



CALL TO ORDER

Chairman Mark N. Fox called the meeting to order at 12:17PM

FTR: The Tribal Business Council meeting was broadcasted live on KMHA Radio.

OPENING PRAYER

Prayer by Susan Hall.

FTR: Councilman Cory Spotted Bear served as acting Executive Secretary & acting Councilman Frank Grady served as acting Vice Chairman.

ROLL CALL

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

I. APPROVAL OF AGENDA

Motion: Councilman Frank Grady moved to approve the agenda. Councilwoman Monica Mayer seconded the motion.

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

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

II. APPROVAL OF MINUTES

- July 5th, 2017 Special Meeting Minutes
- July 6th, 2017 Special Meeting Minutes
- July 12th, 2017 Regular Meeting Minutes
- July 24th, 2017 Continuation Meeting Minutes
- August 3rd, 2017 Special Meeting Minutes
- August 29th, 2017 Special Meeting Minutes

Motion: Councilman Frank Grady moved to approve the July 2017 Tribal Business Council meeting minutes subject to corrections. Councilman Cory Spotted Bear seconded the motion.

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



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

FTR: Chairman Mark Fox birthday special acknowledgement.

III. SPECIAL GUESTS – ELDERS

A. Maxine Buffalo

Brought forth a request to correct the legal description in resolution no. 17-097-FWF entitled “Approval of the Land Exchange between the Three Affiliated Tribes and Maxine Buffalo.”

Motion: Councilwoman Monica Mayer moved to approve resolution no. 17-220-CSB entitled “Approval of the Land Exchange between the Three Affiliated Tribes and Maxine Buffalo” and to supercede and replace resolution no. 17-097-FWF subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

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

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

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 17-221-CSB entitled “Approval of the Land Exchange between the Three Affiliated Tribes and Nancy Fox.” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman Fred Fox – Not Present
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

Provided a summary of recent events and upcoming schedule that included items such as the United Tribes Summit, Bronson Koenig Basketball Clinics, White House meetings on Health Care, lobbying efforts on taxation & sovereignty, & State tax Committee meetings with tribes. Parshall School Construction Tax Bond failure to meet the requirements and the Tribe to determine level of support. The Chairman commended Councilman Mervin Packineau on the activities and construction at the Healing Horse Ranch with gaming possibilities with the introduction of the horse racing track.

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

A. Report

Item deferred.

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

A. Report

Item deferred.

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

Councilman Mervin Packineau provided a summary of his attendance at the President’s visit to Mandan, ND, and discussions on Tax Reform, reducing energy regulations. Provided information concerning the upcoming roping & Indian relay events.

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A. CFO Report – *Whitney Bell*

Mr. Bell presented budget reports for the tribal budget and OST trust funds. Chairman Mark Fox discussed interest rates of funds in the OTFM account (JTAC) and moving it to a

Motion: Councilwoman Monica Mayer moved to approve resolution no. 17-222-CSB entitled “*Approval of Amended Fiscal Year 2017 General Fund Budget for the Three Affiliated Tribes*” subject to budget based on work sessions to develop a funding formula. Councilman Mervin Packineau seconded the motion.

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

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



Discussion: Councilwoman Monica Mayer commented on the unfair distribution of funding between the segments with North Segment having the greatest population. Chairman Mark N. Fox agreed with Councilwoman Monica Mayer and discussed further budget meetings and continuing resolution. Councilwoman Monica Mayer asked that a funding formula be put in place. Chairman Mark N. Fox noted past problems of unequal development.

Motion: Councilman Frank Grady moved to approve resolution no. 17-223-CSB entitled “Directive to the Office of Trust Fund Management to Make Available for Draws by the Three Affiliated Tribes Interest Earnings from the Three Affiliated Tribes Economic Recovery Fund in the Amount of \$3,258,745.44” subject to Legal review and resolution. Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Not Present

Councilman Fred Fox – Not Present

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

Motion: Councilman Frank Grady moved to approve resolution no. 17-224-CSB entitled “Directive to the Office of Trust Fund Management to Make Available for Withdrawal by the Three Affiliated Tribes from the Three Affiliated Tribes Docket Accounts” subject to Legal review and resolution. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Not Present

Councilman Fred Fox – Not Present

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

Motion: Councilman Frank Grady moved to approve resolution no. 17-225-CSB entitled “Directive to the Office of Trust Fund Management to Make Available Funds for Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL7228700 in the Amount of \$7,985,943.00” subject to Legal review and resolution. Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Not Present



Councilman Fred Fox – Not Present
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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

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C. Small Loans – Mary Ellen Sun

Motion: Councilman Cory Spotted Bear moved to approve Group A (9 applications): Small Loan Applications subject to Small Loan Program Policies and Requirements. Councilman Frank Grady seconded the motion.

Vote: 5 Ayes. 2 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman Fred Fox – Not Present
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilwoman Monica Mayer moved to approve Group B (2 applications): Educational Small Loan Applications subject to Small Loan Program Policies and 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 Present
Councilman Fred Fox – Not Present
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilwoman Monica Mayer moved to approve Group C: Small Loan Applications subject to Small Loan Program Policies and Requirements additional review. Councilman Mervin Packineau Seconded the motion.

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



Councilman Fred Fox – Not Present
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Past due loans.

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1) Educational Loan Increase

Motion: Councilman Frank Grady moved to increase the current Education Loan policy amount from \$2,500 of the increase to \$3000. Councilman Cory Spotted Bear seconded the motion.

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

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

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D. Home Mortgages – Val Mayer

Six applicants presented for approval. An additional name was added to the list.

Motion: Councilman Frank Grady moved to approve the Home Mortgage requests subject Home Mortgage guidelines and requirements. Councilman Mervin Packineau moved to second the motion.

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

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

VIII. OFFICER REPORTS

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A. Chief Executive Officer Report – Al Nygard



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
SEPTEMBER 15th, 2017 – MINUTES
[CLOSED SESSION MATERIAL EXCLUDED]

Motion: Councilman Frank Grady moved to ratify Executive Action EA-2017-27 “*The requirement for all persons engaged in the sale of alcoholic beverages at retail who were required to submit an application for an alcoholic beverage control license by August 31, 2017 is stayed until October 1, 2017*”. Councilman Mervin Packineau seconded the motion.

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

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

Motion: Councilman Frank Grady moved to approve resolution no. 17-226-CSB entitled “*Authorization to re-contract the Master Healthcare Contract with Indian Healthcare Services*” subject to Legal review. Councilman Mervin Packineau seconded the motion.

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

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

Discussion: Councilwoman Monica Mayer noted Alcohol is listed in both. Chairman Mark N. Fox noted an effort to maximize what we are entitled to from the United States government.

Motion: Councilman Frank Grady moved to approve resolution no. 17-227-CSB entitled “*Authorization and Request for Extension of Contract No. HHS-I-241-2017-00011, as a Term Contract.*” subject to Legal review. Councilman Mervin Packineau seconded the motion.

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

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



Motion: Councilman Frank Grady moved to approve resolution no. 17-227A-CSB entitled “Authorization and request for Extension of Contract No. HHS-I-241-2017-00011, as a Clinical Contract” subject to Legal review. Councilman Mervin Packineau seconded the motion.

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

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

FTR: Presented limited print publication of TAT Directory and Services.

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- A. **1st TERO Regulations of the Three Affiliated Tribes/Recodification** – *Reed Soderstrom, TERO Attorney & Jay Standish, TERO Commission*
Discussion of changes made to the TERO regulations.

Motion: Councilwoman Monica Mayer moved to approve the 1st Reading of the TERO Regulations subject to corrections. Councilman Frank Grady seconded the motion.

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

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

Discussion: Chairman Mark N. Fox noted that the document needs some cleanup. Chairman Mark N. Fox would like this finalized as soon as possible with red line document changes included. List of banned companies submitted by Charles Foote, TERO Director was set aside due to the need for further summary justification and legal issues with some on the list.

- 1) **Tax Department** – *Cynthia Monteau, Tax Commission Director*

Presented a monthly report that included such items as; Fiscal Year 2017 Revenue Collections & Fiscal Year 2016 Revenue Collections Comparison, Fiscal Year 2017 Drilling Fees, and Staff Contact Information. A total of \$ 117,187,608.67 in revenue collections.

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- 2) **Enrollment** - *Sevant S. Taft*



Motion: Councilman Cory Spotted Bear moved to approve resolution no. 17-228-CSB entitled “*Approval of 21 Applicants for Enrollment into the Three Affiliated Tribes*” subject to Legal review. Councilman Mervin Packineau seconded the motion.

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

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

Discussion: 15,692 total members.

IX. UNFINISHED BUSINESS

A. Richard White Bear Land Exchange²

Item deferred.

B. Keith Mandan Land Exchange²

Item deferred.

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C. Drought Emergency – Lisa Redford¹

Motion: Councilman Mervin Packineau moved to approve resolution no. 17-229-CSB entitled “*Declaration of Drought Emergency for the Mandan, Hidatsa, and Arikara Nation, Fort Berthold Indian Reservation.*” subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

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

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

D. Hay Assistance Update & Budget – Lisa Redford¹

Budget prepared for the previously approved \$100,000 hay purchased but noted changing costs for the hay and transportation. Chairman Mark Fox asked that she return with some finalized numbers. Councilman Frank Grady asked that the feed not be just one kind but mixed up for cattle and horses.



E. Minot Satellite Office Lease – Lisa Redford¹

Tabled

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F. Xtiri Software Resolution - Harriet Good Iron¹

Data collection software for the Energy Dept., Environmental, DOT and other areas for enforcement and regulation.

Motion: Councilwoman Monica Mayer moved to authorize the Chairman's to negotiate with the company and return with a resolution & subject to Legal review and Councilman Cory Spotted Bear seconded the motion.

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

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

Discussion: John Fredericks brought forth concerns with mentioning Industrial Commission in the draft resolution when it doesn't exist officially as of yet. Carson Hood Jr. noted that BLM is also moving forward with this software and Councilwoman Monica Mayer added that the Southern Ute also use this software. John Fredericks would need to review the company's agreement.

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G. Pipeline Code, 3rd Reading¹

Pipeline Code has been deferred. Travis Hallam sought permission from the Chairman to ask companies to voluntarily submit to high pressure pipeline hydra-testing on troublesome pipelines due to the occurrence of three recent incidents. Carson Hood Jr. noted that it is in the new code. Chairman Mark N. Fox would like a pipeline replacement plan from all the companies.

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H. Tribal Court Judge Seaworth Contract Renewal – Mary Seaworth¹

Motion: Councilman Mervin Packineau moved to extend the Judge Mary Seaworth contract for 30 days. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman Fred Fox – Not Present



Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

I. Elbowoods Documentary¹
Item deferred.

X. MEDICAL REQUESTS

A. Life and Limb - Tamara Halvorson/Valerie Halvorson

Motion: Councilman Frank Grady moved to approve subject to policy. Councilman Cory Spotted Bear seconded the motion.

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

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

B. Nursing Home Bill - Arnie Sorenson

Motion: Councilman Frank Grady moved to approve subject to policy. Councilman Cory Spotted Bear seconded the motion.

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

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

C. Medical Bills - Shelly Harvey
Item deferred

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D. Clarice Heart Medical Bills

Has an outstanding balance of \$101,306 for medical supplies. To work with Boone to cover her medical bills and assist her to sign up for Medicaid. Dr. Kathy Eagle EMHC CEO asked Clarice



Heart to work through EMHC as a primary and get referred and let Boone cover the majority, with EMHC as the payer of last resort. Ms. Heart resides off the reservation and does not have Medicaid or Medicare but is eligible for SSI disability.

Motion: Councilwoman Monica Mayer moved to approve assistance under policy subject to insurance coverage and EMHC coverage. Councilman Mervin Packineau seconded the motion.

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

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

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

- A. Homesite(s) - Valeri Hosie
- B. Farm/Pasture Leases - Diana Americanhorse
- C. Oil & Gas Committee: – Carson Hood Jr.

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- 1) ROW – Catherine Nelson, Reality Specialist

Motion: Councilwoman Monica Mayer moved to approve resolution no. 17-230-CSB entitled “Consent to Approval of a Right-of-Way across Tribal land for the Elm Tree to Four Bears Phase 2 Project Submitted by McKenzie Electric Cooperative.” subject to resolution and Legal review. Councilman Frank Grady seconded the motion.

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

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

Motion: Councilwoman Monica Mayer moved to approve resolution no. 17-231-CSB entitled “Consent to Approval of a Right-of-Way across Tribal land for the Tipi V Pipeline Project Submitted by QEP Energy Company.” subject to resolution and Legal review. Councilman Mervin Packineau seconded the motion.



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

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

2) **Temporary Water Line Issues**

Item deferred.

3) **D.O.T. Overtime**

Item deferred.

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4) **Gravel Pit Study – *Texx Lone Bear***

Carson Hood Grant submission due Sept 25th to quantify aggregate resources on the reservation. Ongoing grant since 2012.

Motion: Councilman Frank Grady moved to approve grant application submission. Councilwoman Monica Mayer seconded the motion.

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

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

Discussion: If a resolution is needed before deadline an Executive Order may need to be executed to meet the grant deadline.

XII. ECONOMIC DEVELOPMENT COMMITTEE – Councilwoman Monica Mayer, Chair

TAT_20170915+1424_01d32e2e506471a8.mp3

A. Business Loans – Toni Starr, Director

Current list does not meet requirements. #1 was previously approved subject to Business Loan policy.



Motion: Councilman Mervin Packineau moved to approve the four Business Loan Application subject to Business Loan Policies & requirements. Councilman Frank Grady seconded the motion.

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

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

Discussion: Chairman Mark N. Fox noted that for those not meeting the requirements there should be adjustments to their business plans and to work with the program.

XIII. JUDICIAL COMMITTEE – *Councilman Fred W. Fox, Chair*

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A. Tribal Court Report – *Marval Heart, Court Administrator & Elizabeth Yellowbird*

Seeking signature authority for a separate account for the deposit of bonds & fines. The court should return with an alternative method of depositing bonds and fines.

Motion: Councilwoman Monica Mayer moved to approve Marvel Heart & Elizabeth Yellowbird interim signatory authority for Tribal Court bank deposits. Councilman Frank Grady seconded the motion.

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

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

Discussion: Work continues on the budget and organizational charts. Councilman Mervin Packineau recommended keeping the Court administration separate from the Chief Judge office on the chart and budget. Adjustment of Clerk wages.

Motion: Councilman Mervin Packineau moved to accept the report. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye



Councilman Randy Phelan – Not Present
Councilman Fred Fox – Not Present
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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B. Justice Commission Report – Donovan Foughty

Judge Donovan stated that they need a defense council and have 2 open Prosecutor positions. Michele Parks presented with Donovan. Civil jury trial can have an all native jury. John Fredericks noted Article IX has been enacted and crucial that we a strong tribal court. Legal to detail a staff member to monitor for the UCC code. Discussed problems with determining the latest versions of the tribal codes. Recommending passing a resolution approving a final version of the codes and publish it as the official Code of Law. Need a contract for Justice Jahova. Rules of Judicial conduct are being developed and will be brought with a resolution addressing judicial authority. Rules of Civil Procedure

XIV. EXECUTIVE COMMITTEE – Chairman Mark N. Fox

XV. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

A. Mandaree School Water Break Issue

Provided an informational report on the September 8th Mandaree School water damage due to a water line break. The newer side of the building was completely flooded, although it was fresh water. Response was quick still suffered a great financial loss. The same day an Arrow Service Team from Bismarck responded to our call immediately. They worked diligently through the night and throughout the weekend and monitored and assessed humidity percentages, damage, etc. daily. FLR Sanders, whom specializes in gym floor installation, visited Mandaree School to assess the damage and anticipated the floor to worsen in two weeks. Mandaree School may have insurance with Tyson Alkire through Three Affiliated Tribes for the section of the school built with tribal funds.

Motion: Councilwoman Monica Mayer moved to budget back up payments in case their insurance can't cover the cost of the water damage. Councilman Cory Spotted Bear seconded the motion.

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

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



B. Unmet Need - Colten Fredericks
Item deferred.

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

A. Elbowoods Clinic – Dr. Kathy Eagle, CEO

1) Report

Submitted a written monthly report that included key point such as ; Design of the Dental/Optomtry Building in 2nd review, Awarded the TGM Grant \$1 00,000.00, Partnership with Robert Wood Johnson for \$420,000.00 per year for 3 years, housing need(10), 153.5 full-time employees, 27.5 Vacancies, Accounts Receivable-Broken Down by Insurance August 2017 Report, Uninsured Report, On-going governance issues include non-compliance with the PL.93-638 contract, Service Quality Activities, Safety & Risk Management Activities, and departmental reports.

2) Contracts

Motion: Councilman Cory Spotted Bear moved to approve EMHC Employment Contract-Michael Melland, DDS. Councilman Frank Grady seconded the motion.

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

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

Motion: Councilman Cory Spotted Bear moved to approve EMHC Employment Contract-Scott Mortenson, DDS. Councilman Frank Grady seconded the motion.

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

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

Motion: Councilman Cory Spotted Bear moved to approve the EMHC Employment Contract-James Jeske, OD. Councilman Frank Grady seconded the motion.

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



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

Motion: Councilman Frank Grady moved to approve EMHC Employment Contract-Aubrey Mowery, MPH, RN, CHES, PNP. Councilman Cory Spotted Bear seconded the motion.

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

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

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B. Grants & Donations - *Judith Danks*

With the recent staff turnover in Grants & Donations a list of tribal members that require clarification was presented. Everything deferred except Darlene Rodgers item. Discussion of guardianship & Trinity seeking guardianship and seeking access to IMM account to pay for her stay at Trinity.

TAT_20170915+1559_01d32e3ba33f69e8.mp3

C. Sacajawea Substance Abuse Counseling Center – *Tracy Burr*

Twin Buttes Segment is seeking to obtain the services of Sacajawea Substance Abuse Counseling, Dickinson, ND for their staff.

Motion: Councilman Frank Grady moved to authorize the Twin Buttes Segment to utilize segment funds to acquire services from the Sacajawea Substance Abuse Counseling for their staff. Councilman Mervin Packineau seconded the motion.

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

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

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D. Public Works Organizational Chart – Justin Spotted Bear

Presented applicants for permanent hire with no action. Al Nygard expressed concerns with their FY2018 budget. Councilwoman Monica Mayer & Councilman Frank Grady noted that this item should be going through HR.

Motion: Councilman Frank Grady moved to approve the Organizational Chart for FY2018. Councilwoman Monica Mayer seconded the motion.

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

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

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E. Solid Waste Budget Approval & Staff Raises – Pat Dubois

Chairman Mark N. Fox expressed concerns over this item not going through HR. Al Nygard raised issues with the budget.

Motion: Councilwoman Monica Mayer moved to approve the salary modifications for

- B. Kansas Johnson, Lead Driver/Supervisor, TAT Solid Waste, (\$33/hr.)
- C. Chad Andrade, CDL Drive, TAT Solid Waste (\$27.50/hr.)
- D. Thomas Mount, CDL Driver TAT Solid Waste (\$27.50/hr.)
- E. Lee Johnson, CDL Driver TAT Solid Waste (\$27.50/hr.)
- F. Orville Martinez, Transfer Tech TB, TAT Solid Waste, (\$17/hr.)
- G. James Jacobs, Lead Transfer Tech TB, TAT Solid Waste, (\$20/hr.)

Councilman Cory Spotted Bear seconded the motion.

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

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

Motion: Councilman Cory Spotted Bear moved to approve Ronald Mann & Thomas Mandan salary modifications for an increase to \$21/hr. as Waste Water Tech /CDL for TAT Utilities. Councilman Frank Grady seconded the motion.



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

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

Discussion: The Director’s request is for these two drivers who recently attained their CDL Lisenses for full time permancy and pay increase.

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F. Travel/Fuel Assistance – Chad Morsette

Requesting fuel assistance to transport four high school students to and from Beulah High School for the 2017-2018 Academic Year. They are all enrolled members of this tribe with no transportation provided by Beulah High School. There is 176 days of school and a round-trip will be 50 miles per day, totaling \$4,708 in mileage by GSA Standards. They reside in the South Segment Community where there is no high school, just an elementary school up to 8th grade. There is no bus transportation for the students that attend high school in Beulah. Twin Buttes Elementary will provide transportation to Killdeer High School which makes no sense for the students who reside in the east rural area. Traveling two plus hrs./day for 176 days is by far too long for students to spend on a bus. Provided an estimate of the time it takes to school.

Motion: Councilman Frank Grady moved to approve travel assistance in the amount of \$3,500 for the vender for a gas credit. Councilwoman Monica Mayer seconded the motion.

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

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

Discussion: Chairman Mark N. Fox asked that the assistance be made policy for others in the same situation.

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G. Red Berries Foster Care Resolution

Motion: Councilwoman Monica Mayer moved to approve the resolution no. 17-232-CSB entitled “Red Berries’ Foster Home” subject to Legal review. Councilman Cory Spotted Bear seconded the motion.



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

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

H. Home Health Essential Staff Designation

Item deferred

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I. Daryl Knight Schaffer/Lisa Schaffer Tax Issue

Presented a tax issues encountered when his wife received a sign on bonus without taxes taken and not receiving a 1099 from the Tribe.

Motion: Councilman Mervin Packineau moved to approve a small loan subject to Small Loan Policies & requirements. Councilwoman Monica Mayer seconded the motion.

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

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

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

XVIII. NEW BUSINESS – Tribal Councilman Add Ons

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A. Chairman Mark Fox – Buddy Walks Sponsorship

Requested a monetary donation on behalf of son Shayne Lone Bear-Smith an enrolled member born with Down Syndrome. The family is part of the Designer Genes organization will be putting on their annual "Buddy Walk" in Bismarck on Saturday September 23, 2017 at the State Capitol. The family and friends will be walking with Shayne once again and with family and friends walking to support him. The Eagle Feather Club will also be walking with him this year again. The family is asking for \$4,000.00 to cover the t-shirt order and breakfast snacks for the morning of the walk.



Motion: Councilwoman Monica Mayer moved to approve 75% or request for a total of \$3000 for any enrolled members participating. Councilman Frank Grady seconded the motion.

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

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

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B. Chairman Mark Fox – Military Graduation

Seeking \$3,033 in assistance Mike Smith to travel to his son's military graduation in Illinois.

Motion: Councilwoman Monica Mayer moved to approve 50% of the request as a policy. Councilman Mervin Packineau seconded the motion.

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

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

C. Councilman Randy Phelan – Reserved

D. Councilman Randy Phelan – Reserved

E. Councilman Fred W. Fox – Reserved

F. Councilman Fred W. Fox – Reserved

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G. Councilman Mervin Packineau – Horse Nations Indian Relay Sponsorship – Calvin Ghost Bear

Seeking a sponsorship for Championship Race on the final day of September at Horse Nations Indian Relay "Championship of Champions" Metra Park, MT. September 22, 23, 24, 2017. A contribution from your Tribe will give you on Sunday a meet the finalists for a photo shoot, future marketing potential, bragging rights and presenting the championship buckles to the Champions of Relay race.

Motion: Councilwoman Monica Mayer moved to approve a sponsorship for the amount of \$5000 from the 4Bears Casino. Councilman Mervin Packineau Seconded the motion.

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



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

Discussion: Chairman Mark N. Fox would like the organization to return at some time for a youth relay training event. Councilman Mervin Packineau's office will route.

FTR: Chairman Mark N. Fox asked the Council to match up to \$500 each for the Trish Hoeven Scholarship Fund as a memorial Senator John Hoeven's father at Bismarck Ryan Catholic School in Minot.

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H. Councilman Mervin Packineau – Hugh Accounting

Power Point presentation concerning subprime home mortgage Teaser Interest rate issues and OST accounts. John Fredericks noted that there is an inherent conflict with the agency buying their own bonds and the possibility of litigation due to a breach of the governments' fiduciary responsibility or duty on the management of the portfolio. Councilman Mervin Packineau will meet with Hugh Accounting and work on it more and bring it back to Council at some point. Authority for Treasurer to further investigate on this.

Motion: Councilman Mervin Packineau moved to grant the Chairman & the Treasurer signature authority to negotiate a contract to investigate trust accounts. Councilwoman Monica Mayer seconded the motion.

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

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

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I. Councilman Frank Grady – Carson Hood Jr. Resolution

Motion: Councilwoman Monica Mayer moved to approve resolution no. 17-234-CSB entitled "Approval for Dust Control Requirements and Speed Restriction on Tribal Gravel Roads Utilized for Oilfield Purposes." Subject to Legal review. Councilman Frank Grady seconded the motion.

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



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

J. Councilman Frank Grady – Reserved

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K. Councilman Cory Spotted Bear – JD Old Mouse Request – Tracy Burr

Requesting financial assistance with purchase of an ergonomic therapeutic bed, circulation chair and exercise bike the double amputee to improve quality of life for the member living off the reservation. Councilman Cory Spotted Bear requesting each segment to assist with \$500.00. Councilman Cory Spotted Bear expressed problems with coverage from Boone Insurance.

Motion: Councilman Frank Grady moved to approve \$500 from each segment and remaining balance from the Twin Buttes Segment budget. Councilwoman Monica Mayer seconded the motion.

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

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

L. Councilman Cory Spotted Bear – Reserved

M. Councilwoman Monica Mayer – Reserved

N. Councilwoman Monica Mayer – Reserved

H. Royce Heart Roping Club Sponsorship for event in Wrangler Roping event Billings.

Councilman Frank Grady expressed concerns over sponsoring adults for these events.

Motion: Councilwoman Monica Mayer moved to approve a standard policy for the event. Councilman Cory Spotted Bear seconded the motion.

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

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



Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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Nancy Fox Land Exchange resolution.

Motion: Councilman Frank Grady moved to rescind resolution no. 17-221-CSB. Councilman Cory Spotted Bear seconded the motion.

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

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

FTR: *The above resolution and was rescinded at the end of the meeting.*

XIX. CLOSED SESSION

- A. **Human Resources** – *Barlow Wells*
- B. **TAT Law Enforcement Report**– *Chief Nelson Heart^{2 3}*
 - 1) **Report**
 - 2) **Overtime**
- C. **Resolutions** – *Mark Van Norman*
- D. **Marcus Levings Business Loan**
- E. **Jean Baker**
- F. **Elbowoods Memorial Health Care Center** - *Dr. Kathy Eagle, CEO*
- G. **Four Bears Audit**

XX. ADJOURNMENT

Motion: Councilman Spotted Bear moved to adjourn the meeting. Councilwoman Mayer seconded the motion. Meeting adjourned at 8:15pm.



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, 5 were present at the Regular Meeting thereof duly called, notice, convened and held on the 15th of September, 2017; 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 23rd day of October, 2017.

ATTEST:

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

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