



CALL TO ORDER:

TAT_20161019-1112_01d229f9b2ac190e.mp3

Meeting called to order at 11:11AM.

OPENING PRAYER:

Prayer by Dwayne Fox.

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

- October 7th, 2016 Continuation Meeting

II. APPROVAL OF AGENDA:

TAT_20161019-1117_01d229fa65eb9cc4.mp3

Motion: Councilman Fred Fox moved to approve the agenda. 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

III. SPECIAL GUESTS – ELDERS:

EXECUTIVE COMMITTEE REPORTS



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

A. Report

TAT_20161019-1152_01d229ff4ced7d28.mp3

Continuation (Special) meeting tentatively scheduled for the November 28th. Chairman Mark N. Fox discussed the importance of water and the people who have served the nation under the Fort Berthold Rural Water program; Elizabeth Morsette, Tina White Horn, Bruce Fox, Herman Monogram, Dana Howard, Lynden Fredericks. Cami Thorton acknowledged the group for their hard work and years of service. Gifts and honor song were presented and sung. Chairman Mark N. Fox summarized recent activities and upcoming events; such as NCAI, river bed & shoreline return, upcoming Federal Partners Meeting, the tragic loss in the community, success of the Chairman's Bowl, New Tow Cross-Country ranking of #1 in the nation, sisters Tillie & Reba Walker acknowledgment event for donations of land near Bismarck and monetary contributions to the museum, and the November 16th Regular meeting with swearing in on Thursday. Acknowledgement of Councilman L. Kenneth Hall for his years of service as an elected official. The Council praised and honored the Councilman for his accomplishments, professionalism, friendship, and service to the Tribe and the North Segment.

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

A. Report

TAT_20161019-1227_01d22a043513876a.mp3

Discussed the State of Emergency for Native Language Restoration testimony and resolutions presented at NCAI, selection as the NCAI Co-Chair of the Natural Resources sub-committee, the Cotton Petroleum case and State taxation, importance of the upcoming national elections, upcoming Rig-Friendly meeting in Denver,

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

A. Report

Provided information concerning efforts and partnerships against Human Trafficking.

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

A. CFO Report - *Whitney Bell*
Item deferred.

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

FTR: Chairman Mark N. Fox read into the record the following statement.



Statement by the President -- S. 246

STATEMENT BY THE PRESIDENT

Today I am pleased to sign into law S. 246, the "Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act," which will create the Alyce Spotted Bear and Walter Soboleff Commission on Native Children. The Commission is tasked with the important work of undertaking a comprehensive study of Federal, State, local, and tribal programs that serve Native children, and making recommendations on how those programs could be improved. Over the past 8 years, my Administration has been committed to working closely with tribes to strengthen our nation-to-nation relationships and to forge a brighter future for all our children. During my own visits to Indian Country, I have been inspired by the talent and enthusiasm of young people who want nothing more than to make a positive difference in their communities. From the Indian Child Welfare Act to working to return control of Indian education to tribal nations, I am proud of the progress we have made over the past 8 years. I applaud the Congress, and in particular Senator Heitkamp, for the efforts that made this new law possible.

The bill provides for a Commission consisting of three individuals appointed by the President and eight individuals appointed by congressional leaders, and would place this Commission in a specific office within the Department of Justice. While I welcome the creation of this Commission, it cannot be located in the executive branch consistent with the separation of powers because it includes legislative branch appointees (who here are empowered to direct other executive branch agencies to provide additional resources to the Commission). I am therefore instructing the Attorney General to treat the Commission as an independent entity, separate from the executive branch.

Upon signing the bill my Administration will begin seeking appointments for the Commission from the Congress so we can implement this legislation as soon as possible. I look forward to seeing the Commission's work in the years to come -- work that will help ensure all our young people can reach their full potential.

BARACK OBAMA

C. Small Loans – Mary Ellen Sun

[TAT_20161019-1307_01d22a09cf08da46.mp3](#)

Motion: Councilman Fred Fox moved to approve Group A.1-16: subject to Small Loans policies and requirements and directive to proceed with A5 & A13. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Abstained

Councilman L. Kenneth Hall – Aye

Councilman Mervin Packineau – Not Present

Councilman Fred Fox – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Discussion: application all have colateral on file.



Motion: Councilman Randy Phelan moved to approve Group B.1-7: subject to Small Loans policies and requirements and collateral requirements. Councilman Fred Fox seconded the motion.

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

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

TAT_20161019-1312_01d22a0a8317468a.mp3

Motion: Councilman Randy Phelan moved to approve Group C.1-5 & 7 (C3&4 approved for \$5000; C5 with wage deduction for \$5000) subject to Small Loans policies and requirements and co-signor requirement. Councilman Cory Spotted Bear seconded the motion.

Vote: 4 Ayes. 1 – Abstention. 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 – Abstained
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye

Discussion: No recommendation for Group D:

- **Tyron Young Bird Small Loan**

TAT_20161019-1312_01d22a0a8317468a.mp3

Motion: Councilman Randy Phelan moved to Small Loan application for an \$18,000 loan with cosigner and collateral and subject to Small Loans policies and requirements. Councilman Fred Fox seconded the motion.

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

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

TAT_20161019-1318_01d22a0b36f25c62.mp3

Discussion: The Small Loans Director informed the Council that 4 loans approved from the previous Tribal Council meeting were unable to present collateral to cover current loans.

TAT_20161019-1323_01d22a0bea001196.mp3



Motion: Councilman Randy Phelan moved to approve Stephanie Baker requested increase of \$3000 subject to increase of wage deduction & the same adjustments applicable to the other three applications from the previous motion discussion to adjust wage deduction amounts.

Vote: 5 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

TAT_20161019-1713_01d22a2c280487ca.mp3

FTR: Mary Ellen Sun, was informed that the CFO would not process 4 out of 5 of the applicants that the Tribal Business Council approve by the above motion for others with the same adjustments. Chairman Mark N. Fox stated that the motion overrides the CFO's decline to process.

D. Chairman's Budget Clarification

Item previously addressed.

VIII. OFFICER REPORTS:

A. Chief Executive Officer Report – Al Nygard

1) Tax Department – Mary Mashunkashey, Tax Commission Director

Item deferred.

2) Executive Orders:

- **Executive Order: All Adult participants to receive \$3,500 for the 2016 Wrangler Roping Finals.**

THEREFORE LET IT BE RESOLVED, The tribal government approves the change to the motion to add all confirmed Adult participants to receive \$3,500 each to participate and represent the tribe at the 2016 Wrangler Roping Finals.

FTR: Councilman L. Kenneth Hall asked if the Yeahquo sponsorship would fall under these Executive Orders and it was determined that it would need a separate motion.

TAT_20161019-1247_01d22a0702018662.mp3

Motion: Councilman Randy Phelan moved to approve Jeremiah C. Yeahquo, Jennifer Yeahquo, Luke Jarrette Yeahquo, Jessy Daltyn Yeahquo, & Luke Yeahquo Jr. for the sponsorships of \$4,900 each to participate in the USTRC Preliminary Finals and Shoot-Out on October 22nd, 2016 in Oklahoma City. Councilman L. Kenneth Hall seconded the motion.

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



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING

OCTOBER 19th, 2016 MEETING MINUTES

[Closed Session Content Excluded]

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 – Not Voting
Councilman Cory Spotted Bear – Aye

- **Executive Order: Youth participants 2016 Great Plains Indian Rodeo Finals for \$3,500.**
THEREFORE BE IT RESOLVED, The Tribal government approves the change to the motion to add all confirmed youth participants to receive \$3,500 each to participate and represent the tribe at the 2016 Great Plains Indian Rodeo Finals and 2016 Wrangler Roping Finals.

Motion: Councilman Randy Phelan moved to ratify two Executive Orders [listed above in the minutes]. Councilman L. Kenneth Hall seconded the motion.

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

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

- **Executive Order: Mary Lone Bear tribal adoption**
Item addressed at previous Tribal Business Council Meeting.

TAT_20161019-1252_01d22a07b505ff4a.mp3

- **Executive Order: Approving grants to Ruth Buffalo and Caesar Alvarez**
THEREFORE, The Tribal Business Council authorizes and approves the Grant amount of \$5000 to Ms. Ruth Buffalo and Mr. Cesar Alvarez to help support their campaigns; and

THEREFORE LET IT BE RESOLVED, The Tribal Business Council has Executive Action procedure to address emergency concerns until this matter can be ratified by the Tribal Business Council quorum.

Motion: Councilman Cory Spotted Bear moved to approve. Councilman Randy Phelan seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye



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

3) Energy Building Kitchen & Food Services

Bids to lease the Energy Building food service have been published and presented at the November Tribal Business Council meeting.

3) Enrollment - *Sevant S. Taft*

TAT_20161019-1252_01d22a07b505ff4a.mp3

Coulter Werlinger updated the Tribal Business Council on the Enrollment Ordinance & Committee which is awaiting the 2nd Reading in the November Tribal Business Council meeting. Councilman Randy Phelan recommends appointing representatives from each segment and the Chairman's office by resolution for the next meeting.

Motion: Councilman Randy Phelan moved to approve resolution no. 16-254-LKH entitled "*Approval of 51 Applicants for Enrollment into the Three Affiliated Tribes*". Councilman L. Kenneth Hall seconded the motion.

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

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

Discussion: 15,270 new members. The Council asked that the Enrollment Office report on the member statistics and demographics at the next council meeting.

IX. UNFINISHED BUSINESS

A. Enrollment Ordinance Amendment – *Sevant Taft, Director*
Item deferred.

B. Interpretive Center Display Contracts - *Delphine Baker & Dennis Fox*

TAT_20161019-1323_01d22a0bea001196.mp3

Seeking approval of the Splitrock contract for the display design & research process for Center's interactive exhibits.



Motion: Councilman Fred Fox moved to approve Splitrock contracts subject to legal review. 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: To return with more information concerning the exhibits.

C. Safehaven Home – Marilyn Young Bird
Item deferred.

D. Water Line - Violet Jones
Deferred to Committee.

X. MEDICAL REQUESTS

A. Delvin Wolf
Item addressed previously

B. Darryl Baker
Seeking assistance for treatment in Bozeman, MT. for the amount of \$10,305.48 for housing/living expenses for continuing medical treatments.

TAT_20161019-1333_01d22a0d510ddbce.mp3

Motion: Councilman Randy Phelan moved to approve financial assistance from Life & Limb for the amount of \$6,500 from the Grants & Donations Office. Councilman L. Kenneth Hall seconded the motion.

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

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

TAT_20161019-1723_01d22a2d8f3adf76.mp3

Motion: Councilman Fred Fox moved to approve up to \$3,500 for Life and Limb for 6 people listed.



Councilman Randy Phelan seconded the motion.

Vote: 5 Ayes. 1 – Abstained. 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 – Abstained

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

A. Education Trust Fund Report – B.J. Brady, North Segment Special Project
Item addressed

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

A. Elbowoods Clinic – Dr. Kathy Eagle, CEO
1.) Women’s Public Health Assessment
Item deferred

FTR: Councilman Randy Phelan challenged the Tribal Business Council to take turns paying for snacks for the clients in the amount of \$500/week for the Dialysis Program. Chairman Mark N. Fox asked that they put a budget together.

XIII. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

A. Homesite(s) - Valeri Hosie

TAT_20161019-1443_01d22a17211c060c.mp3

Motion: Councilman Randy Phelan moved to approved resolution no. 16-259-LKH entitled “Tribal Home Site Lease and Utility Corridor for Jerrilane Lincoln Home Site - West Segment”. Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye



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

B. Farm/Pasture Leases - Diana Americanhorse

Item deferred.

C. NIMS Guide - Clifton Whitman

Item deferred

D. TAT Energy Policy Concept Proposal – Carson Hood, Shannon Atcitty & Steve Gunderson

TAT_20161019-1348_01d22a0f6cef55ea.mp3

Presented Optimizing a Hybrid Microgrid with Special Considerations regarding Energy Efficiency and Renewable Energy for MHA Nation. Contract no. 1621-1544. Presented a draft resolution entitled “Adoption of a Process to Develop MHA Nation Energy policy”. Chairman Mark N. Fox would recommend a work session in line with the budget meeting in November.

Motion: Councilman Fred Fox moved to approve resolution no. 16-255-LKH entitled “Adoption of a Process to Develop MHA Nation Energy policy” subject to legal review. Councilman Frank Grady seconded the motion.

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

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

E. Slawson Report

Item deferred.

F. Energy & Environmental MOU

Item deferred.

G. Holland & Knight - Shenan Atcitty

TAT_20161019-1408_01d22a123a102238.mp3

Motion: Councilman Fred Fox moved to extend the FY2016 Holland & Knight Contract for 60-days with costs included in the original contract. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye



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

Discussion: Authorization of costs outside the contract and over the set \$250,000 maximum budgeted limit. Chairman Mark N. Fox expressed concern pertaining to consultant contract overages and the need for a report on the costs.

H. Tallsalt Contract

TAT_20161019-1418_01d22a13a0ef059c.mp3

Motion: Councilman Fred Fox moved to approve requesting 60-day contract extension. Councilman Frank Grady seconded the motion.

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

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

TAT_20161019-1423_01d22a1453f06b20.mp3

FTR: Also present a report entitled "Estimate of Potential Royalties and MHA Oil & Gas Taxes for approximately 1,920 acres located in Township-Range 150-91 and 149-91". Discussion about stranded acres within the half-mile setback acreage in the North East Segment.

I. SHD Development Plans - Martina Turner

Item deferred.

J. Marathon as Lead Operator on BIA Route 2

Item deferred

K. Fred Wheeler Lease (See Closed Session)

L. Marian Reba Shields Land Exchange

Motion: Councilman Randy Phelan moved to approve resolution no. 16-257-LKH entitled "Approval of the Land Exchange between the Three Affiliated Tribes and Ms. Marian Reba Shields". 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

TAT_20161019-1428_01d22a1507004370.mp3

M. Reap Investment Fund – Ferry Boat – Ron Hall & A.T. Stoddard, LSC Transportation Consultants

Ron Hall is the manager for the Tiger Grant Comprehensive Long Range Transportation Plan. Introduced Executive Summary of Ulteig Consultants entitled “*Lake Sakawea Ferry Crossing Feasibility Study*” prepared for the Rural Economic Area Partnership (REAP). Cost of the project is in the \$13-14 million dollar area and to get started with Federal grant match with 20% to the Tribe for the purchase of a boat and endpoint facilities. NDDOT would also be a partner and 19 counties in the feasibility study. Public meetings and transit plan to come. Seeking a resolution to support the findings of their report.

N. Milton Beston Utility Corridor

TAT_20161019-1438_01d22a166d23f998.mp3

Motion: Councilman Randy Phelan moved to approve resolution no. 16-256-LKH entitled “*Consent to Certain Rights(s) of Way across Allotment 1932 – Tribal Share*” subject to legal review. 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

O. White Shield School Water Connection

Item deferred.

P. FBRW Organizational Chart Update

Item deferred.

Q. Oil & Gas ROW

1) Whiting - Moccasin Creek 16-3-34-3H

TAT_20161019-1448_01d22a17d50e5584.mp3

Motion: Councilman Randy Phelan moved to approve resolution no. 16-260-LKH entitled “*Approval of Consent to add two additional wells on the Moccasin Creek 16-3-11H Well Pad Submitted by Whiting Oil and Gas 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

2) Whiting - Moccasin Creek MHA 14-11H

TAT_20161019-1448_01d22a17d50e5584.mp3

Motion: Councilman Randy Phelan moved to approve resolution no. 16-261-LKH entitled, “Approval of Consent construct the MC MHA 14-11H Well Pad Submitted by Whiting Oil and Gas 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

TAT_20161019-1508_01d22a1aa40ae3a.mp3

3) QEP – Kodiak Swap

Issue of Whiting committing to road maintenance caused this item to be deferred.

4) Halcon - Windom Pad Setback Waiver

TAT_20161019-1448_01d22a17d50e5584.mp3

Motion: Councilman Randy Phelan moved to approve resolution no. 16-262-LKH entitled “Approval of Consent to add two additional wells on the Windom Well Pad Submitted by HRC Operating LLC”. Councilman Fred Fox seconded the motion.

TAT_20161019-1448_01d22a17d50e5584.mp3

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

5) XTO - FBIR Beaks/Huntsmedicine 21X-17 Road & Wellpad

TAT_20161019-1453_01d22a1889121f7a.mp3



Motion: Councilman Randy Phelan moved to approve resolution no. 16-263-LKH entitled, “Approval of the Consent to a Right-of-Way across Tribal land for the Hunts Medicine/Beaks Well Pad Project Submitted by XTO Energy, Inc”. 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

Discussion: Councilman Randy Phelan commented that with these three approvals we brought in \$50,123.

6) XTO - FBIR Packineau 14X-4 Road & Well Padsites

TAT_20161019-1453_01d22a1889121f7a.mp3

Motion: Councilman Randy Phelan moved to approve resolution no. 16-264-LKH entitled “Approval of the Consent to a Right-of-Way across Tribal land for the FBIR Packineau Well Pad Project Submitted by XTO Energy, Inc.” 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

7) Crestwood - Plenty Sweet Grass – CDP

Item deferred.

8) Crestwood - East Well Connect Gas Line

TAT_20161019-1453_01d22a1889121f7a.mp3

Motion: Councilman Randy Phelan moved to approve resolution no 16-265-LKH entitled “Consent to a Right-of-Way across Tribal land for the Sewing East Well Connect Submitted by Crestwood”. 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

9) Crestwood - Native Birds North Well Connect Gas Line

TAT_20161019-1458_01d22a193c19dfc2.mp3

Motion: Councilman Fred Fox moved to approve resolution no. 16-266-LKH entitled “*Consent to a Right-of-Way across Tribal land for the Native Birds North Well Connect Submitted by Crestwood.*” 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

10) Pipeline Safety Code 1st Reading – Shannon Attcity

TAT_20161019-1508_01d22a1aa401ea3a.mp3

Motion: Councilman Fred Fox moved to approve the 1st Reading of the Pipeline Safety Code. 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

R. Veterans Center Release Resolution – Bruce Nagel

Motion: Councilman Randy Phelan moved to approve resolution no. 16-258-LKH entitled “*Authorization for the use of Tribal Trust Land for the Construction of a New Veteran’s building.*” Councilman L. Kenneth Hall seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye



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

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

- A. Business Loans** – Toni Starr, Director
Item deferred.
- B. Planning and Grants** – Sheila Many Ribs, Director
Item deferred.
- C. Housing** – Lawrence Baker, Director
Item deferred.

XV. JUDICIAL COMMITTEE – Councilman Fred Fox, Chair

TAT_20161019-1543_01d22a1f8b213614.mp3

- A. Tribal Court Report** – Wynona Traversie, Court Administrator
Provided a report of case completion, receipts, fines, bonds & fees. Continuing work on the Policies & Procedures. Discussion of the Warrior's of the 21st Century Program and the lack of reports to the Tribal Business Council. Discussion of the process and the weaknesses of the policies & procedures. Chairman Mark N. Fox provided an update of treatment solutions that the tribe is working on. Mina Howling Wolf addressed the Tribal Business Council seeking assistance for an adult child for non-voluntary court committals for treatment. Discussion of ICRA rights and being a danger to one self with the the Tribe needing to find some middle ground to protect members. Main concern is the time between committal and getting into treatment care, mental health assesments, transportation. Chairman Mark N. Fox recommended hiring a tribal phyciatrist. CEO, Al Nygard presented a review of the tribes efforts in treatment services.
- B. Speedy Trial Rule** – Vance Gillette
- C. Holding Policy for Commitment**
Item addressed
- D. Drug Rehabilitation Task Force**
Item addressed
- E. Adult Detention Contracts** - Titus White Body



Item deferred.

F. Child Support Contracts - Ellen Otterman

Bill Woods presented three contracts.

TAT_20161019-1703_01d22a2ac133cc3e.mp3

Motion: Councilman Fred Fox moved to approve the Taylor Olson Contract. Councilman Randy Phelan seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve the Greg Kidder Contract. Councilman Randy Phelan seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve the Leah Spoonhunter. 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

G. NHSC Board Appointment - Councilman Fred Fox

TAT_20161019-1708_01d22a2b74334ac6.mp3



Motion: Councilman Randy Phelan moved to approve resolution no.16-267-LKH entitled “Appointment of Wayne Fox to Serve on the Nueta, Hidatsa, Sahnish College Board of Directors”. Councilman Frank Grady seconded the motion.

Vote: 5 Ayes. 1 – Abstention. 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 – Abstained
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

TAT_20161019-1708_01d22a2b74354ac6.mp3

Motion: Councilman Fred Fox moved to approve resolution no. 16-268-LKH entitled “Appointment of Leonard Hosie to Serve on the Four Bears Casino & Lodge Gaming Enterprise Advisory Board”. 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 – Not Present
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

- XVI. **EXECUTIVE COMMITTEE – Chairman Mark N. Fox**
XVII. **LEGAL DEPARTMENT – Caleb Dog Eagle, Esq., MHA Acting Supervising Attorney**

- XVIII. **NEW BUSINESS – Tribal Councilman Add Ons**
A. **Chairman Mark Fox – Reserved**
B. **Chairman Mark Fox – Reserved**
C. **Councilman Frank Grady – Four Bears Pow-wow**

TAT_20161019-1528_01d22a1d71144844.mp3

Motion: Councilman Randy Phelan moved to approve from FY 2016 budget overage for the upcoming Four Bear’s Pow-Wow. Councilman Cory Spotted Bear seconded the motion.

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

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



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

- D. Councilman Frank Grady – Reserved**
- E. Councilman Cory Spotted Bear – Reserved**
- F. Councilman Cory Spotted Bear – Reserved**
- G. Councilman Mervin Packineau – Home Mortgage Loan – Coulter Werlinger**

TAT_20161019-1533_01d22a1e24fc6300.mp3

Recommends working through Home Mortgage Committee and Director, if problems present themselves the CEO will bring to the Chairman.

- H. Councilman Mervin Packineau – Reserved**
- I. Councilman Randy Phelan – Jerrylane Lincoln Small Loan**

TAT_20161019-1713_01d22a2c280487ea.mp3

Seeking \$25,000 with IAM account funds as colateral. Concerns and clarification on the problems with utilizing IAM. John Fredericks stated that the issue is with the B.I.A. can hold the funds once a loan goes into default.

Motion: Councilman Fred Fox moved to approve a Small Loan subject to Small Loans policies and requirements. Councilman Randy Phelan seconded the motion.

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

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

- J. Councilman Randy Phelan – Reserved**
- K. Councilman L. Kenneth Hall – Executive Secretary Policies & Procedures**
Item deferred.

- L. Councilman L. Kenneth Hall – Jennifer Yeahquo**
Addressed above

Motion: Councilman Fred Fox moved to clarify rodeo sponsorships to include youth for \$3,500. Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. 1 – Abstained. 1 – Not Present. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Abstaine



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

TAT_20161019-1513_01d22a1b57f02c9a.mp3

N. Councilman Fred Fox – Sacred Pipe Research Center/Native Vote Proposal – Cheryl Cary
Proposal to help get out the vote and seeking assistance.

Motion: Councilman Fred Fox moved to approve \$5000. 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

O. Councilman Fred Fox - White Shield RV Park – Caleb Dogeagle (Closed Session)
Item deferred.

XIX. CLOSED SESSION

XX. ADJOURNMENT:

Motion: Councilman Fred Fox moved to adjourn the meeting. Councilman L. Kenneth Hall seconded the motion. Meeting adjourned at 7: PM.

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

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



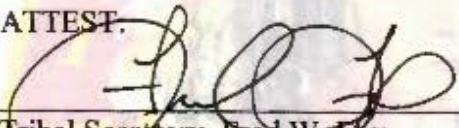
CERTIFICATION

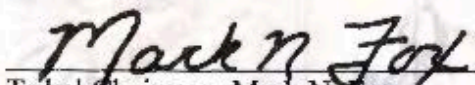
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 6 were present at the Executive Meeting thereof duly called, notice, convened and held on the 19th day of October 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 day of May 11th, 2017.

ATTEST.


Tribal Secretary, Fred W. Fox
Tribal Business Council,
Three Affiliated Tribes


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