



CALL TO ORDER

Chairman Mark N. Fox called the meeting to order at 11:25AM.

OPENING PRAYER

Prayer by Delvin Driver Sr.

ROLL CALL

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

FTR: Councilman Fred Fox joined the meeting at 11:36AM.

I. APPROVAL OF AGENDA

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

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

• **April 14th, 2016 Minutes**

Motion: Councilman Randy Phelan moved to approve the April 14th, 2016 minutes subject to corrections. 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 – Not Present
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye



- May 11th, 2016 Minutes
- May 12th, 2016 Minutes
- June 2nd, 2016 Minutes

III. SPECIAL GUESTS – ELDERS

A. **Matthew American Horse Post 259 Financial Request - J.R. (Antoine) American Horse & Archie Fool Bear.**

Requesting \$75,000 for their Cannonball Flag Day Celebration (9th, 10th, & 11th) and post budget. Economic Committee suggested a \$2,500 contribution from the casino.

Motion: Councilman Mervin Packineau moved to approve 10%, half from the tribe and half from the casino for an amount of \$3,750 from the tribe and \$3,750 from the Casino. Councilman Cory Spotted Bear seconded the motion.

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

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

B. **Annual Tekakwitha Conference - Greta White Calfe & Tekakwitha Circle**

Conference to be held in Burlingame, CA on July 20-24, 2016. Financial request of \$3,500 for each attending.

Motion: Councilman Fred Fox moved to approve \$3,500 for each elder member attendee of the Tekakwitha Conference. 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 – Not Present
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: One non elder on their list to also receive assistance for assisting with the trip. Clarice Charging to be the contact person who will turn in the list of attendees.



EXECUTIVE COMMITTEE REPORTS

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

A. Report

Chairman Mark N. Fox provided an update concerning recent activities such as meetings with the Director of the FBI to discuss, instruction of former President Bill Clinton at an event in Fargo. Upcoming meeting concerning ; the Drug treatment facilities, Federal Partners, TERO Work Session, ICSWG, Land Transfer Meeting with the Corps of Engineers, NCAI, Election Board appointment & membership survey poll. Discussion of the upcoming Secretarial Election for Friday July 22nd, 2016 to reverse previous changes back to a 7 member council. Kayla Danks, BIA provided a secretarial election notice under 14-011-VJB. Jay provided a summary of procedures about the registration and mail in ballot. Registration to June 20th. Doreen Yellow Bird commented about the confusing forms and deadlines.

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

A. Report

Discussed recent activities to secure ownership of riverbed acres in its battle with the state of North Dakota. Ken Royce, Jame Todd, Ryan Waters, Zack Lucus of Bartlett & West were brought before the TBC to explain their role in providing high water mark maps & information to the State of North Dakota for their suit against the tribe. The TBC is requesting a disclaimer on this information that their data does not support the State of North Dakota's claim to minerals in the riverbed.

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

A. Report

Roger White Owl provided a written and oral report concerning H.B. 2012, 2938, 5259.

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

A. CFO Report – *Whitney Bell*

Submitted 2016 Expense Report that states that the budget is about 69% expended at this time. Also submitted the 2nd reading of the Loan Policies. Next budget work session in July needs to set. \$5.8 million set aside for BOR. Summited a proposal from Joseph Eaves for auditing services and summary of implementing a new financial software system with a cost of \$4-5000,000 and annual cost of \$800,000 that would be allowable under indirect costs.

Motion: Councilman Cory Spotted Bear moved to establish a separate account for BOR Bank of the West for FY2016 project expenditures for the Twin Buttes Distribution line. Councilman Fred Fox seconded the motion.

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



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

Motion: Councilman Cory Spotted Bear moved to approved moving toward new financial/accounting system software. Councilman Fred Fox seconded the motion.

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

Discussion: Back Office Assesment Services. 12-13 months to implement.

B. Small Loans - Mary Ellen Sun

Motion: Councilman Fred Fox moved to approve Group A. subject to Small Loans requirements. Councilman Cory Spotted Bear seconded the motion.

Vote: 4 Ayes. 1 – Abstention. 2 - Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Voting
Councilman L. Kenneth Hall – Not Present
Councilman Mervin Packineau – Abstained
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Motion: Councilman Fred Fox moved to approve Group B: All except B. #2. Subject to Small Loans requirements. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 2 - Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Voting
Councilman L. Kenneth Hall – Not Present



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

Discussion: Requesting a co-signer or pay past due balances.

Motion: Councilman Frank Grady moved to approve Bobby Fox Loan subject to Small Loans requirements. Councilman Cory Spotted Bear seconded the motion.

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

Motion: Councilman Fred Fox moved to approve Group C. 1, 2, 3 subject to Small Loans requirements. Councilman Frank Grady seconded the motion.

Vote: 4 Ayes. 1 – Abstention. 2 - Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Voting
Councilman L. Kenneth Hall – Not Present
Councilman Mervin Packineau – Abstained
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

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

VIII. **OFFICER REPORTS:**

A. Chief Executive Officer Report – Al Nygard

Motion: Councilman Fred Fox moved to affirm Executive Action to extend health & medical benefits for Laurie Ann Alberts for continuation of single coverage. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 2 - Not Present. Motion carried.
Chairman Mark N. Fox – Aye



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

Motion: Councilman Fred Fox moved to accept the lowest bid of three from HVAC Quotes for Heat Pump system. Councilman Cory Spotted Bear seconded the motion.

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

- 1) **Tax Department** – *Mary Mashunkashey, Tax Commission Director*
Discussion of the Possessory Tax by Chairman Mark N. Fox.
- 2) **Enrollment** - *Sevant S. Taft*

Motion: Councilman Fred Fox moved to approve resolution no. 16-119-CSB entitled “*Approval of 32 Applicants for Enrollment into the Three Affiliated Tribes*”. Councilman Cory Spotted Bear seconded the motion.

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

Discussion: Total tribal members comes to 15,116.

IX. UNFINISHED BUSINESS

- A. **Elder Abuse Code Final Reading** – *Sadie Youngbird*
Tribal Law & Policy Institute has reviewed.



B. New Police Unit (licensing & registration) **Authority** - *Nelson Heart*

C. Education Assistance for Graduate School - *Will Reeves*

D. Enrollment Ordinance Amendment – *Sevant Taft*

E. Surveillance Request - *Lionel G. Chase, Sr.*

F. First Nations Nationals Sponsorship Request - *Sadie Young Bird*
Requesting over \$6000.

Motion: Councilman Fred Fox moved to approve a \$3,500 sponsorship. Councilman Cory Spotted Bear seconded the motion.

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

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

G. Law Enforcement Signature Authority – *Sara Dogeagle* –
Item deferred.

H. Public Training Council Contract – *Sara Dogeagle* – *Addressed*

I. Francis Connors Medical Bill - *Wendell White*

Motion: Councilman Fred Fox moved to reimburse Wendell White for and amount of \$4,539. 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 Voting
Councilman Cory Spotted Bear – Aye

J. Marvin Two Crow for VFW Reimbursement – *Wendell White/Wendy White*



Addressed above

K. Medical Bill – *Georgia Leppell*
Item deferred.

L. Dr. Arcelay Contract – *Dr. Kathy Eagle*
Item deferred

M. Northern Thunder Boys Basketball Request – *Alfred Smith*
Requesting \$5,000 on July 2nd. 3/10 players are tribal members.

Motion: Councilman Fred Fox moved to approve a \$2000 sponsorship and to include \$500 from each segment and the Chairman’s office. 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 Voting
Councilman Cory Spotted Bear – Aye

N. Fritz Birdbear Partitionment – *Item deferred.*

O. Darrick Bell land Request Resolution – *Texx Lone Bear*

Motion: Councilman Fred Fox moved to approve resolution no. 16-120-CSB entitled “*Three Affiliated Tribes Renunciation of Right to Inherit Fractionated Interests in the Estate of Jared Dwaine Yellow Face*”. 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 – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Alternative Single Heir Rule.



- **Fractionated interest issue - Nelson Heart Sr.**

Motion: Councilman Randy Phelan moved for Nelson Heart Jr. to receive interest through the Alternative Heir Rule as a sibling of Dakota Heart. 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 – Aye
Councilman Fred Fox – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Tex Lone Bear presented request of land

P. 2017-2021 Grazing Resolution – deferred to NRC

Q. TAT Emergency Operations Plan with NIMS Integration Grant Letter of Support – Cliff Whitman
Item deferred

R. Contract for Sanitation Facilities - Justin Spotted Bear - addressed

S. Hushgaa Ride Funding – Benjamin Good Bird
Sunday August 7th – 16th. Requesting \$27,000 for the event.

Motion: Councilman Randy Phelan moved to approve 75% funding for \$21,000. 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 – Not Present
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

T. Oil & Gas



1) **Arrow Pipeline Rectifier #9**

Item deferred.

2) **Skunk Creek #4-10-11-8H Gathering Line**

Will need to renegotiate the ROW due to expiration. Whitting is seeking to drill 4 wells by July 23rd. Will return with negotiated agreement.

Motion: Councilman Fred Fox moved to approve resolution entitled “*Consent to a Right-of-Way across Tribal land by Crestwood to Construct a Gathering Pipeline to connect the Kodiak Skunk Creek #12-10-11-9H Well Pad and Skunk Creek #4-10-11-8H Well Pad to the Arrow Phase 2SE Southeast Pipeline*” subject to amended rates and levels, and legal review. Councilman Randy Phelan seconded the motion. 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 Voting

Councilman Fred Fox – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Discussion: New amended rates of \$25,000/well pad and \$5000/well.

3) **WPX - Bird Bear 35-26 (Morsette Unit)**

Motion: Councilman Randy Phelan moved to approve.

Tabled

4) **WPX - Ruby 31-30 (Bird Unit)**

Three additional well bores.

Forwarded to NRC-Oil & Gas.

5) **Enerplus – Bugs Pad**

Set-back variance.

Motion: Councilman Randy Phelan moved to approve resolution no. 16-124-CSB entitled “*Approval of Setback Variance Requested by Enerplus Resources (USA) Corporation for the Bugs Pad 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 – Not Present
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

6) Enerplus – Grains Pad

Motion: Councilman Randy Phelan moved to approve resolution no. 16-123-CSB entitled “Consent to a Right-of-Way across Tribal land Submitted by Enerplus Resources for the Grains 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 – Not Present
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

7) Petrogulf

8) Corections for Resolutions 15-095-LKH & 15-102-LKH
BIA needs well pad to be added to description.

Motion: Councilman Fred Fox moved to amend resolution 15-102-LKH “*Technical Correction to Resolution No. 15-102-LKH, Relating to a Right-of-Way granted for Enerplus’s Bugs Pad.*” to include well pad in description. Councilman Randy Phelan seconded the motion. Vote: 6-0. Motion carried.

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



- **15-095-LKH amendment**

The BIA is asking for additional detail.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 16-129-CSB entitled ““*Technical Correction to Resolution No. 15-95-LKH, Relating to Rights-of-Way granted for Enerplus’s Metals Pad, WPX’s Packineau Project, and WPX’s Bear Den Project.*” Councilman Mervin Packineau seconded the motion.

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

U. Business Loan Proposal – Kasey Hall
Item deferred.

V. Roof Repair / Off Reservation Home Improvement- Harry La Croix
Councilman Fred Fox and Chairman Mark N. Fox will work to resolve the issue outside of meeting.

W. West Segment Regulatory Commission
Item deferred.

X. Kermit Heart - Shawn Red Fox, TERO & Kelsey Packineau.
Concern regarding TERO non tribal member (Reggie Olsen) that was banned by TERO. Shawn Red Fox, TERO & Kelsey Packineau. Discussion of TERO requirements of consultants in the Oil & Gas industry.

Motion: Councilman Fred Fox moved to stay the TERO Cease & Desist Order for Reggie Olson on an interim basis. 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 – Not Present
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye



X. MEDICAL REQUESTS

A. Theresa Charging - Barb Miller

Seeking medical assistance for \$15,162.10 at the Benedictine Living Center, Garrison, ND.

Motion: Councilman Randy Phelan moved to approve to change to the nursing home policy for \$25,000 not to exceed 75%. 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 – Not Present
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: This action supersedes the 3-30-2016 TBC policy motion.

Motion: Councilman Randy Phelan moved to approve the Theresa Charging request for \$15,162.10 to the Benedictine Living Center, Garrison, ND. 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 – Not Present
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

B. Melda Lambert

Dr. Monica Mayer presented request for assistance for \$8,800/month at the Stanley Bethel Nursing Home. Her home was appraised at \$150,000 for mortgage/collateral. Nursing Home wants the bill paid in full by the end of the month for the amount of \$42,369.11.

Motion: Councilman Mervin Packineau moved to approve \$25,000 Life & Limb grant with the balance of \$17,369.11 approved paid through Small Loans. 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 – Not Present
Councilman Mervin Packineau – Aye



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

Discussion: Participate under Life & Limb Grant.

C. Rozelle Little Soldier

Terry Fredericks stated that he has received guardianship over his aunt Arvella requesting monthly \$3000 from the BIA/IIM to her account so she can pay her bills.

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. JUDICIAL COMMITTEE – Councilman Fred Fox, Chair

A. Monthly Tribal Court Report– Wynona Traversie

Discussion of the correct addresses, unapplied receipts, unfilled positions and staffing needs, open bonds, Web site on hold, P&P, Court budget. Councilman Fred Fox recommended a budget working session.

B. Meeting/Petition/Letter - Doreen Lyons

Presented a resolution implementing the ethics and audits resolution. Chairman Mark N. Fox stated that it will need legal review. Presented a petition from Change.org over concerns of tribal audits. Also requesting the procedure for referendum for individuals.

C. Office of Justice Program Point of Contact Change – Al Nygard & Prairie Rose Chapin

Motion: Councilman Fred Fox moved to change to Director of the CEDS Program. Councilman Frank Grady seconded the motion.

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

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

D. Attorney Contract - Caleb Dogeagle



Motion: Councilman Mervin Packineau moved to approve Authorization to offer Chase Valasquez a contract for the legal department as an in-house attorney. Councilman Fred Fox seconded the motion.

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

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

Discussion: Also seeking moving expenses and housing at Elbowoods

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

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

A. Education Trust Fund – *B.J. Brady*

Item deferred.

B. Education Assistance for Blaize Gegelman - *Anita Gegelman*

Seeking \$10,000 educational assistance for the Orme School of Mayer, Ariz.

Motion: Councilman Fred Fox moved to approve educational assistance in the amount of \$2,500/semester for a total of \$5000. Councilman Frank Grady seconded the motion.

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

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

C. Education Assistance for Barber School - *Nelson Baker & Barb Baker*

Was referred to 477 to address unmet need. Tuition is \$7,600/yr.

Motion: Councilman Fred Fox moved to approve educational assistance in the amount of \$7000 subject to denial of 477 funding. 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 – Not Present
Councilman Mervin Packineau – Not Voting
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

D. NEA Student Leadership Conference - Margaret Landin

Motion: Councilman Fred Fox moved to approve in the amount of \$2,500. 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 – Not Present
Councilman Mervin Packineau – Not Voting
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

E. Funding for Hidatsa Immersion Grant - Lisa Casarez & Jayli Fimbres

Requesting the tribe match grant amount received.

Motion: Councilman Fred Fox moved to approve Hidatsa Immersion Grant in the amount of \$5,000. 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 – Not Present
Councilman Mervin Packineau – AYe
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

F. Flandreau Indian School - Jamerson Ferrell

Item deferred.



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

A. Elbowoods Clinic – Dr. Kathy Eagle

Presented monthly report. Discussion of budget, educational workshops, extended hours clinics, (email/phone/data) server failure. Purchased and referred care update.

B. Home Health Care - Dr. Monica Mayer

Presented a report of activities. P&P completed. EHR System is in place, brochures & flyers completed, preparing for third party billing.

FTR: Chairman Mark N. Fox stepped out of the meeting and Councilman Randy Phelan assumed chairmanship of the meeting 5:27pm.

Motion: Councilman Randy Phelan moved to approve the contract of Sherry M. Baker (Hall) as a certified procedural coder. 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 – Not Present
Councilman Mervin Packineau – AYe
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

C. Ruth Meyers – Update

Seeking a continuation of funding for \$100,000 for the year.

Motion: Councilman Fred Fox moved to approve continuation of funding for \$100,000 from 380. Councilman Mervin Packineau seconded the motion.

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

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

D. Social Media Resolution

Item deferred.



XV. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

A. Range Unit resolution 2017 – 2021 Grazing Season (same as above IX. -P)

D. Fractionated Land Resolution (same as IX. O. - Derrick Bell above)

E. Partitionments (Forced Petition)

Item deferred.

F. White Shield Earthlodge – Texx Lone Bear

Discussion of lease of T1510-A for earth lodge for 20 acres on eastern edge of allotment for 1 earth lodge. Recommendation of reserved status for cultural use only.

Motion: Councilman Fred Fox moved to approve reserved status for cultural use. 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 – Not Present

Councilman Mervin Packineau – Aye

Councilman Fred Fox – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Motion: Councilman Cory Spotted Bear moved to approve the “*CONSTRUCTION CONTRACT BETWEEN THE White Shield Segment, Council Representative Fred Fox AND Lumber Enterprises, Inc.*” 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 – Not Present

Councilman Mervin Packineau – Aye

Councilman Fred Fox – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Discussion: From White Shield budget

G. (4) Grant Proposals – Carey Doyle

Motion: Councilman Mervin Packineau moved to approve resolution no. 16-121-CSB entitled “*Authorization for Energy Department and the Planning & Grants Department to apply to the Office of Indian Energy and Economic Development Program FY 2016 Energy and Mineral Development Program (BIA).*” 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 Voting
Councilman Cory Spotted Bear – Aye

H. Veronica Serdahl Utility Corridor ROW

Motion: Councilman Fred Fox moved to approve resolution no. 16-122-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 – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye

I. **Homesite(s)** - Valeri Hosie
Item deferred.

J. **Farm/Pasture Leases** - Diana Americanhorse
Item deferred.

K. **Solid Waste Fee Schedule Resolution Modification** - Patrick Dubois

Motion: Councilman Randy Phelan moved to approve resolution no 16-125-CSB entitled “*Establishing Monthly Rental Fee Schedule for Solid Waste Container Rentals*”. Councilman Cory Spotted Bear 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 – Not Present
Councilman Mervin Packineau – Opposed
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Voting



Councilman Cory Spotted Bear – Aye

Discussion: Councilman Mervin Packineau would rather see the commercial clients pay more instead of the tribal members.

L. Rural Water - Twin Buttes Easements – Maynard Demaray & Denise Fisher, BOR

Discussion of easement lease name of the United States. Discussion of reimbursement from BOR to the Tribe for and requesting all rural water pipeline easements be placed under the United States for the Tribe to receive Operations and maintenance funding from BOR. Requesting meeting to deal with budgets, contract compliance, 5-year plan, and community education.

Motion: Councilman Fred Fox moved to approve all authorize assignment of existing ROW and all future ROW be prepared to the United States if they qualify for federal funding [See Audio]. Councilman Cory Spotted Bear seconded the motion. Vote: 4-1-0-1 (Councilman Randy Phelan- Opposed, Councilman Frank Grady-NV)

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

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

Motion: Councilman Cory Spotted Bear requesting a letter asking BIA to assign all FBRWS ROW/easements that are in the name of the Tribe/tribal entity to the US and its assigns. Councilman Mervin Packineau seconded the motion.

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

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

Discussion: Policies & Procedures.

M. Pre-Treatment Equipment Change Order for Twin Buttes – Maynard Demaray



Motion: Councilman Cory Spotted Bear moved to approve Pre-Treatment change Order for Twin Buttes. Councilman Fred Fox seconded the motion.

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

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

N. Membrane Equipment Bid for Twin Buttes – Maynard Demaray

Motion: Councilman Cory Spotted Bear moved to approve Membrane Equipment Bid for Twin Buttes. Councilman Fred Fox seconded the motion.

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

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

O. White Shield Rural Water Line to the Refinery Site – Richard Mayer

Motion: Councilman Fred Fox move approve White Shield Rural water line to the refinery. Councilman Cory Spotted Bear seconded the motion.

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

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

P. QEP - 14-1X ROW

Item addressed.



Q. WPX - Bighorn 32-29 Wells Unit

Item addressed.

R. Bartlett & West

Item addressed above.

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

No items.

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

A. Business Loans – Toni Starr

Item deferred.

B. TERO – Charles Foote

Item deferred.

C. Business Licenses – Caleb Dogeagle

Item deferred.

XVIII. NEW BUSINESS – Tribal Councilman Add Ons

A. Chairman Mark Fox – Sahnish Scouts

Search team seeking support for a search effort in Pine Ridge. Lisa Yellow Bird is the contact person.

Motion: Councilman Frank Grady moved to approve \$3,500. 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 – Not Present

Councilman Mervin Packineau – Aye

Councilman Fred Fox – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

B. Chairman Mark Fox – Neva Satermo

Presented Flickertail road bid concerns on BIA 12 and Indian preference plan with TERO. Dewey Hosie stated they will need a current and updated plan & pre bid conference.

C. Councilman Frank Grady – Elderly Housing



Motion: Councilman Frank Grady moved to approve resolution no. 16-126-CSB entitled "Approval of the Four Bears Segment's U.S. Department of Housing and Urban Development - Community Development Block Grant Application: Infrastructure Development to Support Future Four Bears Segment Elderly Housing Units". Councilman Mervin Packineau seconded the motion.

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

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

D. Councilman Frank Grady - Reserved

E. Councilman Cory Spotted Bear – Travis Hallam (see Closed Session)

F. Councilman Cory Spotted Bear - Reserved

G. Councilman Mervin Packineau – Tex Hall

Item addressed

H. Councilman Mervin Packineau - Reserved

I. Councilman Randy Phelan – Nelson Heart Probate Issue

Item addressed.

J. Councilman Randy Phelan – Deb Thompson

Item deferred.

K. Councilman L. Kenneth Hall – Renita Howling Wolf

Item addressed.

L. Councilman L. Kenneth Hall – Elgin Crowsbreast, NSCDC

Item deferred.

M. Councilman Fred Fox- Old Scouts Society

Little Big Horn trip for about 30 participants.

Motion: Councilman Mervin Packineau moved to approve 75% of request of the Old Scout Society for \$14,250. Councilman Fred Fox seconded the motion.

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

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



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

N. Councilman Fred Fox- Fort Robinson

Item deferred.

XIX. CLOSED SESSION

A. TERO Audit

Item deferred.

B. Thunder Butte Refinery – Richard Mayer

Item addressed

- 1) **Bodell/Chemex Contract Update**
- 2) **Crude Oil Storage Update**

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

Item deferred.

D. War Pony – Scoria Pit – Ron Brugh & Jeb McClair

Item deferred.

E. Cliff Whitman

Item deferred.

F. HR – Barlow Wells

Item deferred.

G. Travis Hallam

Item deferred.

H. Susie White Owl

Item deferred.

I. PetroGulf

Item deferred.

FTR: 8:55 PM Chairman Mark N. Fox stepped out Councilman Randy Phelan chairing the meeting.

FTR: 9:06 Chairman Mark N. Fox resumed chair of meeting.

J. Paradigm Pipeline

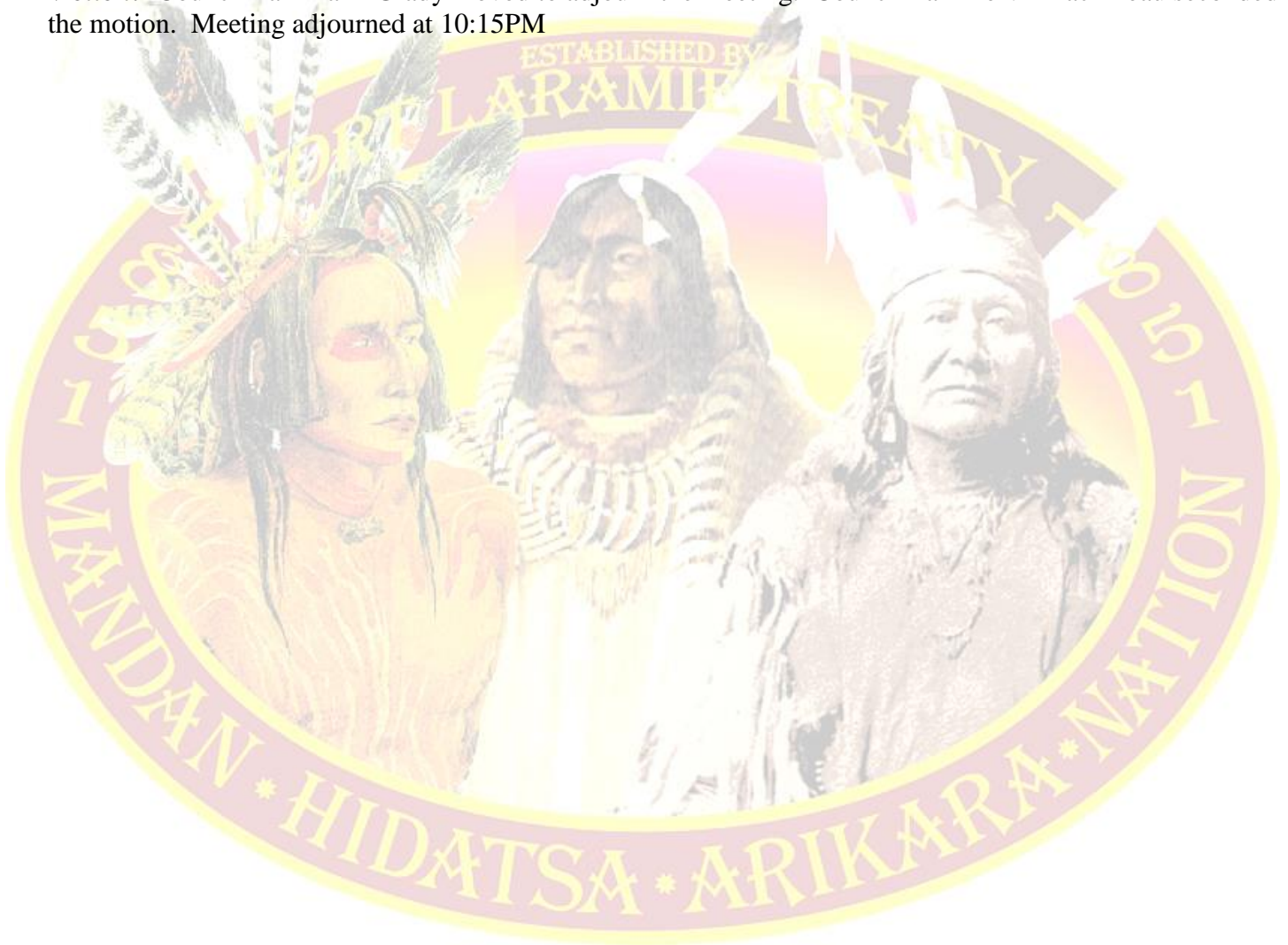
Item deferred.



K. Elbowoods – *Dr. Kathy Eagle*
Item deferred.

XVIII. ADJOURNMENT

Motion: Councilman Frank Grady moved to adjourn the meeting. Councilman Mervin Packineau seconded the motion. Meeting adjourned at 10:15PM





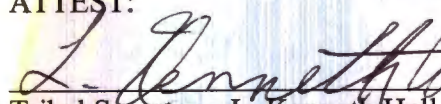
CERTIFICATION

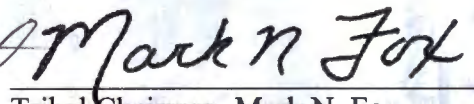
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 9th day of June 2016; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 7 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman (X) Voting () Not Voting

Dated this 11th 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