



CALL TO ORDER

Meeting called to order at 1:41 PM

OPENING PRAYER

Prayer by Delores Wilkinson.

ROLL CALL

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

Quorum established.

I. APPROVAL OF AGENDA

Motion: Councilman Randy Phelan moved to approve the agenda. 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 – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Not Voting

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

Motion: Councilman L. Kenneth Hall moved to approve the March 10th & 30th 2016 minutes subject to corrections. 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

III. SPECIAL GUESTS – ELDERS

A. Jordan Kannianen, Republican candidate for ND State District 4.



Mr. Jordon Kannianen of Belden, ND provided a brief biographical background and expounded his advocacy to strengthen tribal sovereignty, environmental protection, non-taxation of oil wells on trust land, treaty rights, and water rights. Mr. Jordon Kannianen humbly asked for everyone's support.

B. Chris Peltier Recognition

Recognized Chris Peltier of the Indian Health Service for his meritorious service to the MHA Nation and developing water & sewer infrastructure around the reservation.

C. Arthur T. Mandan

Awarded membership of the Military Order of the Purple Heart. Mr. Mandan also brought forward a request to change the TAT Personal Policies & Procedures to allow leave for those involved in the Sun Dance.

Motion: Councilman Frank Grady moved to approve administrative leave for TAT employees for all religious purposes with verification of attendance and not to exceed 40 hours once per year. 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

Discussion: Chairman Mark N. Fox would like a policy that encompasses all religious entities and definition of participant.

D. Ella James Recognition

Recognition of Ella James for 43 years of dedicated service to the MHA Nation and the HeadStart Program.

FTR: Birthday congratulations for Councilman Mervin Packineau, Councilman Frank Grady, and Kari Mossett.

E. Youth Group

Chairman Mark N. Fox welcomed the Modern Day Warriors youth group, 15 youth ride members opposing the Dakota Access & Sakakawea Pipeline. Read into the record some comments from a local survey conducted related to oil & gas industry pipelines crossing the lake or river. Also submitted a Change.org petition opposing the pipelines and presented a Duke University Study concerning the brine spill near Mandaree. Chairman Mark N. Fox asked the group for help opposing the 3 proposed pipelines north of the reservation. Chairman Mark N. Fox thanked the group for their advocacy and asked the



group to join with the Tribe against the States' assertion of authority over the riverbed and the new pipelines upriver and off the reservation. The Chairman asked the group to participate in a working session to discuss the issues. Discussion of the differences between pipeline trenching vs. boring.

Motion: Councilman Randy Phelan moved to oppose authorization of the Sakakawea Pipeline ROW. Councilman Fred Fox 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 Voting
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Travis Hallam Pipeline Safety informed the audience that the Tribal Business Council has never authorized a pipeline across the river.

EXECUTIVE COMMITTEE REPORTS

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

A. Report

The Chairman welcomed the audience and provided a summary of upcoming events and a summary of key issues that the MHA Nation is addressing. Provided an overview of anti-drug activities such as the Task-Force, new treatment facilities, and employee drug testing (beginning with the Tribal Business Council). Provided information concerning a rally against racism. Recent efforts to secure the return of excess lands and riverbed.

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*



Submitted the May 12th 2016 Expense Report for review.

Motion: Councilman Fred Fox moved to approve Resolution no. 16-086-LKH entitled “*Approval of Amended Fiscal-Year 2016 General Fund Budget for the Three Affiliated Tribes*”. Councilman Randy Phelan seconded the motion.

Vote: 6 Ayes. 1 – Opposed. 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 – Aye
Councilman Cory Spotted Bear – Aye

Motion: Councilman Randy Phelan moved to approve resolution no. 16-087-LKH 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 \$1,600,000.00*”. 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

Motion: Councilman L. Kenneth Hall moved to approve resolution no. 16-088-LKH entitled “*Approval of Tribal Investment Advisors–Goldman Sachs, Morgan Stanley, and Moss Adams LLP*”. 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: Recommendation for a strong review in no more than 12 months.



Motion: Councilman Mervin Packineau moved to grant Committee Level approval for Home Mortgage Program applications up to \$200,000. 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

Motion: Councilman Fred Fox moved to approve additional funds for (4) mortgage loan borrowers; Dorothy Packineau - \$5,000, Faron & Melissa Kreuger - \$60,000, Shanaye Packineau - \$50,000, Kaycee Packineau - \$50,000. 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 – Abstained
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Motion: Councilman L. Kenneth Hall moved to approve the 1st reading of the Three Affiliated Tribes Loan Policies. 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

Motion: Councilman Fred Fox moved to approve the Departmental transfer of Felicia Jimenez from the Travel Officer to Contracting Officer. 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

B. Small Loans - Mary Ellen Sun

Motion: Councilman L. Kenneth Hall moved to approve Group A. (1-18) subject the Small Loans Program Guidelines. Councilman Fred Fox seconded the motion.

Discussion: Applications #1-#18 all have collateral on file. Does not recommend approving Group B.

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

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

Motion: Councilman Cory Spotted Bear moved to approve Group B #2 subject to obtaining a co-signer, becoming current on outstanding loan, the Small Loans Program Guidelines. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1 – Not Noting. 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 Voting
Councilman Cory Spotted Bear – Aye

Discussion: Application B1, 3, & 4 are declined.

Motion: Councilman Mervin Packineau moved to approve Group C with collateral and subject the Small Loans Program Guidelines. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1 – Not Noting. 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 Voting
Councilman Cory Spotted Bear – Aye

C. Four Bears Casino Report - Pat Packineau, General Manager
Item deferred.

D. Anita Howard-Deane

Seeking financial assistance for the cost of an electrician to trench electrical to home. Has a quote from Denny's Electric, who are the only vender that can do it within the required time frame.

Motion: Councilman Randy Phelan moved to approve \$500 from each Council member. 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

Discussion: CEO will work on a policy for electrical line installation with NRC.

VIII. OFFICER REPORTS:

A. Chief Executive Officer Report – Al Nygard

FTR: Chairman Mark N. Fox & Councilman Mervin Packineau left the meeting. Vice Chairman, Councilman Randy Phelan assumed the Chair.

Motion: Councilman L. Kenneth Hall moved to approve resolution no. 16-089-LKH entitled "Authorization to Apply for a Competitive Grant as Authorized by the Second Chance Act Smart Reentry Program, to Plan and Implement Effective and Evidence-based Reentry Practices and Service Delivery Systems from Incarceration to Community for FY 2016, in the Amount of \$1,000,000.00." Councilman Fred Fox seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Not Voting



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

Discussion: Matching grant requirement of 1 million over 3 years starting in 2017.

Motion: Councilman Fred Fox moved to approve resolution no. 16-090-LKH entitled: “*Authorizing a Memorandum of Understanding Between the Three Affiliated Tribes of the Fort Berthold Indian Reservation, Department of Justice, United States Attorneys Office, United States Probation and Pretrial Services, and the North Dakota Department of Corrections and Rehabilitation*”. Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Not Voting
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Voting
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Motion: Councilman Fred Fox moved to extend Daryl Bearstail for an additional 60-days as Health Insurance Director. Councilman Cory Spotted Bear 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 Voting
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Position to be advertised.

FTR: Chairman Mark N. Fox return to the meeting and reassumed the Chair.

- 1) Tax Department – Mary Mashunkashey, Tax Commission Director**
Provided an overview of taxes collected in the amount of \$4, 627,337 from the Oil & Gas Production, Extraction Tax, Drilling Spud Fees, Tribal Highway Tax, and Motor Vehicle Fuel



Revenue. Possessory Interest Tax is currently in the 30 day public comment period that ends in May 31st and recommends voting on this in June. Presented an update of the Hotel Use Tax and Water Tax.

Motion: Councilman Fred Fox moved to approve amendment to the Alcohol Beverage Control Law to add a 7% Tax. Councilman Frank Grady 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 Voting
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Public comment period has expired with no comments. 21 businesses to be effected.

2) Enrollment - Servant S. Taft

Motion: Councilman Randy Phelan moved to approve Resolution no. 16-091-LKH entitled “Approval of 62 Applicants for Enrollment into the Three Affiliated Tribes”. 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

Discussion: Discussion of the Enrollment Advisory Committee. Councilman Randy Phelan asked for Theodora Bird Bear for West Segment, and Tooksy Eagle for White Shield for Tom Harwood for North East Segment for the Enrollment Committee. Further discussion of a grievance related to an enrollment application that was denied and Mr. Taft was asked to review a new document that has come to light. 15,091 to tribal members with this approval.

IX. UNFINISHED BUSINESS

A. – Item removed

B. DUI Code - Caleb Dogeagle

Murder, manslaughter, and vehicular manslaughter added the code.



Motion: Councilman Fred Fox moved to approve the DUI Code. Councilman Randy Phelan seconded the motion. Motion carried.

Vote: 5 Ayes. 2- Motion carried.

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

Discussion: Chairman Mark N. Fox asked that Judicial Committee reviews this.

C. Elder Abuse Code Final Reading

Requested an additional month for further review. Item deferred to the June Tribal Business Council.

D. New Police Unit Approval

Item deferred.

E. Education Assistance for Graduate School - Will Reeves

Item deferred.

F. Thunder Butte Refinery – Richard Mayer (Closed Session)

1. Bodell/Chemex Contract Update

Item deferred.

2. Crude Oil Storage Update

Item deferred.

G. Targa Land Farm – David McQuad & Jacy Rabbithead

Bioremediation Technology for Crude Oil Impacted Soil Project.

Motion: Councilman Fred Fox moved to approve with the cooperation of Lisa Lone Fight and Edmond Baker, EPA. 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: Before the return of the soil the TAT would like verification of the remediation of the soil. Baseline soil test were completed of the farm site.

H. Enrollment Ordinance Amendment – *Sevant Taft*
Item deferred.

I. Surveillance Request - *Lionel G. Chase, Sr.*
Item deferred.

X. MEDICAL REQUESTS
No items.

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. EXECUTIVE COMMITTEE – *Chairman Mark N. Fox*

A. Tax Ordinances
Addressed above.

B. All Indian Boxing Championships June 9-11
Item addressed in Executive Committee

C. Beers Roping Clinic-May 24-26, 2016
Item addressed in Executive Committee

D. Carrie Kitzverger Financial Request Daughter's School Funding.
Item addressed in Executive Committee

E. Karen Sitting Crow for Murphy Sitting Crow Grant Request
Item addressed in Executive Committee

XII. EDUCATION COMMITTEE – *Councilman Cory Spotted Bear, Chair*

A. Education Trust Fund
Item deferred.

B. 477 Program/Federal Programs Manager - *Jerome Dancing Bull*
To work with CEO to realign.



FTR: Councilman Frank Grady left the meeting.

C. Child Care Contract for Certification Instructor - Jerome Dancing Bull

Motion: Councilman Fred Fox moved to approve the Consultant Contract between the Three Affiliated Tribes and Sandra Kay Moon. 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 – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye

D. MHA Nation Dropout Prevention Initiative Trip - Francine White

Motion: Councilman Randy Phelan moved to approve \$17,000. Councilman Cory Spotted Bear 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 – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye

Discussion: The participants will fund raise for the remainder.

E. WYBT Invitational Booster Request - Heather Demaray

Total need is \$28,282, but seeking \$19,000 for airfare. Have risen over \$5,051 and a \$4000 pledge.

Motion: Councilman Fred Fox moved to approve (75% of request) request for \$17,000. 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 – Aye



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

FTR: Councilman Frank Grady returned to the meeting.

F. Education Assistance for Credence Lindley to Join Sylvan Learning Center - Levi Chapin
Requesting 75% of 1,716/yr.

Motion: Councilman Cory Spotted Bear moved to approve \$2,500 for the semester. 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

Discussion: \$2,500 per semester

G. Sasha Luger Tuition Assistance Request

Motion: Councilman Cory Spotted Bear moved to approve \$5000 assistance for tuition for the year. 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 – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye

Discussion: Each Councilman and the Chairman's Office may assist up to \$500 each.

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

A. Home Health Care - Dr. Monica Mayer

Item deferred



B. Francis Connors Medical Bill - Wendell White
Item deferred.

C. Marvin Two Crow for VFW Reimbursement
Item deferred.

D. Medical Bill – Georgia Leppell
Item deferred.

E. Dr. Raising Sun Contract – Dr. Kathy Eagle
Item addressed at the May 11th, 2016 Special Tribal Business Council meeting.

F. Dr. Arcelay Contract – Dr. Kathy Eagle
Item deferred.

G. Recreation and Fitness / Funding for Softball Tournaments – Kevin Finley

Motion: Councilman Fred Fox moved to approve \$10,000 for Twin Buttes, Parshall, White Shield, Mandaree, and Little Shell Softball Tournaments. Councilman L. Kenneth Hall seconded the motion.

Motion Rescinded

H. Northern Thunder Boys Basketball Request – Alfred Smith
Item deferred.

I. MSU Pow-Wow Request Executive Order Ratification

Motion: Councilman Randy Phelan moved to approve the MSU Pow-wow Executive Order. 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

XIV. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

A. Lyda Bearstail Well Request



Motion: Councilman Fred Fox moved to grant permission to drill an additional well on her property. 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

B. Fritz Birdbear Partitionment

Item deferred.

C. Darrick Bell land Request Resolution

Item deferred.

D. Rescind Resolution 14-146-VJB

Item deferred.

E. OST Land and Trust & Data Records Resolution

Item deferred. Replaces 14-146-VJB

Motion: Councilman Fred Fox moved to approve resolution no. 16-092-LKH entitled "OST Land and Trust & Data Records Resolution" Subject to Legal review and resolution. 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

F. Home Sites – Valorie Hosie

Motion: Councilman Randy Phelan moved to approve 3 Home Sites subject to legal review.

- Resolution no. 16-112-LKH entitled, "Consent to Survey Certain Tribal land for the Thomas Jay Plenty Chief, Sr. Home Site - North Segment"



- Resolution no. 16-113-LKH entitled , “ *Consent to Survey Certain Tribal Land for the Payden C. Sorenson Home Site – South Segment*”
- Resolution no. 16-114-LKH entitled , “ *Consent to Survey Certain Tribal Land for the Anthony and Gertrude Moran Home Site – Four Bears Segment*”

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

Motion: Councilman Randy Phelan moved to approve resolution no. 16-115-LKH entitled “*Approval of Consent for Residential Lease*”. 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

G. Farm/Pasture Leases - *Diana Americanhorse*

Motion: Councilman Randy Phelan moved to approve a blanket motion for 11 agricultural lease resolutions.

- 16-093-LKH entitled “*Approving Agricultural Leases on Tribal Land to Cody Fredericks*”
- 16-094-LKH entitled “*Approving Agricultural Leases on Tribal Land to Paul Fredericks*”
- 16-095-LKH entitled “*Approving Agricultural Leases on Tribal Land to Greta White Calfe and Verlee Saylor*”
- 16-096-LKH entitled “*Approving Agricultural Leases on Tribal Land to Don Bauman*”
- 16-097-LKH entitled “*Approving Agricultural Leases on Tribal Land to Stacy Roberts*”
- 16-098-LKH entitled “*Approving Agricultural Leases on Tribal Land to Wade Billadeau*”
- 16-099-LKH entitled “*Approving Agricultural Leases on Tribal Land to Weston Schettler*”
- 16-100-LKH entitled “*Approving Agricultural Leases on Tribal Land to Jim Pennington*”



- 16-101-LKH entitled “*Approving Agricultural Leases on Tribal Land to Verlee White Calfe-Sayler*”
- 16-102-LKH entitled “*Bearstar Perkins Agricultural Leases on Tribal Land*” (Legal)
- 16-103-LKH entitled “*John Stone Jr. Agricultural Leases on Tribal Land*” (Legal)

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

Motion: Councilman Mervin Packineau moved to approve agricultural lease pay established rate Harvey Billadeau (\$20/acre), Mathew Gilbertson, Bryan Meyer subject to signed statement of all potential liability if changes occur. 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: Have successfully bid on the lands.

H. 2017-2021 Grazing Resolution

Item deferred. BIA needing additional working session.

I. Shaylane Miller/Christine Miller – Utility Corridor Resolution: “Mike Young Bird Fiber Optic Line”

Motion: Councilman Randy Phelan moved to approve resolution no. 16-105-LKH entitled “*Mike Young Bird Fiber Optic Line*” subject to legal review and resolution. 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

J. 2016-2017 Tribal Hunting Seasons Proclamations - Antoine Smith

Motion: Councilman Randy Phelan moved to approve the 2016-2017 Tribal Hunting Seasons Proclamations, 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

FTR: Councilman Frank Grady left the meeting.

K. Deer, Moose, and Elk Gun Tags Auction for Enrolled and Non-Enrolled - Antoine Smith

Motion: Councilman Randy Phelan moved to approve Deer, Moose, and Elk Gun Tags Auction for Enrolled and Non-Enrolled. 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. TAT Emergency Operations Plan with NIMS Integration Grant Letter of Support – Cliff Whitman
Item deferred.

M. Rez Rock and Water Indian preference Concerning TERO Enforcement - Frank White Calf



Motion: Councilman Fred Fox moved to direct TERO to enforce equitably to all entities. 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

N. Contract for Sanitation Facilities - Justin Spotted Bear
Item deferred.

O. Construction Applicants - Justin Spotted Bear

Motion: Councilman Fred Fox moved to approve a construction agreement to Storms Contraction for individual water and sanitation facilities construction. 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

Motion: Councilman Mervin Packineau moved to approve Four Bear Lift Station renovation grant. 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

P. Prime Contractor Waste Management Permit Fee to 1% - Justin Spotted Bear



Motion: Councilman Randy Phelan moved to enforce Solid Waste code to take 1% from all contracts. 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

Q. Specific Authorization (SA) Funding - Maynard K Demaray

Motion: Councilman Fred Fox moved to approve SA subject to availability of funding. 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: Some discussion of funding this item with Section 17 in the future. Service connections need to be prioritized.

R. Hushгаа Ride Funding – Benjamin Good Bird
Item deferred.

S. Oil & Gas

a. Arrow Phase 1A Northern Extension Loop Line

Motion: Councilman Randy Phelan moved to approve resolution no. 16-111-LKH entitled “Consent to a Right-of-Way across Tribal land for the Phase 1A Northern Extension Loop Line Project Submitted by Crestwood”. 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. Arrow Pipeline Rectifier #9

Item deferred

c. Skunk Creek #4-10-11-8H Gathering Line

Item deferred.

d. QEP 14-1X ROW for Gas/Water line

Motion: Councilman Randy Phelan moved to approve resolution no 16-106-LKH “*Consent to a Right-of-Way Across Tribal land Submitted by QEP Energy Company for an Additional Strip of Land Adjacent to BIA ROW No. FBOG101015 Authorizing a 90-foot Wide Multi-Use Corridor Pursuant to MHA Resolution No. 15-193-LKH*” subject to legal review. Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. 1 – Opposed. 1 – Not Voting. 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 – Opposed
Councilman Cory Spotted Bear – Aye

e. WPX - Bighorn 32-29 Wells Unit ROW

Motion: Councilman Randy Phelan moved to approve resolution no. 16-107-LKH entitled “*Consent to a Right-of-Way across Tribal land Submitted by WPX Energy Williston, LLC for the Big Horn Pad.*” 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 – Aye
Councilman Fred Fox – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye



f. WPX - Bird Bear 35-26 (Morsette Unit)

Item deferred.

g. WPX - Ruby 31-30 (Bird Unit)

Item deferred.

h. Enerplus – Bugs Pad

Item deferred.

i. Enerplus – Grains Pad

Item deferred.

j. Petrogulf

Item deferred.

k. TARGA – Butterflies Turtles Extention – Turtles East

Motion: Councilman Fred Fox moved to approve resolution no. 16-108-LKH “*Consent to a Right-of-Way across Tribal land Submitted by Targa Badlands LLC for the BT Ext Turtles East Project.*” 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

l. TARGA – Butterflies Turtles Extention – Crows Flies High

Motion: Councilman Randy Phelan moved to approve resolution no 16-109-LKH entitled “*Consent to a Right-of-Way across Tribal land Submitted by Targa Badlands LLC for the BT Ext Crow Flies High Project.*” subject to legal review. 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

m. TARGA - West Myrmindon Lateral D

Motion: Councilman Fred Fox moved to approve resolution no. 16-110-LKH entitled “Approval of Setback Variance Requested by Targa Badlands LLC for the West Myrmidon Lateral D Project.” 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

n. TARGA – Myrmindon 30th St West Project

Motion: Councilman Randy Phelan moved to approve resolution no. 16-104-LKH entitled “Approval of Setback Variance Requested by Targa Badlands LLC for the Myrmidon 30th Street Project.”. 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

o. TARGA – West Myrmindon Lateral C

Motion: Councilman Randy Phelan moved to approve resolution no. 16-116-LKH entitled “Approval of Setback Variance Requested by Targa Badlands LLC For the West Myrmidon Lateral C Gathering Pipeline.” 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

p. TARGA - West Myrmondon Trunk

Motion: Councilman Fred Fox moved to approve resolution no. 16-117-LKH entitled “Approval of Setback Variance Requested by Targa Badlands LLC For the West Myrmondon Trunk Gathering Pipeline.” 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

q. Corections for Resolutions 15-095-LKH & 15-102-LKH
Item deferred.

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

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

A. Business Loans – Toni Starr
Item deferred.

B. TERO – Charles Foote
Item deferred.

C. Business Loan Proposal – Kasey Hall
Item deferred.

D. Roof Repair / Off Reservation Home Improvement- Harry La Croix
Item deferred.

E. Mood Foods Proposal - Ryan Dusenberry

Motion: Councilman Fred Fox moved to approve lease of the TERO Building kitchen subject to negotiation. Councilman Randy Phelan seconded the motion.



Vote: 5. 2 – Not Present. Ayes. 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

F. Business Licenses

Motion: Councilman Randy Phelan moved to approve subject to changes in fees and other requirements. 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

XVII. JUDICIAL COMMITTEE – Councilman Fred Fox, Chair

A. North Segment Mega Bands – Dennis Fox

Requesting \$13,000-15,000 for about 200 students.

Motion: Councilman Randy Phelan moved to approve North Segment Community Megabands for minors with \$5,000 from Four Bears & and \$5,000 from \$5,000 from North Segment funds. Councilman Mervin Packineau seconded the motion.

Vote: 7 Ayes. 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

Discussion: May also approach the NSCDC for a contribution.



B. First Nations Nationals Sponsorship Request - Sadie Young Bird

C. Law Enforcement Signature Authority – Sara Dogeagle
Item deferred.

D. Public Training Council Contract – Sara Dogeagle
Item deferred.

E. Fire Marshall Temporary Appointment
Item addressed at May 11th, 2016 Special Tribal Business Council.

F. Legal Department Interns - Caleb Dogeagle

Motion: Councilman Mervin Packineau moved to approve 2 interns (James Baker & Jeremiah Jones). Councilman Cory Spotted Bear seconded the motions.

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

FTR: Councilman L. Kenneth Hall left the meeting at 6:23PM

Motion: Councilman Randy Phelan moved to approve Lisa Lone Fight and Jay Standish as appointments for the Secretarial Election Board Representatives and authorize the Chairman appoint an alternative. 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 – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

Discussion: Discussion of minimum education qualifications and tribal member.



G. Resolutions 15-162-LKH & 15-079-LKH amendments – Prairie Rose Chapin

Motion: Councilman Randy Phelan approve the amendment to the contracts of Gregory Kidder & Taylor Olson. 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 – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

H. Tribal Court

Item deferred.

Motion: Councilman Fred Fox moved to work with Al Nygard for the Officer to transfer to Law Enforcement and subject to Law Enforcement acceptability. 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

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 – WSRC
Item deferred.
- J. Councilman Randy Phelan - *Reserved*



K. Councilman L. Kenneth Hall – Kermit Heart

Item deferred.

L. Councilman L. Kenneth Hall – Fred Poitra

Trespass issue of TAT Mortgage Program placing a home partly on the private lot of Fred Poitra in the City of New Town. The family is willing to settle on the trespass and sell the land to the Tribe.

Motion: Councilman L. Kenneth Hall moved for an appraisal and compensation for the trespass. 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

M. Councilman Fred Fox- Reserved

N. Councilman Fred Fox- Old Scouts

Motion: Councilman Fred Fox moved to approve \$9000 for one day for the Old Scout Memorial Day activity. 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 – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye

XIX. CLOSED SESSION

A. TERO Audit

Item deferred

B. Refinery – Richard Mayer

Item addressed

C. Dawn Fredericks

Item addressed



XX. ADJOURNMENT:

Motion: Councilman Randy Phelan moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 7:00pm.





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 12th 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

