



CALL TO ORDER

Chairman Mark N. Fox called the meeting to order at 11:18AM.

OPENING PRAYER

Ramona Two Shields

ROLL CALL

Present: Councilwoman Monica Mayer. Councilman Mervin Packineau. Chairman Mark N. Fox, Councilman Fred W. Fox(Not Present), Councilman Frank Grady (Not Present), Councilman Cory Spotted Bear. *Quorum established.*

FTR: Councilman Cory Spotted Bear to serve as acting Executive Secretary.

I. APPROVAL OF AGENDA

Motion: Councilman Randy Phelan moved to approve Councilwoman Monica Mayer seconded the motion.

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

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

I. APPROVAL OF MINUTES

- **March 15th, 2018 Regular Meeting Minutes**

Motion: Councilman Mervin Packineau moved to approve the March 15th, 2018 minutes Councilwoman Monica Mayer seconded the motion.

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

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

- **April 12th, 2018 Regular Meeting Minutes**
- **April 13th, 2018 Special Meeting Minutes**



• **April 30th, 2018 Special Meeting Minutes**

FTR: Chairman Mark N. Fox recognized tribal employee, Elizabeth Morsette for 43 years of service to the Tribe, and most recently at the FBRW. Chairman Mark N. Fox read a prepared statement. Elizabeth Morsette expressed thanks for the rewarding experience to be able to work for the Tribe. Chairman Mark N. Fox also provided birthday wishes and comments for Councilman Mervin Packineau.

II. SPECIAL GUESTS & ELDERS

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A. MHA Elders Organization – Ramona Two Shields & Donna Morgan

MHA Elders Board of Directors: Chairwoman Donna Morgan, White Shield: Tooksi Eagle, Gary Dickens, Parhall: Ramona Two Shields & Melvin Malnourie, New Town: Gloria Fast Dog & Jeff Fox, Four Bears: John Danks Jr. & June LaZotte, Mandaree: Rosie Johnson & Keith Mandan, Twin Buttes: Pete Fredericks and Raylin Heart... Presented a Letter of Recognition and a plaque from to the elders of Fort Berthold to Councilman Mervin Packineau for his genouros donation of van for the program and years of service.

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B. ND Senator Riched Marcellais (Also Bruce Nagel & Bill “Musky” Hale, Veterens Service)

Provided a brief history of the ND Veterens Honor Flight. Begining in 2016, the Native Veterens Honor Flight board received certification and started fundraising the next year. Two of the five ND tribes(Turtle Mountain & Spirit Lake) have committed to a sponsorship of \$30,000. Each veteren will cost \$750/each. Logistically the Honor Flight can bring 90 veterens on the chartered flight that will include medical staff for the two day visit to Washington, DC. The date will be set at the June Board meeting along with review of the appliccations. Chairman Mark N. Fox recommended matching what the other tribes contribute and asked that if the other tribes don’t contribute that the TAT Veterens receive a priority.

Motion: Councilman Randy Phelan moved to approve a \$30,000 sponsoirship for the ND Veterens Honor Flight. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Not Present

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Not Present

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

Discussion: Chairman Mark N. Fox asked that a simple resolution be done that also cites the other tribes that contribute. Chairman Mark N. Fox noted the commitment that the Three Affiliated Tribes has always had for the veterens and the U.S. flag.



FTR: later in the meeting “Approving Donation of \$30,000 to the North Dakota Native American Veteran’s Honor Flight Program”

C. National Indian Gaming Commission (NIGC) Representatives

E. Sequoyah Simermeyer (Chairman), Steve Iverson (Attorney), Linda Gervin (Regional Director) expressed thanks for sponsorship of the NIGC regional training and hospitality. Chairman Mark N. Fox noted that the TAT has one of the best Tribal/State compacts in the state. With Class III & Class II gaming, Chairman Mark N. Fox noted that the Tribe intends to explore Class I gaming. The group expressed willingness to help. Chairman Mark N. Fox discussed riverboat gaming and the upcoming meeting Corp of Engineers.

EXECUTIVE COMMITTEE REPORTS

III. CHAIRMAN’S REPORT - Chairman Mark N. Fox

Presented recent activities and upcoming events that included; API meeting to advocate on Duel Taxation, Attorney General meeting on gaming fees, NAFOA meeting, COLT meetings, Ethics Committee in place, ESSA Implementation, successful Elders Luncheon. Upcoming events include such items as; Government Reform meeting to include Off-Reservation Voting & Term Limits, and Term Limits work session leading to Secretarial Election, Indian Country Energy Work Group, Mid-Stream meetings with API on standards, EPA Local Government Advisory Committee Member, Corps of Engineers meeting, Bismarck Outreach event, NCAI meeting, Royalty Policy, Budget, and Federal Partners. Commended all the graduates the State Track athletes.

FTR: Councilman Fred Fox joined the meeting at 1:17PM and assumed the duties of Executive Secretary.

IV. VICE CHAIRMAN’S REPORT- Councilman Randy Phelan

Nominated for the NIGA delegation & spoke on taxation at the General Assembly, Upcoming meeting at the ND Petroleum Council, Discussed the need for increased truck monitoring in Mandaree with the increased fracking activity, upcoming Native American Ag Council meeting, Mandaree School graduation & Pow-wow, Elders Trip to Shakopee.

V. SECRETARY’S REPORT – Councilman Fred W. Fox

Recent activities included a White Shield Development Corporation & Housing Board Retreat, a Records Office web site update that included addition of a Upcoming Agendas section, Resolution & Minutes index (1970-Present), creation and implementation of a committee agenda template, Historical Documents section, & listing of Tribal Council members by year. White Shield graduation.



VI. TREASURER'S REPORT - Councilman Mervin Packineau

Presented a report on upcoming North East Segment activities and events.

A. CFO Report – Whitney Bell

The CFO informed the Council that the distributions will be going out today. The TAT Expense Report was provided to the Council. \$150 million in disbursements since Dec 2013. Councilwoman Monica Mayer would like a summary report on distribution dates and amounts allocated from 2013-

B. Four Bears Casino Report – Scott Wilson, General Manager [See Closed Session]

C. Small Loans – Val Mayer & Mary Ellen Sun

Motion: Councilman Fred Fox moved to approve Section A (22) Small Loans Applications subject to Small Loans policies and requirements. Councilwoman Monica Mayer seconded the motion.

Vote: 5 Ayes. 1 - Not Voting. 1 – Not Present. Motion carried.

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

Motion: Councilwoman Monica Mayer moved to approve Section B (1) Small Loans Applications and not to exceed \$25,000 subject to reconciliation & Small Loans policies and requirements. Councilman Fred Fox seconded the motion.

Vote: 5 Ayes. 1 - Not Voting. 1 – Not Present. Motion carried.

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

Motion: Councilman Fred Fox moved to approve a Business Loan of \$50,000 for Justin Fettig subject to Loans policies and requirements. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 1 - Not Voting. 1 – Not Present. Motion carried.

Chairman Mark N. Fox – Aye



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

Discussion: Previously approved for \$120,000 but is request to use only \$50,000.

Motion: Councilman Mervin Packineau moved to approve a waiver of the first time lending limit on a previously approved Home Mortgage loan for Reba Foote subject to collateral requirements, Loans policies and requirements. Councilman Fred Fox seconded the motion.

Vote: 5 Ayes. 1 - Not Voting. 1 – Not Present. Motion carried.

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

Motion: Councilman Cory Spotted Bear moved to approve the presented Business Loans(3) subject to Loans policies and requirements. Councilwoman Monica Mayer seconded the motion.

Vote: 5 Ayes. 1 - Abstention. 1 – Not Present. Motion carried.

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

Discussion: Chairman Mark Fox expressed the need for the Mortgage fund to revolve.

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D. Goldman-Sachs Investment – Bill Lomax, VP & Izu Akamiro

Presented an economic and market review, investment themes, tactical views, forecasts & valuations, and portfolio positioning & performance. Beta+ strategy performance. Only 10% change of recession in the U.S. which is considered very low over the next two years. Predicts that the Mid-term elections will produce a flip the House. The presenter does not expect a trade war with China at this time. Oil has hit the highest in three years with WTI



possibly rising to the \$76 – \$77 range in the next three months considering the Iran situation that may push it higher. Councilman Randy Phelan believes it could go to \$80/barrel level. The presenter does not believe alternative fuels will effect long-term oil production & demand. Over-supply poses the greatest threat to revenue at this time. Risks are mostly global; U.S Treasury yields are expected to cause rising interest rates. Close to 9% return with the current strategies. Submitted a written report to the Council of the TAT Portfolio. Returns from the portfolio are at about \$3.815 million to the MHA Nation. Year end expectation of a 5% increase and believes the portfolio are very well positioned. Chairman Mark N. Fox noted that earnings would be at 3-4% if held with the Federal government. The Tribe must have higher earnings and it would be the responsibility of Goldman-Sachs to make gradual adjustments to management risk. Any significant change in the portfolio would require approval of the Chairman.

- E. JTAC Investment Portfolio** - *Gerald V. Tamparong & Frank F. Spindler - Payden & Rygel*
Currently \$34 million invested. Portfolio has shown about \$10 million in return since the start of the investment in July 2013. There is a 7.5% annual return on the current plan. Councilman Mervin Packineau noted that gains may not be seen as advantageous in the coming year. Yearly average gains for this portfolio are at 6.7%.

Motion: Councilman Mervin Packineau moved to approve requiring that the Chairman's and Treasurers are notified for any portfolio adjustment at & 5-10%. Anything above would require TBC approval for all investment portfolios. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 Ayes. 1 - Not Voting. 1 – Not Present. Motion carried.

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

Discussion: Councilman Randy Phelan would like more collaboration with the company and budget meetings.

VII. SEGMENT UPDATES:

- **North Segment** – *Councilwoman Monica Mayer*
Presented at the United Nations Human Trafficking & Violence Against Women meeting in New York, Upcoming events include; Good Medicine Summit, Shakopee Nation Nursing Home Meeting to seek financing for a reservation facility, Elder's Community Meeting, Tree Planting event, Ride-a-Bike event, Summer Youth activates kick-off, local business development.



- **South Segment – Councilman Cory Spotted Bear**
Upcoming events include upcoming graduation, Community School trip to Lumberton, SC, Pow-wow, BIA Route 20 pavement, Community Center Parking Lot paving, Project include Water Treatment Project and distribution lines, bison pasture, Juneberry orchard, recreation development, and the Sober Living Lodge. Corp of Engineers compliance Report submitted.

IX. OFFICER REPORTS

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

Presented a Departmental Expenditure Report. Carry over reduced from \$30 million to 11 million. Discussion of updating the Transportation Infrastructure Plan (TIP) to secure funding for Roads, and further work with the BIE & Dept. Health & Human for travel consultation.

1) **Federal Programs Report**

63% increase in Federal dollars from \$39 million from last year to over \$60 million this year.

2) **Executive Orders**

Motion: Councilman Cory Spotted Bear moved to approve Executive Order #EA 2018-09. Councilman Fred Fox seconded the motion

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Not Present

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

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

Submitted a report and final comments on the State Data and Riverbed Extraction Tax. March is the 6th month of Fiscal Year 2018 (FY'18). All monthly revenue collections (at the time of this report) are \$17,409,749.78. Overall collections for the month of March are lower [\$3,550,173.94] than February and \$1,202,443.84 lower than the monthly average for FY'18. The monthly average collected for the past 6 months is \$18,632,164.67, for a total amount collected in FY'18 of \$111,792,987.99. Oil production and extraction make up about 87.9% of the revenue collections for FY'18. A 5-year (FY'14-FY'18) Monthly Revenue Collections Comparison for the month of March, shows March 2018 is the second to highest month for collections, behind February 2014. A 5-



year (FY'14-FY'18) Annual Revenue Collections Comparison shows that current collections are at 77% of FY'17 and 41% of FY'14, respectively. FY'14 was the highest year of annual revenue collections over the past 5-years. The monthly average collected for the past 6 months (Oct-Apr) of Drilling Fees (at the time of this report) is \$1,785,714. March and April collections were both at \$1,500,000. Drilling Fees for FY'18 (Oct-Apr), are at 95% of the FY'17 total annual Drilling Fee collections. Rick Grant was introduced as the Tax Dept. IT. & will be maintaining the Web-based Tax accounting system to help with the collection of taxes.

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4) Enrollment – Sevant S. Taft

Motion: Councilman Fred Fox moved to approve resolution no. 18-108-FWF entitled “Approval of 77 Applicants for Enrollment into the Three Affiliated Tribes” Councilman Mervin Packineau seconded the motion.

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

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

Discussion: Chairman Mark N. Fox noted that there was a minor child approved by TBC that is not on the list.

a. Appeals Resolution

Councilwoman Monica Mayer expressed her concerns over the need for another committee.

Motion: Councilman Fred Fox moved to approve resolution no. 18-109-FWF entitled “Amendment to the Enrollment Ordinance of the Three Affiliated Tribes – Appeals”. Councilman Mervin Packineau seconded the motion.

Discussion: Needs additional review.

Motion tabled

b. DNA Testing for Enrollment

Bill Woods, Child Support noted that LabCore charges \$210/test.

Item deferred.



FTR: A Resolution Entitled “Amendment to the Enrollment Ordinance of the Three Affiliated Tribes – 1936 Base Roll” was determined to need a work session before the next TBC meeting. Chairman Mark N. Fox favors putting the issues in front of the members as a referendum.

c. Peoples Fund Interest

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d. Enrollment Staff Issue

Motion: Councilwoman Monica Mayer moved to rescind previous action to provide his staff with a bonus for the 3 months, and approve Temporary Acting pay according to policy. Councilman Fred Fox seconded the motion.

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

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

X. UNFINISHED BUSINESS

A. Mandaree Incorporation⁵

Item deferred.

B. Holistic Health Practitioner Contract Clarification – Karilee Lieberma⁴

Item deferred

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C. James Mossett Land Exchange³

Value for value exchange of land. Mr. Jim Mossett will be waiving about \$60.

Motion: Councilman Fred Fox moved to approve resolution no. 18-109-FWF entitled “Approval of the Land Exchange between the Three Affiliated Tribes and Mr. James M. Mossett”. Councilman Mervin Packineau seconded the motion.

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

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



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

Motion: Councilman Randy Phelan moved to approve resolution no. 18-110-FWF entitled "Approval of the Land Exchange between the Three Affiliated Tribes and Henry A. Breuer, Jr." Councilman Fred Fox seconded the motion.

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

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

D. Land Exchange⁴ – CJ Johnsrud II
Item deferred.

E. New Oil and Gas Technology Presentation³ - Kathy Neset
Item deferred.

F. Fred Poitra²
Legal noted that no counter offer has been received from Mr. Poitra.

G. Whitting/RimRock Assignment² - Jennifer Bland (see Closed Session)

H. Life & Limb Request¹ – Anita Hall
Item deferred.

I. Handicap Vehicle Purchase¹ – Karen Mulluck
CEO's Office to address.

J. Comp. Time Pay Out Request– Each Segment¹ – Jared Eagle
Al Nygard noted that the issue was addressed by utilizing flex time.

K. Metal Detectors for the NTHS approved last year¹ – Chief of Police Nelson Heart
Item deferred.

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L. Wheel Chair Van Purchase – Glenda Rush
Previously approved for \$14,000 with the State to provide the installation of a lift. Final price will be closer to \$26,000. The family has been raising money with fundraisers.



Motion: Councilman Cory Spotted Bear moved to approve modifying the previous cap on the purchase of the van to an amount similar to Life & Limb amounts. Councilwoman Monica Mayer seconded the motion.

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

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

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M. Child Support Guidelines – William Woods

Motion: Councilwoman Monica Mayer moved to approve the 3rd & final reading of the Child Support Guidelines as resolution no. 18-111-FWF. Councilman Mervin Packineau seconded the motion.

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

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

FTR: The final title of resolution 18-111-FWF became “Amending the Domestic Relations Code”.

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N. Veterans Affairs Building - Bruce Nagel

Skull Construction (Rapid City) is the lowest bid at about \$9 million and is TERO compliant. Al Nygard noted the budget would need to be phased into the next fiscal year due to there being only \$1 million left for this fiscal. Mr. Nagel mentioned that the project could be phased and Mr. Nagel will bring the breakdown of the phasing details to the CEO. The building is 24,500 sq. ft. with a gymnasium and offices for the auxiliary's too.

Motion: Councilman Mervin Packineau moved to approve the lowest bid from Skull Construction. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye



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

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O. Prairie Public Agreement

An In-kind contribution to produce a 60 minute documentary that is in the budget.

Motion: Councilman Randy Phelan moved to approve resolution no. 18-136-FWF entitled “*Authorizing Agreement with Prairie Public Broadcasting for Elbowoods Documentary*”. Councilman Fred Fox seconded the motion.

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

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

XI. MEDICAL REQUESTS

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A. Sianna Conko Dental Assistance Request

Seeking \$8-10k of assistance for dental surgery. Chairman Mark N. Fox suggested assisting according to policy at an amount of 50% of the request.

Motion: Councilman Fred Fox moved to approve 50% of request and not to exceed \$10,000. Councilman Cory Spotted Bear seconded the motion.

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

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

B. Crystal Bruce Medical Request



Motion: Councilman Cory Spotted Bear moved to approve 50% (of \$3,800). Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Voting
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XII. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

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A. Unity Request – Dr. Ruth Swaney

Motion: Councilman Mervin Packineau moved to resolution no. 18-112-FWF entitled “Supporting the Organization of the MHA Nation Tribal Youth Leadership Councils” Councilwoman Monica Mayer seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Voting
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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B. Head Start Program – Kelly Bradfield

Leroy White Singer presented for the Director to replace the facilities’ boiler/heating system at a cost of \$45,480.

FTR: Chairman Mark N. Fox stepped out of the meeting at 3:50pm & Councilman Randy Phelan assumed the Chair of the meeting.

Motion: Councilman Mervin Packineau moved to approve \$45,480 from the 380 account. Councilman Fred Fox seconded the motion.

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



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

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C. Indrik Park Contract

Motion: Councilman Cory Spotted Bear moved to approve the Indrik Park Contract renewal for an amount of \$93,000 from Segment funds. Councilman Fred Fox seconded the motion.

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

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

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D. Medicine Lodge Confederacy Funding Request - Jennifer Young Bear
Seeking \$45,000 for utilities and insurance coverage for the facility.

Motion: Councilman Fred Fox moved to approve \$45,000 from 380. Councilman Cory Spotted Bear seconded the motion.

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

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

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

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

Submitted May Report. Key points included; EMHC/EPAC Dental Optometry Building design is near completion-Mr. Nygard to assist with setting up a work group with TBC to



review the three proposals and design for the Dental/Optomtry Building. Justice Center P & P / MOU currently being reviewed and discussed-Meeting with Adult and Juvenile Corrections (Collaboration is working well). Deposits: April 2018 Pharmacy \$333,235.67, Medical \$12,761.15, Optometry \$8,243.52; Year to date: \$2,994,550.00 (For paper deposits only) Total 3rd Party Revenue for the month of A (will continue to monitor and have recommend corporate compliance plan-to establish). Patient Encounters Total number of patients seen for month of April 2018: 2890 total visits. Councilwoman Monica Mayer recommended utilizing the 3rd party revenue to get more providers & nurses. Will return next month with a report of how much it takes to run EMHC.

1) Hepatitis C Grant Resolution.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 18-114-FWF entitled “*Authorization to Participate in Improving Hepatitis B and C Care Cascades; Focus on Increased Testing and Diagnosis Grant, Grant No. CDC-RFA-PS17-1702, with North Dakota Department of Health.*” Councilman Fred Fox seconded the motion.

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

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

2) Kraus Contract & Resolution for CMAR services.

Not addressed

3) EMHC Retention Nursing Dept. Retention.

Policy to utilize third party funding to pay for the annual retention bonus based on annual performance and licensure.

Motion: Councilman Fred Fox moved to approve the EMHC Retention Nursing Dept. Retention bonus. Councilman Cory Spotted Bear seconded the motion.

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

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



4) Direct Care Services Reimbursement Agreement with the Department of Veterans Affairs.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 18-113-FWF entitled "Authorization for Elbowoods Memorial Health Center and its Satellite Clinics to Enter into a Direct Care Services Reimbursement Agreement with the Department of Veterans Affairs" Councilman Fred Fox seconded the motion.

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

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

TAT_20180510+1408_01d3e868631e0f76.mp3

B. Tribal Care Health Insurance – Jerry Fozzard
Currently focusing on the cost of treatment.

Patient 1:

Motion: Councilman Cory Spotted Bear moved to approve Patient #1 as presented for secondary coverage subject to EMHC verification of non-benefit. Councilwoman Monica Mayer seconded the motion.

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

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

Patient 2:

Motion: Councilman Randy Phelan moved to approve Patient #2 as presented for secondary coverage subject to EMHC verification of non-benefit. Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye



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

Discussion: Chairman Mark Fox requested a standardized policy to ensure that EMHC will not cover the cost.

Patient 3:

Cost is \$3,200/day at Vibra for the skilled nursing facility. Dr. Kathy Eagle noted that it may be a negotiated rate. Councilwoman Monica Mayer recommended Case Manager Rosie Davis. This case is behind in payments by 30 days. Councilwoman Monica Mayer recommended payment of the 30 day bill and funding for the additional 70 days with the assistance of a Case Worker to determine a better plan of action.

Motion: Councilwoman Monica Mayer moved to approve a Case Management Team of Boone & Rosie Davis(EMHC) to with collaborate with Vibra administrators and physicians and report back to the Council.

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

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

FTR: Chairman Mark N. Fox returned to the meeting at 4:25PM and reassumed Chair of the meeting

TAT_20180510-1523_01d3e872e33f56ce.mp3

C. Life & Limb – Stacey Red Fox

Motion: Councilman Fred Fox moved to approve an additional Life & Limb grant funding up to \$3,500 for those presented. Councilman Randy Phelan seconded the motion.

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

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



D. Medical Bills/Life & Limb Request - Lexi Taft & Delvin Driver

Addressed in the Life & Limb

TAT_20180510-1528_01d3e8739643e4e2.mp3

E. June Lockwood Nursing Home Bill

Motion: Councilman Randy Phelan moved to reauthorize assistance up to \$25,000 for the new fiscal year for the June Lockwood bill at Knife River Care Center in Beulah, ND. & subject to Boone Insurance following up on Medicare status. Councilwoman Monica Mayer seconded the motion.

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

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

TAT_20180510-1533_01d3e8744a5f5b3c.mp3

F. Teresa & John Danks Nursing Home Bill

Motion: Councilman Mervin Packineau moved to approve both individuals up to \$25,000 according to policy for nursing home care payments to the Good Sheppard Nursing Home. Councilwoman Monica Mayer seconded the motion.

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

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

TAT_20180510-1533_01d3e8744a5f5b3c.mp3

G. Sonja Berget Issue

The State/County is attempting to remove this tribal member from Medicaid for land/royalties that were gift deeded some time ago and are now in probate with another relative. Chairman Mark N. Fox recommended that TAT Legal Dept. research and to assist the family with this issue.



Motion: Councilwoman Monica Mayer moved to approve the Legal Dept. to research G. Sonja Berget's' land Issue. Councilman Cory Spotted Bear seconded the motion.

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

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

H. Antonette Halsey Life and Limb Request
Item deferred.

TAT_20180510-1538_01d3e874fe317b36.mp3

I. Self-Insurance Waiver – Al Nygard

Motion: Councilman Fred Fox moved to approve resolution no. 18-115-FWF entitled "Authorization for Three Affiliated Tribes Health Care Programs to Recover Health Care Costs from Tribal Care Insurance, a Self-Insurance Plan, Funded by Three Affiliated Tribes for Eligible Patients". Councilman Randy Phelan seconded the motion.

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

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

XIV. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer, Chair

TAT_20180510-1543_01d3e875b1558c7a.mp3

A. Snow Energy & Telecom LLC., (SETLLC) - Tomas Chacon

Presented a proposal for to design & implement a system to provide local & remote camera viewing stations with real-time recording, observation, reports, & stations. The Council recommended a work session with additional proposals from other companies that have also brought together proposals.

TAT_20180510-1553_01d3e877194cd4c2.mp3

B. Adrian Foote Memorial Rodeo (June 15th) & 2nd Annual MHA Nation Youth Rodeo (June 6th) Sponsorship Request - Blaine Foote



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
MAY 10th, 2018 MINUTES
[CLOSED SESSION CONTENT EXCLUDED]

Rodeo sponsorship request seeking approval from the Council, to approve a Casino sponsorship for over \$5,000. The group has raised \$1,200 so far for the youth rodeo and has a budget need of \$10,350. The Memorial Rodeo group has raised about \$20,000 for the Memorial rodeo with a budgeted need of \$81,100.

Motion: Councilwoman Monica Mayer moved to approve 75% of sponsorship request for the MHA Nation Youth Rodeo. Councilman Randy Phelan seconded the motion.

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

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

Motion: Councilwoman Monica Mayer moved to authorize \$25,000 sponsorship from the 4Bears Casino for Adrian Foote Memorial rodeo.

Motion died for second

Motion: Councilwoman Monica Mayer moved to authorize the 4Bears Casino to match the Tribes \$18,000 sponsorship for the Memorial rodeo subject to discussion with the casino. Councilman Randy Phelan seconded the motion.

Vote: 5 Ayes. 1 - Abstention. 1 – Not Present. Motion carried.

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

TAT_20180510-1603_01d3e8787f58c784.mp3

C. MHA Interpretive Center - Delphine Baker

Presented Corp of Engineers (Omaha) compliance issues that holding up development at lakeside recreation areas such as the Twin Buttes Pow-Wow grounds. The Chairman was confident the issues would be resolved before the upcoming meeting with the Corps of Engineers (Riverdale). In a previous meeting, the Corps recommended that the Tribe submit a letter requesting the return of current land that the Tribe has under lease agreement.



Motion: Councilman Cory Spotted Bear moved to authorize TAT Legal Dept. to research, investigate and draft the letter requesting the return of lands held through recreation leases from the Corps of Engineers. Councilwoman Monica Mayer seconded the motion.

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

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

Discussion: Texx Lone Bear noted that the Corp stated that the baseline elevation was 1810 feet.

TAT_20180510-1608_01d3e879333f66d6.mp3

D. Security Bids

Jeremie Meisel of E.H. Security (Bismarck) presented proposal for training and advisement. Can provide security personnel if needed. Councilwoman Monica Mayer suggests having a bid process and working sessions. Chairman Mark N. Fox and Councilman Randy Phelan expressed interest in drug testing & Taser training.

E. MHA Enterprises Board Appointment (Twin Buttes)

Item deferred.

XV. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

TAT_20180510-1618_01d3e87a9940b696.mp3

A. Homesite(s) – Tex Lone Bear & Valeri Hosie

Separate homesites for 5 acres each south of Mandaree junction.

Motion: Councilman Fred Fox moved to approve resolution no. 18-116-FWF entitled “Rosie White Owl & Samantha Antonio Home Site - West Segment”. Councilwoman Monica Mayer seconded the motion.

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

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



Motion: Councilman Randy Phelan moved to approve resolution no 18-117-FWF entitled “*Consent to Certain Right(s) of Way across Tribal land*” subject to Legal review. Councilman Fred Fox seconded the motion.

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

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

Discussion: Consent for the Tribal share residential lease on Allotment 155A for a McKenzie Electric Utilities Corridor in the White Shield area.

TAT_20180510-1623_01d3e87b4d2bf602.mp3

B. Farm/Pasture Leases - Diana Americanhorse

Motion: Councilman Fred Fox moved to approve resolution no. 18-118-FWF entitled “*Agricultural Leases on Tribal land*” subject to Legal review and term change to 1 year. Councilman Randy Phelan seconded the motion.

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

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

TAT_20180510-1629_01d3e87c004b1f92.mp3

C. Easements - Shaylane Miller

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 18-119-FWF entitled “*Consent to Certain Right(s) of Way across Tribal land*”.- [FBRW]. Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye



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

Motion: Councilman Randy Phelan moved to approve resolution no. 18-120-FWF entitled “Consent to Certain Right(s) of Way across Tribal Land” - [McKenzie Electric West Housing Line] subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

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

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

Discussion: reroute of electrical lines around homes in Twin Buttes.

Motion: Councilman Randy Phelan moved to approve resolution no. 18-121-FWF entitled “Consent to Certain Right(s) of Way across Tribal land” -[Water Park]. Councilman Fred Fox seconded the motion.

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

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

TAT_20180510-1629_01d3e87c004b1f92.mp3

D. Fort Berthold Rural Water – Pem Hall

BOR Construction budget for FY18 & FY 19 will be funded together. FY18 included \$7.9 million funding for the Twin Buttes Water Plant. Presented an update on the Rural Water Distribution system. Mandaree Landslide stabilization project. Piers completed. Finished within a couple of weeks. Working on the Subsequent User Water Contract. BIA change in RAW hookups.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 18-132-FWF entitled “Approval of Change Order No. 1 to Contract 2017-2 Schedule 2- Twin Buttes Raw Water Line” distribution line”. Councilman Fred Fox seconded the motion.

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



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

Discussion: Change order increases contract amount to \$964,093.60.

E. B.I.A. RU17/93/913

Item deferred.

F. Rosie White Owl Homesite Concerns

Item deferred.

TAT_20180510-1644_01d3e87e1968101e.mp3

G. Fire Management – Marle Baker

Motion: Councilman Fred Fox moved to approve resolution no. 18-123-FWF entitled “Approval of the 2018 Fort Berthold Indian Reservation Burn Ban” subject to waiver of the July 4th holiday and concurrence with segment representatives. Councilman Cory Spotted Bear seconded the motion.

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

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

H. Quality Assurance Project Plan

Item deferred.

I. Pesticides Program

Item addressed.

J. Pouch Point Cost Share

Item deferred.

TAT_20180510-1649_01d3e87ecd4aacfe.mp3

K. West B.I.A. Road 20 – Marty Young Bear



From tribal supplement funds.

Motion: Councilman Fred Fox moved to approve resolution no. 18-123-FWF entitled “Award to Northern Improvement, Co. for Paving BIA 20 Loop West Road, near Twin Buttes, ND, for the Three Affiliated Tribes”. Councilwoman Monica Mayer seconded the motion.

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

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

L. West Housing Line Conflict

Item addressed.

TAT_20180510-1654_01d3e87f8142d4ds.mp3

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

Presented a brief report on the upcoming Expo. Councilman Fred Fox requested a section devoted to the allottees. Discussed bringing BLM to the TBC to discuss their set-back approvals without tribal consultation. 5 year comprehensive Road Plan committee identified focus areas in conjunction with the Tiger Grant to secure funding.

TAT_20180510-1659_01d3e88035577146.mp3

1) ROW’s – Paul Grady & Catherine Everett

Motion: Councilman Randy Phelan moved to approve resolution no. 18-124-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the CTB-23 and B1 Project and Amending Resolution No. 17-154-FWF, Submitted by Missouri River Resources.” Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Randy Phelan moved to approve resolution no. 18-125-FWF entitled “Consent to Approval of a Right-of-Way across Tribal Land for the Vegas



Pipeline Project Submitted by QEP Energy Company". Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Randy Phelan moved to approve resolution no. 18-126-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Station 4-7 Loop Line Project Submitted by Crestwood.*" Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Randy Phelan moved to approve resolution no. 18-127-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the North John Elk Loop Line Project Submitted by Crestwood.*" Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve resolution no. 18-128-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Blue Buttes Re-Route Project Submitted by Crestwood.*" Councilman Randy Phelan seconded the motion.

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



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

Motion: Councilman Fred Fox moved to approve resolution no. 18-129-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the MRR Dance Pad Well Connect Project Submitted by Crestwood.” Councilman Randy Phelan seconded the motion.

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

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

Motion: Councilman Randy Phelan moved to approve resolution no. 18-130-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Baker Biron Well Connect Project Submitted by Crestwood.” Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve resolution no. 18-131-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the FBIR Walker #31X-36C Well Connect Project Submitted by Crestwood.” Councilman Randy Phelan seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye



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

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

A. Justice Commission Report

Item deferred.

B. Tribal Court Report – Marvel Heart & Elizabeth Yellow Bird

Submitted a written Report. FBDC has 32 positions funded by the court and TAT Legal budgets. FBDC currently (as of 5-4-18) has 18 full time employees and 14 vacancies, the vacancies are: 1 Chief Judge, 3 Bailiffs, 1 Assistant Prosecutor, 1 Public Defender, 1 Public Defender Clerk, 3 Deputy Clerks, 1 Receptionist, 1 JV Officer, 1 Adult Probations Officer and one Accounts Manager. We have selected the 3 Deputy Clerks, the Public Defender Clerk and the Receptionist and are completing the documentation for hires. FBDC will interview and hire the Probation Officers, May 7- 11th. Therefore, by May 11th the FBDC will have 25 full time employees. The Chief Judge, Assistant Prosecutor and Public Defender positions are under the Legal department authority. A Public Defender has been hired for 30 days and until approved by TBC. Sara Robinson continues to get her office area set up; Prosecutor Ackre has expressed support for Sara and that it will be a good adjustment. A c Clerk has been selected for the Public Defender's office. The court has momentarily stopped sending out letters while we catch up on paperwork. The Justice Commission had a good meeting on April 13; minutes attached in administration section of the monthly report, the Court and the Justice Commission have begun to work together on strategic planning for FBDC. The Court hired Deb Simonson to conduct clerk training April 30th - May 3rd, 2018. Clerks attended "Clerks Conference" training in Bismarck, May 3rd-4th. The court is submitting for your information the Court Building architects ' Field Report that lists all the building construction concerns that need to be resolved.

Motion: Councilman Fred Fox moved to approve the Consultant Contract of Deb Simonson to provide training to the Clerks and Chief Clerk of Court. Councilwoman Monica Mayer seconded the motion.

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

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



TAT_20180510-1719_01d3e883033ede26.mp3

C. SMI-Debit Cards for Child Support - Ashley Mead/William Woods

Motion: Councilman Mervin Packineau moved to approve SMI-Debit Cards for Child Support. Councilman Cory Spotted Bear seconded the motion.

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

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

D. Emergency Operation Plan with NIM's Integration - Cliff Whitman Sr.
Item deferred.

E. PSC Point of Contact Change - Al Nygard
Item deferred.

F. Bomb Dog Purchase Request - - Gerald White
Item deferred.

XVII. EXECUTIVE COMMITTEE – Chairman Mark N. Fox

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

A. Business Licenses
Item deferred.

TAT_20180510-1734_01d3e8851d47ff4e.mp3

B. Release of Information - Caleb Dog Eagle, Legal Dept.

Have received several requests for the terms of the Tessoro ROW settlement from allottees, who are currently negotiating their settlement. Legal confirmed that no NDA was in place and that Tessoro did not object. Former Chairmen, Texx G. Hall & Wilber D. Wilkinson spoke for the allottees concerning finalizing negotiation for the allottees settlement with Tessoro. Chairman Mark N. Fox emphasized that the Tribe only has the authority to negotiate for tribal lands and the allottees are responsible for negotiating for their lands. Ted Lone Fight noted a resolution is to be brought forward by Legal concerning the Burr case. John Fredericks noted that the methodology as to how the amount was derived may be confidential (by way of the consultant that the Tribe worked with), but the amount agreed to can be shared. Texx Hall expressed that the allottees don't have an appraisal and are going



through the out dated BIA process. Chairman Mark N. Fox noted that no formal action would be needed just a letter to the BIA and a copy sent to the allottees.

TAT_20180510-1759_01d3e8889e37fbc4.mp3

C. Native American Financial Services Association (NAFSA) Annual Dues

Motion: Councilman Fred Fox moved to approve resolution no. 18-134-FWF entitled “Approving the Membership from the Three Affiliated Tribes to the Native American Financial Services Association and Authorizing the Payment of the Native American Financial Services’ Annual Dues” subject to Executive action. Councilman Randy Phelan seconded the motion.

Vote: 6 Ayes. 1 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Legal will research the cost.

XVIII. NEW BUSINESS – Tribal Councilman Add Ons

TAT_20180510-1804_01d3e889516c19aa.mp3

**A. Chairman Mark Fox- Josie LaClaire Housing Issue
Law**

Motion: Councilman Fred Fox moved to authorize the Chairman to negotiate a settlement amount for past due rent with the Housing program and payment from the Chairman’s & Northeast Segment budget. Councilman Mervin Packineau seconded the motion.

Vote: 6 Ayes. 1 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

TAT_20180510-1804_01d3e889516c19aa.mp3

B. Chairman Mark Fox – Heritage River Landing

Possible 6 acres of land in the Corp area along the river in the Bismarck area. Investment opportunity for the tourist office that is being proposed. Would include rights to income



from the gift shop that is being built and tourism opportunity on the reservation. Additional lands noted from a private landowner, who is willing to do similar deal with the Tribe if it was used for cultural purposes.

Motion: Councilman Randy Phelan moved to approve resolution no. 18-134-FWF entitled “Authorizing \$250,000 to the Fort Abraham Lincoln Foundation aka the Missouri Valley Heritage Alliance” subject to Legal review. Councilman Fred Fox seconded the motion.

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

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

C. Councilman Randy Phelan – Kyle Mandan

Item deferred.

D. Councilman Randy Phelan – West Segment Cattle Relending (Closed Session)

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E. Councilman Fred W. Fox – Sharice Davids Political Contribution

Motion: Councilman Fred Fox moved to approve a \$5000 political donation for Hochunk member Sharice Davids who is running for the 3rd Congressional District in Kansas, according to policy. Councilman Mervin Packineau seconded the motion.

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

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

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F. Councilman Fred W. Fox – Sahnish Development Authority

Arikara Development Corporation is seeking to change its name and approve a new charter. The Board is to remain the same with the addition of two board members.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 18-135-FWF entitled “Grant of Charter to the Sahnish Development Authority” Councilman Fred Fox seconded the motion.



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

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

G. Councilman Mervin Packineau – Hall ROW

Item deferred.

H. Councilman Mervin Packineau – Bill Hale

Item deferred.

- I. Councilman Frank Grady – Reserved**
- 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**

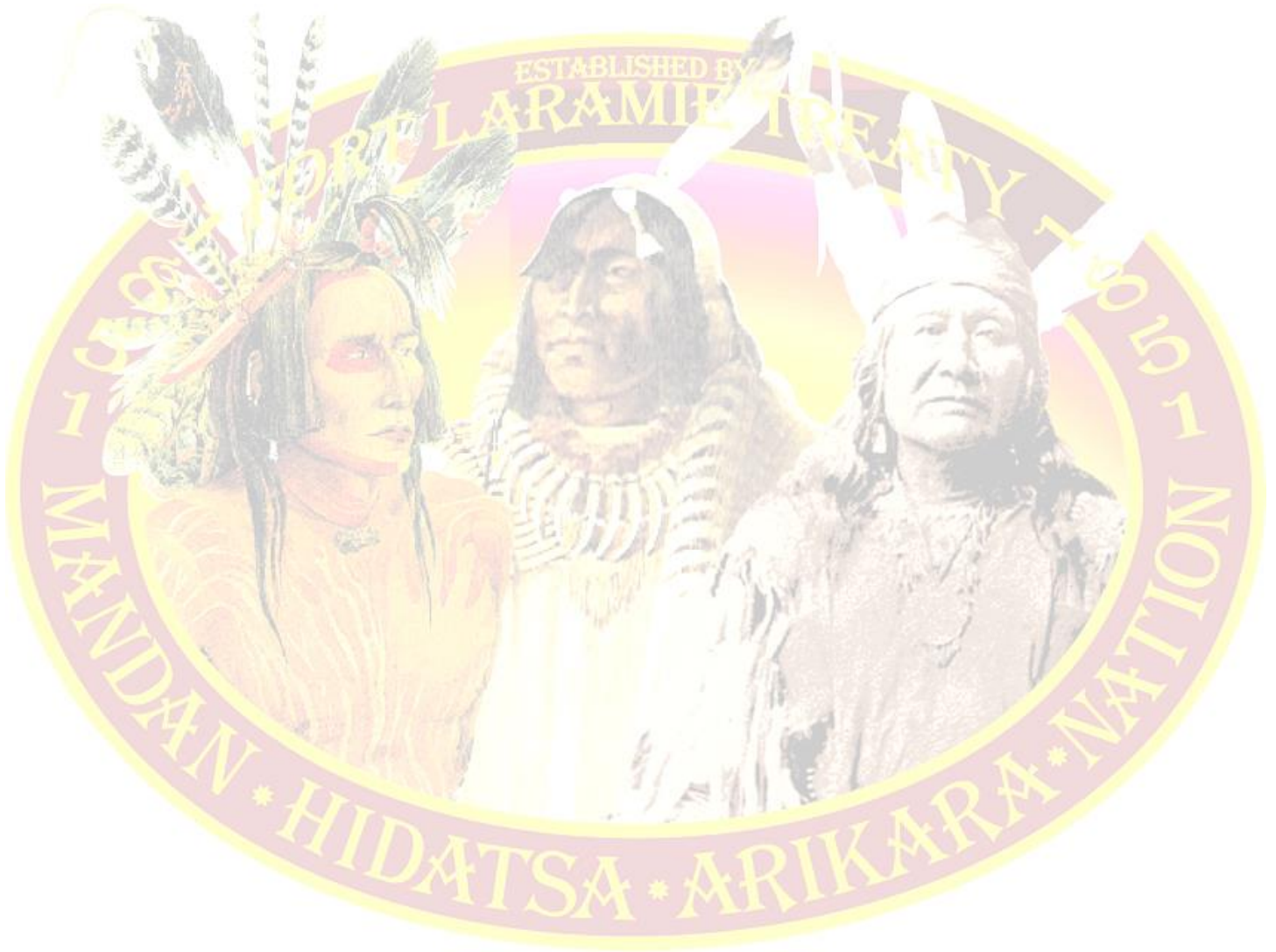
XIX. CLOSED SESSION

- A. Judith Danks**
- B. Clover Little Soldier**
- C. Investigator Dan Maroney**
- D. Marcus Levings**
- E. Human Resources HR – Barlow Wells & Cheryl Abe**
- F. TAT Law Enforcement Report– Nelson W. Heart, Chief of Police**
- F. Four Bears Casino Report – Scott Wilson, General Manager**
- G. West Weight Scale Trespass**
- H. Budget Modification (NRC Oil & Gas)**
- I. Whiting/RimRock Assignment – Jennifer Bland**
- J. Legal Items - John Fredericks & Carson Hood Jr.**
- K. Range Unit 17 (RU-17)**
- L. Kyle Mandan**
- M. West Segment Cattle Relending – Lloyd Vigen & Ted Lone Fight**
- N. Allotment Tract 1794**
- O. Enrollment/Minors - Sevant Taft**
- P. Personnel Handbook – Al Nygard**
- Q. Doyle Bell – Al Nygard**
- R. Flora “Kandi” Wolfe**
- S. Self-Insurance Waiver – Al Nygard**
- T. Drug Treatment Bill – Al Nygard**



XIX. ADJOURNMENT

Motion: Councilman Randy Phelan moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 12:35AM





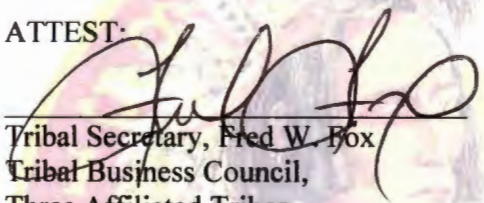
CERTIFICATION

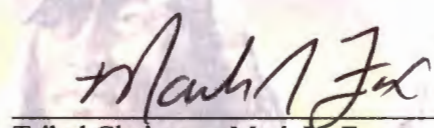
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 7 were present at the Regular Meeting thereof duly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

ATTEST:


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


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