



CALL TO ORDER

Chairman Mark N. Fox called the meeting to order at 12:20 pm.

OPENING PRAYER

Prayer by Jim Miller

ROLL CALL

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

I. APPROVAL OF AGENDA

FTR: Councilman Frank Grady joined the meeting.

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

- September 15th, 2017 Regular Meeting Minutes
- October 11th, 2017 Regular Meeting Minutes

Motion: Councilman Frank Grady moved to approve the September 2017 Tribal Business Council minutes. 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



III. SPECIAL GUESTS & ELDERS

A. **Sally White Loan Issue** – *Sally White*

Sally White is asking that the RPI Towing Loan by Roy Packineau and co-signed by Ed White for \$56,191.28 be paid by the company and not taken from Ed White's life insurance (about \$25k) & severance pay (TBD). Toni Starr noted that one payment was taken from the disbursement(s) of Roy Packineau. Chairman Mark N. Fox suggested that the amount owed to the company from Housing and other TAT entities for services from towing vehicles and other be credited towards the loan. Mary Ellen Sun noted that there is \$750 remaining on Ed White's small loan.

Motion: Councilman Frank Grady moved not to garnish the Ed White Life Insurance benefit or MHA severance payout for the RPI Towing Loan and authorize payment to his widow, Sally White. 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: Al Nygard will take the point on this issue. Councilman Fred Fox noted that Sally White should be eligible for his severance and it was added to the motion.

EXECUTIVE COMMITTEE REPORTS

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

A. **Report**

Presented a report of recent activities and upcoming events such as: Attending the Tribal Law Conference, Goldman Sachs Meeting to increase the tribes return on investment funds, Chairman's Bowl, Budget meeting date TBD. Upcoming meetings include; the Superintendent of Public Instruction, Credit Committee hearings, West Dakota Energy Association, BLM, American Petroleum Institute, & the Great Plains Tribal Chairman Health Board.

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

A. **Report**

Provided an update of recent activities and upcoming event that included; Back to School Party, Community Halloween activities, horse sale, & elder home weatherization program.



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

A. Report

Committee meeting schedule reviewed. Upcoming East Segment events include White Shield XXC diner event, ground blessing for the new school, Drug Enforcement Open House, Fall Festival.

North Segment Report – Councilwoman Monica Mayer

Upcoming activities include; Thanksgiving Elders Diner. The building of ramps for elders & providing enhanced services for elders such as doing living wills. Segment has hired two maids for apartment clean-up or elder homes, Home Health Program development, language and culture center opened. Pool & park development continues. Nursing home initiative continues.

South Segment Report - Councilman Cory Spotted Bear

Many housing projects completion, Elders trip to Deadwood, Bison Project, & Twin Buttes Masquerade.

Four Bears Segment – Councilman Frank Grady

Upcoming activities include; Fall Festival

VII. TREASURER'S REPORT - Councilman Mervin Packineau

Councilman Mervin Packineau provided some upcoming events and accomplishments in the Northeast segment such as the upcoming Halloween Masquerade & Pow-wow, construction of the 8-plex apartment building with garages, Taco Johns (27 jobs, \$20-30k/month revenue)

A. CFO Report – Whitney Bell

Item deferred to the next Tribal Business Council.

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

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C. Small Loans – Mary Ellen Sun

1) Small Loans Applications

Motion: Councilman Randy Phelan moved to approve Group A (3): Small Loan Applications subject to Small Loans Policies & Procedures. Councilman Fred Fox seconded the motion. Extension

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

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D. Tax Department

Requesting Liquor Control Regulations of the Three Affiliated Tribes revision on page 23 & table of “*The Commission also may penalize any person for selling alcoholic beverage:) without a Tribal License*” (Page 1), and the addition of the following:

V. Selling Alcohol Without a Tribal License

The Commission can either consider the business's prior three-year history when determining the violation has been ongoing or continuous and/or a \$500 penalty plus the penalty per day. Additional penalties may be applied at the appeal hearing based upon the circumstances of the violation. Additionally, such violation may impact the ability to acquire a license in the future due to the established record of violation. In addition to the penalties imposed herein the business is subject to closure in accordance with the provisions of the Ordinance and applicable regulations.

Also change to the Progressive Penalty Schedule for selling liquor on the reservation without a license.

Motion: Councilwoman Monica Mayer moved to approve the amendment in the section “Claim for Relief for Fault Resulting from Intoxication”. Councilman Fred Fox 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

• **Guideline on Alcohol Beverage and Control.... Recomending 30 days**

Motion: Councilwoman Monica Mayer moved to approve to amendment. Councilman Fred Fox 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



- **Consultant Contract for Wipfli, CPA's and Consultants, LLP (Consultant), (Purchased Joseph Eve)** continuing the contract work of Joseph Eve under the new merged company

Motion: Councilman Cory Spotted Bear moved to approve Consultant Contract Between the Three Affiliated Tribes and Joseph Eve Certified Public Accountant (Wipfli, CPA's and Consultants, LLP) contract. 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

VIII. OFFICER REPORTS

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

1) **Executive Orders**

No Items

2) **Personnel Policies Procedures**

Item deferred.

IX. UNFINISHED BUSINESS

A. **Richard White Bear Land Exchange**²

Item deferred to the next Tribal Business Council.

B. **Keith Mandan Land Exchange**²

Item deferred to the next Tribal Business Council.

C. **Medical Bills** - *Shelly Harvey*²

D. **Temporary Water Line Issues**²

Item deferred.

E. **Unmet Need** - *Colten Fredericks*²

Item deferred.

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F. **Joint Orientation Brief-Department of Veterans Affairs** - *Bruce Nagel & Bill Hale*



Submitted questions concerning; Grading, Sanitary sewer, Access Road, and Waterline. Discussion of the drainage area on the east side of lot designated as wet land. BIA states that it is 100% trust but the State says it is Fee land (Deed not recorded with the State). Chairman Mark N. Fox noted that the TSR takes precedence. Legal to look into the issue.

G. Ethan Hall Land Partition

Item deferred to the next Tribal Business Council.

H. Shane Johnson Land Exchange

Item deferred to the next Tribal Business Council.

I. Mandaree Incorporation

Item deferred to the next Tribal Business Council.

J. TERO Recodification – Reed Soderstrom & Jay Standish

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K. Mandaree School – Ann Longie, Superintendent

Insurance details have been researched and there is no coverage of the newer tribally funded building damaged through a water break in the gym. Requesting \$273,991.80 in assistance. Was insured by the State for contents but not the structure. Councilman Randy Phelan will need to see that insurance is obtained and he questioned why Valler Insurance didn't cover it. There is also no Operation & Maintenance funds secured on the facility that was originally constructed with tribal funds. B.I.E. is willing to cover it once it's under its inventory. Venders are willing to repair the gym floor once 50% is paid up front.

Motion: Councilwoman Monica Mayer moved to approve funding the repairs subject to the CEO's Office verifying the building is insured and why it was not insured by Valler originally. Councilman Randy Phelan seconded the motion.

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

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

X. MEDICAL REQUESTS

A. Life & Limb

Item deferred

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL



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- XI. ECONOMIC DEVELOPMENT COMMITTEE** – Councilwoman Monica Mayer, Chair
- A. Business Loans** – Toni Starr, Director
Item deferred.
- XII. JUDICIAL COMMITTEE** – Councilman Fred W. Fox, Chair
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- A. Tribal Court Report** – Marval Heart, Court Administrator
Elizabeth Yellowbird presented a report.
- B. Justice Commission Report** – Donovan Foughty
Item deferred.
- XIII. EXECUTIVE COMMITTEE** – Chairman Mark N. Fox
- XIV. EDUCATION COMMITTEE** – Councilman Cory Spotted Bear, Chair
- XV. HEALTH & HUMAN SERVICES COMMITTEE** - Councilman Frank Grady, Chair
- XVI. NATURAL RESOURCES COMMITTEE** – Councilman Randy Phelan, Chair
- A. Homesite(s) - Valeri Hosie**
Item deferred.
- B. Farm/Pasture Leases - Diana Americanhorse**
Item deferred.
- C. Oil & Gas Committee:** – Carson Hood Jr.
Item deferred.
- 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 – Marine Corps & Veterans Events**
- Motion:** Councilman Randy Phelan moved to approve Marine Corps. Birthday & Veterans Day event \$9,000/day for two days. 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



- B. Chairman Mark Fox – Reserved**
- C. Councilman Randy Phelan – Reserved**
- D. Councilman Randy Phelan – Reserved**

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- E. Councilman Fred W. Fox – Sacagawea Pipeline Company, – Travis Hallam**
Sacagawea is currently reviewing the proposed Pipeline Safety Code and is requesting Sacagawea requests an additional 30 days (until December 17, 2017) to submit comments to the MHA Nation on the proposed Code.

Motion: Councilman Fred Fox moved to deny the request for Sacagawea Pipeline Company for a 30 day extension. Councilwoman Monica Mayer seconded the motion. Vote:

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

Discussion: Legal is in concurrence with the denial. Councilman Cory Spotted Bear noted that this company still has not full filled their commitment to fence the Twin Buttes cemetery.

- F. Councilman Fred W. Fox – Reserved**
- G. Councilman Mervin Packineau – Reserved**
- H. Councilman Mervin Packineau – Reserved**
- I. Councilman Frank Grady – Reserved**

FTR: It was clarified that Brandi Fox's dental from the October 11th, 2017 Tribal Business Council meeting would be paid for from Grants & Donations.

- J. Councilman Frank Grady – Reserved**
- K. Councilman Cory Spotted Bear – Reserved**
- L. Councilman Cory Spotted Bear – Reserved**

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- M. Councilwoman Monica Mayer – Church Renovation – Bill Hale**
The Tribe provided \$40,000 in FY17 and seeking clarification on funds for the next fiscal for about \$47,000. Chairman Mark N. Fox noted that original intent of the motion was a onetime renovation assistance of 50% of the cost up to \$40,000 as a policy. To be addressed at the Budget meeting.



N. Councilwoman Monica Mayer – Reserved

FTR: B.J. Brady invited the Council to the Sacred Fire Movement ceremony on Sat.

XIX. CLOSED SESSION

- A. Resolutions – Mark Van Norman²**
- B. Shenan Atcitty Contract**
- C. Steve Gunderson Tallsalt Contract FY 2018**
- D. Game & Fish – Antoine Smith**
- E. TAT Law Enforcement Report– Chief Nelson Heart**
- F. Human Resources – Barlow Wells**
- G. Jelani Foote Educational Request – Charlene Foote**
- H. Chairman’s Contracts**

XX. ADJOURNMENT

Motion: Councilwoman Monica Mayer moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 5:36pm.



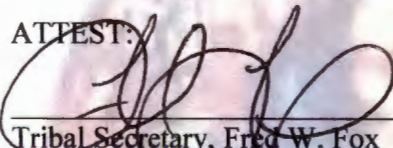
CERTIFICATION

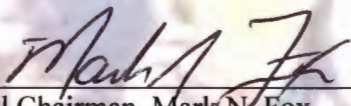
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 7 were present at the Continuation Meeting thereof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