



CALL TO ORDER

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

OPENING PRAYER

Prayer by Delvin Driver Sr.

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

- October 11th, 2017 Regular Meeting Minutes
 - October 23rd, 2017 Regular Meeting Minutes
- Item deferred.*

III. SPECIAL GUESTS & ELDERS

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A. Ed White Years of Service Issue – Sally White

Seeking clarification on severance pay for her late husband Ed White. Commodity Program has no records of Ed's years of service. Family claimed that Mr. White had worked for the Tribe for some 34 years, but HR does not have the records. Barlow Wells, HR Director was brought in to clarify that there was no cap on the \$1000/yr. for years of service as a policy. Mr. Wells stated they have been able to verify 8 years with the Commodity Program and North East Segment Security. about a 25 years for \$20,000.

Motion: Councilman Randy Phelan moved to approve years of service of 25 years for \$20,000. Councilwoman Monica Mayer seconded the motion.



Motion Amended: Years of Services amended to 30 years for \$25,000.

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: Legal Dept. will develop a settlement form for Sally White to sign off on accepting offer and waives any further claim.

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B. Phil Packineau Mortgage - Ramona Two Shields

In September, the Council approved a mortgage loan for Mr. Packineau in the amount of \$282,000. That was the wrong amount. \$340,000 is the correct amount.

Motion: Councilman Frank Grady moved to increase the Phil Packineau Home Loan amount by \$58,000 subject to Home Loan Policies & requirements. 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

EXECUTIVE COMMITTEE REPORTS

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

A. Report

Discussed progress in the battle against drugs and the opening of the new Drug Enforcement facility. Presented tribal concerns at the Western Dakota Energy Association. Other items included Advance Placement Course for the reservation B.I.E schools, development of a Sobriety House for after-care services, upcoming Albuquerque outreach meeting with tribal members and enrollment providing Tribal I.D's, and the Automated Election System (AES) survey meeting. Upcoming Tribal-State Legislative Tax Committee meetings on Dec. 15th, COLT meetings 6-8th, Federal Partners meeting on the 12th & 13th, Tribal Council meeting on the 15th. Commended all the tribal youth competing in cross-country and New Town for tying the



record for overall State Championships and attaining national ranking. Also commended the Veteran's Day activities and the culmination of the 30-day Sacred Fire Prayer Vigil.

V. VICE CHAIRMAN'S REPORT- Councilman Randy Phelan

A. Report

Presented copies of the 1825 & 1851 Treaties to the Council. Discussed recent activities in West Segment for Halloween & Thanksgiving, efforts to help ranchers with hay, construction of a trampoline jump house. Expressed condolences to the Mandan Family.

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B. Rob Porter, Attorney

Presented a report of recent efforts concerning dual taxation and the economic impact of tribal economies on North Dakota without equity in the distribution of the tax revenue. Expressed the need to work from the Federal side to address dual taxation issues.

Motion: Councilman Randy Phelan moved for a blanket motion to approve the following 6 resolutions;

- 17-269-FWF entitled "Support for S. 1116 – the Indian Community Economic Enhancement Act of 20171116"
- 17-270-FWF entitled "Fair and Equitable Treatment for Indians, Indian Nations, and Indian Commerce in the Tax Cuts and Jobs Act."
- #17-271-FWF entitled "Support for S. 245 – the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017"
- #17-272-FWF entitled "Support for S. 1870 – the SURVIVE Act"
- #17-273-FWF entitled "Support for S. 1953 – the Tribal Law and Order Reauthorization and Amendments Act of 2017"
- #17-274-FWF entitled "Support for S. 1942 – Savanna's Act"

Councilwoman Monica Mayer seconded the motion.

Vote: 5 Ayes. 2 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 – Not Voting

Councilwoman Monica Mayer – Aye



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

A. Report

Presented a report on current activities and upcoming events.

VII. TREASURER'S REPORT - Councilman Mervin Packineau

A. CFO Report – Whitney Bell

Item deferred.

B. Four Bears Casino Report - Pat Packineau, General Manager [See Closed Session]

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C. Small Loans – Mary Ellen Sun

1) Small Loans Applications

Motion: Councilman Randy Phelan moved to approve Group A Small Loan Applications (19) subject to collateral and Small Loans Policy & Requirements. Councilman Mervin Packineau 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 – Abstained
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Layla Davis (#18) added was not on the list (subject to collateral on the car). #19 Carmen Halvorson (with correct balance).

FTR: *The following action became unnecessary but not rescinded.*

Layla Davis Home Loan

Layla is trying to get current with home Mortgage. Layla is trying to help daughter pay off vehicle so she can use it as collateral. Councilman Randy Phelan said they had gone thru the application and go thru TAT mortgage program.

Motion: Councilman Randy Phelan moved to approve a \$58,000 home mortgage subject to Home Mortgage Program Policy. Tribe will own home until payed off. 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 – Abstained
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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Layla Davis Loan Revisited

Motion: Councilman Randy Phelan moved to approve a Small Loan and work with car title as collateral with Councilman Randy Phelan co-signing for the loan of \$8000. Councilman Mervin Packineau seconded 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

FTR: *This item was addressed later in the meeting.*

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Lanette Gwin Loan Request

Mary Ellen Sun recommended a co-signor because she is currently unemployed. Ms. Gwin is seeking a loan of \$8000 to catch up on her home loan payments from Wells Fargo for about \$58,000. Chairman Mark N. Fox recommended that she work with Small Loans for this small amount otherwise the Tribe would need to hold the collateral.

Motion: Councilman Randy Phelan moved to transfer the Wells Fargo Home Mortgage to the TAT Home Mortgage Program subject to Home Mortgage Policies & Procedure. Councilman 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: Ms. Gwin to contact the TAT Home Mortgage Program and fill out the paperwork.



VIII. OFFICER REPORTS

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

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

Fiscal Year 2017 - Revenue Collections 10/1/16 thru 9/30/17, Fiscal Years 2008 - Present Drilling Fees, Alcoholic Beverage Control Tax update, Oil and Gas Tax update. Procedural details of Alcohol retailer Cease & Desist discussed that is still being worked on at Legal.

Motion: Councilman Randy Phelan moved to approve resolution no. 17-275-FWF entitled “*Expenditure of Alcohol Tax Revenue*” subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

Vote: 7 Ayes. Motion carried.

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

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• **Liquor Distributorship Proposal.**

Collective Strategies, Inc., presented a proposal for services to assist with the sourcing of relationships and agreements to supply such distributorship. The sourcing relationships will be for the wholesale resale of liquor products to retail establishments.

Motion: Councilwoman Monica Mayer moved to authorize the Chairman to sign a consultant agreement subject with 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: John Fredericks noted that some tribal liquor retailers are losing their wholesalers due to the tribes licensing provisions and assertion of tribal jurisdiction. To remedy this situation Attorney Fredericks recommends that the tribe enter into the market and seek their own wholesale license. Chairman Mark N. Fox recommended



talking to wholesalers and determine the reason for their failure to provide services and review their concerns even after revisions of the code. Cynthia Monteau noted that the Casino has over a million a year in alcohol sales. Chairman Mark N. Fox expressed concern over outside wholesalers who have made millions from the reservation and now refuse to provide services when we assert our jurisdiction.

- **Authority to Apply for Wholesalers Sales**

Motion: Councilman Randy Phelan moved to approve the application for a Liquor wholesalers License. Councilman Fred Fox seconded the motion.

Discussion: John Fredericks noted that the quickest way to get this done is to complete under Section 17 and with a resolution. Councilman Randy Phelan noted that the opportunity should be opened up to a tribal member.

Amended Motion: Application may also run under Section 17.

- **Oil & Gas Update**

The 2016 Assessment includes about 30 companies with over half that have filed informal assessment review with nine formal appeals to the Tax Commission. Administrative Judge. Contract amended to include duties to hear the appeals and resolve prior to the formal appeal. Staff will be reaching out to the extraction payers to get list of their contributions to develop tax credits for their investments in the MHA Nation.

Motion: Councilman Randy Phelan moved to authorize the Tax Dept. to begin drafting an ordinance change resolution for the Tax Code System to include tax credits. 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: Will bring the 2017 assessment back to Tribal Business Council meeting in January. Councilman Mervin Packineau & Councilwoman Monica Mayer expressed the need to discuss the Oil & Gas Tax Agreement. Chairman Mark N. Fox noted that the state has taken \$1.3 billion in tax revenue from the reservation but in the long run the Tribe will be sitting in a better situation by moving forward.



2) Enrollment – *Sevant S. Taft*

Motion: Councilman Randy Phelan moved to approve the resolution no. 17-276-FWF entitled “*Approval of 84 Applicants for Enrollment into the Three Affiliated Tribes*”. 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: Councilman Randy Phelan asked Mr. Taft to work on putting Clans & child of Clan information on TAT Enrollment ID cards. 15,798 currently enrolled TAT members & 1,341 elders.

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3) Executive Orders

“NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves an exception to established Kidney Dialysis Unit (KDU) policy and procedure to accommodate the need for providing Dialysis services under a priority circumstance for Alfred Morsette, Jr. BE IT FURTHER RESOLVED, The KDU will complete full and detailed documentation for the need to deviate from established policy and procedure to accommodate this special need for the purposes of documentation for accreditation. That the patient; Alfred Morsette, Jr., shall provide an appropriate waiver to the requirements of a fistula for Dialysis services as currently required by policy. “

Motion: Councilman Randy Phelan moved to approve Executive Action EA 2017-27. 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

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4) TERO Recodification - *Reed Soderstrom, Attorney*



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
NOVEMBER 15th, 2017 MINUTES
[CLOSED SESSION CONTENT INCLUDED]

Lisa Lone Fight, TERO Commission noted that she supports the recodification. Changes remove duplication, grading services, application process, preference to those with "skin in the game", Capital Leasing, and differences between Oil & Gas and construction. Chairman Mark N. Fox expressed that the Tribal Business Council has been concerned with "fronting" and insuring tribal companies are getting work from the larger companies, thus the need for changes in the code. The Code has gone from 12 pages from 33. The Commission will have emergency regulatory authority. Chairman Mark N. Fox expressed concern that the portion on Indian Preference of 51% under the ordinance. Mr. Soderstrom noted that it gets addressed under the regulations. Chairman Mark N. Fox reminded the group that that it has to be approved by the Tribal Business Council. Councilman Randy Phelan expressed his concern that the Indian contractors had input on the changes. Lisa Lone Fight confirmed that they have received their input through a number of venues.

Motion: Councilman Frank Grady moved the final reading of the TERO Recodification and acceptance of the new TERO Regulations. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 Ayes. 2 Not voting.
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 – Not Voting

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5) **Lynn Fox**

Health Committee approved a vehicle repair to allow Ms. Fox to transport her child to medical appointments. Total cost of 10 of repairs was \$2,952. The cost would not be able to come out of Life & Limb funding. Health Committee only requested an estimate but the vehicle was repaired.

Motion: Councilwoman Monica Mayer moved to authorize assistance from the segments & the Chairman's offices at \$300 each. 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



IX. UNFINISHED BUSINESS

A. Joint Orientation Brief – Department of Veteran Affairs - Bruce Nagel & Bill Hale
Item deferred

B. Ethan Hall Land Partition
Item deferred

C. Shane Johnson Land Exchange
Item deferred

D. Mandaree Incorporation
Item deferred.

E. Justice Commission Report - Donovan Foughty
Item deferred.

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F. Charles Hall Home Request - Gayle Klopp, Gayla Sherman

Request for a \$500,000 donation. The home serves a population where 40% are Native Americans with 8-10 of those being TAT members per year. \$262,500 is the amount discussed before. Chairman Mark N. Fox is willing to assist with \$100,000, rather than the \$200,000+ since the State matches. Chairman Mark N. Fox, we still want to see actual numbers. May have to do a resolution in December. Councilman Frank Grady expressed concerns that other tribal nations are not contributing.

Motion: Councilman Fred Fox moved to approve a \$100,000 donation to the Charles Hall Home. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 2 – Abstentions. Motion Carried.

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

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G. Fort Berthold Communications Enterprise (FBCE) - Pete Coffey Jr., FBCE Board

It was noted that there are two open board positions currently. FBCE would like to bring in revenue by having the Segments pay for their elders' newspaper subscriptions. Mandaree, Whites Shield, and Twin Buttes segments already provide their elders with subscriptions. Discussion of an outstanding bill for the amount of \$34,024.39 for furniture at the Communications Enterprise building. FBCE still owes the IRS \$67,319.39 in taxes (as of April 30th, 2016). Mr. Coffey noted that after a meeting with the IRS a more detailed accounting of



their tax bill will be available for the next Tribal Business Council meeting. Chairman Mark N. Fox recommends that the Tribe negotiate the payments. Councilman Randy Phelan recommends changing the FBCE to a for profit organization.

Motion: Councilman Randy Phelan moved to approve payment of \$30,000 for the furniture bill. 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

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H. Parshall School

Discussion of changes to resolution 17-141-FWF “Approval, Authorization, and Appropriation of the Grant Agreement with the Parshall Public School District No. 3 in the Amount of \$1,000,000 in FY2017, \$6,000,000 in FY2018, \$2,000,000 in FY 2019 for Purposes of Construction of the New K-12 School Building in Parshall, North Dakota.” Due to failure of the of the Parshall School referendum. Chairman Mark N. Fox discussed issues with the voting district in Parshall.

Deferred to the December Tribal Business Council meeting.

X. MEDICAL REQUESTS

- A. **Life & Limb** – Wilbur Howard [See Closed Session]
- B. **Barb Pegg** [See Closed Session]

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

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

- A. **TERO Issue** – Gerald White Sr.
Addressed.

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B. Contract for BJ Jones as Associate Judge

One-year contract to provide Judicial services to the MHA Nation and serve as an Associate or Alternate Judge of the Fort Berthold District Court.

Motion: Councilman Frank Grady moved to approve the BJ Jones contract subject to Legal review. Councilwoman Monica Mayer seconded the motion.



Vote: 5 Ayes. 2 Not Voting.

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

C. Tracy Halvorson [*See Closed Session*]

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D. Sioux Empire

Four Bears Casino is sponsoring \$10,000. Pow Wow will provide wrist bands to members.

Motion: Councilman Fred Fox moved to approve a sponsorship of \$20,000 for the Sioux Empire Wacipi in Sioux Falls. 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 – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Not voting
Councilwoman Monica Mayer – Aye

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

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

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A. Nueta Hidatsa Sahnish College (NHSC) – *Twyla Baker–Demaray, President*

NHSC is requesting a budget increase to \$3.5 million from \$1.8 million. The budgets have been cut back and we are looking at closing the remote sites and cutting back academic programs. Councilwoman Monica Mayer wants to see the NHSC budget for the past 4 years separated by tribal vs. others. National AIHEC Basketball Tournaments Host Sponsorship request presented. Requesting a resolution stating MHA supports this event. Bring back to December 14th Tribal Business Council.

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B. Request for assistance for Graduation Trip – *Jenny Lattergrass*



Requesting financial assistance to travel to Flandreau Indian School for the graduation in May of 2018. Seven tribal members. According to the standing policy assistance not to exceed 50% \$1,250 for tribal member. The group will return with a budget.

C. Education Report – Collette Berg [See Closed Session]

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

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A. Dental – Jessica Starr

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

Requesting \$1,819 for dental assistance. She went to I.H.S. Dental and was told by Dr. Mellan that it cannot be referred because it is considered cosmetic.

Motion: Councilwoman Monica Mayer moved to approve \$200 from each segment/Chairman's Office. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 2 Not Voting.

Chairman Mark N. Fox – Not voting

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: Councilman Cory Spotted Bears segment will cover the remainder.

FTR: Chairman Mark N. Fox returned to meeting and resumed the chair of the meeting.

B. Emergency Housing – Lorraine Davis

Item deferred.

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C. Elbowoods Memorial Health Center (EMHC) Update – Dr. Kathy Eagle

Presented the following updates concerning; modification for FY 17 Budgets-for close-out, 3rd Party Budget for FY 18-waiting Expense/Revenue, RW J check. Infrastructure / facilities: IHS ENV Health site visit October 24-25, 2017, Partnerships, HR, Financial Reports, Performance Improvement Report, Tribal Sponsorship of Medicare Part B and Part D Premiums1, and a request for Corporate Credit Card for the Fort Berthold Diabetes Program from Cornerstone Bank New Town, ND. Other items included; naloxone education and training programs.



XV. 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.

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

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Carson Hood Jr. provided an update into the search for missing MHA member, Olivia Lone Bear and presented a request for a reward of \$10,000. Chairman Mark N. Fox noted that the Tribe is already providing assistance.

FTR: Chairman Mark N. Fox returned to meeting.

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ROW's

Motion: Councilman Randy Phelan moved to approve resolution no. 17-278-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Riverview 30 NWNW Project Submitted by EOG Resources, Inc.” 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

Motion: Councilman Randy Phelan moved to approve resolution no. 17-279-FWF entitled “Consent to Approval of a Right-of-Way Across Tribal land for the Mandaree EFRD – Site #5 Project Submitted by Tesoro High Plains Pipeline Company 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

Motion: Councilman Randy Phelan moved to approve resolution no. 17-280-FWF entitled “Consent to Approval of a Right-of-Way Across Tribal land for the XTO Beaks URD Line Project Submitted by McKenzie Electric Cooperative.” 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. 17-281-FWF entitled “Consent to Approval of a Right-of-Way across Tribal Land for the Halcon Phoenix URD Line Project Submitted by McKenzie Electric Cooperative”. 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. 17-282-FWF entitled “Consent to Approval of a Right-of-Way Across Tribal Land for the Loop 17- Segment 1 Moccasin Substation Project Submitted by McKenzie Electric Cooperative.” 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. 17-283-FWF entitled “Consent to Approval of a Right-of-Way Across Tribal Land for the Loop 17- Segment 2 Moccasin Substation Project Submitted by McKenzie Electric Cooperative.” 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. 17-284-FWF entitled “Consent to Approval of a Right-of-Way Across Tribal land for the Loop 17- Segment 3 Moccasin Substation Project Submitted by McKenzie Electric Cooperative.” 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. 17-285-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Joba Project Submitted by Marathon Oil Company”. 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



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
NOVEMBER 15th, 2017 MINUTES
[CLOSED SESSION CONTENT INCLUDED]

Discussion: Councilman Randy Phelan asked for confirmation that Marathon addressed road issues. Councilman Frank Grady noted that Marathon should pave and maintain BIA 2. Marathon will patch the roads for now, but can't pack down gravel in frost and willing to do a road cost share agreement.

Motion: Councilman Frank Grady moved to approve resolution no. 17-286-FWF entitled "Approval of Setback Variance Requested by Marathon Oil Company for the Annie Project" 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

Motion: Councilman Mervin Packineau moved to approve resolution no. 17-287-FWF entitled "Approval of Setback Variance Requested by Marathon Oil Company for the Luther Pipeline Right-of-Way Project" subject to Legal review. Councilman Fred Fox seconded the motion.

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

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

Discussion: Chairman Mark N. Fox asked Legal to review setting a 500' minimum to a residence for all pipeline setbacks.

Motion: Councilman Fred Fox moved to approve resolution no. 17-288-FWF entitled "Approval of Setback Variance Requested by Marathon Oil Company for the Red Feather Expansion and Flowline project" subject to Legal review. Councilman Mervin Packineau seconded the motion.

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

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



Councilwoman Monica Mayer – Aye

Motion: Councilman Mervin Packineau moved to approve resolution no. 17-289-FWF entitled “Approval of Setback Variance Requested by Marathon Oil Company for the Axell USA Pad and Flowline Project” subject to Legal review. Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Mervin Packineau moved to approve resolution no. 17-290-FWF entitled “Approval of Setback Variance Requested by Marathon Oil Company for the Nugget USA Pad and Flowline Project” subject to Legal review. 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. 17-291-FWF entitled “Consent to Modification of BIA ROW No. FBOG101141 to Approve the Station 5 Loop Line ReRoute Project Submitted by Crestwood” 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

Motion: Councilman Randy Phelan moved to approve resolution no. 17-292-FWF entitled “Consent to Approval of a Right-of-Way Across Tribal land for the Little Missouri River Unit –



West – Pad A1 Project Submitted by Missouri River Resources.” 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

Motion: Councilman Fred Fox moved to approve resolution no. 17-293-FWF entitled “*Approval of Setback Variance Requested by Missouri River Resources for the Little Missouri River Project*” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

Vote: 5 Ayes. 1- Opposition. 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 – Opposed
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilwoman Monica Mayer moved to approve resolution no. 17-294-FWF entitled “*Consent to Approval of a Right-of-Way Across Tribal land for the Badlands Pad Project Submitted by WPX Energy Williston, LLC.*” 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

D. MHA Energy Division – Carson Hood Jr.

- 1. Safety Barrier Letter – Slawson [See Closed Session]**
- 2. Request Letter – McKenzie Electric [See Closed Session]**

TAT_20171115+1552_01d35e29ba20d30e.mp3

E. Casey Fredericks



Councilman Cory Spotted Bear states the audio confirmed the minutes for the Nagle pasture, Middle Pasture and Gravel pit pasture.

TAT_20171115+1647_01d35e316f1afb2a.mp3

Councilman Fred Fox noted that the GIS confirmed that there are three different pastures in range unit 17, Mr. Fredericks has the two in the west 2/3's and Gainus Little Soldier has the east 1/3. They marked all the fence lines there. Kelli Huggs did the work at B.I.A.

***FTR:** Regional Director visited with the Tribal Business Council over current issues. Mr. Fredericks believed the maps were changed. Chairman Mark N. Fox stated that he was not sure how it could be changed without TBC approval.*

Motion: Councilman Fred Fox moved to clarify action from the Tribal Business Council to award the Pastures 17-A & 17-B, for proper boundary clarified from audio. Councilwoman Monica Mayer seconded the motion.

Discussion: Chairman Mark N. Fox asked Kayla Danks to notify the parties and adjust payments accordingly. Kayla Danks states there is a dilemma with these allocations. Chairman Mark N. Fox asked for BIA to bring the TSR's and provided a history of issues with ownership and removal of lands from the allocation.

TAT_20171115+1847_01d35e42412a62da.mp3

The Resolution gave 1520 acres to Casey Fredericks and 1520 acres to Gainus Little Soldier. Kayla Danks brought the TSR's stating who owns the land and explained that some lands were taken out of the range unit. Chairman Mark Fox stated that we should have known this when they were presented. If the Tribal Business Council wants to issue the allocation, some are not in the unit. Kayla Danks noted there is not enough information to proceed. The fence line doesn't line up, not fenced which is up to BIA to do. Casey Fredericks states that the unit is fenced but there are other people's units in there. Was not intended to be 15-15. Kayla Danks recommended amending the resolution. Valerie Hosie provided a resolution that states the changes were already made. Councilwoman Monica Mayer asked if they could just change the resolution to fix it. Kayla Danks affirmed that the policy is if the BIA fails to fence it, it stays in the range unit. Chairman Mark Fox noted that the resolution was wrong (on the split), but the issue is the land that was taken out of the range unit and not fenced.

Motion: Councilman Frank Grady moved to have Legal draft a new resolution. 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

TAT_20171115+1652_01d35e322217903a.mp3

F. New Town High School Drama Team - Vonica LaPlante & Nancy Reimer

The Drama Team will be participating in the State Competition held in Jamestown on November 20 & 21 2017. The team received 3 divisional awards. 21 students and Coach Reimer will be in attendance and are requesting additional funds for the students to go to the movies or other entertainment while at State. The high school is providing the transportation, rooms and food for the team.

Motion: Councilwoman Monica Mayer moved to approve \$1,000 for the students. The check will be made out to Nancy Reimer. 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

G. Rob Porter Moved under Vice Chairman's Report

FTR: Crystal Hallam, Recorder 1 stepped out to listen to audio with Councilman Cory Spotted Bear regarding Casey Fredericks land issue.

TAT_20171115+1607_01d35e2bd33843c0.mp3

H. Roads BIA Route 2 & 13– Stoney Williams

Referred back to NRC Committee.

TAT_20171115+1607_01d35e2bd33843c0.mp3

I. Mahto Bay MOU

Clarification of the maintenance responsibility between the Tribe and the County for BIA Route 20 down to the Mahto Bay docks. Send Kayla Danks (BIA) a copy of the MOU. County will maintain BIA 11 road.

FTR: John Fredericks discussed an appraisal on BIA Route 20. Survey has been completed by Aberdeen. Also noted that the Tribe may be able to be reimbursed for the appraisal through the 638 process. Kayla Danks noted that she does not have jurisdiction over appraisals, but it could take 6 months to a year.

Motion: Councilman Randy Phelan moved to authorize seeking a 638 contract modification for BIA Route 20. Councilwoman Monica Mayer seconded the motion.

Vote: 5 Ayes. 2 – 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 – Not Voting
Councilwoman Monica Mayer – Aye

TAT_20171115+1657_01d35e32d63138be.mp3

Motion: Councilman Randy Phelan moved to approve the Mahto Bay MOU. Councilman Fred Fox seconded the motion.

Vote: 4 Ayes. 1 – Opposed. 2 – 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 – Not Voting
Councilman Cory Spotted Bear – Opposed
Councilwoman Monica Mayer – Aye

Discussion: MOU requires the County to maintain the 2 1/2 mile stretch of BIA 11. Councilman Cory Spotted Bear expressed concerns over the ROW with the BIA and the trespassing issues of the resort owners and community owners that have deeds from the Corps. No financial liability on either part.

Discussion: Letting the County maintain the road.

FTR: The Council recessed at 5:10pm to attend the vigil at TERO Building.

J. Set Back Variance – John Fredericks
Been approved already.

TAT_20171115+1622_01d35e2def0eee30.mp3

K. Kim Blevins
Environmental Science student request for assistance to participate in college research in Costa Rica. She has raised \$1,500 on her own.

Motion: Councilman Randy Phelan moved to assist with \$2,600. 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 – Aye



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

TAT_20171115+1622_01d35e2def0eee30.mp3

L. Melvin Hale House Fire

Ardel Baker requested financial assistance for her son, Melvin Hale who's family suffered from house fire at United Tribes. Discussion of waiving the Fire Marshal or Law Enforcement report. Councilman Fred Fox stated there is a standing resolution for Natural Disaster Emergency Grant Assistance.

Motion: Councilman Fred Fox moved to approve and accept the resolution for Natural Disaster Emergency Grant Assistance of \$4,000 for Melvin Hale. 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

TAT_20171115+1632_01d35e2f55191ba0.mp3

M. Rural Water Update – Pem Hall, FBRW Interim Director

Subsequent User Contract 2017-4 Change Order #1 for the new distribution line connecting 42 new users in Twin Buttes. Unit prices for additional work items required for the completion of the project (including Twin Buttes Area 2 Home Connections) shall be incorporated into the contract as provided in the Bid Schedule attachment to this change order.

Motion: Councilman Cory Spotted Bear moved to approve the Subsequent User Contract 2017-4 Change Order #1. 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 – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Twin Buttes Area 2 Contract Change Order.

Adding 33 additional users in Twin Buttes water connections. \$383,000 increase.



Motion: Councilman Cory Spotted Bear moved to approve Twin Buttes Area 2 Contract. 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 – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Provided an update on Twin Buttes water treatment plant. Bid opening. Change in completion date for bids to allow for more competitive bids. March 1st, 2019 to June 1st, 2019 change in completion date.

Master Meter Vault Procurement for Twin Buttes, Mandaree and Four Bears. Advertisement for bids. Devices allow for system monitoring for pipeline leaks. Estimated cost of \$100-115,000/meter.

Motion: Councilman Cory Sotted Bear moved to advertise for procurement of master meter vaults (5). 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

XVI. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer, Chair
A. Poarch Creek Tribe Proposal – Keith Martin
Item deferred.

XVII. LEGAL DEPARTMENT – Caleb Dog Eagle, Esq., MHA Supervising Attorney
TAT_20171115+1903_01d35e445c27a62c.mp3
A. Contract Edit – Marilyn Young Bird
December 31st 2017 contract will be finished, would like a renewal on Jan 1, 2018. \$100,000.
Caleb Dogeagle states one change was made for travel expenses.



Motion: Councilman Frank Grady moved to approve the 1-year contract renewal for Marilyn Young Bird effective January 1st, 2018. 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: Safe Haven Home in Twin Buttes is still waiting on the budget to be approved.

TAT_20171115+1412_01d35e1bb7018cd0.mp3

B. Nueta Loan Resolution – Daylon Spotted Bear

Seeking an amendment to resolution 17-265-FWF to include the terms of the payback agreement for the loan of \$140,000.

Motion: Councilman Fred Fox moved to approve resolution no. 17-277-FWF entitled “*Limited Financial Support for Nueta, Inc. with Repayment*” to amend resolution 17-265-FWF subject to Legal review. 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

Discussion: The Tribal Business Council has concerns of setting a precedent with a 0% interest rate and recommended 5%.

TAT_20171115+1913_01d35e45c31d4890.mp3

C. Communications Board Appointee

Councilman Frank Grady’s nomination for Tilden Bird to replace Rose Crows Flies High on the Communications Board.

Motion: Councilman Fred Fox to approve resolution no. 17-296-FWF entitled “*Four Bears Segment Representative Member Appointment*”. 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

XVIII. NEW BUSINESS – Tribal Councilman Add Ons

TAT_20171115+2033_01d35e50f9300ff2.mp3

A. Chairman Mark Fox - Water Park Construction Contract - *Chairman Mark N. Fox*

Motion: Councilwoman Monica Mayer moved approve resolution no. 17-297-FWF entitled “*Approving General Contractor, Design-Builder, and Costs for Four Bears Water Park in New Town, North Dakota*” subject to Legal review and cap in construction costs at \$6.5 million. 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 – Aye
Councilman Cory Spotted Bear – Not Voting
Councilwoman Monica Mayer – Aye

B. Chairman Mark Fox – *Reserved*

TAT_20171115+1913_01d35e45c31d4890.mp3

C. Councilman Randy Phelan – *Joni Bolman Mortgage*

Requested \$1,953 to fix her home in Montana with problems with heating/insulation. Ms. Bolman has an existing home mortgage loan.

Motion: Councilman Frank Grady moved to approve a mortgage increase of \$1,953 for Joni Bolman. 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



D. Councilman Randy Phelan – Reserved

TAT_20171115+1913_01d35e45c31d4890.mp3

E. Councilman Fred W. Fox – Francine White Business Loan Request

Working with Frank Sillitti Construction on the renovation of the old laundromat next to Quizno's. Requesting a \$75,000 loan. Chairman Mark N. Fox the Council approved the business loan subject to loan policy to develop a spa business. The Loan Committee has not met yet on this and she has new information provided to the Business Loans. Al Nygard recommends doing it over email. Chairman Mark N. Fox suggested Al Nygard to work on this via email. Organize and provide action and decision on approval or disapproval.

F. Councilman Fred W. Fox – Medical Assistance - Angie Lone Bear

Requesting financial assistance in the amount of \$7,000+ for surgery stemming from a torn ACL. Councilman Fred Fox noted that Tribal Care would not cover it. Jerry Fozzer look into it.

G. Councilman Mervin Packineau – Reserved

H. Councilman Mervin Packineau – Reserved

I. Councilman Frank Grady – Reserved

J. Councilman Frank Grady – Reserved

K. Councilman Cory Spotted Bear – Tract 1087

[See Closed Session]

L. Councilman Cory Spotted Bear – Mike Huber

Mr. Huber is requesting tuition assistance at Shiloh Christian School for \$2,500 under the standing resolution for Shiloh school.

TAT_20171115+1923_01d35e472950cb18.mp3

M. Councilwoman Monica Mayer – MHA Language – Bernadine Young Bird

Requesting clarification and budget implementation of two previously approved language resolutions. Chairman Mark N. Fox recommended a one year budget and expressed his support for her efforts. Councilman Fred Fox agrees with Bernadine Young Bird's comments and noted that his segment has 4 language instructors funded under his segment. Twin Butte's and Mandaree also do the same. Collette Berg, Education Director has been going thru all the language contracts and wants to include and support all the language programs. Mrs. Young Bird presented a budget for a Master Apprentice Program. Debbie Painte and Susan Paulson provided an overview of the Arikara language program. The program is housed at the White Shield Cultural Center, employs a linguist, and would requested funding equity with the other language programs.

FTR: Further discussion in Closed Session.

TAT_20171115+2023_01d35e4f92542be8.mp3

N. Councilwoman Monica Mayer – Pipeline Engineer Contract - Travis Hallam

Mr. Hallam requested the renewal of the Pipeline Engineer contract. Legal is working on contract. One-year contract Oct to Oct. Same contract as last year. Councilwoman Monica Mayer would rather see him as a full time employee so other Dept. may utilize his services.



Motion: Councilman Fred Fox moved to approve the Pipeline Engineer contract subject to Legal review. Councilwoman Monica Mayer 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 – Aye
Councilman Cory Spotted Bear – Not Voting
Councilwoman Monica Mayer – Aye

XIX. CLOSED SESSION

- A. Shenan Atcitty Contract²
- B. Steve Gunderson Tallsalt Contract FY 2018²
- C. Human Resources – *Barlow Wells*
- D. TAT Law Enforcement Report– *Chief Nelson Heart*
 - 1) Report
- E. 4Bears Casino – Alcohol Tax
- F. Sonja Burget Assistance
- G. Luke Spotted Bear Mortgage
- H. Barb Pegg Medical Assistance
- I. Wilbur Howard
- J. Tracy Halvorson
- K. Collette Berg
- L. Staff Issues - *Al Nygard, CEO*
- M. Land Tract 1087
- N. Bearstar Perkins

FTR: Councilman Randy Phelan left the meeting. 12:10AM, No Quorum.

FTR: Moved into Executive Session

- O. Steel Horse Company - *Kelly Baker*

XX. ADJOURNMENT

Motion: Councilwoman Monica Mayer moved to adjourn the Executive Session Councilman Mervin Packineau seconded the motion. 12:34AM.



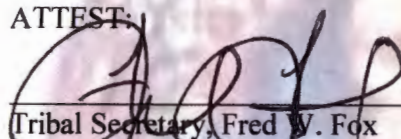
CERTIFICATION


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 Special Meeting thereof duly called, notice, convened and held on the 10th of January, 2018; 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 10th day of January, 2018.

ATTEST:


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


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