



* Standing Agenda Item
Superscript indicates times deferred (After 3-times returned to Committee)

CALL TO ORDER

Chairman Mark N. Fox called the meeting to order at 11:50AM.

OPENING PRAYER

Keith Bear

ROLL CALL

Present: Councilwoman Monica Mayer, Councilman Cory Spotted Bear, Councilman Mervin Packineau, Chairman Mark N. Fox, Councilwoman V. Judy Brugh(Not Present), Councilman Randy Phelan(Not Present), & Councilman Fred Fox. *Quorum established.*

I. APPROVAL OF AGENDA

Motion: Councilman Fred Fox moved to approve the agenda. Councilman Mervin Packineau seconded the motion.

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

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

II. APPROVAL OF MINUTES:

- **11/26/2019 Regular Tribal Business Council Meeting Minutes.**
- **12/19/2019 Regular Tribal Business Council Meeting Minutes**

Motion: Councilman Fred Fox moved to approve the presented minutes subject to minor edits. Councilman Mervin Packineau seconded the motion.

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

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

III. SPECIAL GUESTS & ELDERS

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A. Church Renovation - Madonna Azure

This is a request for monetary assistance for the renovation of the 135 year old Arikara Congregational Church in White Shield. They have been fundraising since September 2015 to fix the leak in the basement (Phase I) and renovate the kitchen and community room (Phase II) that was ruined because of the frequent flooding. Also, a Phase II for a handicap accessibility lift for \$30,633.70. The cost of the renovation is \$84,479.00 for the labor and materials. Not included in the estimate are the costs for the leak in bathrooms to repair by sealing the outside walls of the addition where the bathrooms.

Motion: Councilman Fred Fox moved to approve as policy 50% not to exceed \$40,000 and Councilman Fred Fox & Chairman Mark N. Fox to provide the balance for the church renovation. Councilman Cory Spotted Bear seconded the motion.

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

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

Discussion: White Shield segment will assist with the processing & reporting. The organization to furnish a final balance.

B. Tribal Government to Government Consultation.

Item deferred

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C. Law Enforcement Graduates

Brianna _____ & Paula Vick were honored for their recent completion of the Police Academy.

FTR: An honor song for Councilman Fred Fox's birthday from Oakdale Singers with gifts, and cake.

EXECUTIVE COMMITTEE REPORTS

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

Presented an overview of recent events and activities such as the Bismarck Christmas Party, Fort Berthold Science Fair, and Parshall School Grand Opening. Upcoming events included: Strengthening the Tribal & State Relationships, Crime Prevention Summit & Prayer Breakfast, Ice Water Warriors Plunge, Weight Loss Challenge. Provided an update of projects such the new Outreach Center, Interpretive Center, and many other new projects that are in progress.

V. VICE CHAIRMAN'S REPORT – Councilman Randy Phelan



Item deferred.

VI. EXECUTIVE SECRETARY'S REPORT – Councilman Fred Fox

White Shield student iPad & winter coat distribution, East Segment Tribal Building & Elder Building grand openings, EMT training continuing for free with 10 participants currently, McLean County Law Enforcement MOU is working very well.

VII. TREASURER'S REPORT - Councilman Mervin Packineau

Provided an update of recent activity and events in the North East Segment.

A. Chief Financial Officer (CFO) Report* – Whitney Bell

Item deferred

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B. Small Loans* –Mary Ellen Sun

Motion: Councilman Mervin Packineau moved to approve Group A (9): subject to Loans policies & recommendations. Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Not Present

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman V. Judy Brugh – Not Present

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

C. Mortgage Program – Val Mayer

Item deferred

D. Business Loans – Toni Star

Item deferred

E. Four Bears Casino Report* – Scott Wilson, General Manager

Item deferred.

VIII. SEGMENT UPDATES

A. North Segment – Councilwoman Monica Mayer



The Councilwoman reported a large turnout for the segment Christmas party, Grand Opening of the new skating rink, Car Wash scheduled to open in Feb., Tire, Glass & detail services to be offered at the old Reunchs property.

B. Twin Buttes – Councilman Cory Spotted Bear

Provided an updated of activities such as the hotel project & ambulance services & clinic. The segment has received a \$500,000 grant from the N.D. Dept. of Commerce in association with the round house project for renewable energy.

C. Four Bears – Councilwoman V. Judy Brugh

Item deferred.

IX. OFFICER REPORTS

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A. Chief Executive Officer Report* – Roger White Owl, Acting CEO

1) Executive Orders*

Motion: Councilman Mervin Packineau moved to ratify EA 2020-01:

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves \$6000.00 to be paid to the Good Shepherd Home of Watford City to assist in nursing home care for Avalon Hale.

Councilman Cory Spotted Bear seconded the motion. Motion carried.

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

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

Motion: Councilman Cory Spotted Bear moved to ratify EA 19-123:

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a life and limb grant in an amount not to exceed \$25,000 to Oasis of Hope Hospital for [XXXXXX].

Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye



Councilman Randy Phelan – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Mervin Packineau moved to ratify EA 19-122;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a \$5,451.00 donation to the Milestones Early Learning Center. Councilman Cory Spotted Bear seconded the motion.

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

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

Motion: Councilman Mervin Packineau moved to approve resolution no. 20-002-FWF entitled “*Authorizing Tribal Chairman to Execute Contract For Combined Heat and Power Engine For Seed to Feed Project*”. Councilman Cory Spotted Bear seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve resolution no. 20-001-FWF entitled “*Authorizing and Executing Contract With Bartlett and West For Services on Greenhouse Project*” subject to Legal review & resolution. Councilman Mervin Packineau seconded the motion.

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

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



Councilwoman V. Judy Brugh – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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

The Tax Department is reporting revenue collections for the month of November 2019 (Month 2 - FY2020). Total FY2020 Actual Collections for two months is \$48,238,933, compared to FY2019 Actual Collections for two months which was \$53,542,348. [FY2020 Annual Projected Collections are estimated at \$291M]. November Oil and Gas revenue (Oil Production Tax (5%) and Oil Extraction Tax (5%)) is based upon September monthly production as reported to the State in October. The Crude Oil Monthly Price Average on September 1st, 2019 was: WTI at \$56.97* and MHA Price Received was \$53.66.* (*Provided by: Tallsalt Advisors)

a) **Applications for Liquor Licenses:**

Motion: Councilman Mervin Packineau moved to approve (4) Casino applications for liquor licenses:

- Bison Room
- Marina
- Eagles Landing
- Pocket Aces

Councilman Fred Fox seconded the motion.

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

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

b) **Business Licenses**

Motion: Councilman Mervin Packineau moved to approve the following Business Licenses subject to pending review.

- Sunbeam Contracting Service – Barbara Sanchez - Maintenance
- AJ Consulting – Amanda Bracklin - Consulting
- Native Rukus – Amanda Bracklin – Online Retail

Councilman Fred Fox seconded the motion.



Vote: 5 - Ayes. 2 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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c) Alcohol Tax

Motion: Councilman Cory Spotted Bear moved to direct the Tax Dept. to prepare to initiate and implement the full taxation of Alcohol on April 1st. Councilman Fred Fox seconded the motion.

Vote: 5 - Ayes. 2 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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3) Enrollment* – Sevant S. Taft, Enrollment Director

Motion: Councilman Fred Fox moved to approve resolution no. 20-003-FWF entitled “Approval of 26 (Twenty-Six) Applicants for Enrollment into the Three Affiliated Tribes” Councilman Cory Spotted Bear seconded the motion.

Vote: 5 - Ayes. 2 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: 16,630 total members.

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Motion: Councilman Mervin Packineau moved to approve resolution no. 20-015-FWF entitled “Authorizing a Memorandum of Understanding with the U.S. Department of Homeland Security,



U.S. Customs and Border Protection Regarding an Enhanced Tribal Card Program”
Councilwoman V. Judy Brugh seconded the motion.

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

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

X. UNFINISHED BUSINESS

A. Wake Fund Resolution⁴ – John Fredericks

Item deferred.

B. T44-2A Home lot for Charles Fox Home⁴ (from NRC)

Item deferred.

C. Rescinding the Energy/Environmental MOU³ (from Executive)

Item deferred.

D. Mandaree School Construction Funding³

Item deferred.

E. Land Sale - James Foote - NE Segment³

Item deferred.

G. Trespass Code³ – Shenan Atcitty, Energy Attorney

Item deferred.

H. Medical Bills³;

- 1) R.H.²
- 2) P.M.²

Item deferred back to Committee.

H. North Dakota Highway 73 Project - KLJ



Item deferred.

I. Land Sale-Greenhouse

Item deferred.

J. THPO – Pete Coffee

Item deferred.

K. Diabetes Program Building - Jared Eagle

Item deferred.

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. HEALTH & HUMAN SERVICES - Councilwoman Monica Mayer

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A. Elbowoods Memorial Health Center (EMHC) Update* – Dr. Kathy Eagle, CEO & Anita Martin, CMO.

Submitted the CEO Report for December 2019. Provided a review of the carryover process. It was noted that EMHC had a history of under staffing that created the situation of having carryover for a number of years. Purchased and Referred Care dollars were spent down from \$4 million to \$238,000. Issues with Boon Group and being the payer of last result. Chairman Mark N. Fox stressed the need for EMHC to spend their Federal dollars 1st before charging Boon Insurance. Dr. Eagle presented a report on the carryover. Councilwoman Monica Mayer expressed the need for better quality accessible services so people will want to go to Elbowoods.

1) MHA Suicide Awareness Focus Group

Motion: Councilman Fred Fox move to approve the request for the IRB Minimal Risk Protocol. Councilwoman Monica Mayer seconded the motion.

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

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

2) Employee Tele-commute

Modification of a couple of job descriptions to allow employee tele-commuting for Coding and Billing.



Motion: Councilman Fred Fox moved to grant authority to the EMHC CEO to modify job descriptions to allow for an employee to tele-commute to conduct Coding & Billing subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

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

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B. Tribal Health* – Red Fox Sanchez, Director

Dakota Travel Nursing contract for HHC. Two RN's and one LPN. RN contract will total approximately \$247,520 for one year and an LPN \$102,960. Both figures are base rate not including any O.T. or Holiday pay. Legal has reviewed to proceed. STN Staffing Rate Sheet presented along with a Healthcare Staffing Agreement. 2 RN's & 1 LPN. Chairman Mark N Fox adds that he wants the program to continue to recruit as regular employees. Director Sanchez expressed the need for employee housing.

Motion: Councilman Fred Fox moved to approve health care Staffing Agreement between DTN Staffing Inc. and MHA Nation Contract for nursing services. Councilman Cory Spotted Bear seconded the motion.

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

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

C. Good Road Recovery Center* (GRRC) - Ty M. Thompson, BS, MA, LAC, Executive Director

Item deferred.

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D. Life & Limb* – Alva Irwin, Grants & Donations Director

Motion: Councilwoman Monica Mayer moved to approve Item A: [XXXXX]

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

Chairman Mark N. Fox – Aye



Councilman Randy Phelan – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Mervin Packineau moved to approve Item B: [XXXXX]. Councilwoman Monica Mayer seconded the motion.

Vote: 5 - Ayes. 2 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilwoman Monica Mayer moved to approve Item C: [XXXXX]. Councilman Fred Fox seconded the motion.

Vote: 5 - Ayes. 2 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Fred Fox moved to approve Item D: [XXXXX]. Councilwoman Monica Mayer seconded the motion.

Vote: 5 - Ayes. 2 – Not Present. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Fred Fox moved to approve Item E:[XXXXX]. Councilwoman Monica Mayer seconded the motion.



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

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

Motion: Councilman Fred Fox moved to approve Item F:[XXXXX]. Councilman Cory Spotted Bear seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve Item G:[XXXXX]. Councilman Mervin Packineau seconded the motion.

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

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

Discussion: To be run again through EMHC.

E. Medical Bill – C.B.M

Item deferred.

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F. Medical Bill – R.L.B. – Edith Finley

In May of 2019, He has been disqualified from the Medicaid Skilled Nursing Benefit. Therefore, he has been private pay from that time through Nov. 19th, 2019. Starting November 20th, he has been reinstated to Medicaid to have his nursing home stay paid, except for his recipient liability. His total



due to Knife River Care Center (KRCC) is \$23,204.86 (up to Nov. 19th). Medicaid will not pay any of that amounts. Already used what is available \$45,000 by policy. Councilwoman Monica Mayer did not recommend Boon do to its effect on his pending Medicaid.

Motion: Councilman Fred Fox moved to approve payment for 2020. Councilwoman Monica Mayer seconded the motion.

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

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

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G. Dental – H.K. [XXXXX]

Motion: Councilman Fred Fox moved to approve \$25,000 Life & Limb according to policy for the year. Councilman Mervin Packineau seconded the motion.

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

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

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H. Senior Care Program – Erin Sorensen, RN,BSN & Jennifer Darcy, RN,BSN

A business proposal and funding request for their business. Home Instead, has been formed by Erin Sorensen and Jennifer Darcy to purchase the Home Instead Senior Care franchise located in Beulah, ND with a territory covering Minot, Bismarck, the Fort Berthold Reservation, and the small towns in between. Home Instead-Senior Care would provide services on and off the reservation. Councilwoman Monica in collaboration with Councilman Cory Spotted Bear would like to bring them on as employees at Twin Buttes in collaboration with North Segment for Home Health. Councilwoman Monica Mayer noted that we have a number of entities that provide these of services but it is just not up to the level it could be.

FTR: Councilwoman V. Judy Brugh joined the meeting at 2:28PM.

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I. Aging Services – Polly Chase, Director



1) Elder Needs Assessment Survey

Motion: Councilman Fred Fox moved to approve resolution no. 20-004-FWF entitled “Authorization for Tribal Participation in a Nationwide Elder Needs Assessment Survey for the Title VI Grant Funding Year 2020 through 2023.” Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

2) Elder Services Funding

Motion: Councilman Fred Fox moved to approve resolution no. 20-005-FWF entitled “Authorization for Continuation of Elder Services Funding from the Administration for Community Living/Administration on Aging Older Americans Act, Title VI Nutrition, Supportive Service and Caregiver Grants (Part A/B and C).” Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

3) Program Vehicle Purchase

The program currently has a 2010 Ford Escape with 160,000 miles and one other dependable vehicle. With the assistance of Peter Garcia at Fixed Assets, we were able to find a buyer for the 2000 Pontiac Van for \$500.00 and the program’s current 15-passenger van is worth \$7,000. He has the van a trade in with the \$7,000. The program has 3 quotes.

Motion: Councilman Fred Fox moved to approve vehicle purchase for the Elder Services program from General Fund. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

4) Northern Badlands Indian Rodeo Association

Motion: Councilman Fred Fox moved to approve resolution no. 20-006-FWF entitled “Approving Request for Funds for the Northern Badlands Indian Rodeo Association”
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 Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Not Voting
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

XII. JUDICIAL COMMITTEE – Councilwoman V. Judy Brugh, Chair A. Justice Commission Report*

Item deferred.

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B. Tribal Court Report* – Marvel Heart, Court Administrator

FTR: Councilman Fred Fox as Chair of the meeting.

Elizabeth Yellow Bird presented report that included; Chief Judge and Lay Advocate positions are still open. Upcoming training for Clerks & Full-Court. File clean up and filing is the current priority. Evelyn Wounded Face continues work on the Court Manual with an expected completion by the end of January. The Court still needs a house dedicated for the Chief Judge to draw in applicants. Tribal Code work continues with work sessions through the Judicial Commission. Additional maintenance issues that include huge cracks in the walls. Also working on reimbursement issues.

Motion: Councilwoman V. Judy Brugh moved to approve the B.J. Jones contract to serve as an Associate Judge or Alternate Judge of the Fort Berthold District Court. Councilman Mervin Packineau seconded the motion.

Vote: 5 - Ayes. 1 – Not Voting. 1– Not Present. Motion carried.
Chairman Mark N. Fox – Not Voting



Councilman Randy Phelan – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: The term of this contract shall begin October 1, 2019 until September 30, 2020.
Resolution # 19-237-FWF previously assigned resolution number.

FTR: Resolution entitled "Appointment of an Associate Judge for the Fort Berthold District Court." Submitted by Legal. This resolution has been assigned 20-017-FWF.

Motion: Councilwoman V. Judy Brugh moved to approve the Evelyn Wounded Face Contract for services to the Accounts Receivable and Business Manager. Councilman Mervin Packineau seconded the motion.

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

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

Discussion: The term of this contract shall be for a period of one year as agreed upon by the parties.
Contract dates will begin November 4th, 2019 thru September 30th, 2020.

C. Public Safety Division of Drug Enforcement* – *Gerald White, Jr., Chief*

Item deferred.

D. Enhanced Tribal Cards, WHTI MOA – *Sevant Taft*

Addressed under Enrollment.

XIII. NATURAL RESOURCES COMMITTEE – *Councilman Randy Phelan, Chairman*

A. Homesite(s)* - *Texx Lone Bear, Natural Resources Director*

Item deferred.

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B. Farm/Pasture Leases* - *Diana Americanhorse, Realty Specialist*



Motion: Councilwoman V. Judy Brugh moved to approve resolution no. 20-007-FWF entitled “2020 Agricultural Leases” on Tribal Land. Councilwoman Monica Mayer 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 – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Abstained
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Leasee are; William D. Halls, Wade Howard, Yvette Blake, Brenda Huesers, Brenda Huesers, Howard Fettig, Almit Breuer, Lynn Billadeau, & Nancy Vitko. 1 year permits.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 20-008-FWF entitled “Consent to Certain Rights of Way across Tribal land for the McKenzie Electric Cooperative – South Segment Motel Project” Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

C. Easements*

Item deferred.

D. Fort Berthold Rural Water (FBRW)* – Pem Hall

Item deferred.

E. Tribal Utilities – Patrick DuBois

Item deferred.

XIV. EXECUTIVE COMMITTEE – Chairman Mark N. Fox

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A. Hall of Honor Resolution



Motion: Councilman Mervin Packineau moved to approve resolution no. 20-009-FWF entitled “Approving Request for Funds for the Native American Hall of Honor” 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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B. Updated Dental Policy to 75% - General Dentistry and Orthodontics

Motion: Councilman Mervin Packineau moved to approve an amended policy for elders to receive 75% with 100% payment after an exhaustion of all other resources for dental work. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

C. NBIRA Financial Request – Chaundee Chase

Item addressed.

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D. ROW for Marque Sign at Bakersfield on State (NDDOT) ROW.

Sign to be used for the anti-drug campaign.

Motion: Councilman Mervin Packineau moved to approve resolution no. 20-014-FWF entitled “Authorizing Right-of-Way Use Agreement with North Dakota Department of Transportation for the Purpose of Maintaining a Sign within the North Right-of-Way of Highway 23” Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

- XV. **EDUCATION COMMITTEE** – *Councilman Cory Spotted Bear, Chair*
XVI. **CULTURAL COMMITTEE** – *Chairman Randy Phelan, Chair*
XVII. **ECONOMIC DEVELOPMENT COMMITTEE** - *Councilwoman Monica Mayer*
XVIII. **ENERGY COMMITTEE** – *Chairman Randy Phelan, Chair*

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A. Energy Dept. Update* - *Kenny Lyson, Director*

Received new trucks for the dept. and currently them outfitted with decals and GPS. Planning for CPR, H₂S training. Drilling Schedules being working on. Rig Friendly along with Energy & NRC Committee meetings on Jan. 22nd in the Tribal Chambers. Handed out the Tallsalt Flaring Report. Councilman Cory Spotted Bear asked that the ROW's be broken down by segment.

B. ROW's* (See Energy Dept. binder) – *Paul Grady & Harriette Clah*

Motion: Councilwoman V. Judy Brugh moved to approve resolution no. 20-010-FWF entitled “Consent to Amend BIA ROW No. FBOG101320 (Modification No. 1) across Tribal land for the Skunk Creek 8-2 Underground Flowline/Electric Line Corridor Project Submitted by RimRock Oil & Gas Williston, LLC.” Councilwoman Monica Mayer seconded the motion.

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

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

Motion: Councilwoman Monica Mayer moved to approve resolution no. 20-011-FWF entitled “Approval to Amend BIA ROW No. FBOG100169 (Modification No. 2) to add One Additional Well on the Skunk Creek 2-8 Well Pad Submitted by RimRock Oil & Gas Williston, LLC.” Councilman Mervin Packineau seconded the motion.

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

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



Motion: Councilman Mervin Packineau moved to approve resolution no. 20-012-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the RimRock Moccasin Creek 13-34-3H Project Submitted by McKenzie Electric Cooperative, Inc.” Councilwoman Monica Mayer seconded the motion.

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

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

Motion: Councilman Mervin Packineau moved to approve resolution no. 20-013-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the RimRock Moccasin Creek 4-10-11-1H Underground Electrical Power Line Project Submitted by McKenzie Electric Cooperative, Inc.” Councilwoman Monica Mayer seconded the motion.

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

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

XIX. LEGAL DEPARTMENT – Tyra Wilkinson, MHA Supervising Attorney

Item deferred.

XX. NEW BUSINESS – Tribal Councilman Add Ons

- A. Chairman Mark Fox- *Reserved*
- B. Chairman Mark Fox – *Reserved*
- C. Councilman Randy Phelan – *Reserved*
- D. Councilman Randy Phelan – *Reserved*
- E. Councilman Fred W. Fox - Magdalen Yellow Bird(See Closed Session)
- F. Councilman Fred W. Fox – *Reserved*
- G. Councilman Mervin Packineau – *Reserved*
- H. Councilman Mervin Packineau – *Reserved*
- I. Councilman V. Judy Brugh – Gloria Smith(See Closed Session)
- J. Councilman V. Judy Brugh – *Reserved*
- K. Councilman Cory Spotted Bear – *Reserved*



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

XXI. CLOSED SESSION

- A. Human Resources (HR)* – *Melissa Brady, Interim Director*
- B. TAT Law Enforcement Report* – *Nelson W. Heart, Chief of Police*
- C. Adult Detention Issues⁴ (From Judicial)
- D. SRO Officers Resolution³
- E. BIA Road 22 Maintenance Agreement³
- F. Discussion on ¼ mile Structure Setback³ (from Energy)
- G. Richard Hall³ [From Judicial]
- H. RM – Life and Limb^[From Health]
- I. Request – *T. T.C.* [From Health]
- J. TERO Issue - *Ron Brugh*
- K. Fatima Hood
- L. Fitness & Recreation
- M. B.J. Brady – *B.J & Melissa Brady*
- N. McLean County MOU
- O. Gloria Smith
- P. Magdalen Yellow Bird Respite Care (\$270/day) short-term - **Councilman Fred Fox**
- Q. Drug Enforcement – *Jeff White & Toby Two Crow*

XXII. ADJOURNMENT

Motion: Councilman Cory Spotted Bear moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 5:16PM.



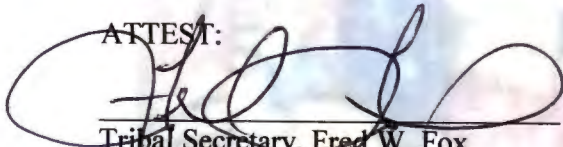
CERTIFICATION

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 13th of February, 2020; 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.

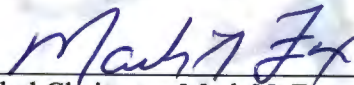
Chairman (X) Voting () Not Voting

Dated this 13th day of February, 2020

ATTEST:



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



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