



CALL TO ORDER

Chairman Mark N. Fox called the meeting to order at 3:53pm.

OPENING PRAYER

Prayer by Jim Baker.

ROLL CALL

Present: Councilwoman Monica Mayer, Councilman Cory Spotted Bear, Councilman Mervin Packineau(Absent), Chairman Mark N. Fox, Councilman Frank Grady, Councilman Randy Phelan, Councilman Fred Fox. *Quorum established.*

FTR: Councilman Mervin Packineau joined the meeting at 4:10PM.

I. APPROVAL OF AGENDA

Motion: Councilman Randy Phelan moved to approve the agenda. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Not Voting
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

II. APPROVAL OF MINUTES

- March 8th/9th, 2017 Special Meeting Minutes
- April 9th Special Meeting Minutes
- April 10th Regular Meeting Minutes

Item deferred.

III. SPECIAL GUESTS – ELDERS

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A. Twin Buttes Elders – Phyllis Lincoln Steen & Raven Heart.

Presented budget concerns for the Twin Buttes Elders Organization & Board. South Segment has reduced their budget by \$5000. Was their understanding that since the organization is funded by JTAC and shouldn't be cut. Originally funded at \$100,000. Councilman Cory Spotted Bear noted that it comes from the segment budget and due to overall tribal budget cuts their budget was reduced also. Councilman Cory Spotted Bear noted other areas where elder's



services funding have grown such as insurance, an elder's center, and hearing aids. Chairman Mark N. Fox expressed his willingness to assist with items outside the scope of provided services. Discussion of the status of the MHA Elder's Organization.

B. Kateri Tekakwitha Catholic Conference - White Shield Elders

Item deferred.

C. Leo Cummings

Item deferred.

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D. Marvin Driver Range Unit Request – Marvin Driver & Valorie Hosie

Mr. Driver presented additional information that was not considered in his application for Range Unit 8. He is requesting the approval be reconsidered as requested by NRC with a letter from Jessie Baker relinquishing one of his allocations. Jessie Baker has since changed his mind about giving up one of his three allocations. Chairman Mark N. Fox noted that incomplete information provided at the time the allocations were approved from the BIA has caused complications in the overall process. Marvin Driver's home is only two miles from the allocation he is seeking. Councilman Mervin Packineau noted the biggest factor is who had it before. Valorie Hosie noted that Tom Wells, BIA scored Marvin Driver higher. Councilman Randy Phelan stated the the BIA forgot Range Unit 210 that is not on the list. Valorie Hosie noted that Karen Hartman dissolved that unit and others that have gotten too small. Councilman Mervin Packineau asked for scoring sheets be presented during the time of approval. Jessie Baker is willing to follow the process. Chairman Mark N. Fox asked the the BIA reasses in conjunction with the BIA rating according to the criteria. Valorie Hosie noted that the range study is sub-standard and experianced problems getting the range unit resolution drafted due to the BIA's numerous changes. Mr. Driver was also told that he didn't need to be at the meeting for approval. Councilman Randy Phelan recommended letting the appeal process take over or Mr. Baker & Mr. Driver can agree to share the range unit 55. Jessie Baker paid for the unit the past two years. Jessie Baker is willing to run in common. Marvin Driver is willing as long as it grows as his heard grows. Valorie Hosie noted that the range units have not been signed at the B.I.A. and some range units were not all presented by the B.I.A.

Motion: Councilman Mervin Packineau moved to approve that Marvin Driver & Jessie Baker volunterrily run the unit in common with the BIA being notified of the Tribes approval of the parties agreement. Councilman Randy Phelan seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Not Voting

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye



EXECUTIVE COMMITTEE REPORTS

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

A. Report

Item deferred.

V. VICE CHAIRMAN'S REPORT- Councilman Randy Phelan

A. Report

Item deferred.

B. Update/Report & Resolutions - Mark Van Norman²

Item deferred.

VI. SECRETARY'S REPORT – Councilman Fred W. Fox

A. Report

Item deferred.

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.

C. Small Loans – Mary Ellen Sun & Al Nygard

Item deferred.

VIII. OFFICER REPORTS

A. Chief Executive Officer Report – Al Nygard

1) Tax Department – Cynthia Monteau, Interim Tax Commission Director

Item deferred.

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2) Enrollment - Sevant S. Taft

Motion: Councilman Randy Phelan moved to approve resolution no. 17-123-CSB entitled “Approval of 39 Applicants for Enrollment into the Three Affiliated Tribes”. 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 Fred Fox – Not Voting
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

3) Sacagawea Project Fund for FY 2017

Item deferred.

4) Executive Action Ratification

Item deferred.

5) Director Reinstatement

Item deferred.

6) TERO Fee Resolution

Item deferred.

IX. UNFINISHED BUSINESS

A. Dental Bills - Barbara Little Swallow¹

Item deferred.

B. West Segment Minot Satellite Office – Marva Little Light/DonYeahquo¹

Item deferred.

C. Independent Facility & Sales Package – Quip Will & Dean Willis¹

Item deferred.

D. Special Project Budget – Caleb Dogeagle¹

Item deferred.

X. MEDICAL REQUESTS

No Items.

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. JUDICIAL COMMITTEE – Councilman Fred W. Fox, Chair

A. Tribal Court Report – Wynona Traversie, Court Administrator & Elizabeth Yellow Bird-

Demaray

Item deferred.



B. Angus Fox Cease & Desist Request & Land Exchange Issue– Bernie Fox
Item deferred.

XII. EXECUTIVE COMMITTEE – Chairman Mark N. Fox
No items.

XIII. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair
A. Nueta Hidatsa Sahnish Language Board – Bernadine Young Bird
Item deferred.

B. Research Review Board
Item deferred.

C. Parshall School
Item deferred.

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

A. Elbowoods Clinic – Dr. Kathy Eagle, CEO

Presented the May 2017 EMHC CEO Report that included such items as; 2nd meeting for the A&E on the new Dental building. Working with Legal on the EPAC contract. Great Plains Tribal Health Board proposal for internal auditing of claims, hiring and financials. Also included were the Quality Care & Performance Report. Chairman Mark N. Fox engaged an individual to help secure benefits that will be paid from the Chairman's budget. Applying for the I.H.S. Technical Assistance Grant for \$100,000, another \$425,000 grant and a Robert Wood John 3-yr. Grant

FTR: Councilman Frank Grady stepped out of the meeting at 5:00PM.

FTR: Councilman Frank Grady returned to the meeting at 5:05PM.

1) Great Plains Tribal Chairman's Health

Motion: Councilman Frank Grady moved to approve Great Plains Tribal Chairman's Health Board internal audit of claims for quality assurance contract subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Voting
Councilman Fred Fox – Not Voting
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye



Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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2) Barton & Associates Negotiation

Barton & Associates (Physicians & Nurses Practitioner's company) contract from 2012 with had bad terms and they are not willing to renegotiate. Negotiating to buy out the 2 physicians they set us. They are trying to intimidate the two physicians and asking to use third party funding to negotiate with Locums. Caleb Dog Eagle recommended trying to negotiate with Barton to buy out the two physicians. Asking to use third party to negotiate with Barton with a maximum of \$20,000 per physician.

FTR: Councilman Fred Fox returned to the meet at 5:16pm.

B. Dental Requests (10);

Items deferred.

- 1) **Hubert & Geri Fox**
- 2) **Dental Bill for Audrey Thorton – Ashley Thorton**
- 3) **Dental Plan Payment Assistance – Josephine Paetz**
- 4) **Dental Bill for Devon Headdress – Juanita Helphrey**
- 5) **Others;**

C. Medicinal Proposal Request – Kacey Hosie

Item deferred.

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D. Non-Member Use of EMHC – Kathy Eagle, EMHC CEO

Seeking to provide services to Canadian natives, and in the future non-natives that work for the tribe. EMHC would start with Canadian natives as a trial.

Motion: Councilman Fred Fox moved to approve the use of services by non-members who work for the tribe and have insurance. 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 Fred Fox – Aye
Councilman Mervin Packineau – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye



XV. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

A. Homesite(s) - Valeri Hosie

Item deferred.

B. Tribal Recreation Areas-Skunk Bay/Twin Buttes – Valorie Hosie

Item deferred.

C. KMHA Tower RTC ROW

Item deferred.

D. Farm/Pasture Leases - Diana Americanhorse

Item deferred.

E. FBRW Report - Camilla Gosnell

Item deferred.

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F. BIA Route 12/14 Phase 2 Bid – Chris Bot

Interstate Engineering presented a resolution for the award of Phase II reconstruction of BIA 14 and McKenzie Road with the contract at Legal. Flickertail Paving & Supply was the low bid.

Motion: Councilman Fred Fox moved to approve resolution no. 17-122-FWF entitled “BIA Route 12 and 15, Phase II Award to Flickertail Paving and Supply, Inc. for Construction (Grade/Drain/Surfacing) and all items to complete re-construction for the Three Affiliated Tribes Roads.” subject to Legal review and resolution. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

G. Mahto Bay Road Survey

Item deferred.

H. Allotment 1794 Trespass

Item deferred.

I. Allotment 776-A-A Trespass

Item deferred.



J. Oil & Gas Committee: – *Kenny Lyson, Acting Director*

1) **Congressional Tax and Regulatory Reform** - *Shannon Atcitty*
Item deferred.

2) **Professional Services Agreement – Ben Nighthorse Consultants in Cooperation with the Atcitty and Van Norman Law** - *Shannon Atcitty*
Item deferred.

3) **Sonja Fox Request**
Item deferred.

4) **ROW** [See Oil & Gas Handout]
Item deferred.

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5) **Bureau of Reclamation (BOR) Grant Application** – *Carson Hood Jr. & Cary Doyle.*
Grant would provide \$200,000 over 2 years for environmental emission control related to air, sniffer camera, water & soil testing.

Motion: Councilman Randy Phelan moved to approve resolution no. 17-137-FWF entitled “*Approval of Collaboration Agreement between the MHA Nation and the Colorado School of Mines to Carry Out the Office of Indian Energy and Economic Development Program FY 2016 Energy and Minerals Development Program Grant.*” Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

6) **Colorado School of Mines Grant** – *Carson Hood Jr. & Cary Doyle.*

Previously approved and reviewed by Legal but seeking to move forward with the Chairman’s signature for the agreement concerning renewables feasibility study for research into geothermal and solar for homes and buildings built by the tribe.

XVI. ECONOMIC DEVELOPMENT COMMITTEE – *Councilwoman Monica Mayer, Chair*

A. Business Loans – *Toni Starr, Director*²
Item deferred.

B. Request for Vernon White Body – *Starla Deane, Supervised IIM Specialist*



Item deferred.

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

A. Business Licenses

Item deferred.

B. Elder Abuse Code (Final Approval)

Item deferred.

XVIII. NEW BUSINESS – Tribal Councilman Add Ons

A. Chairman Mark Fox – Reserved

B. Chairman Mark Fox – Reserved

C. Councilman Randy Phelan – Loretta Lone Bear Request

Item deferred.

D. Councilman Randy Phelan – Melanie Johnson Luger Request

Item deferred.

E. Councilman Fred W. Fox – White Shield School

Item deferred.

F. Councilman Fred W. Fox – Reserved

G. Councilman Mervin Packineau - Reserved

H. Councilman Mervin Packineau – Reserved

I. Councilman Frank Grady – Reserved

J. Councilman Frank Grady – Reserved

K. Councilman Cory Spotted Bear – Reserved

L. Councilman Cory Spotted Bear – Reserved

M. Councilwoman Monica Mayer – Reserved

N. Councilwoman Monica Mayer – Reserved

XIX. CLOSED SESSION

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

1) Report

2) HR

B. Human Resources – Barlow Wells, Director & Cheryl Abe, Assistant Director

C. Old Bills/Life & Limb – Gregory Breuer

D. QEP Lease – David Conway & Gab Holt

E. Reinstatement of Carson Hood, Jr. as Energy Director - Al Nygard

F. Cory Spotted Bear Home Mortgage

G. Patient Complaints - Dr. Kathy Eagle & Melinda Baldares

H. Enrollment Issue- Sevant S. Taft



XX. ADJOURNMENT

Motion: Councilman Randy Phelan moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 7:03pm.






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 Special Meeting thereof duly called, notice, convened and held on the 10th of May, 2017; 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.

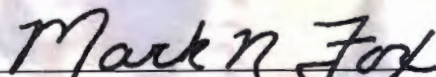
Chairman (X) Voting () Not Voting

Dated this 29th day of August, 2017.

ATTEST:



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



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