



CALL TO ORDER

Chairman Mark N. Fox called the meeting to order at 11:30AM.

OPENING PRAYER

Prayer by Judy Yesslith.

ROLL CALL

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

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

FTR: Councilman Fred W. Fox joined the meeting and assumed the duties of the Executive Secretary.

I. APPROVAL OF AGENDA

Motion: Councilman Mervin Packineau moved to approve the agenda. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Not Present

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

II. APPROVAL OF MINUTES

- **6/11/2018 Tribal Business Council Regular Meeting Minutes.**
Item deferred.

III. SPECIAL GUESTS & ELDERS

A. 2019 Indian Housing Plan - Terry Red Fox, FBHA Director & Coby Rabbithead

Reported on housing vacancies, repair plans and other items such as budget short falls that are required to be submitted to the agency. The program is requested \$2 million in supplemental tribal funding. Chairman Mark N. Fox mentioned problems with empty houses and the need for a strategy to repair the homes. Mr. Red Fox noted problems with securing construction contractors or workers due to the draw of the energy industry. The Director reported that currently there are 157 vacant homes which includes a number that are slated for demolition. Mr. Red Fox noted that everytime that they demolish a home their HUD budget decreases. 18 homes have tested positive for meth and



must be remediated. Chairman Mark N. Fox asked for a report on the the cost to repair or remediate the homes to enable the Tribe to file claims against the tennents in court or secure proceeds from seized property claims. FBHA has hired additional staff to address arrears and collections and since November have increased rent collectionsn. At this point, there is \$4.7 million in uncollected rent. FBHA has also developed a work program offering \$16/hr. to tennents to work off rental debt. Mr. Red Fox informed the Council of a problem of tribal members receiving homes from the Tribe and leaving unpaid rent on account with the FBHA when they move out. Chairman Mark N. Fox mentioned the possibility of providing FBHA relief through disbursement deductions. FBHA is preparing to draw down again for this fiscal. Chairman Mark N. Fox will sign off on the certification presented.

B. Twin Buttes Elders

Addressed before the meeting.

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C. North Dakotans for Dental Access - Brad Hawk & Shane Gettle

Seeking support from tribes in N.D. for legislation authorizing Dental Health Assistant Therapists from I.H.S. and allow reinbursement from Medicaid, and or a 3rd party. Would increase availability of services at a lower cost with increased long term health. The presenters provided statistics gathered by the ND Center for Rural Health and a study of use for Alaska Natives that showed the impact of the program. Legislation would open the door for Indian Health Service funding for Direct Service Tribes. Al Nygard believed that it would not effect MHA Nation directly as a 638 tribe, but could effect regional funding. Councilwoman Monica Mayer noted the concept has been around for 5-6 years and noted that poor dental services has a lot to do with staffing. Councilwoman Monica Mayer supports this initiative and believes it would be very helpful to the tribes.

FTR: Chairman Mark N. Fox stepped out of the meeting. Councilman Fred W. Fox assumed chair of the meeting at 12:07PM. Chairman Mark N. Fox resumed the Chair at 12:09PM.

Lead TAT Attourney, Caleb Dogeagle noted that NCAI has looked at it and believed it would be benifitial to the tribes.

Motion: Councilman Mervin Packineau moved to approve resolution no 18-197-FWF subject to Legal review. Councilwoman Monica seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Not Present

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

Discussion: Councilwoman Monica Mayer will assume point from the Tribe's side.



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D. Carlisle Indian School Project – Ed Hall, III, Sandi Cianciulli, Angie Bruce

The project was created through local efforts to save a historic farmhouse from demolition by the Army. MHA Nation was instrumental in halting plans to destroy the historical site. Sandi Cianciulli, a member of the local team, envisioned a broader project to include; a heritage center, community center, business center, restaurant, and other development to attract tourism and raise funding for their endowment. It was recommended that the group investigate legal use of the Thorpe name. The project is also working closely with the writer of the Jim Thorpe movie entitled “*Bright Path*” and collaborating in some post production activities. The movie is set to come out in about a year with renowned actress Angolie Jolie, as Producer. Chairman Mark N. Fox would like to see some ownership in the land secured, if the Tribe should invest. Councilman Fred W. Fox was drawn to the project by the caliber of the board and the number of tribal members that attended Carlisle who became Chiefs, Chairmen and council people. The Carlisle group extended an invitation to the Council to visit the site.

Motion: Councilman Fred W. Fox moved to authorize the TAT Legal Dept. to research the possible benefits of involvement. Councilman Cory Spotted Bear seconded the motion.

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

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

EXECUTIVE COMMITTEE REPORTS

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

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Recent activities included attending; NCAI meetings, Royalty Policy Committee, U.S. Corps of Engineers meetings for approval of the Cultural Center and Beach Projects. Commended recent Pow-Wow celebrations on their successes. Also attended Federal Partners meetings, Hosting of the Great Plains Tribal Health Meeting, UTTC Board meetings, Ethics meeting on Policies & Procedures. The Ethics Board is currently filled with Judges and staff. Provided a summary of upcoming events and the Chairman’s upcoming schedule. Elder’s checks to be disbursed at the July 24th elder dinner event. Other upcoming events include; EPA Consultation on Aug. 2nd, Regional Tax Conference, and the Employee Appreciation Day. The Chairman acknowledged former Councilman Ed Hall and expressed condolences to his family.

FTR: The TBC honored Councilman Randy Phelan with a traditional birthday song & gifts.



V. VICE CHAIRMAN'S REPORT - Councilman Randy Phelan

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Councilman Randy Phelan provided a report of his recent activities and upcoming events such as a successful Bakkan Days event and two day pow-wow & Cook-out. Projects include HeadStart Building Construction, Jump House, Elders Trip to Shakopee Casino with the next trip to be to Deadwood. Upcoming Mandaree Pow-wow, Back-to-School Party, NRC on Aug 1st, Indian Tax Alliance meeting in Spokane, and the Hushгаа Ride. Carson Hood Jr. provided an update on the Oil Expo. Noted that the Crow Tribe would like to sell some buffalo to the Tribe. Councilman Cory Spotted Bear and Fox and Phelan all expressed interest in obtaining buffalo for their segments. Carson Hood Jr. provided information concerning the upcoming Oil & Gas Expo.

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

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Expressed the need to secure the Election board members and dates for notice. Upcoming events included the White Shield Pow-Wow and 1st Annual White Shield Stampede Rodeo. Arikara chief portraits to surround the arbor. Project updates include an updated White Shield RV Park with full service cabins, the final walk through of the apartment building, to date 65 homes built. Rental collections are up to date and the segment collects \$35,000 monthly for rental properties. A full service ambulance service begins tomorrow. Sept. 29th – October 3rd Annual Pawnee-Arikara Reunion in Nebraska on the Ponca reservation. Ground-breaking on the East Segment Tribal building with 16 available offices. Participated in the Ethics Commission, The Governors Meeting on riverbed issues. MHA Oil & Gas Expo coming up. Also the White Shield Golf Tourney this weekend.

VII. TREASURER'S REPORT - Councilman Mervin Packineau

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Expressed condolences to the families that have lost loved ones, commended all the good activities and projects on the reservation. Reported that the Parshall Pow-Wow had a record turn-out. Projects & events updated included; , Indian relay, land purchase of the RV park, Family Dollar project, July 18th, Bible Rodeo, Rough Stock and other events at the Healing Horse Ranch.

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A. CFO Report – Whitney Bell

Presented expense report with budget 60% expensed. Budget modifications at the next budget meeting for the segment funds. The July Elders Disbursement is complete. Expressed the need for a resolution for the Peoples Fund with a \$6-7 million supplement for the fund with necessary deductions. August 6th Distribution date (\$1000/member) and cut-off date Aug. 8th (Next TBC meeting)

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-166-FWF entitled “Authorization of OST to Administer Annual and Biannual Disbursements From Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis Waalpsis, Aki Numuk Aki Tawatash.” subject to Legal review and August 8th cutoff date. Councilman Cory Spotted Bear seconded the motion.

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



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

Discussion: No later than mid Aug.

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-167-FWF entitled “*Directive to the Office of Trust Fund Management to Make Available Funds for Withdrawal from Three Affiliated Tribes MHA Nation Peoples Fund Account PL10017014 in the Amount of \$9,403,000.*” subject to Legal review. Councilman Frank Grady seconded the motion.

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

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

Discussion: \$9.4 million, Budget meeting to be held before Aug. 3rd.

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

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C. Small Loans – *Val Mayer & Mary Ellen Sun*

Motion: Councilman Cory Spotted Bear moved to approve Group A; Small Loan Applications (20) subject to Loan Policies & Procedures. Councilman Fred W. Fox seconded the motion.

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

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

Discussion: Adelle Phelan to be added. Chairman Mark N. Fox thanked the Director for keeping the program self-sufficient.



FTR: Chairman Mark N. Fox stepped out of the meeting at 1:24PM Councilman Fred W. Fox assumed Chair of the meeting.

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D. Jerry Irwin Home Purchase Issues

Mr. Irwin discussed continuous problems with his trailer located in Lucky Mound. He noted that every winter his plumbing has freezes and has other problems with his cistern. He has a home that he is trying to purchase through Centennial with the help of the Veterans Administration (V.A.). The V.A. would kick in once the home is placed on site. Mr. Irwin expressed that there is some confusion as to what type of tribal loan he has with the Tribe. His current trailer has a \$20,000 appraisal and he is hoping to sell it. Councilman Mervin Packineau would like to see a trade-in scenario. Also would like to investigate consolidating his Small Loan over to Home Loans. Mary Ellen Sun expressed that there would be issues with collateral/title. V.A. requires Jerry Irwin to hold the collateral that the Tribe would accept.

Motion: Councilman Fred W. Fox moved to give Mr. Irwin the authority to acquire the home to move the process forward. Councilwoman Monic Mayer seconded the motion.

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

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

Discussion: Chairman Mark N. Fox noted that he wants make sure this veteran has a safe home and that the Tribe may need to waive the collateral.

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E. Business Loans – Toni Star

Motion: Councilman Fred W. Fox moved to approve a Business Loan for Trudy Garcia in the amount of \$100,000 subject to Loan Policies & Procedures. 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 Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye



Councilwoman Monica Mayer – Aye

VIII. SEGMENT UPDATES

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• **North Segment** – *Councilwoman Monica Mayer*

Attended the Unity Conference and spoke on the Tribal Leaders Panel. Upcoming events include; Elder's dinner & Cruise, Cosponsoring a Talent Show, July 18th Community Clean-up for State Fair MegaBands, Sobriety Wellness Center(The Door) opening next to the New Town Post Office, Wrecking Yard opened, Pumpkin Patch, Maintenance Building opening in August, current building to be used as a day care, Collaboration with the City of New Town to establish a movie theatre and bowling alley for FY19, and the Nursing Home Project and Aquatics Center.

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• **Twin Buttes** – *Councilman Cory Spotted Bear*

Attended Governors Meeting, successful Twin Buttes Pow-wow, 4th of July Event, invited everyone to the Bakkan Rocks CookFest. Projects update included; construction delays to the weather, Loop road has been paved, water treatment plant is under construction, new trailer park with 12 spots with electrical, buffalo fence is current being built, 500 trees planted in the new orchid, elders building completed end of the summer, recreational areas to be completed in August. Thanked HUD Housing on renovation homes and Elders trip to Shakopee in August.

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• **Four Bears** – *Councilman Frank Grady*

July 2nd Community Building soft Grant Opening, Fireworks Show and entertainment, Old Community building will demolished after the new one is fully operational, still working on BIA 2 road project.

IX. OFFICER REPORTS

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A. Chief Executive Officer Report – *Al Nygard*

1) Federal Programs Report

Fiscal Management Analysis including Federal funding. Contracting has drawn down 85% of the available Federal grant funds. Still determining the results of the Omnibus Bill, but expecting some modest funding increases. Transportation Improvement Plain (TIP) should be going out on RFP this week as required and ready for the September TBC approval. Some budget request considerations (at about \$3 million) and some saving in a few Departments (\$2-2.5 million). Will work with the CFO to reallocate budget funds. Requesting additional funding for a few new programs.

2) Executive Orders

Motion: Councilman Cory Spotted Bear moved to ratify EA-2018-15. Councilman Fred W. Fox seconded the motion.

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and



approves payment of \$91,237.10 to be made to Opportunity Foundation Inc. on behalf of Sonja Berget to come from Tribal Funds that cover the bill through April 2018 so Ms. Berget is not discharged from the facility. **NOW THEREFORE BE IT FURTHER RESOLVED**, The family of Sonja Berget agrees To assume one-half of this payment as a loan to be paid back to the Three Affiliate Tribes on a promissory note.

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

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

Motion: Councilwoman Monica Mayer moved to ratify EA-2018-16. Councilman Fred W. Fox seconded the motion.

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves payment of \$28,100.00 to be made to McKenzie Electric on behalf of the Mandaree Head Start Facility to come from Tribal Funds that cover the bill for infrastructure installation.

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

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

Motion: Councilman Fred W. Fox moved to ratify EA-2018-17. Councilman Cory Spotted Bear seconded the motion.

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves Aurora Borealis Wholesale LLC, to distribute alcohol on the Fort Berthold Reservation.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
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 ratify EA-2018-18.

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves an expenditure item in the amount of \$9,000.00 for the Old Scouts.

Councilwoman Monica Mayer seconded the motion.

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

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

FTR: Councilman Randy Phelan joined the meeting at 1:58PM.

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- 3) Tax Department Report – Cynthia Monteau, Tax Commission Director**
Submitted Tax Report. May collections at \$25.5 million for the fiscal (\$5.6 million increase from April.) FY 2018 : \$155.5 million. Compared to last year revenue is has increased \$9.8 million. \$120 million less than 2014.

Motion: Councilman Randy Phelan moved to approve resolution no. 18-168-FWF entitled "*Appointment of Hearing Officer to Hear Appeals from the Three Affiliated Tribes Tax Code*" subject to Legal review. Councilman Mervin Packineau seconded the motion.

Vote: 7 Ayes. Motion carried.

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

Discussion: Requesting amendment to resolution no. 17-236-FWF to include a Hearing Officer to hear the appeals. Discussion of reinstating the Possessory Interest Tax on pipelines and the current road blocks. Chairman Mark N. Fox believes it wouldn't happen till the fall.



- **Alcohol Beverage Control Licenses**

Motion: Councilman Frank Grady moved to approve the presented Alcohol Beverage Control Licenses. Councilwoman Monica Mayer seconded the motion.

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

Discussion: 4 Retail, 3 Whole Sale Applications, 4 Bears, AB Wholesalers, North Country Wholesale.

- **Tribal Code Amendment 2nd Reading** (10% Gross Production Tax to 10% from 5%)

Motion: Councilman Fred W. Fox moved to approve the 2nd reading of the Gross Production Tax. 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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4) **Enrollment** – *Sevant S. Taft*

Motion: Councilman Randy Phelan moved to approve resolution no. 18-169-FWF entitled “Approval of 39 Applicants for Enrollment into the Three Affiliated Tribes” subject to Legal review. Councilman Fred W. 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: 16,088 total tribal members.

- **Relinquishment**

Motion: Councilman Mervin Packineau moved to approve resolution no. 18-170-FWF entitled “Approval of the Relinquishment Aricka Ree Denny Enrollment 301U-06645 of from Membership in the Three Affiliated Tribes” subject to Legal review. Councilman Frank Grady seconded the motion.

Vote: 5 Ayes. 1 - Opposition. 1 – Abstention. Motion carried.

Chairman Mark N. Fox – Abstained
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

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- Anita Howard-Deene issue represented after review and Enrollment stands by their determination from 2012 for a 3/8 blood quantum. Councilman Randy Phelan asked that Enrollment provide the opportunity for Mrs. Howard-Deane to provide additional information on parent not included. John Fredericks stated there should be a due process anytime someone’s blood quantum is affected. Process needs to be strengthened to allow proper due process. Enrollment will draft additional policies with the help of Legal. Parshall and Mandaree still in need of appointments for the Enrollment Committee.

FTR: Councilman Randy Phelan will appoint Ted Lonefight III for the Enrollment Committee with resolution to come.

5) **White Shield Over-Time**

Motion: Councilwoman Monica Mayer moved to authorize over-time for DEA during the White Shield Pow-Wow. Councilman Fred W. Fox seconded the motion.

Motion Amended:

To change the policy to include authority for the Chairman to authorize over-time for essential personal.

Vote: 6 Ayes. 1 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye



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

X. UNFINISHED BUSINESS

A. Mandaree Incorporation⁸

Item deferred to Committee

B. Land Exchange⁶ – CJ Johnsrud II

Item deferred to NRC Committee with appraisal.

C. New Oil and Gas Technology Presentation⁶ - Kathy Neset

Item deferred to NRC Committee.

D. Life & Limb Request⁴ – Anita Hall

Item addressed.

E. Antonette Halsey Life and Limb Request³ Hall

Item addressed.

F. Quality Assurance Project Plan³ – Jim Mossett

Item deferred.

G. Pouch Point Cost Share² - Jim Mossett

Item deferred.

H. Emergency Operation Plan with NIM's Integration³ - Cliff Whitman Sr.

Item deferred and awaiting Legal review.

I. Toni Garcia Home Purchase/Mortgage¹

Item deferred

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J. MHA DOT - Richard Hall, Director & Stacey Driver¹

Presented a Draft Compact Agreement, Consultant Agreement for Software Licensing that is within Budget, and information concerning Vehicle Insurance requirements for the Manual. Chairman Mark N. Fox recommended a minimum liability requirement to match the State requirement. The Director requested permission to submit a Credit Card Application for Rough Rider Industries – 1 yr. contract out of Bismarck \$42,195 for license plates. Submitted quotes and budget for DVS Data Video System Contract approval to work the system out for one year. Chairman Mark N. Fox would rather the contract should be 1 year. The Credit Card Application will need more work on



details and to return to Economic Committee with the estimated additional costs. \$102,604 requested for the budget.

Motion: Councilman Randy Phelan moved to approve a 1-yr. contract with DVS for Data/Video System Contract. Councilman Fred W. 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

XI. MEDICAL REQUESTS

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A. **Margaret Starr Family Request for Assistance** – *Tom Yellow Wolf, Sr.*

Seeking assistance with a nursing home bill of his late mother in the amount of \$3,412.86. Other medical expenses also presented.

Motion: Councilman Fred W. Fox moved to approve .75% of \$3,412.86 (\$2,600) from 380 as 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 – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

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

A. **MHA Education Advocate** - *Dr. Ruth Swaney* *Addressed*

B. **Mandaree School** – *Ann Longie, Superintendent*

Seeking \$50,000 in assistance with the cost for a feasibility study to construct a new school building. Completed the study and architectural bidding process.



Motion: Councilman Cory Spotted Bear moved to approve \$50,000 for the Mandaree School feasibility study. Councilman Fred W. Fox seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Not Voting
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Discussion: Provided a report of security concerns such as Active Shooter Training and McKenzie County access to the school security camera system and secondly splitting the cost of a School Resource Officer position. It was noted that Law Enforcement provides that service. CEO will check with Chief Heart and correspond with Mandaree School. Mandaree has one but he is undergoing training.

Three architectural bids selected for interview that range from \$19-26 million. DSGW Architects (Lake Elmo, MN., JLT (Williston, ND), & Panther Development. Will return to the TBC to update them on the school boards selection and to insure inclusion in the 2019-20 TAT budget.

Motion: Councilman Fred W. Fox moved to accept the bid within the range and not to exceed \$26 million. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Not Voting
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

C. 2018 Culture and Language Survey Consent - Dr. Ruth Swaney
Item deferred.

D. MHA Education Pathways –
Item deferred.

FTR: Chairman Mark N. Fox stepped out of the meeting at 3:25PM.

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E. Nueta Hidatsa Sahnish College (NHSC) Assessment Resolution – Dr. Twyla Baker-Demaray,
President



Gallup study to participate in an alumni study with the North Dakota Tribal Colleges. The seconded resolution examines return on investment. The project is paid for by the American Indian College Fund. All data will return to the Tribe. Councilman Mervin Packineau asked for information concerning the NHSC basketball program schedule. Dr. Baker-Demaray informed the TBC that they are reevaluating the program to find funding and insure compliance with Title IX.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 18-171-FWF entitled “*Authorizing Nueta Hidatsa Sahnish College’s Participation in a Study of Tribal Colleges and Universities Graduate Outcomes*” subject to Legal review. Councilman Fred W. Fox seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Not Voting
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 18-173-FWF entitled, “*Authorizing the Nueta Hidatsa Sahnish College’s Tribal Participation in a Return on Investment Study for the Institution*” subject to Legal review to protect the tribe’s interest in the data. Councilman Fred W. Fox seconded the motion.

Vote: 4 Ayes. 1 – Abstention. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Not Voting
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Abstained
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Discussion: NHSC has retained data exclusivity and Legal review to insure the data returns to the Tribe.

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F. Head Start Program COLA Increase & GLAD Training Request – Wade Howard

Motion: Councilman Cory Spotted Bear moved to approve the HeadStart COLA increase. Councilman Fred W. Fox seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Not Voting
Councilman Randy Phelan – Aye



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

Discussion: 2.6% COLA rate increase to come from Federal grant funding.

If the grant is approved the amount will be reimbursable (\$25,400). The grant with Edwin Loe Elementary wouldn't be funded until July 20th. Purpose is to incorporate language into the curriculum.

Motion: Councilman Fred W. Fox moved to approve GLAD Training Grant. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Not Voting
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Cory Spotted Bear moved to approve \$25,000 from 380 for the Head Start Round-up subject to resolution and Legal review. Councilman Fred W. Fox seconded the motion.

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

Discussion: The Round-up starts in Parshall next week. John Fredericks will create a resolution. CEO noted that a budget modification can be done at the next budget meeting.

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G. Twin Buttes Safe Haven Building Purchase – Marilyn Young Bird.

Request for \$259,616 and contract to build the 4256 sq. ft. Safe Haven Home in Twin Buttes. The amount has already been budgeted.



Motion: Councilman Cory Spotted Bear moved to approve resolution no. 18-172-FWF entitled “Approving Safe Haven/Transition Home Contract – Twin Buttes/ South Segment” Councilwoman Monica Mayer seconded the motion.

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

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

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

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

The CEO presented a written report to the TBC. Update included information on the grant deadlines(SDPI, Diabetes, SAMSA Aug). Web site updates, A&E on the Dental Building near completion and seeking USDA Grant for the construction of the Dental facility. I.H.S Annual Health Service Agreement update. As requested at the previous TBC meeting Dr. Eagle informed the TBC that the Dr. Young who the TBC requested be sought recruited for services is currently under contract with White Earth .

Motion: Councilman Cory Spotted Bear moved to approve the Andria Weisz FNP Family Nurse Practitioner Contract subject to Legal review. Councilman Fred W. Fox seconded the motion.

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

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

Discussion: Two year contract with retention bonus.

FTR: Chairman Mark N. Fox returned to the meeting 4:04PM.

Requesting a resolution name correction from two years back. Title of resolution should read “Support of Data Collection for the Assessment of Women’s Behavioral Health in Eastern Montana and Western North Dakota Through the Office on Women’s Health (OWH) for Region VIII by Health Resources in Action Within the Jurisdiction of the Three Affiliated Tribes.” Jen Cross is working on the resolution correction. Councilman Fred Fox recommends representing the resolution. Councilman Mervin Packineau asked Dr. Eagle to provide the cost of the Parshall



Ambulance Service. Councilwoman Monica Mayer recommended contracting Dr. Young for at least 2 days a month. Dr. Eagle is also looking at referring patients to him. Councilwoman Monica Mayer, after reviewing the Dental budget expressed the need to bring in more dentists and Dr. Eagle noted that EMHC is actively recruiting.

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

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B. Tribal Care Health Insurance – Jerry Fozzard & Savannah Epercy

Councilwoman Monica Mayer noted the cost is at 101% of the budget and recommended bringing this to the budget meeting. They are also tracking alcohol & substance abuse recovery costs to the plan. Aug. 2nd & 3rd Budget meeting in the afternoon.

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C. Life & Limb – Stacey Red Fox & Judith Danks

Presented 3 action items. A & C are already on Life & Limb. Item B is requesting for just the \$3,500 Life & Limb assistance.

Motion: Councilman Randy Phelan moved to approve Carol Two Crow for Life & Limb (Item B). Councilman Fred W. 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

Motion: Councilman Frank Grady moved to approve Clarence Starr (Item C) for \$341. 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

Motion: Councilman Fred W. Fox moved to approve Stacey Red Fox (Item A) for \$420.80 from the Chairman's budget. 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

XIV. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer, Chair

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A. Sponsorship Request – Norma Flying Horse

Seeking sponsorship for her fashion show during the United Tribes Pow-wow. Promoting other designers and models from Fort Berthold. Chairman Mark N. Fox asked that she keep the TBC informed as to any revenue generated.

Motion: Councilman Fred W. Fox moved to approve a sponsorship of \$8,500. 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 – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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B. Circle of Nations School Campus Grant – Tanner Rabbithead, CEO

Councilman Cory Spotted Bear recommend that they note the tribe somewhere on their signage for the sponsorship.

Motion: Councilman Cory Spotted Bear moved to approve a \$25,000 sponsorship. 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



XV. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

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Harley Texx Lone Bear presented the following items.

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-174-FWF entitled "Approval of the Land Exchange between the Three Affiliated Tribes and Jarrett Shane Johnson" 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: Difference waived by Mr. Johnson.

Motion: Councilman Randy Phelan moved to approve resolution no. 18-175-FWF entitled "Approval of Lease between Three Affiliated Tribes and Janice M. Hall, Kathleen Hall and Frances Mossett of Allotment Number 301-568A" subject to Legal review and working with the BIA issue resolved." Councilwoman Monica Mayer seconded the motion.

Vote: 7 Ayes. Motion carried.

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

Discussion: BIA provided land discription. Technical amendment required. Discussed problem with the Beaver Creek land and a portion purchase in fee with other allotments near the development that the BIA was going to fix. The Tribe had 100% prior to a transaction, after which 66% was in trust and 33% in fee status which should not have happened. The BIA can't explain it. Will be working to make this 100% trust before the partition. The Tribe would lease the land until it can be partitioned.

Motion Amended: to included Legal review and modification.

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A. Homesite(s) - Valeri Hosie



Motion: Councilman Fred W. Fox moved to approve resolution no. 18-176-FWF entitled “Approval of Home Site Lease and Utility Corridor for Tana Dixon”. Councilman Cory Spotted Bear seconded the motion.

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

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

Motion: Councilman Fred W. Fox moved to amend resolution no 18-116-FWF entitled “Rosie White Owl & Samantha Antonio Home Site - West Segment” subject to Legal Review. 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 – Aye
Councilwoman Monica Mayer – Not Voting

Discussion: Correcting the Samantha Antonio amount of acreage from 2-5 to 5 acres.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 18-177-FWF entitled “Approval of Home Site Leases for Noreen Mossett” subject to Legal Review. Councilman Fred W. 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 – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

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

C. Easements - Shaylane Miller



Item deferred.

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

Short discussion of the UIC program, the EPA, and consultation.

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1) ROW's – Paul Grady & Catherine Everett

Motion: Councilman Randy Phelan moved to approve resolution no. 18-178-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Rim Rock Skunk Creek 16-2-3-13H Project Submitted by McKenzie Electric Cooperative.” Councilman Fred W. 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 – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-179-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the MRR Packineau 14X-4A URD Line Project Submitted by McKenzie Electric Cooperative.” 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 – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-180-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Temporary Above Ground Freshwater Line for the Windom and Little Bear Frac 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 – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Randy Phelan moved to approve resolution no. 18-181-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Fort Berthold 151-94-27A-34-8H, 9H, 10H, 11H, 16H and Fort Berthold 151-94-26B-35-3H, 4H, 5H, 6H, 7H, 14H, 15H, the Leviathan Pad Project, Submitted by Bruin E&P Operating, LLC.” Councilman Fred W. 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 – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Randy Phelan moved to approve resolution no. 18-182-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Mandaree 7 SWSW Pad Project Submitted by EOG Resources, Inc.” Councilman Fred W. 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 – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-183-FWF entitled “Consent to Approval of a Right-of-Way across Tribal Land for the Emma Owner Loop Line Project Submitted by Crestwood.” 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 – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting



Motion: Councilman Fred W. Fox moved to approve resolution no. 18-184-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Moccasin Creek 24-10 Project Submitted by Targa Badlands LLC.” 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 – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-185-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Johnsons Compressor Expansion Project Submitted by Targa Badlands LLC.” 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 – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-186-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Spiders Fee Pipelines Project Submitted by Enerplus Resources (USA) Corporation.” 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 – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-187-FWF entitled “Consent to Approval of a Temporary Assignment Right-Of-Way across Tribal land for the



Howling Wolf Temporary Freshwater Pipeline Project Submitted by WPX Energy Williston, 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 – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Randy Phelan moved to approve resolution no. 18-188-FWF entitled *“Consent to Approval of a Right-of-Way across Tribal land for the TEK Temporary Water Line #1 Project Submitted by TEK Industries, LLC.”* Councilman Fred W. 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 – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Randy Phelan moved to approve resolution no. 18-190-FWF entitled *“Consent to Approval of a Right-of-Way across Tribal land for the Burr to Voigt Pipeline Project Submitted by Targa Badlands LLC.”* Councilman Fred W. 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 – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

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- 2) **Pipeline Safety Code Final Review** – Travis Hallam, Carson Hood Jr. & Shenan Atcitty
Will not affect anything in the Water Code. Comment period included the NDPC & industry. Special License fees issue addressed. Issues addressed concerning industry passing the cost to the allottee. Fees to support the Pipeline Safety Authority operation. John Fredericks approved of the changes.



Motion: Councilman Fred W. Fox moved to approve resolution no. 18-189-FWF entitled “Pipeline Safety Code Final Review” subject to Legal review and resolution. Councilman Cory Spotted Bear seconded the motion.

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

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

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3) BIA 13 Shared Roads Agreement – Lloyd Vigen & Carson Hood Jr.

Operators (QEP, XTO, WPX) will be responsible for 70% of the maintenance and the Tribe at 30% as determined by the BIA (1-Semi- = 1000 cars) first 5 /12 miles of BIA 13. QEP would be responsible for 70% of the maintenance on the last mile where their wells are.

Motion: Councilman Randy Phelan moved to approve the “Road Maintenance Cost Share Agreement BIA Road 13” with a 70/30 split subject to Legal review. Councilman Fred W. 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 – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

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4) BIA 12 Change Order - Lloyd Vigen

Seeking approval for micro surfacing at roughly \$1.33 million. Under budget by about \$2.28 million. Councilman Randy Phelan notes that this company removed the walkway with the highway project. About \$300,000 to rebuild the bike path (3000 ft.). About \$1 million under the original budget. It would cost an additional \$200,000-300,000 to bid out as opposed to a change order for the project that has not been closed out yet.

Motion: Councilman Randy Phelan moved to approve the change order subject to consultant review under current scope of work. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye



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

Discussion: Mr. Vigen noted that BIA 13 does not have any BIA ROW at all and expressed the need for an engineer service to complete this in a timely fashion. BIA 17 is the same situation. NRC had recommend putting it out to bid.

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5) Hidatsa North Trespass WPX Resolution Modification

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-191-FWF entitled “Approval of Assessment of Civil Fine on WPX Energy Williston, LLC for Trespass Regarding BIA Right-of-Way Grant No. FBOG101072 for the Hidatsa North 14-23.” 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 – Aye
Councilwoman Monica Mayer – Not Voting

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

A. Justice Commission Report

Item deferred.

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

Presented a Draft of Policies & Procedures for the Adult Probation Manual to help with the Wellness Court. Current working with the Legal Dept. on amending the code to expand Magistrate hiring preferences. Architects Field Report cites issues with maintenance and recommended items be resolved. Presented the amended Tribal Court organizational chart with addition of the CEO as requested. Discussion of pre-trial appointment of judges. Requesting assistance from Legal Dept. on review of policies to address court debt owed by deceased members of the Tribe. Possibly \$1 million in outstanding to the Court after review. Chairman Mark N. Fox recommended waiving or asserting a claim on their probate. TBC recommend waving the debt, but requested that the Court return with more numbers before the TBC takes action. Mr. Heart requested that Court fines & fees be directed into the court budget. The CEO will work through the budget process to address budget need.



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

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A. Child Safety Center

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 18-193-FWF entitled “*Approving of General Contractor and Costs for Child Shelter Care Facility in New Town, North Dakota*” 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 – Aye
Councilwoman Monica Mayer – Not Voting

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B. Child Support – *Bill Woods, Interim Director*

Motion: Councilman Fred W. Fox moved to approve the Taylor Olsen Contract. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

Motion: Councilman Fred W. Fox moved to approve resolution no. 18-192-FWF entitled “*Approval of Consultant Contract – between TAT Division of Child Support Enforcement and Access and Data Solutions, LLC*” [Greg Kidder and Data Solutions]. Councilman Cory Spotted Bear seconded the motion.

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



Councilwoman Monica Mayer – Not Voting

Motion: Councilman Fred W. Fox moved to approve authority for the Chairman to sign the 424 Application form. Councilman Mervin Packineau seconded the motion.

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

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

Discussion: Budget discussed and contribution and in-kind funding being reviewed to decrease tribal share. August 1st deadline for grant application. Requested combining the Director/Staff Request – Chairman Mark N. Fox recommended submission of a budget for the two positions, with review, and submitting of budget modification.

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C. Election Board

Motion: Councilman Randy Phelan moved to approve resolution no. 18-194-FWF entitled “Approving the Appointees for the Election Board Members.” Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. Motion carried.

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

Discussion: Amanda Sheppard to serve as Secretary/Clerk for the Election Board, and mileage for the members. To work with Caleb Dogeagle concerning budget for compensation.

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

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

- A. Chairman Mark Fox- Reserved
- B. Chairman Mark Fox – Reserved

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C. Councilman Randy Phelan – XO'SHGA (Hushgaa) Ride – Ben Good Bird

Benjie Good Bird presented a report & request for Trail Ride and Walk. Provided back-ground history on the Hushgaa Band. Walk & Ride with buffalo feed. Presented budget of \$35, 665 for a second annual event on Aug 4th for the ride from Fort Buford to Fort Union. Councilman Randy Phelan recommended a 3 day event for \$27,000. The planned ride would take the Little Shell road loop and meet the walkers at the Four Bears bridge enter the Little Shell Pow-wow. Discussion of the film production opportunities.

Motion: Councilman Randy Phelan moved to approve \$27,000 for the XO'SHGA Ride. Councilman Fred W. 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 – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Voting

- D. Councilman Randy Phelan – Reserved**
- E. Councilman Fred W. Fox – Reserved**
- F. Councilman Fred W. Fox – Reserved**

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

- G. Councilman Mervin Packineau – Mariam Fixico**
Item deferred.

- H. Councilman Frank Grady – Reserved**
- I. Councilman Frank Grady – Reserved**
- J. Councilman Cory Spotted Bear – CJ Whitman**
See Closed Session.

- K. Councilman Cory Spotted Bear – Reserved**
- L. Councilwoman Monica Mayer – Reserved**
- M. Councilwoman Monica Mayer – Reserved**

XX. CLOSED SESSION

- A. Marcus Levings³**
- B. Kyle Mandan³**
- B. Judith Danks Dental Request**
- C. Life & Limb (6) – Judith Danks**
- D. Human Resources HR – Barlow Wells, Director**



- E. TAT Law Enforcement Report** – *Nelson W. Heart, Chief of Police*
- F. Four Bears Casino Report** – *Scott Wilson, General Manager*
- G. Mark Van Norman Update**
- H. Tallsalt Update**
- I. Pipeline Update** – *Bernie Fox & Steve Gunderson*
- J. Chase Water Depot** – *Josie Chase, Gale Chase, & Jason Bachman*
- K. Amended Representation Agreement**
- L. Valeri Fast Dog Request**
- M. Kenneth J. Mayer Request**
- N. Leonika R. Charging**
- O. Committee Issues**
- P. Mortgage Issue**
- Q. Deposit Accounts** – *John Fredericks*
- R. Consultant Contract**
- S. Councilman Mervin Packineau** – *Verlee Whitecalfe Saylor*
- R. Councilman Cory Spotted Bear** – *CJ Whitman*

XXI. ADJOURNMENT

Motion: Councilman Randy Phelan moved to adjourn the meeting. Councilman Fred W. Fox seconded the motion. Meeting adjourned at 9:36PM.



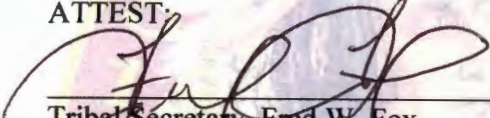
CERTIFICATION

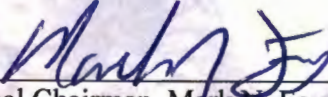
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 5 were present at the Special Meeting thereof duly called, notice, convened and held on the 21st of September, 2018; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 5 members; 0 members opposed; 0 members abstained; 2 Members not voting.

Chairman (X) Voting () Not Voting

Dated this 21st day of September, 2018.

ATTEST:


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


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