



CALL TO ORDER

Meeting called to order at 2:24pm

OPENING PRAYER

Ray Perkins

ROLL CALL

Present: Councilman Fred Fox, Councilman Randy Phelan, Councilman Frank Grady, Chairman Mark N. Fox, Councilman Cory Spotted Bear (Acting Tribal Secretary) (Councilman Mervin Packineau & Councilman L. Kenneth Hall – Not Present). ***Quorum established.***

I. APPROVAL OF AGENDA

Motion: Councilman Randy Phelan moved to approve the agenda. 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 – Not Present
Councilman Mervin Packineau – Not Present
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*

- September 18th, 2015 Special Continuation Minutes

Motion: Councilman Fred Fox moved to approve the September 18th, 2015 TBC meeting minutes. Councilman Randy Phelan 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Stream line comments for Chairman's Report and for Oct forward for other minutes.



- Page 2 – Kramer spelled wrong
- Page 8 lines down on Chairman’s Report strike Vote
- Page 11 – LKH Motion says LKN
- Page 10 – Part 14 – leaving meeting FTR.
-
- October 8th, 2015 Regular Minutes
- October 27th, 2015 Continuation Minutes
- November 12th, 2015 Regular Minutes
- December 2nd, 2015 Special Minutes
- December 17th, 2015 Continuation Minutes
- January 14/19, 2016 Regular Minutes

III. SPECIAL GUESTS – ELDERS

A. **William Lone Bear**

Aug. 2011 to today turned in repeated applications for utilities. Have since gotten electricity & Internet/phone.

Motion: Councilman Fred Fox moved to approve Resolution no. 16-022-CSB entitled “*Consent to Certain Right(s) of Way across Tribal Land*”. Councilman Randy Phelan 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

B. **Charlene Knight**

Item deferred.

C. **Travel to California for Severe Medical Condition – Truby Stiffarm & Renetta Mandan**

Seeking financial medical assistance in the amount of \$2,248.63 for her grand-daughter, Madisen Stiffarm, the mother and aunt for travel costs. Submitted budget for airfare and rental car.

Motion: Councilman Randy Phelan moved to approve Life and Limb Assistance from the fund account 386. 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 – Not Present
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

D. New BIA Investigator Request – Tione Tveter

Seeking Tribal DUI Codes to mirror State Codes, Mandatory reporting to the Tribe & the State for hearing and suspension, and a family advocate. Discussion of Special Law Enforcement Commission & LE Code changes.

EXECUTIVE COMMITTEE REPORTS

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

A. Report

Feb. 17th set as for return from recess for this meeting. Asking for an Executive Committee on the 16th. Requesting a policy for the care and respect of all flags. Jessica Spotted Horse & Renee Seminole were honored for completion of EMTB & EMT certification for the Mandaree EMS Program.

B. Minot Boxing Team Executive Order Ratification

Item deferred.

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

A. Report

Item deferred.

VI. SECRETARY'S REPORT – *Councilman L. Kenneth Hall*

A. Report

Item deferred.

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

A. CFO Report – *Whitney Bell*

Item deferred.

B. Small Loans - *Mary Ellen Sun*

Item deferred.

C. Four Bears Casino Report - *Pat Packineau*

Item deferred.



VIII. OFFICER REPORTS:

A. Chief Executive Officer Report – Al Nygard

1) Child Care Licensure Resolution

Item deferred.

2) Daryl Bearstail Appointment Ratification.

Motion: Councilman Randy Phelan moved to ratify Executive Committee action for the 60-day temporary hire of Daryl Bearstail for the Director of the Health Insurance Department. Councilman Frank Grady 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 – Not Present

Councilman Fred Fox – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

3) Drawdown Resolution (OTFM)

Motion: Councilman Fred Fox moved to approve Resolution no. 16-023-CSB entitled “*Directive to the Office of Trust Fund Management to Make Available Funds for Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL7228700 in the Amount of \$7,000,000.00*”. Councilman Randy Phelan 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 – Not Present

Councilman Fred Fox – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

4) Veteran’s Transportation Services Resolution

Motion: Councilman Frank Grady moved to approve Resolution no. 16-024-CSB “*Veteran Affairs Highly Rural Transportation Services.*”. Councilman Randy Phelan 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

5) 75th Annual Iwo Jima Military Parade

Motion: Councilman Fred Fox moved provide financial assistance for veterans or Ladies Auxiliary members and singing groups participating at \$1500 each individual. Councilman Frank Grady 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

6) Financial Request – Rosie Johnson

Her son is two time world champion and invited to attend the American Rodeo in Fort Worth next week. Seeking assistance for room and flights, tickets and food in the amount of \$2000.

Motion: Councilman Fred Fox moved to approve \$1500 sponsorship. Councilman Randy Phelan 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

B. Enrollment - Sevant S. Taft

Motion: Councilman Randy Phelan moved to approve Resolution No. 16-025-CSB entitled “*Approval of 36 Applicants for Enrollment into the Three Affiliated Tribes*”. 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 – Not Present
Councilman Mervin Packineau – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: With the approval of this resolution there are a total of 14,886 members.

IX. UNFINISHED BUSINESS

- A. Trespass Code - Caleb Dog Eagle**
Item deferred.
- B. TERO - T.A.T Minimum Wage - Mona Pond**
Item deferred.
- C. Education Assistance - Shailiee Fredericks**
Item deferred.
- D. Colorado Health and Fitness (acupuncture & massage) - Marilyn Youngbird**
Item deferred.
- E. Indian Community Development Block Grant Resolution – Planning & Grants (CEDS)**
Item deferred.
- F. Roads – Doyle Bell**
Item deferred
- G. Dreke Irwin Estate – Elmarie Conklin**
Item deferred.
- H. Marathon Bear Den Surface Use Agreement Resolution**
Item deferred.
- I. John White Body House Transfer & Waiver Resolution – Lawrence Baker**
Item deferred.
- J. Sole Source Contract Change – Lawrence Baker**
Item deferred.
- K. TERO Vocational Education Grant issue - Jerome Dancing Bull**
Item deferred.
- L. Education Assistance for Gabrielle Poitra-Young Bird - LuAnn Poitra**
Item deferred.

X. MEDICAL REQUESTS

- A. Bentley & Clarice Heart Medical Request – Hazel Heart**



Motion: Councilman Randy Phelan moved to approve \$25,000 each for Life & Limb for both Councilman Fred Fox seconded the motion.

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

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

Discussion: Trinity Medical Group, Sanford.

B. Clarice Charging-Hudson Life and Limb Assistance

No action.

FTR: This request was approved at the 2-1-2016 Executive Committee for \$9000. After discussion among the Tribal Business Council it was decided to keep the policy as is, that has a maximum of \$25,000 and adding a stipulation that the assistance can only be applied for once per year. The Chairman instructed a staff member to email the CFO to follow up for the \$16,000.

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. EXECUTIVE COMMITTEE – Chairman Mark N. Fox

A. Polar Plunge Fundraising for the American Indian Cancer Foundation

Motion: Councilman Cory Spotted Bear moved to approve \$5000 from the Chairman’s budget for the Polar Plunge event. Councilman Frank Grady 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

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

A. Sitnasuak Health Solutions - Kathryn R. Eagle

Item deferred.



- B. **MEDICUS** - Kathryn R. Eagle
Item deferred.
- C. **Dr. Labeau Contract** - Lovetta Fox
Item deferred.
- D. **Nutrition agreement** - Lovetta Fox
Item deferred.

XIII. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

- A. **NSR Contract Extension** - H. Texx Lone Bear
Item deferred.
- B. **NDDOT – Highway 73 Slide Repair ROW** - H. Texx Lone Bear
Item deferred.
- C. **Joy Chapin Coffee House** – Joy Chapin

Motion: Councilman Frank Grady moved to approve Resolution no. 16-026-CSB entitled “*Approval of the Joy Chapin Utility Corridor Easement*”. Councilman Randy Phelan 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

- D. **North Segment Land Acquisition Reimbursement** – Elgin Crows Breast
Item deferred.
- E. **MHA Energy Staff To Federal 638**
Item deferred.
- F. **Utilization of the BIA Farm/Pasture Rate** - H. Texx Lone Bear
Item deferred.
- G. **Tribal Fee - Haying Lease, Buffalo Ranch & Tom Breuer**
Item deferred.
- H. **Fam/Pasture Leases** – Diana Americanhorse- *Items deferred.*
 - 1) Gerald Irwin - Renewal
 - 2) Weston Schettler - Renewal
 - 3) Wade Billadeau – Renewal
- I. **TAT EPA shut down of the New Alta Waste facility**
Item deferred.
- J. **Leslie Morsette Contract Renewal** - Maynard Demaray



Motion: Councilman Cory Spotted Bear moved to approve the Leslie Morsette Contract. Councilman Frank Grady 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

K. Elder Water Rural Water Priority - Maynard Demaray

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

A. General Welfare Code

Item deferred.

B. Solid Waste Building Update

Item deferred.

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

A. Business Loans – Toni Starr

Item deferred.

B. Home Mortgage – Valerie Mayer

Item deferred.

C. Tourism Budget – Darian Morsette, Director

Item deferred.

D. Housing Resolution entitled “Authorization for Housing Services Program to Negotiate Contracts Less Than \$15,000 Without Formal Bid Process”– Lawrence Baker

Item deferred.

E. Housing Program Trailer Purchase Approval - Lawrence Baker

Item deferred.

F. Wage Garnishment of Tribal Employees for TAT Loans in default

Item deferred.

G. Preventing those with default TAT loans from doing business with the Tribe

Item deferred.

H. Suspension of all TERO Tier 1 & Sub-contractors not current with Fees

Item deferred.

I. Flower Shop & Hair Salon Building Request - Shylah Demaray & Valorie Demaray

Item deferred.

J. Fitness Event Sponsorship - Whirlwind Bull

Item deferred.



- K. Mandaree Safe Haven Budget - Catherine Young Bear Smith**
Item deferred.

XVI. JUDICIAL COMMITTEE – Councilman Fred Fox, Chair

- A. DUI Code - Caleb Dogeagle**
Item deferred.
- B. SORNA Grant Resolution – Tamara Halverson**
Item deferred.
- C. McLean County Sheriff Agreement**

Motion: Councilman Fred Fox moved to approve Resolution no. 16-027-CSB entitled “Approving the Agreements with McLean County Law Enforcement and the Three Affiliated Tribes Law Enforcement Services”. Councilman Randy Phelan 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

- D. Court Moving Expenses Request - Wynona Traversie**
Item deferred.
- E. Child Support Guidelines Committee Appointments – Ellen Otterman**
Item deferred.
- F. Resolution 15-079-LKH Withholding Order Amendment – Ellen Otterman**
Item deferred.
- G. Gregory Kidder Consultant Agreement – Ellen Otterman**
Item deferred.
- H. ATF/MHA Drug Enforcement MOU – Gerald White Jr.**
Item deferred.
- I. Cross-deputization Agreement – Gerald White Jr.**
Item deferred.

XVII. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

- A. Tuition Assistance for Shiloh Christian School Request – Carmen Two Bears**
Item deferred.
- B. TERO Job Training Program Report - Jerome Dancing Bull**
Item deferred.
- C. Hidatsa Language Declaration of Emergency – Bernadine Young Bird**



Item deferred.

- D. Language Conservancy Payment – Bernadine Young Bird**
Seeking funding for the third phase of this project.

Motion: Councilman Randy Phelan moved to approve Resolution no 16-028-CSB entitled “Authorization for a Consultant Contract between the Three Affiliated Tribes and The Language Conservancy.” Councilman Frank Grady 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

- E. Education Trust Fund – Barbara Miller/Rodger White Owl**
Item deferred.

- F. IRB Dissertation Study Approval - Chad Dahlen**
Item deferred.

- G. Assistance for Res Conference - ImagiNative Inc. - Heather Demaray and Joelle Bearstail**
Item deferred.

VIII. NEW BUSINESS – Tribal Councilman Add Ons

- A.** Chairman Mark Fox – *Reserved*
B. Chairman Mark Fox – *Reserved*
C. Councilman Frank Grady – *Reserved*
D. Councilman Frank Grady – *Reserved*
E. Councilman Cory Spotted Bear – Lisa Young Bird Request (TERO Vocational Education Grant Program)

Directive: Councilman Fred Fox moved to issue a directive to the 477 Program to complete the program for these students with funds from the TERO budget for the individuals still in the program. Councilman Randy Phelan 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 – Not Present
Councilman Fred Fox – Aye



Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Students to be completed under the new standards of the 477 program. The CEO will work with Jerome Dancing Bull to iron out the details.

- F. Councilman Cory Spotted Bear – *Reserved*
- G. Councilman Mervin Packineau - *Reserved*
- H. Councilman Mervin Packineau – *Reserved*
- I. Councilman Randy Phelan – *Reserved*
- J. Councilman Randy Phelan – *Reserved*
- K. Councilman L. Kenneth Hall - *Reserved*
- L. Councilman L. Kenneth Hall - *Reserved*
- M. Councilman Fred Fox- *Reserved*
- N. Councilman Fred Fox- *Reserved*

XIX. CLOSED SESSION

- A. **Human Resources** – *Barlow Wells*
- B. **Cliff Whitman** – *Item deferred*
- C. **Spotted Hawk/MMR** – *Carl Artman, MMR& Delvin Foote, Spotted Hawk Addressed.*
- D. **Caleb Dogeagle**
Addressed.
- E. **Travel Close-Out Receipts**
Addressed.

XX. ADJOURNMENT

Motion: Councilman Fred Fox moved to adjourn the meeting. Councilman Randy Phelan seconded the motion. Meeting adjourned at 6:39pm.



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
FEBRUARY 11th 2016 MINUTES

This page left blank




CERTIFICATION

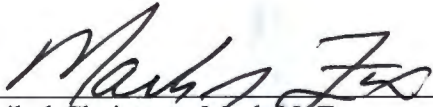
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 11th day of February 2016; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 0 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman (X) Voting () Not Voting

Dated this 11th day of Feb, 2016.

ATTEST:


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


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