



CALL TO ORDER

Chairman Mark N. Fox called the meeting to order at 11:34AM.

OPENING PRAYER

Prayer by Arthur Tom Mandan.

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

II. APPROVAL OF MINUTES

- **December 5th, 2017 Special Meeting Minutes**
- **December 18th-19th, 2017 Regular Meeting Minutes**

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

- **January 10th, 2018 Special Meeting Minutes**



III. SPECIAL GUESTS & ELDERS

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A. **Nueta, Hidatsa, Sahnish (NHS) Language and Culture Education Board - Evelyn Lone Bear & Bernadine Young Bird**

Read a prepared statement into the record in the Hidatsa Language. Seeking reaffirmation and support of services under resolution 15-058-LKH. Goal is to develop a Master Apprentice Program to develop people that can read and write in the language. Bernadine Young Bird also noted that the language board hasn't received funding as approved. The presenters provided a break-down of their budget by line item and year. Chairman Mark N. Fox noted the possibility of funding after the next budget worksession. Councilman Cory Spotted Bear noted that there is an opportunity with emersion with the number of fluent speakers still left and would like to see them work with the Education Dept. Nora Packineau noted that there are only 60 fluent Hidatsa speakers left and that time is critical and that she is committed to learning the language. Bernie Young Bird noted that the resolution had funding for the NHSC Native American Studies program but never received the budget. The funding originally was earmarked toward the project and the Language Conservancy, but at presented they are proposing to direct those funds to a Master Apprentice Program. Also the approved "Declaration of Emergency" and the need to support the intent of the document and support it with funding and publicizing its intent is great. Councilman Randy Phelan addressed the speakers in Hidatsa language concerning the company brought in and their disrespectful manner that they treated the Tribal Business Council and his hope that they are not working with the Board any longer. \$1.1170 million dollar budget was requested for 2017-2018. The Board has brought on Royce Freeman who is currently working on her linguistics degree as a consultant.

Motion: Councilman Randy Phelan moved to fund Phase I (\$390,000) of the Master Appretence Program and place the program under the Education Dept. for oversight and to report to the TAT Education Committee. 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: Councilman Cory Spotted Bear would like to see the Board fall under the Education Dept to insure that the teachers are certified. Councilwoman Monica Mayer would like to see a unification of all the language programs. Councilman Cory Spotted Bear & Councilman Randy Phelan expressed the importance of language emersion. Chairman Mark N. Fox expressed the need for easier access for those who want to learn. Bernadine Young Bird discussed a community survey and the need to publicize the Declaration of Language Emergency" with development a survival & soverienity plan. The TBC reviewed a Language survey could be used in the segments with the addition of an a segment/community entry line on the form.



Motion: Councilman Randy Phelan moved to accept the Nueta Hidata Sahnish Language Survey subject to inclusion of a Community/Segment line. 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 – Aye
Councilwoman Monica Mayer – Not Voting

Discussion: Bernidine Young Bird asked that the surveys be returned by February 1st.

FTR: Acknowledgement of Councilman Fred Fox's Birthday.

B. Elders Organization – Donna Morgan
Item deferred.

EXECUTIVE COMMITTEE REPORTS

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

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A. Report

The Chairman expressed his condolences to the families who have lost loved ones recently. Noted Lexis Woods featuring in the NDSU publication "Pride of the Prairie" for winning the National championship in the Division I competition. Chairman Mark Fox provided a summary of recent drug treatment efforts and work session that will include Law Enforcement and the Courts. Also upcoming governmental meetings with the State. Feb. 5th budget meetings. Next Tribal Business Council to be moved up to the 2/7/2018. Discussed efforts to lobby against the effects of the Federal Continuing Budget Resolution.

V. VICE CHAIRMAN'S REPORT- Councilman Randy Phelan

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A. Report

Expressed his condolences to the families of those who have recently lost loved ones and his wish that everyone would work together.

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

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A. Report

Councilman Fred Fox reminded the TBC to ensure that draft resolutions are vetted through committee and reviewed by Legal before bringing them to the TBC meeting. The Councilman also requested that committee meetings not be held the week of the TBC meeting to allow the Records Office time to prepare TBC meeting documents. Chairman Mark N. Fox agreed that a timeline may be needed unless an item is an emergency and further requested committee items be fully vetted and resolved in committee and then brought to TBC for final approval to save time.

FTR: Councilwoman Monica Mayer provided a report of the North Segment Pool & Park project to bring families together and nursing home project. Councilman Cory Spotted Bear provided a report on Twin Buttes projects such as the Skating Rink grand opening & Splash Pad, development of the Elders Center, the Juneberry Orchid, Community Gardens, and today's Water Treatment Plant bid opening.

VII. TREASURER'S REPORT - Councilman Mervin Packineau

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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 Application

Motion: Councilman Randy Phelan moved to approve Group A (8) Small Loan Applications subject to Small Loans Policies & requirements. 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

Motion: Councilman Randy Phelan moved to approve Group B (4) Education Loans subject to Small Loans Policies & requirements. 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 – Not Voting
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Discussion of the Education Loan Policy & Requirements. Councilwoman Monica Mayer would like to see the Credit Manager present a report on the Educational Loan Policy revision.

VIII. OFFICER REPORTS

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

Discussion of the Federal Continuing Resolution expiration and its effects on the Tribe. Submitted a report of programs and departments that may be affected. Carry-over dollars may alleviate the short-fall until Congress approves a budget, but may not be comingled. The current Continuing Resolution is set to expire January 19th. The Federal government currently has fiscal obligations to the MHA Nation at about 42 million dollars. The tribe has only received about 15% due to the CR. Councilwoman Monica Mayer would like to see a regular Federal Programs budget report and contingency plans for interruptions due to the Continuing Resolution process. Chairman Mark N. Fox & Councilwoman Monica Mayer expressed the importance of spending down Federal funding before tribal and avoiding carry-over. Councilman Randy Phelan recommended that the Federal Programs Manager present a regular report at the TBC meetings.

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

Presented a report of the following items; Fiscal Years 2013 thru 2018 Revenue Collections, Oil and Gas Revenue Collections Comparison, Graph - FY2017 and FY 2018 Revenue Collections, 2013-2018 Oil and Gas Tax Revenue and Drilling Fees Collected, Fiscal Year 2018 Drilling Fees, Graph - Fiscal Year 2018 Drilling Fees, Graph - Fiscal Years 2013 - 2018 Drilling Fees. Total tax revenue collected for 2018; \$36,486,726.68. Discussion of the *InTax* system being developed with a deadline of April to allow for electronic payment. Chairman Mark N. Fox noted that Finance needs to have their side of the software in place and operational before the next quarter. CEO to issue a directive to the CFO to complete. Draft Oil & Gas Non-refundable Tax Credit presented that would allow businesses which contribute to or fund infrastructure projects; provide or sponsor social activities; or sponsor cultural activities on the Fort Berthold Reservation may receive a tax credit. The Tribal Business Council (TBC) must pre-approve eligible activities. Councilman Randy Phelan asked that Natural Gas Tax sales report be part of her regular reporting and to insure that Oil price is variable and current in the reporting.

2) **Federal Programs Report** – *Prairie Rose Chapin* *CEO, Al Nygard presented above.*



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3) Enrollment – *Sevant S. Taft*

Motion: Councilman Randy Phelan moved to approve resolution no. 18-001-FWF entitled “*Approval of 19 Applicant for Enrollment into the Three Affiliated Tribes*”. 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 – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Not Voting
Councilwoman Monica Mayer – Aye

Discussion: Councilman Fred Fox brought a situation of where a child was enrolled and it was found by DNA to have been enrolled with erroneous information. Mr. Taft noted that a hearing/challenge policy is contained in the new code that is currently in its third reading. Chairman Mark Fox asked the final reading be ready for the next TBC meeting. Mr. Taft noted discrepancies in the Clan reporting for the tribal ID/cards. 15890 total TAT members.

4) Executive Orders

Item deferred.

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5) Drug Treatment Facility Organizational Resolution

Authorizes the drug treatment facility to be organized and operated under Section 17 corporation and/or (2) a nonprofit charter of incorporation organized under tribal or State law. Facility is about 65% complete with a July 1st opening.

Motion: Councilman Randy Phelan moved to approve resolution no. 18-002-FWF entitled “*Authorizing an Organizational Structure for the Drug Treatment Facility in Bismarck, North Dakota*” Councilman Fred Fox 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 – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Not Voting
Councilwoman Monica Mayer – Aye



IX. UNFINISHED BUSINESS

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

The VA-IHS/THP Reimbursement Agreements Program provides a means for IHS and THP health facilities to receive reimbursement from the VA for direct care services provided to eligible American Indian/Alaska Native (AI/AN) Veterans. This program is part of a larger effort set forth in the VA and IHS Memorandum of Understanding signed in October 2010 to improve access to care and care coordination for our nation's Native Veterans. Also submitted VA Medical Center and Tribal Health Program Local Implementation Plan.

Motion: Councilman Frank Grady moved to approve resolution no. 18-003-FWF entitled “Approval of Corporate Credit Card for the Department of Veteran Affairs from Cornerstone Bank New Town, ND.” Councilman Randy Phelan 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 – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Not Voting
Councilwoman Monica Mayer – Aye

Discussion: Chairman Mark Fox asked that internal controls and oversight be strict.

B. Ethan Hall Land Partition⁴

Item deferred.

C. Shane Johnson Land Exchange⁴

Item deferred.

D. Mandaree Incorporation²

Item deferred.

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E. Justice Commission Report

Caleb Dogeagle & John Mahoney are currently working on the Civil Rules of Procedure, Official Rules of Conduct, updating the Code in its entirety. The next Commission meeting will be on the 19th. Caleb Dogeagle expects a reworked version of the Tribal Code and sees a resolution presented to approve the entire code. Former tribal Chairman Edward Lonefight expressed his concerns over adopting State code. Work continues to bring records into their system.

F. National AIHEC Basketball Tournament Support Resolution¹



May need to be approved through an Executive Order due to the deadline. Councilwoman Monica Mayer is working with Dr. Baker-Demaray.

G. Emergency Housing – Lorraine Davis²

Deferred to HHR

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H. Holistic Health Practitioner Contract Clarification – Karilee Lieberman¹

Chairman Mark N. Fox & Dr. Kathy Eagle, EMHC provided some background as to the request by Karilee Lieberman to either provide services to the tribe as repayment for educational assistance or under a contract. Dr. Eagle noted that she does not want to do a pay back through services. Chairman Mark N. Fox asked that if her request is different than what was approved previously by the TBC than she would need to return.

X. MEDICAL REQUESTS

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A. Patricia Kraft

Motion: Councilman Randy Phelan moved to approve Nursing Home Assistance from Grants & Donations. Councilman Mervin Packineau 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

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer, Chair

A. Earth Lodge Repair bid – Tourism Dept.
Item deferred.

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B. Tiger Grant Resolution – Planning & Grants - Shiela Many Ribs & Ron Hall

Presented the 2006 Long Range Transportation Plan, Road Inventory Field Data System (RIFDS) Report, Ferry & Transit Feasibility study. Found that 400 miles of road were missing from the 2006 report that brings a total miles of road to 1600 miles. Chairman Mark Fox noted the importance of the report for lobbying purposes. 160 miles need to be paved to accommodate the oil & gas industry. Corrected resolution attachment showing the additional road inventory to



be attached to the resolution. Councilman Randy Phelan & Grady discussed various roads in dire need of paving. Councilwoman Monica Mayer expressed the importance of improving the roads while the Chairman noted the importance of tax agreements and bringing tax revenue back to Fort Berthold. State Highway Safety Improvement Program funding can be used for any roads whether they are Tribal or Federal for safety purposes.

Motion: Councilman Mervin Packineau moved to approve resolution no. 18-004-FWF entitled “Tribal Business Council Approval of the Three Affiliated Tribes Indian National Tribal Transportation Facility Inventory Annual Update Pursuant to 25 CFR 170.444”. Councilman Frank Grady 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

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Ferry & Transit Executive Summary

Presented the Recommended Transit and Ferry Plan Phases. Chairman Mark Fox asked Mr. Hall to research how other comparable projects secure operational and maintenance funding. An estimated \$700,000/year in O&M costs. The Bridge Feasibility Study is preparing to meet and consult with departments. Discussion of the JTAC settlements and exploring the possibility of finding funding.

Motion: Councilman Randy Phelan moved to authorize the Chairman to investigate JTAC implications this funding for this and other projects. 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

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C. MHA Nation Motor Vehicle Registration – Richard Hall & Stacey Driver

Development of a Driver’s Manual and a Reciprocity Agreement with the State of North Dakota. Councilman Randy Phelan expressed his concern over off-reservation law enforcement profiling



tribal members with these plates. It was noted that it was optional and not required to purchase the plates.

Seeking to move vehicle registration from Property to D.O.T. Resolution 07-169-VJB amendment to allow DOT to assume administration under item E section 2. To return to the next Tribal Business Council with a new resolution.

XII. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

A. Homesite(s) - Valeri Hosie

Motion: Councilman Fred Fox moved to approve the Samantha Antonio (T861A-C) & Rosie White Owl (5 acre) Homesite applications and return with resolution. 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

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

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

1. Outstanding Invoices for Shared Roads Agreement Report– Carson Hood Jr. & Stoney Williams
Item deferred.

2. ROW's – Paul Grady & Catherine Everett

Motion: Councilwoman Monica Mayer moved to approve resolution no. 18-005-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Fort Berthold 148-94-28A-33-14H and 15H (Little Bear pad) two well addition Project Submitted by Bruin E&P Operating, LLC.” 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

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

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A. Law Enforcement Code (Title XV) – Gerald “Chip” White, Chief of Drug Enforcement - Britnee White, Program Specialist.

Establishes the DEA as a separate division of Law Enforcement to correct a situation that came up when staff seeking attain Federal Law Enforcement training. BIA is not recognizing Drug Enforcement as Law Enforcement. Councilwoman Monica Mayer questioned why this is an emergency situation allowing for the waiver of the approval of the code requirements such as the readings and public comment process. Councilman Randy Phelan recommended taking it back to Committee and let them waive the process. Chairman Mark Fox noted that this is keeping our agents from receiving the needed Federal training.

Motion: Councilwoman Monica Mayer moved to approve resolution no. 18-006-FWF entitled “Adoption of Proposed Amendments to Title XV of the Tribal Code” Councilman Randy Phelan seconded the motion.

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

Discussion: Caleb Dogeagle recommended that this item should follow procedure for the enacting of tribal code approval.

XIV. EXECUTIVE COMMITTEE – Chairman Mark N. Fox

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Motion: Councilman Fred Fox moved to approve the Nicole Wells & Taylor Eater Contracts (from the Environmental budget). 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 – Aye



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

XV. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

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A. Wendi Wells Education Loan

Presented a proposal to the Tribal Business Council to provide funding to TAT students in graduate studies with an option to repay with service to the Tribe. Chairman Mark Fox recommended developing a proposal for the expanded graduate educational assistance and returning to the Education Committee with numbers and a projected cost. Also requested assistance moving her student loan over to a TAT loan to take advantage of the lower interest rate while under a grace period status. Councilman Cory Spotted noted the Education Trust Fund is currently building interest that can be used under these situations at some time in the future.

Motion: Councilman Fred Fox moved to add Kay Lyn Selle & Wendi Wells to the Education Small Loans approved earlier subject to Small Loans policy & requirements. 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 – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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B. Educational Org Chart – Collette Cocoa Berg

Councilwoman Monica Mayer recommended adding the Language Dept. into the organizational chart.

Motion: Councilman Cory Spotted Bear moved to approve the Educational Dept. Organizational Chart and to include the addition of the Language program subject to budget approval. Councilwoman Monica Mayer seconded the motion.

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

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



Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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

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A. Elbowoods Memorial Health Center (EMHC) Update – Dr. Kathy Eagle, CEO

Submitted written report to the TBC that included items such as; EMHC had Quarterly General Staff Meeting January 5, 2018 8:00 a.m.-12:00 noon 95 EMHC Employee participated. Dr. Tayler-Desir and Dr. Eagle-Williams are on the NS Suicide Prevention Coalition and will be speaking at the Annual Statewide Meeting January 17, 2018 in Bismarck, ND. Welcoming Connie Ebach to the EMHC Medstaff as she will be joining EMHC on January 10, 2018 (Approved in Executive Meeting December 6, 2017). CEO working with EPAC on plans for the Dental and Optometry Building. Working closely with April W. regarding Policy associated with PRC and Billing. Self-Insurance Waiver presented to Health Committee January 8, 2018- Legal is working on resolution that they will present with CEO at TBC per request of HHC. Established Recruiter position to come from 3rd Party Billing.

Motion: Councilwoman Monica Mayer moved to approve the Leolani Ah Quin Contract. 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 Cory Spotted Bear moved to approve the Orlan Jackson 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. Tribal Care Health Insurance Update– Jerry Fozer



Limiting the enrollment period (Dec. & June) to control costs was discussed. Councilman Randy Phelan entertained changing from Blue Cross/Blue Shield employee insurance to Tribal Care/Boone to save over three million. Further discussion and the expressed need to conduct work sessions. Cathy Eagle noted that Boone is the highest payer for third party billing at EMHC. Discussed having work sessions to look at adding dental & vision, non-enrolled insurance holders, and monthly meetings with Boone itself. Tribal Care to develop a policy to address emergency situations between TBC meetings. Mr. Fozer expressed the need for after care counselors for addiction treatment. Average insurance signup is 40-50/month. Premium costs are at about 34 million. Boone is the second highest Payer at EMHC. To develop and bring to Committee guidelines to approve interim insurance approvals for emergency situations.

Motion: Councilman Fred Fox moved to approve Tribal Care enrollment date for Dec. /Jan & June/July. Councilwoman Monica Mayer seconded the motion.

Vote: 6 Ayes. 1 – Opposition. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Opposed
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 does like the time limitation.

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C. Acupuncture Treatment & Massage Therapy Clinics/Safe Haven Homes - Marilyn Young Bird

Submitted a budget of \$84,000.

Motion: Councilman Fred Fox moved to approve the contract entitled “*Professional Services Agreement Between the Three Affiliated Tribes d/b/a Tribal Health Department AND Colorado Health and Fitness of Morrison, Colorado*” subject to a budget of \$50,000. Councilman Cory Spotted Bear 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 – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Opposed

Discussion: The Segment & Chairman’s Office may help augment the budget.



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D. Medical – Claudia Mason

Seeking to be placed on Life & Limb for the maximum amount.

Motion: Councilman Fred Fox moved to approve Claudia Mason for Life & Limb up to \$25,000 subject to policy. 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 – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Jerry Fozer noted that a special case waiver submitted by Daryl Bearstail to Boone as a secondary insurance is a special case. Chairman Mark Fox asked that that process be put into writing as policy.

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E. Medical Bill – Tara Williams

EMHC has the records and will negotiate the bills.

Motion: Councilman Frank Grady moved to approve the child for Life & Limb with the \$25,000 max. 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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F. Life & Limb – Bruce Freeman

EMHC will let the Tribe know what is not covered by EMHC.

Motion: Councilman Frank Grady moved to approve Life & Limb for a max \$25,000. 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 – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

G. Medical Request – Wyatt Bruce¹

Item deferred.

H. Life & Limb – Edwin Hall

Previously addressed.

I. Tribal Insurance Update - Daryl Bearstail

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J. Social Services - Kathy Felix

1) Training Assistance

Seeking \$15,000 for Conference planning.

Motion: Councilwoman Monica Mayer moved to approve resolution no. 18-007-FWF entitled “*Financial Assistance Request from the Native American Training Institute, A Tribally-Chartered Entity of the MHA Nation*” subject to Legal review, and waiver of conference fees of MHA member attendees and all staff to be waived. 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 – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

2) Qualified Expert Witness for Child Welfare

Chairman Mark Fox recommended amending resolution state and other individuals as appointed or recognized by the Tribe.

Motion: Councilman Frank Grady moved to approve resolution no. 18-008-FWF entitled “*Designation of qualified Expert Witness on ICWA Cases*” subject to Legal review. 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

3) Foster Home Licensing

The organization can license therapeutic care foster homes. Councilman Randy Phelan recommended that the Tribe should be providing this service. The service would keep these kids at home. Councilwoman Monica Mayer would like an update on foster children and would not support until a report is given.

Motion: Councilman Fred Fox moved to approve the “*PATH and Three Affiliated Tribal Social Services Memorandum of Understanding for Foster Home Licensing/Approval*” subject to Legal review. Councilman Randy Phelan seconded the motion.

Vote: 5 Ayes. 1 – Opposition. 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 – Opposed

4) Drug Testing Policy

Due to the high rates of substance abuse in clients reported for suspected child abuse or neglect, it is necessary and prudent for Children and Family Services to conduct drug tests on all clients under court order or pursuant to the requirements of a Safety & Service Plan or Case Plan.

Motion: Councilman Fred Fox moved to approve the MHA Nation Children and Family Services Drug Testing Policy. 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



K. KDU – Al Nygard & Elizabeth Bluestone

Motion: Councilman Randy Phelan moved to approve the Sharona Lee Nurse Consultant Contract for 6 months. 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

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

A. Business Licenses

Motion: Councilman Frank Grady moved to approve the presented business licenses excluding Marcus Levings due to outstanding debt. Councilwoman Monica Mayer seconded the motion.

- Arikara Nutrition
- Davey Bay Express
- E-ZPaw
- Hans Creek Bison Company
- IT Re-seller
- Old Eagle Enterprises, LLC
- Bell Rock, LLC

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: Councilman Frank Grady recommended that White Head Eagle Consulting be deferred due to outstanding debt.

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B. Elder Abuse Code



Motion: Councilman Fred Fox moved to approve resolution no. 18-009-FWF entitled “Adoption of the Protection of Elderly and Vulnerable Adults Code” 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

XVIII. NEW BUSINESS – Tribal Councilman Add Ons

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

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- E. **Councilman Fred W. Fox – Martha Phelan**

Seeking \$29,890 in assistance for the cost of attending Cinema Make-Up School in Los Angeles. Has saved \$3000. Would qualify for the Education Grant for the year at \$9,500 and \$4000/yr. from 477 and \$9,500 Educational Loan for the year long course.

Motion: Councilman Frank Grady moved to approve an Educational loan at \$29,890. With Education Grant, 477, and the Chairman’s Grant be applied to the loan amount. 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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- F. **Councilman Fred W. Fox – Dancing Eagle Perkins**

Motion: Councilman Fred Fox moved to approve/expedite home mortgage application not to exceed \$250,000 and subject to Home Mortgage 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

G. Councilman Mervin Packineau – Reserved

H. Councilman Mervin Packineau – Reserved

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I. Councilman Frank Grady – Brady Martz

Councilman Frank Grady presented a confidentiality conflict when Brady Martz provided information to Wendi Wells and is asking Legal to submit a letter concerning the issue.

J. Councilman Frank Grady – Reserved

K. Councilman Cory Spotted Bear – Reserved

L. Councilman Cory Spotted Bear – Reserved

M. Councilwoman Monica Mayer – Reserved

N. Councilwoman Monica Mayer – Reserved

FTR: Councilman Fred Fox left the meeting at 5:23PM, Councilman Cory Spotted Bear became the Temporary Executive Secretary

XIX. CLOSED SESSION

A. James Baker

B. Human Resources HR – Barlow Wells & Cheryl Abe

C. TAT Law Enforcement Report– Nelson Heart, Chief of Police

1. Report

2. HR.

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

E. Frank Whitecalfe

F. Fort Berthold District Court Report (FBDC)– Marvel Heart, Court Administrator

G. EMHC – Director of Nursing – Melissa Brady

H. OPIOD Litigation Representation

I. Councilman Frank Grady-Add-on - Colleen Halvorson

XX. ADJOURNMENT

Motion: Councilman Randy Phelan moved to adjourn. Councilman Mervin Packineau seconded the motion. Meeting adjourned at 5:54PM



CERTIFICATION

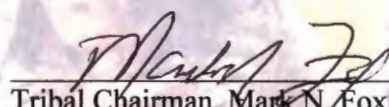
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 15th of March, 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 15th day of March, 2018.

ATTEST:


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


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