



CALL TO ORDER

Chairman Mark N. Fox called the meeting to order at 3:09PM.

OPENING PRAYER

Prayer by Marie Gun.

ROLL CALL

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

I. APPROVAL OF AGENDA

Motion: Councilman Randy Phelan moved to approve the agenda. Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

II. APPROVAL OF MINUTES

- May 10th, 2017 Special Meeting Minutes
- May 11th, 2017 Regular Meeting Minutes
- July 5th, 2017 Special Meeting Minutes
- July 6th, 2017 Special Meeting Minutes
- July 12th, 2017 Regular Meeting Minutes

Items deferred.

III. SPECIAL GUESTS – ELDERS

EXECUTIVE COMMITTEE REPORTS

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

A. Report



Provided an updated schedule. The Tribal Business Council honored Councilman Cory Spotted Bear on his birthday. Commended the Mandaree Pow-Wow on a successful event and record number of dancers and drums. Employee Appreciation Day activities. Elders Distribution Dinner on the 25th. 9-10th date for the General Distribution.

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

A. Report

Provided an update of lobbying efforts on taxation.

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

A. Report

Provided information on the upcoming Mandaree Energy Symposium. The next Regular Tribal Business Council meeting will be on August 9th, with a meeting on the 9th if needed. August 1st Judicial Committee meeting with a NRC Oil & Gas Committee meeting following on August 2nd.

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

Parshall Boys & Girls Club Groundbreaking information provided. \$1.5 million loan with RTC being the sponsor for the project.

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A. CFO Report – *Whitney Bell*

Motion: Councilman Randy Phelan moved to approve resolution no. 17-166-FWF “*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 \$10,000,000.00*”. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 Ayes. 2 – 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 – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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

VIII. OFFICER REPORTS

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A. Chief Executive Officer Report – Al Nygard

Seeking to increase funding from the previous approved amount of \$14,000 to \$16,000 for the purchase of a van to transport a member child with disabilities. The tribe will purchase the van and lease it to Glenda Rush for a \$1 a year with Legal drawing up the paperwork for the lease and insurance. A disability program will install a lift.

Motion: Councilman Frank Grady moved to approve a maximum amount of \$16,000 for the purchase of a van. Councilman Cory Spotted Bear seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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1) Tax Department – Cynthia Monteau, Tax Commission Director

Provided a report containing; Fiscal Year 2017 Revenue Collections, Fiscal Years 2008 - 2016 Revenue Collections, Fiscal Year 2017 Drilling Fees, Staff and Contact Information, Request for Action - 2016 Extraction Tax Assessment Notice.

Motion: Councilman Fred Fox moved to approve a 2016 Extraction Tax Assessment Notice, subject to Legal review. Councilman Frank Grady 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

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2) Enrollment - Sevant S. Taft

Provided an enrollment report. Chairman Mark Fox would like to see a referendum on the 1930's BIA Rolls issue. Councilman Randy Phelan noted that he was in favor of Dual Enrollment and that it should also be put to referendum vote.

Motion: Councilman Randy Phelan moved to approve resolution no. 17-167-FWF entitled "Approval of 12 Applicants for Enrollment into the Three Affiliated Tribes". Councilwoman Monica Mayer seconded the motion.



Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Total members at \$15,626.

IX. UNFINISHED BUSINESS

A. **Student Loan Forgiveness/Waiver** – *Chris McLaughlin*³

Item deferred to Committee

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B. **United Tribes International Pow-Wow Sponsorship** – *Steve Shepard & Margaret Landin*

Provided an overview of planned events during the pow-wow, sponsorship efforts, and request for a sponsorship. Total cost of the event is about \$220,000. The UTTC Pow-Wow Committee expressed its appreciation for the MHA Nations yearly contribution. The pow-wow committee asked for a donation of \$30,000. Two N.D. tribes have declined to sponsor. The group will email a list of their sponsors to the Tribal Business Council.

Motion: Councilman Fred Fox moved to approve a \$25,000 sponsorship subject to providing wristbands for all TAT members during the event. Councilman Randy Phelan seconded the motion.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: The Bismarck Satellite Office will assist with the distribution of wristbands at the pow-wow.

C. **Crow Nation** – *Mr. Little Light*³

Item deferred to committee.

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D. Gospel Tabernacle Church – Bill Hale Jr.

Mr. Hale presented the lowest bid of three from LCOCER Construction for church renovation in the amount of \$84,150 for work on the roof, siding, windows, doors, concrete wall and deck.

Motion: Councilman Mervin Packineau moved to approve 50% not to exceed \$40,000 from the General Fund for existing structures as a matter of policy. 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

Discussion: Chairman's Office will process the payment.

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E. Land Exchange – Shane Johnson²

Motion: Councilman Randy Phelan moved to approve resolution no. 17-171-FWF entitled “Approval of the Land Exchange between the Three Affiliated Tribes and Jarrett Shane Johnson” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

F. J.C. Johnson Lease³

Items deferred to the August 9th Tribal Business Council meeting.

G. TERO/WSRC Indian Preference MOU³

Items deferred to committee.

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H. Child Support Contract & Resolutions¹ - Ellen Otterman

1) Domestic Relations Code Guidelines

Presented required guidelines for revision of the Domestic Relations Code.



Motion: Councilwoman Monica Mayer moved to approve the 2nd reading of the Domestic Relations Code Guidelines. Councilman Mervin Packineau seconded the motion.

Vote: 4 Ayes. 3 – Abstentions. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Abstained
Councilman Fred Fox – Abstained
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Abstained
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Councilman Randy Phelan and Councilman Fred Fox expressed concerns over including Pow-wow dancing income under the definition of Gross Income due to cultural and religious nature of the activity.

2) New Hire Reporting to Child Support Services” Resolution

Item deferred to the August 9th Tribal Business Council meeting.

3) “Collection Remedies for Current Child Support and Arrears” Resolution

Item deferred to the August 9th Tribal Business Council meeting.

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I. SORNA Policies & Procedures Manual – Tamara Halvorson²

Motion: Councilman Frank Grady moved to approve resolution no. 17-169-FWF entitled “Approving the SORNA Ordinance and allowing for the waiver of Resolution No. 08-56-MP’s requirement of 30 days of public comment.” Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Chairman Mark Fox would like to see more public notice effort to distribute offender information.

J. I.H.S Housing Rehabilitation Contract³

Item deferred to Committee.



X. MEDICAL REQUESTS

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

A. Lisa Cesarez Hidatsa Language Teacher Licensure¹

Item deferred.

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B. MHA Children & Family Services – Kathy Felix LSW, Director MHA Children & Family Services

Presented a request to purchase furniture for the Red Berries Foster Home.

- 4 pc Bedroom set for the master bedroom =\$800.00,
- 4 bunk beds = \$920.00,
- Living Room Sectional= \$959.00,
- 4 Stationary chairs = \$720.00, 4 Kitchen stools= \$280.00,
- Dining Room Table= \$269.00,
- Total of \$3,948.00.

An additional \$5,000.00 for accessories such as lamps, curtains or another fridge. Once up and running we will be able to take emergency placements of children whose parents may land in jail overnight or children for whom we can't find other placement.

Motion: Councilman Cory Spotted Bear moved for the CFO & CEO to strongly consider adding the requested amount at the next Budget Committee meeting on August 3rd. 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 – Not Voting

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

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

A. Elbowoods Clinic – Dr. Kathy Eagle, CEO

Item deferred.

XIII. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

A. Homesite(s) - Valeri Hosie



Item deferred.

B. Farm/Pasture Leases - Diana Americanhorse

Item deferred.

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C. Oil & Gas Committee: – Carson Hood Jr.

The Council viewed a painted buffalo robe by Keith Bear for the Oil Symposium. Resolution presented for amendment to correct problem in the description.

Motion: Councilman Fred Fox moved to approve resolution no. 17-170-FWF entitled “*An Amendment to Resolution No. 16-138-LKH, entitled “Consent to Approval of Right(s) of Way and Approval of Setback Variance Requested by Marathon Oil Company for the Sophia USA Well Pad and Multiuse Corridor Project.”* Subject to Legal review. Councilman Randy Phelan seconded the motion.

Discussion: John Fredericks noted Marathon is seeking APD’s from the BLM that violated the set back. Councilman Randy Phelan asked the Director to be cautious with Marathon due to possible action.

Motion Tabled.

Discussion of comparison between fee land development and trust development taxes.

- Presented a draft resolution entitled, “*Approval of a Fine Structure for the MHA Nation Energy Division to Regulate and Oversee Oil and Gas Exploration and Production Activities.*” *Item deferred.*
- Also presented “*Memorandum of Understanding Between the MHA Nation Energy Division and the MHA Environmental Division Regarding Oil and Gas Well Pad and Facilities Inspections, Discharges Spills, Leaks, Etc. July 2017*”. *Item deferred.*
- Discussed Energy /Environmental MOU with regulatory jurisdiction on the pad (Fines and Fees) MOU has been reviewed by Legal. Chairman Mark Fox expressed concerns that the Environmental Dept. Director was not brought in to present his concerns and that any fines & fees need to go to the General Fund. Also, all actions in the field go through Legal before any fines are issued.

Item deferred to the August 9th Tribal Business Council.

- **Tallsalt Contract**

Item deferred to the August 9th Tribal Business Council.



XIV. ECONOMIC DEVELOPMENT COMMITTEE – Councilwoman Monica Mayer, Chair

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

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B. Advertising of Tribal Projects - Ed Danks

Mr. Danks requesting a publication of record to advertise construction contracts or SOP's available for bidding. Chairman Mark Fox recommended that the Construction Management Office review options with the help of the CEO.

C. Home Repairs - Holly Fox¹
Item deferred.

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

A. Tribal Court Report – Wynona Traversie, Court Administrator
Item deferred.

XVI. EXECUTIVE COMMITTEE – Chairman Mark N. Fox

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

XVIII. NEW BUSINESS – Tribal Councilman Add Ons

A. Chairman Mark Fox – TERO Board Appointment

Chairman Mark Fox removed himself from the TERO Commission and nominated Lisa Lone Fight.

Motion: Councilman Randy Phelan moved to approve resolution no. 17-170-FWF entitled “Appointment of TERO Board Commission Member”. Councilman Frank Grady 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

B. Chairman Mark Fox – Reserved

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C. Councilman Randy Phelan – Marvin “Bisco” Starr

Mr. Starr is seeking sponsorships for a Memorial Roping Event on Oct 7th at the Missouri Valley Fair Grounds in Bismarck.



Motion: Councilman Frank Grady moved to approve a \$500 sponsorship from each segment office and the Chairman's Office for the Memorial Roping Event. Councilman Cory Spotted Bear seconded the motion.

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

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

Discussion: Stephani Baker (West Segment) will process the request.

- D. Councilman Randy Phelan – *Reserved*
- E. Councilman Fred W. Fox – *Reserved*
- 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. Human Resources – Barlow Wells
Item deferred to August 9th.

B. Mandaree Homesite – Katherine Young Bear³
Item deferred to Committee.

C. TAT Law Enforcement Report– Chief Nelson Heart²
Item deferred.

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D. Makes Cents Loan Request – Richard Mayer²
Addressed.

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E. Tribal Health Insurance – Jerry Fozzard
Addressed.

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F. Personnel – Al Nygard
Addressed.

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G. Harbor Resource Corp – Bernie Fox, Jay Haber & Frank Mitton
Addressed.

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H. Holly Dickens Fox Home Improvement.
Addressed.

I. Bruce Benson
Item deferred.

XX. ADJOURNMENT

Motion: Councilman Randy Phelan moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 5:46PM.

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



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, 5 were present at the Regular Meeting thereof duly called, notice, convened and held on the 24th of July, 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 15th day of September, 2017.

ATTEST:

Handwritten signature of Fred W. Fox in black ink.

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

Handwritten signature of Mark N. Fox in black ink.

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