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### **CALL TO ORDER**

Chairman Mark N. Fox called the meeting to order at 11:59am.

### **OPENING PRAYER**

Prayer by Kevin Finley.

### **ROLL CALL**

*Present:* Councilwoman Monica Mayer, Councilman Cory Spotted Bear, Councilman Mervin Packineau, Chairman Mark N. 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**

- August 3<sup>rd</sup>, 2017 Special Meeting Minutes
- August 29<sup>th</sup>, 2017 Special Meeting Minutes
- September 15<sup>th</sup>, 2017 Regular Meeting Minutes

***Motion:*** Councilman Randy Phelan moved to approve the August 2017 minutes subject to corrections. 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



### III. SPECIAL GUESTS & ELDERS

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#### A. Yvonne Chase Sewer Line

Mrs. Chases resides within the City of New Town on 1804 and is seeking financial assistance to connect her home to the city sewer system. The city provided a cost estimate and a couple of options to connect the home. One option would run the line down to White Owls as opposed to going straight under the road. The first option would cost \$11,000 and the other \$43,000. Chairman Mark N. Fox noted the legal history of the City trying to put the financial burden of hooking up tribal residents to their services. Texx Lone Bear noted that I.H.S has funding that can assist with the cost of the sewer hook-up. Pat Dubois stated that there is I.H.S. funding and that he will work with her.

**Motion:** Councilwoman Monica Mayer moved to approve hook-up through I.H.S. funding in collaboration with the Solid Waste Program and the Natural Resource Department subject to City of New Town approval. 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

### *EXECUTIVE COMMITTEE REPORTS*

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

##### A. Report

The next Tribal Business Council Continuation meeting will be held on October. 23<sup>th</sup>. The Chairman discussed recent activities such as possible financing for oil development, NCAI, White House Health Meeting, the Industry Partners meeting, Taxation, Tribal Leaders Summit & Feed, Healing Horse Ranch opening, Suicide Walk, UTTC Retreat, Rocky Mountain Land Meeting, Dept. of Energy ICIWIG meetings, & Dual Taxation discussions with the Administration and tribes as Primary Regulators and tax assessors on trust land. Upcoming events include; the Tribal Water Summit, Energy meeting in Portland and the investment fund meeting with Goldman-Sachs. Commended local sport teams and other sports stand outs on their recent successes. Budget work session possibly on the 30<sup>th</sup> or the 31<sup>st</sup>.

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

##### A. Report



Councilman Randy Phelan will be running for the NCAI Vice-Chairman's opening. Discussed recent events like the *Back to School Bash*, upcoming Halloween & Thanksgiving events & activities, and 2018 segment budget work.

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

**A. Report**

Provided a summary of his upcoming schedule and recent activities. The next NRC-Oil & Gas Committee meeting will be held on Nov. 14<sup>th</sup>. Attended Federal Partners meeting in Fargo, the National Indian Education meeting, Elder Casino Trip, the Petroleum Council Annual meeting, the Veterans & Elders trip visit to the Pawnee. Will be attending the upcoming NCAI Conference.

**North Segment**

Councilwoman Monica Mayer provided an update on her recent visit to the United Nations and speaking against Human Trafficking before the assembly. The Councilwoman being one of two tribal nations represented with legislation addressing the issue. Ongoing community development activities that included: drug prevention, community safety, park project funding efforts, Hawk Estates II opening, and movie theatre development.

**South Segment**

Councilman Cory Spotted Bear presented an update on the Water Treatment Plant construction, the Elders Activities Center, a new Softball diamond and other outdoor sports facilities, road projects, housing developments (44 new houses in 3 ½ years), 42 miles of water distribution lines, & lagoon reclamation for gardens and orchids.

**Four Bears Segment**

Councilman Frank Grady discussed recent activities such as community clean-up, the new playground, Skate Park, Utility Building removal and the Oct 18<sup>th</sup> “Get Your Pink On” fundraising event.

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

Provided a review of recent activities such as the successful opening of the Healing Horse Ranch which included youth roping activities, Fall Fest & construction updates. The segment budget is at about 92% spent for the fiscal year. Discussion of a 75% Continuing Budget Resolution. The CFO recommended applying the continuing budget to operational needs and recommended a resolution

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**A. CFO Report – Whitney Bell**

Submitted the tribal expense report and informed the TBC that the 2017 budget was 92% expended with 95% expected expenditure by the end of the fiscal year. Continuing to process incoming bills from FY2017. Chairman Mark N. Fox recommended that the General Fund budget be closed out by October 31<sup>st</sup>. Whitney Bell recommended approving the operating side of the 2018 budget in lieu of an overall continuing budget resolution. Chairman Mark N. Fox



noted that program financial projections need to be completed and that expending Federal funding be made a priority.

**Motion:** Councilman Mervin Packineau moved to approve a continuing budget of accepted programs at 80% of the 2017 Fiscal budget. 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. Four Bears Casino Report - Pat Packineau, General Manager**  
*Item deferred.*

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**C. Small Loans – Mary Ellen Sun**

**1) Small Loans Applications**

**Motion:** Councilman Frank Grady moved to approve Group A (21) Small Loans Applications subject to Small Loans Policies & requirements. Councilman Mervin Packineau 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

**Motion:** Councilman Frank Grady moved to approve Group B (3) Small Loans Application subject to Small Loans Policies & requirements. 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

**Motion:** Councilman Mervin Packineau moved to approve a small loan for Jonathan J. Berryhill for \$22,500 subject to Small Loans Policies & requirements. 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

**2) Transfer of all TAT loan entities under the CFO.**

Al Nygard, CEO discussed moving all the tribal loan programs under a Director of Loans to streamline the process of tracking and collections. Councilman Cory Spotted Bear noted the Credit Manager position has been advertised for a couple of years.

**Motion:** Councilwoman Monica Mayer moved to approve the transfer all TAT loan entities under the CFO. 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

**D. Home Mortgages – Val Mayer**

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**1) Red Rock Perkins**

Requesting a \$285,000 home loan to purchase the home he is currently residing. The seller has set a deadline that the home would be available for purchase. Val Mayer noted that Mr. Perkins meets the program's requirements.

**Motion:** Councilman Fred Fox moved to approve a home loan of \$285,000 subject to Home Loan Policies and requirements. 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

## VIII. OFFICER REPORTS

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### A. Chief Executive Officer Report – *Al Nygard*

#### 1) Tax Department Report– *Cynthia Monteau, Tax Commission Director*

##### a. Fiscal Year 2017 - Revenue Collections 1 0/1/16 thru 9/30/17;

- Production Tax - 59,662,876.91
- Extraction Tax - 57,810,438.19
- Motor Fuels Tax - 2,020, 707.93
- Drilling Fees - 10,100,000
- Hotel Use Tax - 44,421.18

Total 2017 collections to date: \$129,473,281.70.

##### b. Consultant Agreements - Arctic Information Technology Year 1 Services and Years 2-5 Services

I.T. Consultant Agreement for the online web portal for tax forms and payment options 1st year FY2018 Contract for Operations and Maintenance/Arctic Informational Technology to interface with the tribal accounting system. Discussion on the second portion of the 2-5 year contract and revisiting that phase in 6 months.

**Motion:** Councilwoman Monica Mayer moved to approve the FY2018 Contract for Operations and Maintenance for the 1<sup>st</sup> year. 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 – Aye  
Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

- Years 2-5 –  
*Tabled*



**d. Resolution - Appointment of Administrative Law Judge**

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-236-FWF entitled “*Appointment of Administrative Law Judge to Hear Appeals from the Three Affiliated Tribes Tax Code*” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

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

**Discussion:** John Fredericks noted that the resolution amends his current contract to include these duties.

**e. Resolution - Establishing an Alcohol Control Board**

Review Board for Alcohol Licenses.

**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 17-237-FWF entitled “*Creation and Appointment of Alcoholic Beverage Control Board*” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

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

**Discussion:** Amend to a Commission of 3 members and one alternate nominated by the Chairman and approved by the TBC. Commission will make recommendations to the TBC for final action.

**f. Resolution - Legal Department establishing schedule of penalties for Liquor Control Violations.**

**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 17-238-FWF entitled “*Establishment of Penalties for Violations of the Alcoholic Beverage Control Law*” 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 – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* John Fredericks noted that the resolution should also include a statement that the TBC has final authority after the recommendations from the Commission.

**g. Alcohol Retailers Cease & Desist**

Discussion of alcoholic beverage retailers on the reservation who are in non-compliance with the TAT Alcohol Tax Code. Councilman Mervin Packineau expressed concerns with putting local tribal retailers out of business and the possible dual taxation effect. Chairman Mark N. Fox provided a history of the development of the Tribe's tax code and the fight with the State of North Dakota. Further discussion on the process of fines/penalties and adjudication. Chairman Mark N. Fox noted that all retailers are required to be taxed equally under law. Retailers will be given a Cease and Desist order and time to comply, at which time the fines would be instituted from the Tribal Court to shut the business down with accruing fines or for continued operation.

*Motion:* Councilwoman Monica Mayer moved to approve the Cease and Desist Order letter for non-compliance of the Alcohol Tax Code and draft a resolution that directs the tax revenue to specific addiction recovery activities. Councilman Frank Grady seconded the motion.

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

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

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

*Motion:* Councilman Randy Phelan moved to approve resolution no 17-239-FWF entitled "Approval of 39 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:* 15,726 total members with this approval.

**3) Executive Orders**

WHEREAS, Therefore let it be resolved The Three Affiliated Tribes authorizes and approves Small Loan approval for the two clients listed based on the terms and conditions of small loans policies and procedures.

**Motion:** Councilman Randy Phelan moved to ratify the Executive Order concerning “*Small Loan Approval for two individuals*”. 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

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**4) Life & Limb**

Presented a list of members recommended for Life & Limb assistance.

**Motion:** Councilman Randy Phelan moved to approve continued Life & Limb services for FY2018 from the presented list. 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 – Aye  
Councilman Frank Grady – Not Voting.  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye



*Discussion:* Al Nygard noted that there has been \$369,000 in Life & Limb services provided, \$1.37 million in Education Grants, \$190,000 in medical grants, and \$381,000 in funeral grants. With change-over of staff in the Grants & Donation Office the CEO's office has been assisting with the work back-log. Councilwoman Monica Mayer expressed the need to verify patient insurance coverage & resources. Councilwoman Monica Mayer would also like a work session on Grants & Donation to improve consistency throughout the system including at the segment level. The Chairman's Office will approve Tribal & Federal program audit negotiation for services out of the CEO's office and returning with a contract for TBC approval. Councilwoman Monica Mayer noted that the Chairman could exercise his executive authority to secure an audit by executive order if needed.

**5) Personnel Policies Procedures**

*Item deferred.*

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**6) Fort Berthold Rural Water (FBRW) Contract – Pem Hall**

Concurrence provided from the BLM & TERO. The recommended bid amount fell below the Engineers estimate. The contractor is currently mobilized on site. Expecting an early construction start and a 2019 completion.

*Motion:* Councilwoman Monica Mayer moved to approve resolution no.17-240-FWF entitled "Authorization for awarding Fort Berthold Rural Water Twin Buttes Water Treatment Plant Raw Water Line, Contract 2017-2, Bid Schedule 2". 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

**IX. UNFINISHED BUSINESS**

**A. Richard White Bear Land Exchange<sup>2</sup>**

*Item deferred.*

**B. Keith Mandan Land Exchange<sup>2</sup>**

*Item deferred.*

**C. Hay Assistance & Budget – Lisa Redford<sup>2</sup>**

1000 bales of surplus hay to be sold to tribal members at a discount cost to provide drought relief. Also fair distribution ratio is to be determined per segment.



**Motion:** Councilman Randy Phelan moved to approve the Hay Assistance & Budget. 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

*Discussion:* The CEO will be the point person.

**D. Pipeline Code, 3<sup>rd</sup> Reading<sup>2</sup>**

*Item deferred to enable Public Comment period completion.*

**E. Medical Bills - Shelly Harvey<sup>1</sup>**

*Item deferred.*

**F. Temporary Water Line Issues<sup>1</sup>**

*Item deferred.*

**G. D.O.T. Overtime<sup>1</sup>**

*To be addressed by the CEO and CFO.*

**H. Unmet Need - Colten Fredericks<sup>1</sup>**

*Item deferred.*

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**I. Home Health Essential Staff Designation<sup>1</sup>**

**Motion:** Councilman Mervin Packineau moved to approve essential staff designation for Home Health staff.

*Motion failed to receive a second. Motion tabled.*

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**J. Xtiri Software Resolution - Harriet Good Iron**

Concerns of data confidentiality and budget expressed.

**Motion:** Councilman Frank Grady moved to authorize the Chairman & staff to further negotiate costs for a final product offering and present at the budget meeting. 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

**X. MEDICAL REQUESTS**

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- A. Life & Limb - Kaidyn Fox/Lyn Fox**
- B. Life & Limb - Brandon Hand**
- C. Life & Limb - Felicia Reed**
- D. Life & Limb - Byron Sidney Howard**
- E. Life & Limb - Henry Young Bird**
- F. Life & Limb - Lester Lone Bear**

**Motion:** Councilman Randy Phelan moved to include the previous Medical Requests items A-F onto the Life & Limb list presented earlier and coordinate through TAT Grants & Donations. Councilman Frank Grady 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

***COMMITTEES OF THE TRIBAL BUSINESS COUNCIL***

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

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

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- B. MHA Interpretive Center - Delphine Baker**

Presented a status report for July-October that included Design completion, Startup meeting, and Financial Construction Estimate completion. Meetings with the Colonel of Omaha of the Corp of Engineers and Chairman Fox on July 14<sup>th</sup> and again on August 8<sup>th</sup> regarding processing issues. Meeting with Natural Resources Dept. Tex Lone Bear, Rural, Annual Management Plan, Nathan



Busche, of the Corp of Engineers wrote: “*The project office has processed the package and completed the 2 page NEPA document along with the memo and it has been officially sent to the District Office 9/26/2017*”, Permit Processing with EPA, Assessment updates have been completed and 30 day comment period began on Sept. 29, 2017. Letters have been sent out to Stakeholders. A list from the COE Riverdale. FY 2018 Budget submitted to CEO. Split Rock Historical Design of Display; Gathering of Adhoc and working community of stakeholders and meet with the team and community on Oct. 25 and 26, 2017 at the Four Bears Casino. Presented Anticipated Monthly Billings for June 2017- August 2019 & FY2018 budget worksheet. Also submitted Interpretive Center designs. Concerns over the bidding process expressed by the Council and the budget.

**Motion:** Councilwoman Monica Mayer moved to approve resolution no 17-241-FWF entitled “*Approval of MHA Nation Interpretive Center Project Construction Costs.*” subject to Legal review. Councilman Mervin Packineau 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:** Resolution presented to be edited not to exceed a maximum of \$22 million with subsequent work sessions to reduce cost.

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**C. MHA Communications – Pete Coffey II & Delvin Driver Jr.**

Increase in quarterly funding. Currently at \$45,600 requesting an increase to \$62,500. Back taxes of \$118,000 due as of last year and an estimated \$140,000 currently. Chairman Mark N. Fox recommends negotiating the tax burden down through the Advocacy Office out of Fargo and to explore for profit status.

**Motion:** Councilwoman Monica Mayer moved to approve an increased quarterly budget to \$62,500 and a plan of action to addresses the outstanding I.R.S. obligation. 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

*Discussion:* The presenters requested an additional funding for maintenance, building security system at the station & transmitter.

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**D. Justice Johnson Sponsorship**

*Motion:* Councilman Cory Spotted Bear moved to approve a grant policy of \$3,500 annually for PRCA card holders(credentials). Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Abstained  
Councilman Randy Phelan – Not Voting  
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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**E. New Town City Library – Karen Boyd**

Presented a budget of \$13,214.00 for furnishings and computers for the New Town Library at its new location in the old Cenex Office on Main Street. Councilwoman Monica Mayer would donate and supports the project.

*Motion:* Councilwoman Monica Mayer moved to authorize each segment and Chairman’s Office to donate \$1000 to the Library Project. 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 – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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

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

**B. Justice Commission Report** – Donovan Foughty – *deferred*



*Item deferred.*

**C. Federal Violence Provision Resolution – Sadie Young Bird**  
*Already approved as 17-158-FWF subject to Legal review..*

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**D. Red Lightning Couture - Darlene Perkins**

A request for sponsorship to assist her business relocation from Bismarck, ND to Los Angeles, California. The business move is to further Red Lightning Couture's design and business opportunities. Recently, RLC has obtained a manager and publicist from PS Media Talent in Los Angeles, CA. The budget submitted is for the cost is for 6 months of living expenses for a total of \$24,316.

**Motion:** Councilman Fred Fox moved to approve a business loan subject to Business Loan Policy and requirements. Councilman Mervin Packineau seconded the motion.

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

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

**Discussion:** Chairman Mark N. Fox recommended returning and seeking a grant for the event discussed.

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**E. Rez Rock N Water LLC– Frank White Calfe, Jackie White Calfe & Jessica White Calfe**  
Letter submitted from Marathon Oils' Terms and Conditions of a Master Major Service Contract rejecting Rez Rock N Waters' opposition to arbitration in Houston, Texas, USA. It was determined that his court case would stay with the tribal jurisdiction. Halcon is suing his company and the tribe. John Fredericks noted they are working to dismiss the Halcon law suit against a MHA Tribal Judge. Seeking a loan for \$50,000 for legal fees.

**Motion:** Councilman Mervin Packineau moved to approve a \$25,000 Small Loan to Rez Rock N Water LLC and subject to loan policy & requirements. Councilman Fred Fox seconded the motion.

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

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



Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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

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

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**A. HeadStart – Kelly Bradfield**

Seeking approval to apply/renew the Head Start grant #90CI9834 in the amount of \$1,428,723.00, which does not include the Federal share that is to be contributed by the tribe. Discussion of the indirect cost rate and the HeadStart Administration's reluctance to negotiate.

**Motion:** Councilman Cory Spotted Bear moved to approve of the renewal of the HeadStart grant #90CI9834. 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 – Aye  
Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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

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**A. Elbowoods Memorial Health Clinic (EMHC)– Dr. Kathy Eagle, CEO**

**1) Report**

Report included Administrative Activities such as Budgets, Infrastructure/facilities: Partnerships, HR, Resignations/Terminations, Accounts Receivable–Broken Down by Insurance September 2017, Emdeon One September 2017 - Billed Claims Report. Claims Rejections On-going-problems with obtaining patient identification verification and insurance cards, have started a public awareness campaign Corrective Action Plan. DEA and North Dakota to be a registered drug disposal site to reduce the quantities' of unused medication in our community. SAMHSA Suicide Prevention Grant -completed; final reports to be forwarded from Kauffman to Elbowoods in October 2017. Zero Suicide Academy Training- completed in September. On-going support and collaboration with Diabetes Team to improve patient healthcare (Integrated Behavioral Health). Phone system upgrades with TalkSoft Software to improve patient communication & messaging. IT network security improvements and redundancy improvements. Through PI Patient Satisfaction Surveys the plan is to established performance indicators and goals to monitor patient/customer satisfaction. Initiatives are currently being implemented to improve customer patient care and provider satisfaction. A broad range of performance indicators have been established which pertain to a number of areas. Pharmacy is open with rotating staff through lunch.





## 2) Zero Suicide I.H.S. Grant Resolution.

**Motion:** Councilman Randy Phelan moved to approve resolution no 17-242-FWF entitled “*Authorization for the FY 2018 Zero Suicide Initiative Grant Application to the Department of Health and Human Services, Indian Health Services, Office of Clinical and Preventative Services, Division of Behavioral Health.*” 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

## 3) Provider Bonus

**Motion:** Councilman Fred Fox moved to approve resolution no.17-243-FWF entitled “*Approval of Biannual Distribution of the Elbowoods Memorial Healthcare Center’s Provider Incentive Bonus Policy.*” 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

## B. Joint Orientation Brief-Department of Veterans Affairs - Bruce Nagel & Bill Hale Item deferred.

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## C. Charles Hall Home Request - Gayle Klopp, Gayla Sherman, Co-Directors

Seeking grant funding to cover the expense of adding four direct care positions and increasing current staff salaries to be market competitive and to reduce turnover. After 18 months of incurring the expense, it is added into the State cost report for reimbursement and becomes a sustainable expense funded by the State foster care system. Keith Bear, tribal member & former client testified concerning the services. Provided Placement statistics for last 10 years: Councilman Randy Phelan asked that they come back with a concrete number which shows the number of MHA members that the Charles Hall Home helps. The Council will examine the



request further in budget meetings and challenge others to support. To return to the November Tribal Business Council meeting.

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**D. Recreation and Fitness Bus Purchase & Activity Directors- Kevin Finley**

Submitted a budget that included 4 more Community Recreation Specialists in each of the following communities: 1 (one) in Twin Buttes, 1 (one) in Mandaree, 1 (one) additional CRS in New Town due to the size of the community and the number of kids participating in our program, and 1 (one) in Parshall. Total= \$45,760.00 x 4 = \$300,936.00 that includes salary, fringe, and IDC. Also resubmitted a request and quotes for 14 passenger busses. The vision for the busses considered to be the property of the TAT Fitness and Recreation program for the transporting of the Fitness and Recreation program's participants to and from activities. Placing each bus in the outlying communities with a bus check out system. Total= \$53,695.00 X 8 = \$429,560.00 To be presented to the next budget work session.

**XVI. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair**

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**A. Homesite(s) - Valeri Hosie**

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**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-244-FWF entitled “Approval of Partition between the Three Affiliated Tribes and Fritz Birdbear of Allotment Number 1058A” 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

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**Motion:** Councilwoman Monica Mayer moved to approve North Segment homesite applications; 4,7,12, 14, 20. 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



*Discussion:* Councilwoman Monica Mayer noted that there are 7 Van Hook lots that will need roads and water before any more approvals (#'s 5,9, 10, 18, & 19). To return to the TBC on the 23<sup>rd</sup> with maps included.

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

**C. Ethan Hall Land Partition**  
*Item deferred.*

**D. Shane Johnson Land Exchange**  
*Item deferred.*

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**E. Easements - Shaylane Miller**

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-245-FWF entitled, "*Consent to Certain Rights of Way across Tribal land for the Fort Berthold Rural Water System - Subsequent Users Project*". 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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-246-FWF entitled "*Consent to Certain Right(s) of Way across Tribal land*" (Nathaniel Packineau). Councilwoman Monica Mayer seconded the motion.

Vote: 6Ayes. 1 – Abstention. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Abstained  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye



**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-247-FWF entitled “Consent to Certain Right(s) of Way across Tribal land” (McKenzie Electric). 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:** Allotment T631A-A left out of previous resolution. Chairman Mark N. Fox recommended that the resolutions be combined to prevent redundancy.

**Motion:** Councilman Frank Grady moved to approve resolution no. 17-248-FWF entitled “Consent to Certain Right(s) of Way across Tribal land” (Georgia John ROW). 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

**F. Mandaree Incorporation**  
*Item deferred.*

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**G. Oil & Gas Committee:** – Carson Hood Jr.

Discussion of oil companies selling their reservation tribal and allottee assets without allowing the allottee to renegotiate. Five are currently suing the companies. Wilber Wilkinson presented information on the Whitting case that is in litigation for trespass and who is trying convert. Whitting, Kodiak and Windsor are trying to sell the leases before they come before the court. The Alottees appealed and won but Whitting returned and is trying to sell to Rimrock on the agenda today. The issue is in tort for trespass and in class action. Kodiak sold leases in Mandaree for \$6.9 billion and the Alottees received nothing, but was reversed by the court. Wilber Wilkinson asked the Council to not approve an assignment and direct Whitting to Alternate Disputes Resolution (ADR) to settles with the Alottees before addressing anything Whitting presents before the Council. Chairman Mark N. Fox noted that the Tribe only



addresses tribal tracts and it is the B.I.A.'s responsibility to look after Allottee lands. Carson Hood Jr. noted that the Dept. will be keeping his eye on all operators.

1) **ROW** – *Catherine Nelson, Reality Specialist*

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 17-249-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Peppers Project Submitted by Enerplus Resources*”. 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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-250-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.”*” Councilman Mervin Packineau 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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-251-FWF entitled “*Consent to Modification of ROW No. FBOG100095 to Expand the Luther Well Pad and Access Road Right-of-Way and Inclusion of a Multiuse Corridor, and Payment of Trespass Fines,*” Submitted by Marathon Oil. 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 17-252-FWF entitled “*Approval of Setback Variance Requested by Marathon Oil Company for the Modified Luther Pad Right-of-Way Expansion Project.*” 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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-253-FWF entitled “*Consent for Approval of the Luther Pipeline Right-of-Way Project*” Submitted by Marathon Oil Company. 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

**Motion:** Councilman Randy Phelan moved to approve resolution entitled “*Approval of A Variance Requested by Marathon Oil Company for the Luther Pipeline Right-of-Way Project.*” 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:** Does not meet minimum setback for lake and dwellings on individual allotted land with waiver. The need for minimum set back rules for allottee homes.



**Motion:** Councilman Randy Phelan moved to rescind the previous resolution entitled “Approval of Setback Variance Requested by Marathon Oil Company for the Luther Pipeline Right-of-Way Project.” 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

- *Approval of Setback Variance Requested by Marathon Oil Company for the Red Feather Expansion and Flowline project”*

*Tabled*

- *“Approval of Setback Variance Requested by Marathon Oil Company for the Axell USA Pad and Flowline Project.”*

*Tabled*

- *“Approval of Setback Variance Requested by Marathon Oil Company for the Nugget USA Pad and Flowline Project.”*

*Tabled -*

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-254-FWF entitled “Consent of Owners for Right-Of-Way Modification for the MABEL LEVINGS 14-23 Project Submitted by WPX Energy Williston, LLC.” 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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-255-FWF entitled “Consent to Approval of a Temporary Assignment Right-Of-Way Across Tribal Land for the



*MABEL LEVINGS 14-23 Project Submitted by WPX Energy Williston, LLC.* 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 17-256-FWF entitled *“Consent to Approval of a Right-of-Way across Tribal land for the Landforms Project Submitted by Targa Badlands LLC.”* 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 17-257-FWF entitled *“Consent to Approval of a Right-of-Way across Tribal land for the Maroon Project Submitted by Targa Badlands LLC.”* Councilman Mervin Packineau 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

## 2) Targa – Global Settlement Agreement – Shenan Atcitty

**Motion:** Councilman Fred Fox moved to approve resolution no. 17-258-FWF entitled *“Approval of Amended Global Settlement Agreement with Targa Badlands, LLC.”* 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

**3) Whiting Assignment to Rimrock**

*Tabled*

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**4) MRR Lease & Amendment to Resolution 17-048-FWF – Carl Artman**

**Motion:** Councilman Fred Fox moved to approve resolution no. 17-268-FWF entitled “Amendment to Resolution No. 17-048-FWF”. 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

**FTR:** Chairman Mark N. Fox stepped out of the meeting and Councilman Randy Phelan assumed the Chair.

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**5) Bridger- Line Improvement – Travis Hallam**

Bridger has agreed to an additional disturbance fee of \$15,000.

**Motion:** Councilman Fred Fox moved to approve the acceptance of the offer. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting  
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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**6) MOA Between Gap Midstream, LLC & Thunder Butte Petroleum Services – Bernie Fox**

MOA presented to serve as the agreement that the Client will use the Company for all of its gathering requirements to fulfill its obligations to its customers and consumers. Company will develop, construct, and operate the gathering system from well pad to Client facilities. Client will provide a minimum volume commitment at an agreed to price with the Company for the products transferred by the gathering system and downstream pipelines. Not a binding contract.

*FTR: Chairman Mark N. Fox returned to the meeting.*

**Motion:** Councilman Fred Fox moved to approve the MOA. Councilman Cory Spotted Bear seconded the motion.

*Motion Amended.*

**Motion:** Councilman Fred Fox moved to approve Legal develop a letter to authorize exploration of options. Councilman Cory Spotted Bear seconded the motion.

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

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

*Discussion:* Bernie Fox noted that the Thunder Butte Board has asked for a working session with the Council to develop a clear direction for Thunder Butte.

*FTR: Chairman Mark N. Fox resumed Chair of the meeting.*

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

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**A. Rob Porter Contract**

**Motion:** Councilman Fred Fox moved to approve the Rob Porter Contract. 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

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**B. Mark Van Norman Contract**

**Motion:** Councilman Randy Phelan moved to approve the Mark Van Norman Contract subject to striking section 5A & 5B. 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

**C. Shenen Atcitty Contract**

[See Closed Session]

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**D. NCAI Delegates & Dues**

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 17-260-FWF “Appointment of NCAI Delegates and Authorization for Payment of Membership Dues to NCAI” 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:** Council designates Vice Chairman Randy Phelan as a delegate with Secretary Fred Fox as Alternate, and 2<sup>nd</sup> Alternate as any Tribal Business Council member.

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**E. Councilman Randy Phelan NCAI Support**



**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 17-259-FWF entitled “Supporting and Endorsing Vice Chairman Randy Phelan’s Election Bid to the Office of the First Vice Chairman of NCAI.” Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1 – Abstention. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Abstained  
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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• **TERO Recodification** – *Reed Soderstrom & Jay Standish*

**Motion:** Councilman Fred Fox moved to approve the 2<sup>nd</sup> Reading of the TERO Recodification. Councilman Mervin Packineau 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

**XVIII. NEW BUSINESS – Tribal Councilman Add Ons**

**A. Chairman Mark Fox – Water Park**

**Motion:** Councilman Frank Grady moved to approve resolution no. 17-264-FWF entitled “Authorizing the Development and Construction of a Water Park in New Town, North Dakota” 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

**B. Chairman Mark Fox – Reserved**



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**C. Councilman Randy Phelan – INFR Participants**

Parents of Kasen Johnson, Daylon Danks, and Jesse Chase requested financial assistance to attend INFR. The group presented individual budgets for the various events.

**Motion:** Councilwoman Monica Mayer moved to approve Kasen Johnson, Daylon Danks, and Jesse Chase 75% of their total request and not to exceed \$5000 each. Councilman Mervin Packineau seconded the motion.

Vote: 6 Ayes. 1 – Abstention. Motion carried.

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

**Motion:** Councilman Randy Phelan moved to approve a sponsorship for Cassy Stone & Cassy Fredericks for \$3,500 each. Councilman Mervin Packineau seconded the motion.

Vote: 6 Ayes. 1 – Abstention. Motion carried.

Chairman Mark N. Fox – Abstained  
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

**INFR Sponsorship**

Seeking a \$20,000 sponsorship from the tribe.

**Motion:** Councilman Mervin Packineau moved to approve the INFR for a \$10,000 sponsorship from the 4Bears Casino. Councilman Randy Phelan seconded the motion.

Vote: 4 Ayes. 2 – Opposed. 1 – Not Voting. Motion carried.

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



- D. Councilman Randy Phelan – Reserved**  
**E. Councilman Fred W. Fox – NCAI Support Letter**  
*Item deferred.*

- F. Councilman Fred W. Fox – Reserved**

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- G. Councilman Mervin Packineau – Georgia Kerzman**  
Mothers home loan roll over into the tribal loan program by Nov. 30<sup>th</sup>. \$70,000 request and home appraised at \$246,000.

**Motion:** Councilman Randy Phelan moved to approve the home loan subject to Home Loan requirements and policies. 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

- H. Councilman Mervin Packineau – Reserved**

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- I. Councilman Frank Grady – Resolution**

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 17-266-FWF entitled “Revocation of Charter and Dissolution of the Four Bears Community Development Corporation”. Councilwoman Monica Mayer seconded the motion.

Vote: 5 Ayes. 2 – Abstentions. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Abstained  
Councilman Fred Fox – Abstained  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

- J. Councilman Frank Grady – Reserved**  
**K. Councilman Cory Spotted Bear – McKenzie Electric**  
Elders Center



**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 17-261-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal /and for the Twin Buttes Elder Center New Line Project Submitted by McKenzie Electric.*" 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 – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting

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**L. Councilman Cory Spotted Bear – Nu’eta Inc. - Daylon Spotted Bear**

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 17-262-FWF entitled "*Limited Waiver of Sovereign Immunity, Nueta, Inc. and 51% Unconditional Managing Partner of Systel Office Automation, LLC.*" 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

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 17-263-FWF entitled "*Commitment of Financial Support for Nueta, Inc, and its 51% Unconditional Managing Partners Status in Systel Office Automation, LLC*" 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



**Motion:** Councilman Fred Fox moved to approve resolution no. 17-265-FWF entitled “*Limited Financial Support for Nueta, Inc. with Repayment*”. Councilwoman Monica Mayer seconded the motion.

Vote: 6 Ayes. 1 – Abstention. 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 – Abstained  
Councilwoman Monica Mayer – Aye

**M. Councilwoman Monica Mayer – *Reserved***  
**N. Councilwoman Monica Mayer – *Reserved***

**XIX. CLOSED SESSION**

- A. Resolutions – *Mark Van Norman*<sup>2</sup>**
- B. Shenan Atcitty Contract**
- C. Steve Gunderson Tallsalt Contract FY 2018**
- D. Game & Fish – *Antoine Brugh***
- E. TAT Law Enforcement Report– *Chief Nelson Heart***
  - 1) Report
  - 2) Overtime<sup>2</sup>
- F. Human Resources – *Barlow Wells***

**XX. ADJOURNMENT**

**Motion:** Councilman Fred Fox moved to adjourn the meeting. Councilman Randy Phelan seconded the motion. Meeting adjourned at 8:19pm.





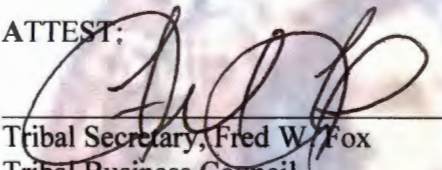
### CERTIFICATION

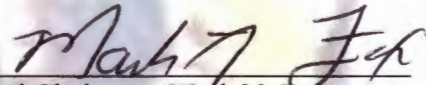
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 11<sup>th</sup> of October, 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 18<sup>th</sup> day of December, 2017.

ATTEST:

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

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