



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
OCTOBER 8th, 2020 MINUTES
[CLOSED SESSION CONTENT EXCLUDED]

* 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 11:38 am.

ROLL CALL:

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

OPENING PRAYER

Harry Sitting Bear

I. APPROVAL OF AGENDA

FTR: Councilman Fred Fox stepped out of the meeting.

Motion: Councilwoman V. Judy Brugh moved to approve the agenda. 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 – Not Voting
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

II. APPROVAL OF MINUTES

• **9/9/2020 Special Meeting Minutes**

Motion: Councilwoman V. Judy Brugh moved to approve the 9/9/2020 Special Tribal Business Council Minutes. 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 – Not Voting
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye



FTR: Councilman Fred Fox returned to the meeting.

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III. SPECIAL GUESTS & ELDERS

A. Ramona Two Shields – Jeff Fox – Bonita Spotted Elk – Marilyn Jacobs
Recognition for years of service to the MHA Nation. All were awarded with plaques & honored by the TBC.

B. Chief Judge Introduction

Introduction of David Christenson to the TBC as the new Chief Judge for the Tribe and honoring.

C. Kylie Oversen, Chairwoman of the North Dakota Democratic-NPL Party

Provided a report of election & get out the vote activities. Chairman Mark N. Fox would like to donate to the “Get out the Vote” activities and will reach out personally and help any way he can.

D. Ardel Jean Baker Recognition

Family joined with the TBC to recognize the years of service of Ardel Jean Baker and her years of service to the Tribal Council & service to the Tribe.

EXECUTIVE COMMITTEE REPORTS

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

Provided a brief report of current activities such as: Participating in the Federal Partners meeting, Presentation to the Legislative Management Budget Section at the State Capital in the Senate Chambers on Tax, Insurance Work session, United Tribes Board meeting, National Discussions on Dual Taxation. Upcoming meeting include: Chairman’s Work session with Energy.

V. VICE CHAIRMAN’S REPORT – *Councilman Cory Spotted Bear*

Item deferred.

VI. EXECUTIVE SECRETARY’S REPORT – *Councilman Fred Fox*

Item deferred.

VII. TREASURER’S REPORT - *Councilman Mervin Packineau*

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

Submitted expense report for FY 2020 & FY21 budget. Budget is currently balanced from projected revenue for FY21 at \$366,300 million.



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Motion: Councilman Mervin Packineau moved to approve resolution no 20-194-FWF entitled “*Approval of Amended Fiscal Year 2021 General Fund Budget for the Three Affiliated Tribes*” subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – 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: Councilman Fred Fox noted that the White Shield Emergency Center project is only showing 5 and is not enough to complete the project in the next fiscal so the CFO will adjust.

Motion: Councilman Mervin Packineau moved to approve resolution no 20-195-FWF entitled “*Directive to the Office of Trust Fund Management to Make Available Funds for Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL7228700 in the Amount of \$25,000,000.00*” subject to Legal review. Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – 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: \$528 million currently in the People’s Fund.

B. Mortgage Program – Val Mayer, Credit Manager

Item deferred.

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C. Small Loans* –Mary Ellen Sun, Lead Loan Officer

Motion: Councilman Fred Fox moved to approve group A Small Loan Applications (9): subject to Loans policies & recommendations. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Mervin Packineau moved to approve group B Small Loan Applications (2): subject to Loans policies & recommendations. Councilman Fred Fox 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Fred Fox moved to approve group C Small Loan Applications (2): subject to Loans policies & recommendations. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Waiver of Cosignatory requirement.

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

Item deferred.

VIII. SEGMENT UPDATES:

A. North Segment – Councilwoman Monica Mayer



Item deferred.

B. Twin Buttes – Councilman Cory Spotted Bear

Item deferred.

C. Four Bears – Councilwoman V. Judy Brugh

Item deferred.

IX. OFFICER REPORTS:

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A. Chief Executive Officer Report* – Scott Satermo, CEO

1) Executive Orders*

Motion: Councilman Mervin Packineau moved to ratify EA 2020-30:

NOW THEREFORE BE IT RESOLVED, The Tribal Business Council grants a Temporary Surface-Use Permit Agreement to TEK and approves the attached

TEMPORARY SURFACE-USE PERMIT AGREEMENT.

BE IT FINALLY RESOLVED, The Tribal Business Council authorizes the Tribal Chairman to execute the TEMPORARY SURF ACE-USE PERMIT AGREEMENT.

Councilwoman V. Judy Brugh 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

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

Motion: Councilman Mervin Packineau moved to ratify EA 2020-31:

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a loan for Pemina Yellowbird not to exceed \$30,000.00.

Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye



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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 V. Judy Brugh moved to ratify moved ratify Mandaree employee extension of employment to Sept. 31. Councilman Mervin Packineau 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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

Motion: Councilman Fred Fox moved to approve resolution no. 20-196-FWF entitled “*Approval of 40 (Forty) Applicants for Enrollment into the Three Affiliated Tribes*” Councilman Mervin Packineau 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: 16,751 total tribal members with this resolution.

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3) **Tax Department Report*** – *Cynthia Monteau, Tax Commission Director*
Report submitted the record.

Motion: Councilman Fred Fox moved to approve the presented Business Licenses:

- **Bear Mountain LLC:** Jason Wall - New Town, ND Oilfield Services New - 2020-B-56



- **Coyote Well Services LLC:** Lane Vocu - New Town, ND - Oilfield Services New - 2020-B-57
- **Innovative Office Solutions LLC:** Brooks Smith - Burnsville, MN - Furniture Procurement & New Installation - 2020-B-58
- **Tortillas & Guac:** Gustavo Saldana & Yesenia Saldana - New Town, ND - Food Service New - 2020-B-59
- **Typhoon Excavation Inc:** Alan Mapes Williston, ND Hydro-Excavation & Bore Services - Renew - 2020-B-60
- **Woodstone Inc. :** Faith Gilbertson - Brooklyn Park, MN - General Construction New - 2020-B-61

Councilman Mervin Packineau 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

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

X. UNFINISHED BUSINESS

A. **Studying Abroad Coastal Carolina University²** – *Isabella Kitzberger*

Deferred back to Education Committee.

B. **Educational Requests²** – *Susie Hosie*

Deferred back to Education Committee.

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C. **Pipeline Authority Update¹** – *Travis Hallam*

Seeking contract extension for the Pipeline Engineer. Pipeline Code is still under Legal review. Chaotic meeting with the transmission groups. Old Amoco Tessoro Marathon Line exposure has been remediated.

Motion: Councilwoman Monica Mayer moved to approve 20-197-FWF entitled “Approval to renew and retain Frankie Lee for Engineering Consultant Services.” subject to Legal review. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Same contract as last year. Councilwoman Monica Mayer noted that his contract amount was 1/3 of the budget.

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D. Fitness & Recreation¹ – Russell Young Bird^[Health]

Requesting exception to the hiring waiver to fill open positions from the FY2021 budget. Deferred until confer with the CEO & HR. Chairman Mark N. Fox noted that it is tough to many activities with the pandemic and asked the Director to plan for the spring & summer 2021.

E. Fort Berthold Housing Authority (FBHA) – IHBG Competitive Grant Resolution

Item deferred.

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. EXECUTIVE COMMITTEE – Chairman Mark N. Fox

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A. Mercer County Land Sale

Motion: Councilman Fred Fox moved to approve resolution no. 20-207-FWF entitled “Approving the Purchase of 955 Acres in Mercer County” 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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B. Holland and Knight FY21 Contract Approval

Motion: Councilman Mervin Packineau moved to approve the contract. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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C. Bartlett & West Contract Amendment Approval

Motion: Councilman Cory Spotted Bear moved to approve the contract amendment. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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D. Catastrophic Disaster Assistance Relief Funding for Farmers and Ranchers (USDA) – Mary Fredericks

Diaster Assistance from the Native American Agriculture Fund (NAAF). To assist Farmers & ranchers from natural diasters. Seeking \$90,000 to the Tribe. Requiring a simpiler more generic resolution.

FTR: Addressed later in the meeting.

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E. White Shield Segment Home Construction Bids

Motion: Councilman Fred Fox moved to accept the submitted bids of Big M (duplex project) & Lexmark(house/garage project). Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye



Councilwoman Monica Mayer – Aye

FTR: The above action was also approved by resolution no. 20-218-FWF.

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F. Ree Ranch Arena

Motion: Councilman Fred Fox moved to approve the Ree Ranch Arena Whitetail Construction bid. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

FTR: The above action was also approved by resolution no. 20-217-FWF.

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G. Orion Gillette Contract Renewal

Motion: Councilwoman V. Judy Brugh moved to approve the Orion Gillette Contract. Councilman Fred Fox 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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H. Mandaree School – Resolution and Waiver – Tara Thomas, Superintendent

Motion: Councilman Fred Fox moved to approve resolution no. 20-198-FWF entitled “*Approval of Certain Waivers pursuant to 25 CFR § 1.2 with regard to Education Program Regulations at 25 CFR Subchapter E - Education.*” 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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I. Anthony Gonzalez Contract

Motion: Councilman Fred Fox moved to approve Anthony Gonzalez Contract. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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J. Tracy Burr Rec Manager Contract Amendment.

Motion: Councilman Fred Fox moved to approve amendments to the Tracy Burr Contract subject to TAT legal review. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – 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: To include additional scope to current contract.

XII. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

Item deferred.

XIII. CULTURAL COMMITTEE – Chairman Fred Fox, Chair



Item deferred.

XIV. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer

Item deferred.

XV. ENERGY COMMITTEE – Councilman Fred Fox, Chairman

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

11 rigs in the State with 4 rigs with the reservation (Marathon-2, WPX-1, Slawson-1). Oil prices/barrel are staying between \$39-\$40. Working with industry to develop a Shut in report. Next Energy Committee October 27th.

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

Motion: Councilman Fred Fox moved to approve resolution no. 20-200-FWF entitled “Consent to Approval of a Right-of-Way across Tribal/and (T 1799-F) for the Woman Creek Expansion and Modification Project Submitted by Enerplus Resources (USA) Corporation.” subject to TAT Legal review. 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

Motion: Councilman Fred Fox moved to approve resolution no. 20-201-FWF entitled “Consent to Amend BIA Row No. FBOGJ 01293 across Tribal land (Allotment T998A -B) for the Clinton Well Pad and Multiuse Corridor Project Submitted by Bruin E&P Operating, LLC” subject to TAT Legal review. 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



Motion: Councilwoman V. Judy Brugh moved to approve resolution no. 20-202-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal/and for the Enerplus Snakes East Pad Project Submitted by McKenzie Electric Cooperative Inc.*” subject to TAT Legal review. Councilman Fred Fox seconded the motion.

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

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

Motion: Councilwoman V. Judy Brugh moved to approve resolution no. 20-203-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal/and (1881 and 1807-A) for the Hunts Along Bay Distribution Line Project Submitted by McKenzie Electric Cooperative Inc.*” subject to TAT Legal review. Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve resolution no. 20-204-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal/and (T2028) for the Enerplus Metals East Pad Project Submitted by McKenzie Electric Cooperative Inc.*” subject to TAT Legal review. 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



Motion: Councilman Fred Fox moved to approve resolution no. 20-205-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal/and (T3129) for the XTO FBIR Bird-Stephen 21X-9 Project Submitted by McKenzie Electric Cooperative Inc.*” subject to TAT Legal review. 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

Motion: Councilman Fred Fox moved to approve resolution no. 20-206-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land (618A,1105A-C, 1104A, 2134, 2028, 1700, 1007A) for the TEK West Loop 17 Line Submitted by TEK Industries, LLC*” subject to TAT Legal review. 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

XVI. HEALTH & HUMAN SERVICES - Councilwoman Monica Mayer

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

Report submitted for the record. Provided update on Covid vaccination plans with the State & I.H.S. Antigen testing is taking place and waiting on more tests from the State.

Motion: Councilman Fred Fox moved to approve the Skull Construction contract for the Dental & Optometry building subject to Legal review. 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



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

Discussion: Coincides with the Joint Venture application through I.H.S.

Motion: Councilman Fred Fox moved to approve the Pathology Services Agreement subject to Legal review. 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

Discussion: Quality Control report included that noted that this year \$20,000 was spent.

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B. Tribal Health* – Red Fox Sanchez, Director

Submitted report for the record and requested a Closed Session item. Report noted that there 13 births & 13 deaths in the month of September. Average age of death Males for September: 57 years of age. Average age of death Females for September: 63 years of age. Total average of death M/F for September: 63 years of age.

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C. Life & Limb* – Alva Irwin, Grants & Donations Director [HIPAA SENSITIVE]

Submitted a report for the record. Presented a historical report of expenses 2015-2020. 201 Life & Limb recipients: 87 elders, 19- children , 11-Nursing Home patients. 1-Assitanted Living. Chairman Mark N. Fox asked the Director to search for other funding to assist with costs. Currently assist 23 individuals off the reservation, 34 out of states. Applications for assistance A-J

Motion: Councilwoman V. Judy Brugh moved to approve Person A:[R.G.] for Life & Limb. Councilman Mervin Packineau 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



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Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Cory Spotted Bear moved to approve Person B: [L.H.B.] for Life & Limb. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilwoman V. Judy Brugh moved to approve Person C:[T.S.] for Life & Limb. 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Cory Spotted Bear moved to approve financial assistance Person D: [G.B.] requesting assistance to pay for a bill that was sent to collections from St. Alexius for \$86.47. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Cory Spotted Bear moved to approve Person E:[S.W.] for Life & Limb. Councilwoman V. Judy Brugh seconded the motion.



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
OCTOBER 8th, 2020 MINUTES
[CLOSED SESSION CONTENT EXCLUDED]

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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Cory Spotted Bear moved to approve Person F:[M.G.] for Life & Limb. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Cory Spotted Bear moved to approve Person G. [R.B.] requesting assistance to pay her bill to Sanford for \$4,990.00. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Cory Spotted Bear moved to approve Person H:[F.Y.W.] for Life & Limb. 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye



Motion: Councilman Cory Spotted Bear moved to approve Person I: [A.B.H.] for Life & Limb. 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

FTR: *Life & Limb client list for FY21 previously completed.*

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D. Medical Bill – Linda Lee Irwin Eagler

Elder with bill of \$4,960 and requesting medical assistance.

Motion: Councilman Fred Fox moved to approve 75% of the bill. 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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E. Good Road Recovery Center - Dashell Thunder

Submitted report to the record. 9 vacant positions and requesting a waiver of hiring freeze to fill those positions. Filling of these positions would allow the facility to accept 3.2 clients. Transitional Living for women with children to be completed soon with a grand opening.

Motion: Councilman Mervin Packineau moved to waive the hiring freeze mandate to allow GRRC to advertise & hire. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

XVII. JUDICIAL COMMITTEE – *Councilwoman V. Judy Brugh, Chair*

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A. Tribal Court Report* – *Elizabeth Yellow Bird & Dave Christenson*

Submitted report for the record. Wellness Court meetings ongoing to get in place. Judge Jackson is working with the project. Justice Commission meeting Oct 16th with the Tribal Code on the agenda. Updating forms. Requested 4 staff to become permanent. The Councilwoman Monica Mayer noted the Chief Judge has been temporarily housed in the New Town South Segment Representative house and will work with Texx Lone Bear for the Robert White home purchase and appraisal. Also received consultant contract for Sommer Turner as the court drug evaluator, given to the CEO. A very important concern is the upcoming budget with the addition of staff and replacement of staff. Also, with the risk assessment we feel it is necessary for updates of our equipment, and building maintenance. Request Evelyn Wounded Face is hired in temporary status as Business Manager. We understand MIS person approved for Court and Police Department and Justice Center—we will share cost. Also understand approval was given for court advocate position.

Motion: Councilman Fred Fox moved to approve Evelyn Wounded Face as Temporary Business Manager. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

1) Public Defender Contract

Motion: Councilman Fred Fox moved to approve the Tim Wilhelm-Public Defender & Judge B.J. Jones Contracts. Councilwoman V. Judy Brugh 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

FTR: Chairman Mark N. Fox asked the Chief Judge to review the probate process and have someone report findings to the Judicial Committee of the non-trust probates.

B. TAT Law Enforcement Report*– Nelson W. Heart, Chief of Police

Item deferred.

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

1) Videography Services Agreement

Motion: Councilman Fred Fox moved to approve the Videography Services Agreement with Justin Deegan for Drug Enforcement. 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

XVIII. NATURAL RESOURCES COMMITTEE – Councilman Cory Spotted Bear, Chairman

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

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 20-208-FWF entitled “Approval of Home Site Leases and Utility Corridors for Home Sites” [Adam Fredericks, Mary Finley- Casarez, Robin Smith] Councilman Fred Fox 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
Councilwoman V. Judy Brugh – Aye



Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Mervin Packineau moved to approve resolution no. 20-209-FWF entitled “*Consent to Certain Rights of Way across Tribal land for the Mandaree Emergency Response Center Utility Easement.*” 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 20-211-FWF entitled “*Consent to Certain Rights of Way across Tribal land for the McKenzie Electric Cooperative – SSCDC Twin Buttes Arena and Pow Wow Grounds*” Councilman Fred Fox 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 20-212-FWF entitled “*Consent to Certain Rights of Way across Tribal land for the McKenzie Electric Cooperative – Michelle Grisham New House*” 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye



Motion: Councilman Fred Fox moved to approve resolution no. 20-213-FWF entitled “*Consent to Certain Rights of Way across Tribal land for the Dean Birdsbill Service Line for McKenzie Electric Easement*”. 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Mervin Packineau moved to approve resolution no. 20-214-FWF entitled “*Consent to Certain Rights of Way across Tribal land for the Otter Tail Power Company Easement*”. 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

1) Jared Eagle Home Site Lease Modification

Item deferred

2) Dennis Nash Homesite Termination

Item deferred.

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

Item deferred.

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C. Fort Berthold Rural Water (FBRW)* – Pem Hall, Director

- 1) Home site Water Connections** (Dana Newman & Carol Newman, Eden Atkins and Nancy Lincoln)



Motion: Councilman Fred Fox moved to approve resolution no. 20-215-FWF entitled "*Consent to Certain Right(s) of Way across Tribal land*" [Eden Atkins] Councilman Mervin Packineau 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Fred Fox moved to approve resolution no. 20-216-FWF entitled "*Consent to Certain Right(s) of Way across Tribal land*" [Nancy Lincoln]. Councilman Mervin Packineau 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

FTR: *Newman Resolution tabled due to title issue.*

D. Request for Range Land ROW & Retention of Interest from Estate –Ed Hall

Item deferred

E. Land Exchange – Austin Gillette

Item deferred.

F. Easements:

1) Native American Church RTC – Royce Wolf

Motion: Councilwoman Monica Mayer moved to approve resolution no. 20-210-FWF entitled "*Consent to Certain Rights of Way across Tribal land for the Native American Church's Easement*" 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

2) Mandaree Emergency Response Center – Utility

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 20-199-FWF entitled “*Disaster Assistance from the Native American Agriculture Fund (NAAF) to assist Farmers & ranchers from natural disasters*” subject to Legal review. Councilwoman V. Judy Brugh 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
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- *Get Out the Vote Budget*

Motion: Councilman Mervin Packineau moved to approve a budget of \$15,000 for “*Get Out the Vote*”. 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
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

B. Chairman Mark Fox- *Reserved*

C. Councilman Randy Phelan – *Reserved*



- D. Councilman Randy Phelan – *Reserved*
- E. Councilman Fred W. Fox – *Reserved*
- F. Councilman Fred W. Fox – *Reserved*
- G. Councilman Mervin Packineau – Missy Gillies (See Closed Session)
- H. Councilman Mervin Packineau – *Reserved*
- I. Councilwoman V. Judy Brugh – *Reserved*
- J. Councilwoman V. Judy Brugh – *Reserved*
- K. Councilman Cory Spotted Bear – *Reserved*
- L. Councilman Cory Spotted Bear – *Reserved*

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- M. Councilwoman Monica Mayer – *Marvin Danks & Marcus Levings*
Presented resolution Entitled "*Descendants of Original Allotments of the Fort Berthold Indian Reservation; Acknowledge that Public Law 102-575 October 30, 1992, Public Law 103-211 February 12, 1994 and The Fort Berthold Reservation Mineral Restoration Act October 30, 1984; Formerly Authorized The Return of The Trust Lands to The Rightful Owners. Trust Lands which were taken for the construction of the Garrison Dam Project.*" Seeking the Council endorsement to lobby Congress for the return of individual allotted lands taken by the Federal government for the Garrison Diversion Project. Note: Lands that were returned were given to the Tribe.

FTR: Chairman Mark N. Fox stepped out of the meeting and Councilman Cory Spotted Bear assumed the chair.

- N. Councilwoman Monica Mayer – *Reserved*

XXI. CLOSED SESSION:

- A. Human Resources (HR)* – *Melissa Brady, Director*
- B. Tallsalt Contract – *Kenny Lyson*
- C. Tribal Historic Preservation - *Mary Baker*
- D. Tribal Care
- E. Tribal Health – *Red Fox Sanchez, Director*
- F. Educational Request - *Missy Gillies*
- G. Melvin Hale
- H. Legal – *John Fredericks*
- I. Kathy Young Bear
- J. Headstart - *Kelly Bradfield, Director*

XXII. ADJOURNMENT:

Motion: Councilman Mervin Packineau moved to adjourn the meeting.
Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 6:46PM



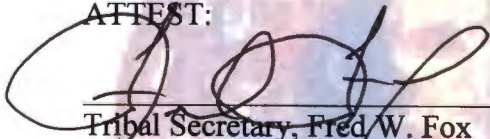
CERTIFICATION

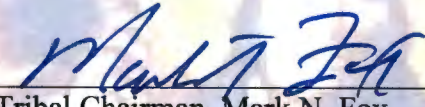
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 12th of November, 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 12th day of November, 2020

ATTEST:


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


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