract for Jolene Crosswhite to restructure the child care policies & procedures which back into the 90's. Contract is for November through January.

Motion: Councilman Fred Fox moved to approve the Crosswhite Consultant 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

Discussion: To come from the 477 Program and if not Fund 380.

E. Society Support Resolution ^(2:45PM)

A blanket resolution for the support of recognized tribal societies and veterans associations.

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-194-LKH entitled “*Approval of the Financial Support Policy for Established and Recognized Traditional Societies and Veterans Groups*” subject to legal review and resolution. 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: Chairman Mark N. Fox stated that these groups will need to provide a budget. The recognized groups will need to be listed in the resolution addendum. Any others groups not established will need to come before the Tribal Business Council.

F. Election Ordinance (Final Reading) – *Cheryl Good Bird, Amanda Bracklin, and Veronica Serdhal* ^(2:30PM)

Chairman Mark N. Fox had concerns for Referendum Process, Military, & College off reservation residents. Councilman Randy Phelan asked about the fees for challenges. Councilman Mervin Packineau asked if referendum organization and process was addressed.



The setting up of a referendum vote is different that setting up an election vote. Cheryl Good Bird replied just for the tribal election for Council members. Chairman Mark N. Fox would like them to work on clarifying referendum; How much time, polling places, if they can occur off reservation. Councilman Randy Phelan stated that many members would like absentee voting. Chairman Mark N. Fox agreed but stated that the Constitution would need to be changed. Cheryl Good Bird stated that the company we are working with would mail all of the ballots out. Chairman Mark N. Fox stated that the current Constitutional language is very limited. Cheryl Good Bird stated you have to residing on the reservation to get an absentee ballot, but we could change it to include veterans, enrolled family members, and college. Anything else we would have to change the Constitution. The \$100 challenge fee is still in place.

Motion: Councilman Fred Fox moved to approve the final reading of the Election Ordinance. 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 – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

Discussion: Chairman Mark N. Fox reminded Cheryl Good Bird to publish the Election Ordinance for 30 days.

G. McKenzie Electric Cooperative / TERO Waiver (2:48PM)

Chairman Mark N. Fox does not support a general waiver. The work required is specialized work but under current TERO ordinance, that if none qualified you can hire a different contractor. So there are avenues to get the work done and no need for a general waiver. We need that Electrical in ASAP. John Fredericks will put a good letter together with the TERO Department stating that we will work with them so the job gets done. **No action**

H. Appraisal of Dr. Biron Baker Property

Appraisal Report of the Bismarck property of Dr. Baker was presented to the Tribal Business Council. Appraise value was \$4.9259 million and Dr. Baker was asking for \$6.1 million.

IX. UNFINISHED BUSINESS

A. Insurance Issue – Charlene Knight (2:56PM)

Submitted documentation for receipt of General Liability Claim filed with Vaaler Insurance on behalf of Charlene Knight. Has received a claim number. Cheryl Bruce has received a response letter stating that Vaaler will not be able to help Charlene Knight with Workman's Compensation.



Workman's Compensation will only cover loss of time (5 days or more required) and medical. Chairman Mark N. Fox asked what amounts for pain and suffering and future medical complications. Charlene Knight responded that she is requesting \$200,000 for pain & suffering. Cheryl Bruce stated that Valler is requesting proof of negligence. Councilman Mervin Packineau stated that Maintenance informed employees not to use the door on that side of the building at the time. Chairman Mark N. Fox stated that it is dangerous to contemplate covering this with General Funds. This is something that we have never done before. John Fredericks addressed the Tribal Business Council [inaudible]. Cheryl Bruce stated that we need more detail as to why the claim was denied. Item deferred to the December 2nd Tribal Business Council meeting.

X. MEDICAL REQUESTS

A. Brian Jodi Brugh

Addressed in Small Loans

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. LEGAL DEPARTMENT – Caleb Dog Eagle, Esq., MHA Acting Supervising Attorney ^(3:16pm)

A. Business Licenses

Item deferred.

B. Enrollment Ordinance

Item deferred.

C. Trespass Code

Item deferred.

D. American Arbitration Association ^(3:15PM)

Arbitration for Three Affiliated Tribes vs. Stronghold Building & Supply. Contractor to build the Four Bears Solid Waste building that was not built to specification with a faulty foundation. Arbitration set for December 9th & 10th.

Motion: Councilman Mervin Packineau moved to approve Resolution no. 15-188-LKH entitled "Approving Payment to the American Arbitration Association in the Amount of \$10,545.00 for Case # 01-15-0002-7426-2-CG.". Councilman Randy Phelan seconded the motion.

Vote: 4 Ayes. 1–Opposed. 1–Not Voting. 1–Not Present. Motion carried.

Chairman Mark N. Fox – Opposed
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 – Not Voting

Discussion: Chairman Mark N. Fox was not in favor of arbitration.

E. Caroline M. Baker Property ^(3:24PM)

Lawrence Baker will need an appraisal and further negotiation for the Caroline M. Baker Land sale. Chairman Mark N. Fox recommended returning to Natural Resource Committee on November 24th after renegotiation and evaluation.

F. Secretarial Election Issue ^(3:30PM)

IBIA Board of Appeals stated that we will have two Council representatives per Segment. The previous Administration had a resolution passed that asked for a new Secretarial Election overturning that (for 7 representatives). Are we going to submit that resolution to the Secretary of the Interior for a new Secretarial Election and is asking the Tribal Business Council if they want to submit that resolution. Councilman Fred Fox stated that we need to have a work session, a resolution, and a decision. Chairman Mark N. Fox thought the resolution would stay the Peoples wish for 2 representatives per segment and should move forward with the people's wishes. Councilman Randy Phelan asked that we have a fair election. Chairman Mark N. Fox stated that the old resolution needs to be rescinded to let the results of the Secretarial Election transpire. John Fredericks: [inaudible]. Deferred to the December 2nd Tribal Business Council meeting. Caleb Dogeagle will wait to forward to the Secretary of the Interior when the Tribal Business Council will make its decision.

FTR: November 30th will be Working Session at 10:00am for the above the issue in the chambers at 11:00 am.

XII. ECONOMIC DEVELOPMENT COMMITTEE – Councilman L. Kenneth Hall, Chair

A. TERO - T.A.T Minimum Wage - Mona Pond
Item deferred.

B. Orian Gillette Payment for Services – Jill Gillette ^(3:42PM)

Al Nygard stated that we have requested information from MHA Tomorrow concerning the work completed by Orian Gillette and have not received any response. It was determined that no contracts were established between the parties. Mr. Gillette is requesting \$123,000 and his educational loan of \$23,000 to be written off. Al Nygard stated that it is difficult to determine which materials are original or research work in order to monetize. Councilman Randy Phelan believes that the Legal Department needs to look into this and we need a response from MHA Tomorrow. Councilman Mervin Packineau stated that we should just take it from Grants & Planning. Al Nygard stated that the RIMs program was allocated \$100,000 for FY2016.

Motion: Councilman L. Kenneth Hall moved to take \$100,000 of what was allocated to the RIMS budget (Planning & Grants) to pay Orian Gillette for work completed under the MHA



Tomorrow Grant and forgiveness of his educational loan. Councilman Fred Fox seconded the motion.

Vote: 3 Ayes. 1-Opposed. 2-Abstained, 1-Not Present. Motion carried.

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

Discussion: Chairman Mark N. Fox asked if we have a product and Al Nygard replied that we do. Al Nygard stated that we will need a clause in the agreement that the TAT would have ownership in the product that he produced. The work documents provided by Mr. Gillette are related to developing a robust over-arching data management system, enhancements to internet security, and integrating departmental processes to feed data into the system. A lot of it is very technical & philosophical in nature. Chairman Mark N. Fox abstained due to the precedence that the item sets.

C. Renewal of the HIP Program for FY2016 – Lawrence Baker (4:32PM)

Motion: Councilman L. Kenneth Hall moved to approve Resolution 15-189-LKH no. entitled “Re-contracting of the Housing Improvement Program for FY 2016”. 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

D. Loan Consolidation – Leonard Hosie (4:36PM)

Mr. Hosie has a house deed of \$120,000 that can be used for collateral. Toni Starr stated that he had a small Independence Loan from 2008 that was refinanced from \$6000 to \$12,000. His last payment on that loan was in 2009. With interest the loan is now at about \$13,000. She believes that he also has a Small Loan. Mary Ellen Sun stated that he owes the Small Loans Program about \$1,300 and we haven’t received payment in about a year. Mr. Hosie stated that he is seeking \$25,000 to update his business in Bismarck.



Motion: Councilman Fred Fox moved to approve a Business Loan of \$25,000 plus the amount of the consolidation of all of Leonard Hosie's existing tribal loans, and utilizing the house for collateral and not to exceed \$50,000. Subject to the requirements of the Business Loans Program. 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 – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

Discussion: Toni Starr asked if we can include his wife's small loan in the consolidation. Chairman Mark N. Fox stated that only if she agrees. Councilman Cory Spotted Bear brought up the issue of taking collateral of those in default. Chairman Mark N. Fox we have got to get that in place and this will be a condition of the loan proceeds. The home is sitting on tribal trust land.

E. Pawn Shop & Retail Proposal - Robert Lee
Item deferred.

F. Stronghold – Lance White (4:51PM)
Seeking a business loan for \$500,000. Referred back to Toni Starr for more verification and the smaller maximum amount of \$100,000. Would like to see profit/loss on their information. **No Action**

G. Mortgage Issue – Shylo Baker (4:59PM)
Mr. Baker is seeking to buy out his home mortgage for \$72,648.98. Mr. Baker still owes \$166,876.48 mortgage. Asked Mr. Baker to work with Al Nygard and the Chairman to break down the numbers more to see the value more clearly. No action.

XIII. JUDICIAL COMMITTEE – Councilman Fred Fox, Chair

A. Valerie Heart Broker Contract
Item deferred.

B. Tribal Court Assessment
Item deferred.

C. Drug Enforcement Wage Scale – Gerald White
Item deferred.



XIV. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

A. Education Fund Scholarship – Barb Miller – deferred

Item deferred.

B. Education Assistance - Shailiee Fredericks

Item deferred.

C. Education Assistance for Levi Hoffman - Douglas Hoffman ^(5:23PM)

Seeking \$2,400 for travel expenses for a college related trip to Vene, Ecuador.

Motion: Councilman Cory Spotted Bear moved to approve \$1,800 for travel expenses. Councilman Fred Fox seconded the motion.

Vote: 5 Ayes. 1- Not Voting. 1–Not Present. Motion carried.

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

D. Education Assistance for Terrell Diarra - Kassandra Hunts Along ^(5:25PM)

Motion: Councilman Cory Spotted Bear moved to approve Educational Assistance in the amount of \$2,550. Councilman Randy Phelan seconded the motion.

Vote: 5 Ayes. 1- Not Voting. 1–Not Present. Motion carried.

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

E. Education Assistance for Samuel De La Rosa - Greta Hosie

Item deferred.

F. Education Loan Assistance for Susie Jo Hosie - Greta Hosie

Item deferred.

G. Education Loan Assistance - Holly Taft



Item deferred.

H. MHA Juvenile Truancy Officer Program Update - Francine White
Item deferred.

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

A. Colorado Health and Fitness (acupuncture & massage) - Marilyn Youngbird
Item deferred.

B. Unpaid Hospital Bills - Brandi Fox
Item deferred.

C. Unpaid Trinity Bills - Shelbe Bearstail (5:30PM)

Children received medical treatment that was not covered by I.H.S because she didn't follow their procedures.

Motion: Councilman Fred Fox moved to approve a policy for payment of outstanding medical bills that I.H.S. will not cover, payment not to exceed \$5000 or 50% of the bill.

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

XVI. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

A. JC Java Coffee House Drive Thru - Joy Chapin
Item deferred

B. Fracking Water Database Development - Nicole Wells (5:33PM)

Presented a PowerPoint and YouTube movie explaining the process of utilizing bacteria to clean frack water. Seeking \$565,000. **No action.** Referred back to Natural Resources Committee.

C. Energy Grant Closeout - Harry Sitting Bear (5:58PM)

Presented energy audit findings and information on additional grants upon close out of this grant that accessed energy conservation on 5 Fort Berthold facilities.

D. TENORM Resolution - Edmund Baker (6:17PM)



Reaffirms authority through our existing code to storing any materials of the well pad. Meets or exceeds the State regulations. Regulates private fee owners within the reservation to store hazardous materials.

Motion: Councilman Randy Phelan moved to proceed with a 30 day comment period. 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

E. Indian Community Development Block Grant Resolution – Planning & Grants (CEDS)
Item deferred.

F. Wendell Starr Request - El Marie Conklin ^(1:45PM)

El Marie Conklin presented for Wendell Starr. Trust property interest that was less than 5% ownership from his sister's probate went to the tribe. Mr. Starr is asking for that interest be relinquished to him. Mr. Starr is the only beneficiary of the estate and there have been precedents of type of action in the past. John Fredericks stated that it could be a violation of the tribes Constitution. Mr. Starr asked the BIA for the land interest during the probate hearing and they sent a letter to the tribe during the election period with no response. Tribal Business Council decided to forwarded the item to the Dec 2nd Tribal Business Council meeting and the party to provide time to search for total acreage amounts, value of surface rights, and determine the constitutionality of ceding lands. Chairman Mark N. Fox stated he would like the Natural Resources Director to determine the effects of proceeding with this action and the effects on other decisions and ramifications for future actions. Discussion of some previous precedence through resolution. Councilman Randy Phelan expressed the importance of having a will.

G. Administrative Leave for Fire Fighters Resolution - Marle Baker
Item deferred.

H. Parshall Motor Inn Sale – Allan Nygard, CEO
Item deferred.

I. Shannon Atcitty/Holland Knight Contract – Carson Hood Jr. ^(6:28PM)



Motion: Councilman Fred Fox moved to approve Contract subject to changes not to exceed \$250/hr. and maximum of \$250,000 for the year and subject to a resolution from legal. Councilman Mervin Packineau seconded the motion.

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

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

Tallsalt Advisor Contract

Motion: Councilman Fred Fox moved to approve “*Approval of Professional Services Agreement – Tallsalt Advisors*”. Subject to resolution from legal. Councilman Randy Phelan seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve Tallsalt \$15,000/month with unlimited contact hours for FY2016 subject to legal review. Councilman Cory Spotted Bear seconded the motion.

Vote: 3 Ayes. 2-Opposed. 1- Abstention. 1-Not Present. Motion carried.

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

- J. Farm Pasture Renewals – Diana Americanhorse**
1) Garret Gilbertson (7:35PM)



Consents to Farm/Pasture Leases within Allotments T208A & T3104, at a rate of \$50/acre, for a term of Five (5) years beginning January 1, 2015 and ending on December 31, 2019.

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-196-LKH entitled “*Farm/Pasture Lease on Tribal land*”. 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

K. ROW – Oil & Gas (7:09PM)

1) QEP

a. Disco Pad 8-28A Setback Variance

Item deferred.

b. Pad 5-4E

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-190-LKH entitled “*Consent to Certain Right(s) of Way across Tribal land*” subject to legal review and resolution. 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

c. Pad 13-4E

Motion: Councilman Randy Phelan moved to approve Resolution no. entitled 15-191-LKH *A Resolution entitled, “Consent to Certain Right(s) of Way across Tribal land Submitted by QEP Energy Company for a Multi-Well Pad 13-4E.”* 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

d. Pad 3-24X

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-192-LKH entitled “*Consent to Certain Right(s) of Way across Tribal land Submitted by QEP Energy Company for a Multi-Well Pad 3-24X.*” Councilman Fred Fox seconded the motion.

Vote: 5 Ayes. 1-Not Voting. 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 – Not Voting.

e. Pad 14-1X

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-193-LKH entitled “*Consent to Certain Right(s) of Way across Tribal land Submitted by QEP Energy Company for Multi-Well Pad 14-1X.*” 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

- f. Davis Development Resolution:** “*Approval of an Assignment of Wellbore Interest from QEP Energy Company to Davis Exploration, LLC*”
Chairman Mark N. Fox is reluctant of approving anything when they are in a situation of possibly violating the IMDA.



No Action

2) **Enerplus (Birds Pad; Grouse, Partridge, Hawk, Crow, Finch, Robin, Heron, Goose)** ^(7:30PM)

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-195-LKH entitled “*Consent to Certain Right(s) of Way across Tribal land Submitted by Enerplus Resources for the Native Birds North Project.*” 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

3) **XTO** ^(7:33PM)

- a. **FBIR IronWoman 31X-10**
- b. **FBIR YellowWolf 31X-10**

Motion: Councilman Fred Fox moved to approve Resolution no. 15-197-LKH entitled “*Consent to Certain Right(s) of Way across Tribal land by XTO Energy Inc. for the FBIR Iron Woman 31X-10 & FBIR Yellow Wolf 31X-10 projects*”. Subject to legal review and resolution. Councilman L. Kenneth Hall seconded the motion.

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

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

XVII. NEW BUSINESS – Tribal Councilman Add Ons

- A. **Chairman Mark Fox** – Jayde Silbernagel
Deferred to Committee.
- B. **Chairman Mark Fox** – Reserved
- C. **Councilman Frank Grady** - Reserved
- D. **Councilman Frank Grady** – Reserved
- E. **Councilman Cory Spotted Bear** – **FBHA Appointment** ^(7:54PM)



Motion: Councilman Randy Phelan moved to approve Resolution no. 15-198-LKH entitled “Approval of the Tribal Business Council’s Change of Appointment for Fort Berthold Housing Authority Board of Commissioners.” 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

F. Councilman Cory Spotted Bear – Water Lagoon Replacement Projects – TB (7:45PM)

Chris Peltier discussed coming to agreement on the price of asphalt to repave of bike path and reclamation of the old lagoon.

Motion: Councilman Fred Fox moved to approve \$650,000. Councilman Randy Phelan 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 – Not Present
Councilman Cory Spotted Bear – Aye

Discussion: \$5 million from land purchases budget and \$150,000 from Twin Buttes Segment budget.

Motion Amended to fund the entire \$650,000 from the Land Purchases Budget.

FTR: Action completed by Resolution 15-229-LKH entitled “Authorization for the Additional funding for the Twin Buttes Wastewater Treatment System Relocation, Contract FB2015-CSL-1”.

G. Councilman Mervin Packineau - Snyder Land Sale (7:17PM)

Texx Lone Bear is to renegotiate the offer.

H. Councilman Mervin Packineau – Delvin Driver (7:56PM)



Motion: Councilman L. Kenneth Hall moved to approve increase his mortgage from \$218,000 to \$300,000. Subject to a review and formal approval under program guidelines. 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

I. Councilman Randy Phelan – Mandaree Lift Station ^(8:00PM)

John Mahoney discussed putting approval from motion to resolution in a previously approved item. \$961,445. Subject to legal and resolution.

Motion: Councilman Fred Fox moved to approve Resolution no. 15-200-LKH entitled “*Approval of the White Oak Lift Station Infrastructure Construction Contract- Panther Development Investments LLC of 6401 Congress Avenue, Suite 250, Boca Raton, Florida 33487*”. Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. 1-Abstained. 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 – Not Present
Councilman Cory Spotted Bear – Aye

Discussion: Councilman Mervin Packineau stated to be taken from the 380 general fund.

J. Councilman Randy Phelan – Line Extension for Power Resolution ^(8:16PM)

Motion: Councilman Fred Fox moved to approve. Resolution no. 15-201-LKH entitled “*Authorization for Payment in the Amount of \$162,000.00 to McKenzie Electric for a Service Line Extension*” Councilman” subject to legal and resolution. 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

K. Councilman L. Kenneth Hall- FBCE Board Appointment *(8:15PM)*

Motion: Councilman Mervin Packineau moved to approve Resolution no. 15-199-LKH entitled "*Approval of the Tribal Business Council's Appointment for the Communication Board by the North Segment Representative*" 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

L. Councilman L. Kenneth Hall- Reserved

M. Councilman Fred Fox- Grace Gillette
Item deferred.

N. Councilman Fred Fox- Reserved

XVIII. CLOSED SESSION *(8:27pm)*

A. Human Resources – Barlow Wells

B. Marvel Heart *(8:30pm)*

XIX. ADJOURNMENT

Motion: Councilman Cory Spotted Bear moved to adjourn. Councilman Randy Phelan seconded the motion. Meeting adjourned at 9:43pm.

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

Chairman Mark N. Fox – Aye



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
NOVEMBER 12th, 2015 MINUTES

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



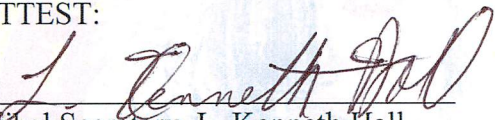
CERTIFICATION

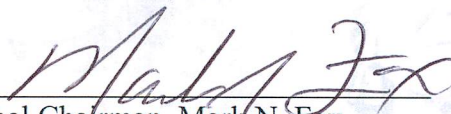
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum 6 were present at the Regular Meeting thereof duly called, notice, convened and held on the 12th day of November; 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 10th day of March.

ATTEST:


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


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

