



CALL TO ORDER

Meeting called to order at 1:27pm.

OPENING PRAYER

Prayer by Tyra Wilkinson

ROLL CALL

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

I. APPROVAL OF AGENDA

Motion: Councilman L. Kenneth Hall moved to approve the agenda. 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

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

- **February 11th, 2016 Regular Minutes**
- **February 17th, 2016 Special Minutes**

Motion: Councilman L. Kenneth Hall moved to approve the February 11th & 17th Tribal Business Council minutes with corrections. Councilman Frank Grady 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

- **March 10th, 2016 Regular Minutes**
- **March 30th, 2016 Continuation Minutes**
- **April 14th, 2016 Regular Minutes**

III. Special Guests - Elders

A. **New Town High School Students**

New Town, High School Senior Trip to San Francisco. The group has raised \$16,621.81 and previously raised \$28,312.53. Seeking \$11,342.

Motion: Councilman Fred Fox moved to approve \$11,350 for the New Town High School Senior Trip. 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

EXECUTIVE COMMITTEE REPORTS

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

A. **Report**

Discussion of scheduling and meeting with staff of the current Presidential candidates. Land for the new drug treatment center in Bismarck has been identified.

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

A. **Report**

1. Councilman Randy Phelan - **Roads Department** – *Doyle Bell*

BIA Route 12 reconstruction/paving project bids came in with BorderStates (\$21,325,746.30) as the lowest bid, and Flickertail (Mayo) \$21, 837,927 taking Indian Preference. The Tribal Business Council discussed insuring that the companies and sub-contractors are real Tier-1 companies with equal opportunities for local tribal contractors and not front companies. Discussion of issues concerning TERO guidelines for bidding. 2% & 5% x factor on bidding & competitive awards and



the confusion involved with the ordinance. Discussion of a TERO complaint filed by Flickertail concerning the bidding process and Indian Preference.

Motion: Councilman Fred Fox moved to approve Flickertail's bid and requirement that they must comply with TERO policies and work directly with qualified (Qualified Indian Sub-contractors) Tier 1 & West Segment companies. Councilman L. Kenneth Hall seconded the motion.

Motion rescinded based on legal recommendation.

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, General Manager

Item deferred.

VIII. OFFICER REPORTS:

A. Chief Executive Officer Report – Al Nygard

1) **Tax Department** – Mary Mashunkashey, Tax Commission Director

2) **Enrollment** - Sevant S. Taft

XVIII. 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 - Reserved

F. Councilman Cory Spotted Bear - Reserved

G. Councilman Mervin Packineau - Reserved

H. Councilman Mervin Packineau - Reserved

I. Councilman Randy Phelan – **Whitney Bell (Closed Session)**

J. Councilman Randy Phelan - Reserved

K. Councilman L. Kenneth Hall – **Kermit Heart**



L. Councilman L. Kenneth Hall – NSCDC Resolution

Motion: Councilman L. Kenneth Hall moved to approve resolution no. 16-085-LKH entitled “Granting a Right of First Refusal to Oversee and Manage All Commercial Tribal Properties Located Within the North Segment is Granted to the North Segment Community Development Corporation”. 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: subject to change of language to just commercial buildings.

M. Councilman Fred Fox- Reserved

N. Councilman Fred Fox- Reserved

Motion: Councilman Randy Phelan moved to approve resolution no 16-084-LKH entitled “Approval of the North Dakota Department of Transportation Resolution for An Easement for ND Highway 73 Testing Site” subject to legal review. 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

XIX. CLOSED SESSION

A. Human Resources – Barlow Wells

Item addressed.

B. Public Safety Line Item Approval – Al Nygard

Item addressed.

C. Law Enforcement – Chief Nelson Heart, Capt. Grace Her Many Horses, Sarah Dogeagle.

Item addressed.



D. Envirofields Consultant Agreement 2016 - Edmund Baker

Item deferred.

E. Cynthia Miller

Item addressed.

F. Dr. Biron Baker

Item deferred.

G. OCR Issue – Dr. Kathy Eagle

Item deferred.

H. Pipeline Safety – Travis Hallam & Dave Williams

Item addressed.

FTR: Councilman Fred Fox left the meeting at 5:31pm.

I. Whitney Bell, CFO

Item addressed.

J. Dr. Zane Raising Sun Contract

Item addressed.

XX. ADJOURNMENT

Motion: Councilman Randy Phelan moved to adjourn. Councilman L. Kenneth Hall seconded the motion. Meeting adjourned at 6:45pm.



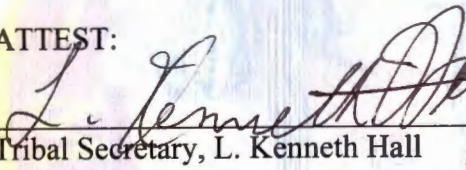
CERTIFICATION

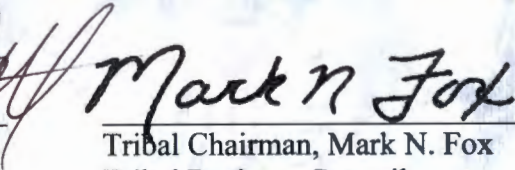
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 6 were present at the Regular Meeting thereof duly called, notice, convened and held on the 11th day of May 2016; 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 3rd day of August, 2016.

ATTEST:


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


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