



## **CALL TO ORDER**

Chairman Mark N. Fox called the meeting to order at 11:23AM.

**FTR:** *Returned from recess at 11:12AM [12/21/2018].*

*Present[12/21/2018]:* Councilwoman Monica Mayer, Councilman Mervin Packineau, Chairman Mark N. Fox, Councilman Randy Phelan & Councilman Fred Fox, Councilwoman V. Judy Brugh(Not Present).

## **OPENING PRAYER**

Prayer by Ed Lone Fight.

## **ROLL CALL**

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

## **I. APPROVAL OF AGENDA**

**Motion:** Councilman Randy Phelan moved to approve the agenda. Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Not Present

## **II. APPROVAL OF MINUTES**

### **A. 11/8/2018 Regular Tribal Business Council Meeting Minutes**

**Motion:** Councilman Randy Phelan moved to approve the 11/8/2018 Regular TBC minutes. Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye



Councilwoman Monica Mayer – Not Present

**B. 12/12/2018 Special Meeting Minutes**

*Item deferred.*

**III. SPECIAL GUESTS & ELDERS**

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**A. McKenzie County Sherriff Gary Schwartzberger**

Mutual Aid Agreement discussed. Believed the relationship would stay the same and thanked the TBC for their continued relationship with the County. Sherriff Schwartzberger presented “Honor Coins” to the TBC members from his office. Chairman Mark N. Fox commended him for his commitment to good relations and participating to community events and changing the status que. Councilman Randy Phelan also commended the Sherriff and his recognition of the Tribe’s sovereignty.

**FTR:** Councilwoman Monica Mayer joined the meeting at 11:42AM.[12/20/2018]

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**B. Austin Gillette – Austin Gillette & Ed Lonefight**

Discussion of resolution 3-109-RP that was passed to provide a pension for former TAT Chairmen & Councilmen. Ed Lonefight spoke in Hidatsa language. Presented a resolution entitled Permanent Pension Plan for Former Living Council members and Chairman, duly elected by the membership of the Three Affiliated Tribes”. It was noted that 3-109-RP was not signed but should be legal. Caleb Dogeagle recommended a new resolution. Chairman Mark N. Fox recommended including the plan in the annual budget dependent on availability of funding to fulfill the original resolution. Austin Gillette believed it would be under \$300,000 annually.

**Motion:** Councilman Cory Spotted Bear moved to approve starting from this point forward subject to current policy. 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

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

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**C. Renunciation Resolution – Beulah Lockwood Grand-daughter Jolene Lockwood**

**Motion:** Councilman Randy Phelan moved to approve resolution 18-281-FWF entitled “Renunciation of Merlin Lockwood Estate interests less than 5% in Trust Property in favor of Beulah Lockwood” Councilman Fred Fox seconded the motion.



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

**D. Pipeline Issue – Screech Mason & QEP Representatives**

QEP Pipeline going across road in Little Shell already in an existing ROW, so we aren't getting anything and would like to be paid for them straightening out the road. Expressed issues with the pipelines going through possible grave sites and tipi rings. Agreement to go out with Mr. Mason THHPO, & Energy to address the issue.

***EXECUTIVE COMMITTEE REPORTS***

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

Recent events including; acknowledgement of the Law Enforcement Appreciation Day, Swearing in Ceremony, Marine Corp Birthday, Bismarck Call Center Grand Opening, Champions Banquet, Taxation in Indian Country meetings, Budget meetings, State Taxation meeting, MOU with State for MHA License Plates, segment Christmas parties, COLT meetings as Chairman. Good Road Recovery is open, staffed and taking clients.

**FTR:** Councilwoman V. Judy Brugh stepped out of the meeting at 12:25PM. TBC Meeting may be moved up one day to the day before on the 9<sup>th</sup>.

**V. VICE CHAIRMAN'S REPORT- Councilman Randy Phelan**

Participated in NIGA Board activities & Tax negotiation with the State.

**FTR:** Councilwoman V. Judy Brugh returned to the meeting at 12:35PM.

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

Records Office Report of activities & summary of White Shield Christmas activities.

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

Presented a review of North East Segment activities; such the Parade of Lights & dinners. Upcoming budget meeting on Monday and the week of the 7<sup>th</sup>.

**A. CFO Report – Whitney Bell**



Presented the TAT Expenditure Report to the TBC members. FY19 budget.

**B. Four Bears Casino Report** – *Scott Wilson, General Manager*  
*Item deferred.*

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

**Motion:** Councilman Randy Phelan moved to approve Group A (17); Applications subject to Small Loans policies & requirements. Councilman Fred Fox seconded the motion

Vote: 7 - Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** B.J. Brady & Greta Hosie to be added.

**D. Home Loans** - *Valerie Mayer, Credit Manager*

Review and approval request for additional loan amounts for Mortgage clients. The following mortgage clients have been approved through the Mortgage Loan Committee and are requesting an additional loan to complete their home purchase and/or home renovations project. Upon review of request, an additional loan will be necessary to complete their home acquisition project. Applicant criteria has been reviewed and qualified for income verification for repayment of the additional loan amount including review of all loan obligations with both Small Loans and Business Loans. I am asking for consideration for the motion and approval of this additional loan subject to mortgage loan policies. Total amount of loans is \$520,000.00

**Motion:** Councilman Mervin Packineau moved to approve (5) Business Loan applications subject to Loan Policies & Requirements. Councilman Randy Phelan seconded the motion.

Vote: 7 - Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

## **VIII. SEGMENT UPDATES**

**A. North Segment** – *Councilwoman Monica Mayer*



70 employees currently at North Segment, budget is in good shape. Maintenance Building is completed and can be moved into by Jan. The Door Sobriety Center opened with 60 participants. \$150,000 from State grants for renovation. Trainers for Pier support provided training for 24 people. There are seven trainers in ND and we have one that is from Fort Berthold now. "The Door" after care center is currently staffed with 5 staff and moving very well. Six current projects on main street. Pushing for a long term care facility.

**B. Twin Buttes – Councilman Cory Spotted Bear**

Government to Government meetings, Community Building, water treatment plant are on schedule, discussion of road maintenance funding, summary of Christmas activities.

**C. Four Bears – Councilwoman V. Judy Brugh**

Provided a summary of Christmas activities.

**IX. OFFICER REPORTS**

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

- 1) Federal Programs Report
- 2) Executive Orders

**Motion:** Councilman Randy Phelan moved to ratify EA-52:

**NOW THEREFORE BE IT .RESOLVED**, that the Tribal Business Council authorizes and approves a line item expenditure, from the life and limb program, to Mary Iorio in the amount of \$7000 to assist in medical expenses incurred while caring for minor Ezra Iorio Cunningham contingent upon Following the program's policies and procedures.

Councilman Fred Fox seconded the motion.

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

**Motion:** Councilman Randy Phelan moved to ratify EA-53. Councilman Fred Fox seconded the motion.

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Business Council hereby authorizes and approves a line item expenditure in the amount of \$6,700 to the Fitness and Recreation Program to assist in the purchase of a tack trailer.



Vote: 7 - Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to ratify EA-54:

**NOW THEREFORE BE IT RESOLVED**, The Three Affiliated Tribes authorizes and approves a consultant contract extension for Wendi Wells effective October 1, 2018 through March 31, 2019. Consultant will continue to work on special projects such as the Water Park and Beach. Consultant services will be paid out of the Chairman's budget.

Councilman Fred Fox seconded the motion.

Vote: 7 - Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**FTR:** Councilman Mervin Packineau stepped out of the meeting at 1:19PM

**Motion:** Councilman Randy Phelan moved to ratify EA-55:

**NOW THEREFORE BE IT RESOLVED**, The Three Affiliated Tribes authorizes and approves small loan requests from the following employees for the difference based upon the policies and procedures of the small loan department. 1. Jodi Lucier, 2. Kari Mossett, 3. Twyla Good Bird, 4. Dorothy Packineau, 5. Sonya Abe, 6. Mary Ellen Sun, 7. Valerie Mayer.

Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilwoman V. Judy Brugh – Aye



Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to ratify EA-56:

**NOW THEREFORE BE IT RESOLVED**, The Three Affiliated Tribes authorizes and approves a line item expenditure to the All American Indian Youth Organization for \$5,500.00 to assist in covering expenses for officiating and accommodations for their basketball shootout schools.

Councilman Fred Fox seconded the motion.

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

**Motion:** Councilman Randy Phelan moved to ratify EA-57:

**NOW THEREFORE BE IT RESOLVED**, The Three Affiliated Tribes authorizes and approves small loan requests from the following employees based upon the policies and procedures of the small loan department. 1. Nelson W. Heart - \$7,000, 2. Darcy Medicine Stone - \$3,000, 3. Kenneth Smith Sr. - \$7,000, 4. Mary Sue Romero - \$6,000, 5. Michael Mossett - \$4,000, 6. Crystal Hallam - \$3,000, 7. Vernon Young Bear – \$3,500, 8. Patrick Dubois - \$3,000, 9. Chasmine Yellow Bird – \$6,000.

Councilman Fred Fox seconded the motion.

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

**Motion:** Councilman Randy Phelan moved to ratify EA-58;

**NOW THEREFORE BE IT RESOLVED**, that the Three Affiliated Tribes hereby authorizes and approves the additional costs for this Project, not to exceed \$1,772,411.79. **BE IT FINALLY RESOLVED**, the Chairman is authorized to execute the contract documents attached hereto.



Councilman Fred Fox seconded the motion.

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

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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-282-FWF entitled “*Approving of General Contractor, Design Builder, and Costs for the Expansion of the Four Bears Water Park in New Town, North Dakota*”. Councilman Fred Fox seconded the motion.

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

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

**Motion:** Councilman Randy Phelan moved to ratify EA-59:

**NOW THEREFORE BE IT RESOLVED**, that the Three Affiliated Tribes hereby approves the expansion and construction of additional water features and necessary support buildings to the existing water park located in the Four Bears Peninsula, New Town, North Dakota in the amount not to exceed \$2,500,000, in accordance with the estimated budget attached hereto as Exhibit D. **BE IT FURTHER RESOLVED**, that the Three Affiliated Tribes hereby authorizes and approves Ackerman-Estvold, Engineering and Management Consulting, Inc., as the architect of the Project in accordance with the Standard Form of Agreement between Owner and Architect, substantially in the form attached hereto and incorporated herein by reference. **BE IT FURTHER RESOLVED**, that the Three Affiliated Tribes hereby authorizes and approves Associated Pool Builders Inc. as the design and builder for the Project in the amount of \$1 ,310,565.00 in accordance with the Standard Form of Agreement between Owner and Design-Builder, substantially in the form attached hereto and incorporated herein by reference. **BE IT FURTHER RESOLVED**, that the Three Affiliated Tribes hereby authorizes and approves the work order authorization proposal with Strata Corporation in the amount not to exceed \$1,000,000. **BE IT FINALLY RESOLVED**, the Chairman is authorized to execute the contract documents attached hereto.

Councilman Fred Fox seconded the motion.





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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-283-FWF entitled “*Approving of Additional Costs for Lakeside Beach Recreational Area in New Town, North Dakota*”. Councilman Fred Fox seconded the motion.

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

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- 3) **Tax Department Report** – *Cynthia Monteau, Tax Commission Director*  
Monthly Revenue Collections are \$25,114,710.24. Barrel price dropping will impact next month's revenue collections. Submitted the 5-Year (FY'15-FY'19) Annual Revenue Collections By Tax Type, 5-Year (FY'15 - FY'19) Annual Monthly Revenue Collections Comparison, FY'19 Monthly Drilling Fees report.

**Motion:** Councilman Randy Phelan moved to approve the presented Business Licenses;

- DF LIGHTING
- ROCKELLE
- RED BERRY WOMAN
- MANY HANDED DAYCARE
- WAR COULEE
- RED WILLOW RENTAL&DESIGN
- THE BBQ'ed ITALIAN
- KA-BOOM FIREWORKS
- D&S FIREWORKS
- ESCAPE TANNING&NUTRITION
- BEND & PEEL GRAPHICS
- MANDAN BEAD SUPPLY STORE



- WHITE SHIELD INC

Councilman Fred Fox seconded the motion.

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

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

**Motion:** Councilman Cory Spotted Bear moved to approve Alcoholic Beverage Licenses;

Retail:

- Four Bears Casino & Lodge, Pocket Aces Lounge
- Four Bears Casino & Lodge, Bison Room
- Four Bears Casino & Lodge, Marina
- Four Bears Casino & Lodge, Eagles Landing Liquor Store

Wholesale

- Aurora Burealis Wholesale, LLC
- North Country Wholesale Co.

Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilwoman V. Judy Brugh – 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. 18-284-FWF entitled “Approval of 87 Applicants for Enrollment into the Three Affiliated Tribes” Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye



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

*Discussion:* Due to the inaccuracies of the 1936 Base rolls there has been discussion on changing the blood quantum of all on the rolls to 4/4 and approving the Enrollment Code. TBC decided to allow the people to decide by referendum. A survey of 1000 members indicated that those surveyed were in favor(55/45).

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 18-285-FWF entitled “Approval of the Relinquishment of Zane Baker Enrollment Number 301U-15553 from Membership in the Three Affiliated Tribes”. Councilman Cory Spotted Bear seconded the motion.

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

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

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 18-286-FWF entitled “Approval of the Relinquishment of Phillip Milton Baker Enrollment Number 301U-15552 from Membership in the Three Affiliated Tribes”. Councilman Cory Spotted Bear 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  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 18-287-FWF entitled “Approval of the Relinquishment of Winter Rose Overlie Enrollment Number 301U-10436 from Membership in the Three Affiliated Tribes”. Councilman Cory Spotted Bear 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  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 18-288-FWF entitled “Approval of the Relinquishment of Trey Lewis LeBeau Enrollment Number 301U-11254 from Membership in the Three Affiliated Tribes”. Councilman Cory Spotted Bear 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  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**FTR:** District 27 State Representative & tribal member Ruth Buffalo honored for her successful run for office and being the first tribal member elected to the North Dakota State Legislature.

**X. UNFINISHED BUSINESS**

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**A. Fort Berthold Housing Authority – Toni Parisian, Director & Coby Rabbithead**

Submitted a two year plan of action and housing report with budget request of \$13,585,000.00 for FY19 & FY20. Important budget areas include; demolition & construction, maintenance, employee development, tenant education, crime prevention & safety, vehicle replacement Report: Total Units- 626 (418- 1937 Housing Unit, 63- NAHASDA Units; 15 Title VI, 48 USDA, 104- Tax Credit, 41 -Mutual Help. HUD budget for 2019 is \$4,738,849.00. 45 Current Employees with 50+ jobs to be filled in 2019 due to construction. Rent collected for October 1, 2017- September 30, 2018 was \$648,110.45. Trump Administration has cut HUD budgets by about 25%. Fort Berthold Housing Authority received \$5.2 million from HUD last year and is moving forward and rigorously working to improve services on the reservation. In recent years we have been on eggshells due to HUD not giving funding on a regular time, this year we were 9 months behind on getting our funding but we manage to keep all employees and maintain our services. We are looking to demolish and replace 8 units throughout the reservation when the season allows, completely renovate 4 units, and replacing at least 8 roofs. Renovating the USDA units known as Brook Heights apartments. Our Tax Credit units are in dire need of a new air conditioning and heating system in our Elder complex know as Hidatsa Homes and is a work in progress and completion time is end of January 2019. We receive minimal funding for our Tax Credit, USDA and Title VI due to



vacancies and qualification and are looking to help support these units by funding them to keep them in compliance. Upcoming Housing Assessment & continued program collaboration. To return to the January Meeting

**B. Todd Flinn Sponsorship / Barrel Racing**

*Item deferred.*

**C. Post 9061 Request - Renae White Bear-Fox, Auxiliary 9061 President**

*Item deferred*

**FTR:** Councilman Fred Fox left the meeting at 2:32pm.[12/20/2018]

**XI. MEDICAL REQUESTS**

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**A. Jeff Baker Request**

Seeking assistance or a reimbursement for his mother's nursing home care cost from 2009 and seeking a loan to keep the nursing home from taking her home (located on fee land) in court for the past due bills. His mother has pass on and he is now living in the home. Mr. Baker has paid down half of the bill. Councilwoman Monica Mayer recommended each TBC member contribute \$500 from their segment funds. There is a \$4,650 balance.

**Motion:** Councilman Randy Phelan moved to approve \$500 from each segment and the balance from North Segment. Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Not Present

Councilman Mervin Packineau – Aye

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

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

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**B. Medical Request.**

Elder requesting \$3,027 in assistance for the installation of home medical fixtures. Chairman Mark N. Fox recommended 75% of request for an amount of \$2,300.

**Motion:** Councilman Randy Phelan moved to approve assistance in the amount of \$2,300 to the vender for the installation of medical fixtures. Councilman Cory Spotted Bear seconded the motion.

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



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

**COMMITTEES OF THE TRIBAL BUSINESS COUNCIL**

- XII. CULTURAL COMMITTEE** – *Chairman Randy Phelan, Chair*  
**XIII. EDUCATION COMMITTEE** – *Councilman Cory Spotted Bear, Chair*  
**XIV. ECONOMIC DEVELOPMENT COMMITTEE** - *Councilwoman Monica Mayer, Chair*  
**XV. ENERGY COMMITTEE** – *Chairman Randy Phelan, Chair*

**1) Energy Dept. Update** - *Carson Hood Jr.*

**FTR:** *Chairman Mark N. Fox stepped out of the meeting and Councilman Randy Phelan assumed the chair of the meeting. 2:44PM [12/20/2018]*

Completed departmental budget meetings with the CEO. Federal Partners meeting coming up with some important issues to be discussed. John Fredericks is working a flaring resolution. BLM is going to refer back to the tribe soon. Energy Roundtable soon on how the Tribe will move forward with how the BLM couldn't come to agreement on royalty payments for flared gas. Could be seeing new revenue from flared gas for the Tribe and allottees. Federal Partners Meeting on the 23<sup>rd</sup> & 24<sup>th</sup>.

**2) ROW's** – *Paul Grady & Catherine Everett*

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 18-289-CSB entitled "Approval of Setback Variance Requested by EOG Resources, Inc. for the Liberty 26 NENW." 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 – Aye  
Councilman Fred Fox – Not Present  
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. 18-290-FWF entitled “Approval of Setback Variance Requested by EOG Resources, Inc. for the Liberty 26 SWSE 2.” 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 – Aye  
Councilman Fred Fox – Not Present  
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. 18-291-CSB entitled “Approval of Setback Variance Requested by EOG Resources, Inc. for the Liberty 14 NWNE 1 Pad.” 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 – Aye  
Councilman Fred Fox – Not Present  
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. 18-292-CSB entitled “Approval of Setback Variance Requested by EOG Resources, Inc. for the Liberty 14 NWNE 2 Pad.” Councilman Mervin Packineau 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 – Aye  
Councilman Fred Fox – Not Present  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Abstained  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 18-293-CSB entitled “Consent to an Assignment to McKenzie Electric Cooperative of the MHA Nation’s interest in BIA ROW No. FBOG101116, a Right-of-Way for the Otter Woman 34-27 Project, originally granted to WPX Energy 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 – Aye  
Councilman Fred Fox – Not Present  
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. 18-294-CSB entitled “*Amendment to Resolution No. 16-137-LKH, Consenting to Approval of a Right-of-Way and Approval of a Setback Variance for the Treasure USA Well Pad and Multiuse Corridor Project, requested by Marathon Oil Company.*” 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 – Aye  
Councilman Fred Fox – Not Present  
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. 18-295-CSB entitled “*Approval of Assessment of Civil Fine on RimRock Oil & Gas Williston, LLC for Trespass of BIA ROW No. FBOGJ 00223 for the Skunk Creek 9-2 Well Pad and Consent to Amend BIA ROW No. FBOGJ00223 to add Two Additional Wells on the Skunk Creek 9-2 Well Pad.*” Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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. 18-296-CSB entitled “*Approval of Assessment of Civil Fine on RimRock Oil & Gas Williston, LLC for Trespass of BIA ROW No. FBOG100247 for the Skunk Creek 16-2 Well Pad and Consent to Amend BIA ROW No. FBOG100247 to add Three Additional Wells on the Skunk Creek 16-2 Well Pad.*” Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting





Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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. 18-297-CSB entitled “Consent to Approval of a Right-of-Way across Tribal Land for the Clinton Well Pad and Multiuse Corridor Project Submitted by Bruin E&P Operating, LLC.” Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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. 18-298-CSB entitled “Consent to Amend BIA ROW No. FBOG100810 for the Blanca Well Pad Expansion Project Submitted by Bruin E&P Operating, LLC. “. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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. 18-299-CSB entitled “Consent to Approval of a Right-of-Way across Tribal Land for the Arrow Station #1 Project Submitted by McKenzie Electric Cooperative, Inc.” Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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. 18-300-CSB entitled “Consent to Approval of a Right-of-Way across Tribal land for the Bruin Marathon Tie Line Project Submitted by McKenzie Electric Cooperative.” Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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. 18-301-CSB entitled “Consent to Approval of a Right-of-Way across Tribal land for the Igneous and Metamorphic Pipelines Project and Approval of Assignment to Targa Badlands, LLC, Submitted by Enerplus Resources (USA) Corporation.” Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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. 18-302-FWF entitled “Consent to an Assignment to Targa Badlands, LLC of the MHA Nation’s interest in BIA ROW No. FBOG101023, a Right-of-Way for the Greek Gods East Pipeline Project, granted to Enerplus Resources (USA) Corporation Company.” Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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. 18-303-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Iron Woman 31X-10 Well Connect Project Submitted by Arrow Pipeline.” Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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. 18-304-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Compressor/Pump Station 6A Project Submitted by Arrow Pipeline.” Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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. 18-305-FWF entitled “Consent to Amend BIA ROW No. FBOGJ 00314 for the D Loop Expansion Project Submitted by Arrow Pipeline, LLC.” Councilman Cory Spotted Bear seconded the motion.

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

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

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**3) Pipeline Authority Engineer Contract Renewal/Director Increase – Travis Hallam**

**Motion:** Councilwoman Monica Mayer moved to approve the Frankie Lee Contract. Councilwoman V. Judy Brugh seconded the motion.



Vote: 4 - Ayes. 2 – Abstentions. 1 – Not Present. Motion carried.

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

*Discussion:* The Director requested a salary increase of 10%. CEO recommended an employee evaluation.

*No Action.*

**FTR:** Chairman Mark N. Fox returned to Chair the meeting.[12/20/2018]

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#### 4) Shenan Atcitty Contract

Chairman Mark N. Fox noted that all Legal contracts need to be reviewed by Legal and these contracts need to stipulate reports on deliverables. He has concerns over exceeding the contract. Contract language is at the same levels as last year.

**Motion:** Councilwoman Monica Mayer moved to approve the Atcitty/Van Norman contract. Councilman Cory Spotted Bear seconded the motion.

*Discussion:* The Chairman expressed concerns with the number of Legal consultants and miscommunication between them and other dept. and administration. Caleb Dog Eagle recommended approving until the TAT Legal Dept. can be beefed up. Councilwoman V. Judy Brugh agreed with Attorney Dogeagle. Councilman Randy Phelan recommended waiting until the full council was present.

*Motion Rescinded  
Tabled*

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#### 5) Tallsalt Contract

Carson Hood Jr. noted that he has worked with the tribe for four years and plays a vital role in the dept. There is a 10% increase in this year's contract that is built into the budget.

**Motion:** Councilwoman Monica Mayer moved to approve the Tallsalt contract. Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Not Voting



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

*Discussion:* Councilman Randy Phelan wants him to track his work completed in other areas and an end of contract report. Councilwoman Monica Mayer expressed that his data will be crucial when the TBC will be addressing the State.

*FTR:* Chairman Mark N. Fox returned to the meeting and resumed the Chair.

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

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**A. Ft. Berthold Communication Enterprise - Dorreen Yellow Bird, Board Member**

Discussion of the need for finding an Editor and believes the executive positions could use supplementation from the TAT budget, Board membership inconsistencies. Dorreen Yellow Bird expressed the opinion that the Board should have some part in the approval process, and the need to vet the prospective board members. Chairman Mark N. Fox expressed the need for a working session and expectation from the TBC on the FBCE.

**B. Consultants**

*Item deferred.*

**C. Creation of Government Reform Committee**

Chairman Mark N. Fox asked the TBC to begin thinking of their committee appointments. Going to need committee members with good qualifications and committee to help devise reform options of the government. Similar what was in place 8 years ago for term limits and off-reservation voting.

**D. Jeff Fox**

Previously under Four Bears but under the Chairman's Office for Government Reform to continue his Health Insurance. Now under the Government Reform Office.

*FTR:* No Action/or quorum. Moved on to the next item.

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**E. Tom Reeves Grant/Loan Proposal**

Provided a quick update on the program. Seeking continuation of the horsemanship program. Received about \$60,000 for the 6-month program. Chairman Mark N. Fox expressed that he would like the use of more local tribal rough stock. Ron Brugh approached the microphone and also expressed the need to use more TAT stock. Mr. Reeves noted that there will be increased outreach and the need for transportation.



**Motion:** Councilman Randy Phelan moved to approve granting authority to the Chairman to work out a 6 month contract for services. Councilman Cory Spotted Bear seconded the motion.

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

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

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**F. UND Time Out Wacipi Sponsorship \$3,000.00**  
Seeking \$3000 for a Dance Special & a drum split.

*Item deferred.*

**G. DOT Oversight- Scott Satermo**  
*See Closed Session.*

**H. PSJC Maintenance Building Resolution**  
*Item deferred.*

**I. A.B.B. Medical Financial Request**  
*Item deferred.*

**XVII. HEALTH & HUMAN SERVICES COMMITTEE - Councilwoman Monica Mayer, Chair**

**A. Elbowoods Memorial Health Center (EMHC) Update – Dr. Kathy Eagle, CEO.** [12-21-2018]

EMHC/EPAC Dental Optometry Building design is near completion. Request meeting with Trinity to request a service agreement for specialty care. Request from DHHS Pediatric Behavioral Health Access grant to become a partner. Recent Challenges include the loss of several crucial positions i.e. HIM Supervisor and Behavioral Health Director-hired as the COL Director effective February 18, 2019. Working on a Master Agreement for Nursing with U of M-help with recruitment. Continued Nursing Shortage: Staffing opportunity to hire an Internal Medicine, CMO has request not to pursue due to lack of nurses, two nurses with request for housing which is not available. Concerns include ability to provide nurse, office space and housing to another provider. Tribal Opioid Response Grant was awarded -on-going planning and implementation to begin treatment services in January 2019. Through PI Patient Satisfaction Surveys the plan is to established performance indicators and goals to monitor patient/customer satisfaction. Initiatives are currently being implemented to improve customer patient care and provider satisfaction. A broad range of performance indicators have been established which pertain to a number of areas.

**1) Dentist Contract**



Bridget Peters, DDS Dentist Contract and would start in August 2019 – August 10<sup>th</sup>, 2021. Contract funding is in the budget. Maleficence language included with Legal review.

**Motion:** Councilman Randy Phelan moved to approve the Bridget Peters Dentist contract. Councilwoman Monica Mayer seconded the motion.

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

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

## 2) Trinity Radiation Contract

Cost by service by global billing. Chairman Mark N. Fox recommended a maximum number to be charged. Councilwoman Monica Mayer noted that it should be managed and overseen by the Chief Medical Officer and included in her reports.

**Motion:** Councilman Randy Phelan moved to approve the contract. Councilman Fred Fox seconded the motion.

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

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

## 3) Skull Construction Contract

Has been submitted to Legal. A&E at 50%. Specifications by the Federal grantor. Construction Management by the A&E with 6 applications. EAPC was bided out. Councilwoman Monica Mayer expressed concern using third party funding. Construction funds from the feds can only be used for renovation. Councilman Fred Fox recommended lobbying in January to get I.H.S. to commit to reimbursing the Tribe for putting their own funds into new construction. Marcus Levings noted that Sen. Dorgan stated that the best we can do is \$20 million, and Phase 2 was payroll(Operational) funds. Would like to break ground in the spring. Chairman Mark N. Fox recommended a resolution

**Motion:** Councilman Fred Fox moved to approve the Skull Construction Contract. Councilwoman Monica Mayer seconded the motion.



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

Estimated contract amount of \$12,145 for onsite support at three weeks term and population health. Juanita Mendoza who is retired from I.H.S.

**Motion:** Councilwoman Monica Mayer moved to approve subject to Legal review. Councilman Fred Fox seconded the motion.

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

**4) Upper Missouri Health District MOU**  
*Item deferred.*

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**B. Tribal Care Health Insurance – Jerry Fozzard**

Distributed report and other informational material to the TBC. Federal government allocates \$1,378/year to each Native American, whereas the prison system is three time that amount. Seeking continuation to Jan. 1<sup>st</sup>, 2019. Addiction rehabilitation discussion for the Jan. 9<sup>th</sup> Health Committee. Councilwoman Monica Mayer informed the TBC that she has been having weekly health work sessions and the concerns expressed has been unpaid bills. Chairman Mark N. Fox also expressed concern with bills not being paid in a timely manner. Stop loss for the self-funded plan. Councilman Randy Phelan has also been getting calls from tribal members about their concern over the Boone Plan and performance and wants an Boone office in the Tribal building. Councilwoman Monica Mayer noted that we need to look at a new vender at some point in time. Chairman Mark N. Fox expressed how members are getting hit by debt collections after using Boone. Mr. Fozzard noted that he has had a number of cases where they were handed a bill and it was Blue Cross/Blue Shield (BC/BS). Councilwoman Monica Mayer recommended an office space here in the tribal building. Chairman Mark N. Fox recommended the CEO work on an office. Councilman Randy Phelan would like to see it done in 30 days. Budget meeting and work session for approval.





**Motion:** Councilman Mervin Packineau moved to approve the Stop Gap Application.  
Councilwoman Monica Mayer seconded the motion.

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

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

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

Program is fully staffed and being cross trained and will be required to provide emergency hours. All staff are required to provide weekly reports. Open during noon hour. Working on the policy update. Noted that all the phone are working.

**D. A.S. – Nursing Home Bills**

*Item deferred*

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**E. V.T.I. – Dental work for M.W.O**

Vender is requiring before procedure. EMHC will cover the surgery portion. \$5,840 is the cost for braces. Boone will research and re-run if they can pay for the braces. EMHC has deemed the braces as cosmetic and will not cover. EMHC would cover the portion for the removal of wisdom insurance.

**Motion:** Councilman Randy Phelan moved to approve Boone & EMHC to cover what they can and the Tribe approved at 75% of the remaining cost. Councilwoman Monica Mayer seconded the motion.

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

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

**F. CHR Budget Request– Jodi Simpson, Director**

*Item deferred.*

**G. Awatii Wellness Center/Diabetes Program Credit Card Request – Jared Eagle, Director**

*Item deferred.*



**H. Safe Haven Homes Contract**– *Marilyn Young Bird*  
*Item deferred.*

**I. Vincent Rohr Conference Sponsorship**

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 18-308-FWF entitled “*Financial Assistance Request from the Native American Training Institute, a Tribally-Chartered Entity of the MHA Nation*”. Councilman Randy Phelan seconded the motion.

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

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

**A. Justice Commission Report**  
*Item deferred.*

**B. Tribal Court Report** – *Marvel Heart & Elizabeth Yellow Bird*  
November report submitted.

**C. TAT Law Enforcement Report**– *Nelson W. Heart, Chief of Police*  
*Item deferred.*

**D. Homeland Security** – *Cliff Whitman, Director*

1) **NIMMS Plan & Hazard Mitigation Resolutions**  
FEMA has approved.

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-307-FWF entitled “*Approving the Hazard Mitigation Plan and NIMS Plan for the Three Affiliated Tribes*”  
Councilman Mervin Packineau seconded the motion.

Vote: 6 - Ayes. 1 – Not Voting. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Voting  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye



Councilwoman Monica Mayer – Aye

**XIX. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair**

**A. Homesite(s) - Valeri Hosie**

*Item deferred.*

**B. Farm/Pasture Leases - Diana Americanhorse**

*Item deferred.*

**C. Easements - Shaylane Miller**

*Item deferred.*

**D. Fort Berthold Rural Water (FBRW) - Pem Hall(12/21/2018)**

Requested to be put on the Agenda as standing item.

**1) Contract Modification For TB/Close Out**

**Motion:** Councilwoman Monica Mayer moved to approve the Change Order and Documentation. Councilman Randy Phelan seconded the motion. Vote:

**Discussion:** Councilman Randy Phelan questioned calling it a change order because he didn't reach the maximum price. Pem Hall noted that there no request for additional funding.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman V. Judy Brugh – Not Present

Councilman Cory Spotted Bear – Not Present

Councilwoman Monica Mayer – Aye

**2) Contracts**

Councilman Randy Phelan asked about the back wash pond and there have been meeting with a possible plan and storm water management on Tuesday of this week and to start this spring with planting trees. Also Councilman Randy Phelan reminded them about Black Eagle. Site design concerning the school is holding this project up.

**Motion:** Councilman Fred Fox moved to approve the contracting. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye



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

**Motion:** Councilman Randy Phelan moved to grant authority for Pem Hall authority to negotiate and Chairman to sign. Councilwoman Monica Mayer seconded the motion.

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

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

### 3) Subsequent User Contract

**Motion:** Councilman Fred Fox moved to approve Subsequent User Contract Time Frame Extension. Councilman Randy Phelan seconded the motion.

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

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

Discussion of budget short falls. Pem Hall would like a 3% COLA for his staff.

#### E. Game & Fish - Antoinette Smith, Director & Kristen Mason, & Michael Deville

Bighorn Sheep Project to bring in the big horn sheep from Rocky Boy, Montana for a cost of \$1,500 per sheep. The animals have not been on Fort Berthold for 150 years. The State started to reintroduce the sheep in the 1950's. Councilman Mervin Packineau discussed the Antiquities Act and set aside lands for a refuge in each segment for pristine lands. Some of the sheep grow to 300 lbs. and can withstand the winters. It was noted that there is some wolf predation but more mountain lion in the western side of the river. Kristen Mason noted that a 60 mile radius quarantine zone to keep away from domestic sheep. Seeking \$300,000 from the Tribe, and other foundations. It will cost \$4,000 to get them here. There would be no hunting for 7 years to insure the success of the reintroduction of the species. Chairman Mark N. Fox recommended getting Legal involved for an agreement.



**Motion:** Councilman Randy Phelan moved to approve moving forward and to return with an agreement with Legal review for 40 Big Horn Sheep from the Rocky Boy Tribe. Councilman Mervin Packineau seconded the motion.

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

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

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

**A. Waiver of the Alternative Heir Rule Resolution (Addressed under Lockwood item)**

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

- A. Chairman Mark Fox- Reserved**  
**B. Chairman Mark Fox – Reserved**  
**C. Councilman Randy Phelan – Mandaree School [12-21-2018]**

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-309-FWF entitled “Confirmation of Executive Order EA 2018-48 and Re-Approval and Appropriation of \$40,000,000 for the Construction of the Mandaree School and Related Facilities, Budgeted at \$20,000,000 for each of the Next two Fiscal Years, FY2019 and FY2020” subject to Legal review. Councilman Fred Fox seconded the motion.

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

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

**Discussion:** Chairman Mark N. Fox recommended separating the housing portion to another phase or year and return with a new resolution for the housing in January.

**A&E**

Chairman Mark N. Fox recommended to back sure the A&E is packaged. Councilman Randy Phelan had issue with waiving sovereign immunity. Caleb Dogeagle noted that they have been negotiating. Councilman Randy Phelan wants the other legal jurisdictions stricken from the proposed resolution.



**FTR:** Councilman Cory Spotted Bear joined the meeting at 12:47pm. [12/21/2018]

**Motion:** Councilman Fred Fox moved to approve resolution no. 18-310-FWF entitled “Approval of Development Consulting Services Agreement for Design and Architectural Services for the Mandaree School Construction Project with Panther Development Investments, LLC, of Boca Raton Florida; Authorization for Mandaree School District to draw down FY2019 funds in the amount of \$1,849,850.00 as required for payment of its obligations under the terms of the Agreement” Councilwoman Monica Mayer seconded the motion. (12/21/2018)

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

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

**Discussion:** Funding base on architectural plan. Councilwoman Monica Mayer was leery of waiving sovereign immunity.

**FTR:** Presented Resolution entitled “Approval of Agreement Between Owner and Contractor for Construction of the Mandaree School Project, with Burke Construction Group, Inc., of Las Vegas, Nevada for \$23,233,346; Authorization for the School District of up to \$18,000,000 in FY2019 funds as required for payment of obligations under the terms of the Agreement” Asked to defer until January.

#### **D. Councilman Randy Phelan – Stephanie Baker**

**Motion:** Councilman Fred Fox moved to approve a Small Loan for \$18,000 for Stephanie Baker. Councilman Mervin Packineau seconded the motion.

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

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

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#### **E. Councilman Fred W. Fox – Medicine Wheel INFR Sponsorship- Deb Sustrich**

A non-profit with 4 board members is requesting \$40,000. Last year they were helped with \$5,000 & \$5,000 from the 4Bears Casino. Looking to develop a tour rodeo and also put on a regional rodeo in Sheridan, WY. Councilman Randy Phelan recommended doubling last years



**Motion:** Councilman Fred Fox moved to approve a sponsorship of \$5,000 from the tribe & \$5,000 from the 4Bears Casino. 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  
Councilwoman V. Judy Brugh– Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**F. Councilman Fred W. Fox – Jo Lynn (Froelich) Rising Sun**

Discussion of the amount of Life & Limb expended this fiscal. Has already used the available \$3,500.

**Motion:** Councilman Fred Fox moved to approve an additional Life and Limb assistance for the amount of \$19,000 for the costs and reimbursements. 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  
Councilwoman V. Judy Brugh– Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**G. Councilman Mervin Packineau – Ed Hall Cemeteries Issue [12/21/2018]**

When graves were moved from the bottom lands, the land was bought from tribal members and put into fee under the name of the church. He has been researching with the college and Tanya Sand-Driver and G.I.S. in plotting the lands and cemeteries. The sites should be deemed historic sites and be placed on a tribal historic registry to be developed for the reservation. The National Registry is too hard to achieve and get things done. Chairman Mark N. Fox noted that the Tribe does this for sites in White Shield already. Discussion of renovating the old churches and cemeteries and the Chairman noted his beautification project. A tribal code would be needed and there is a need to manage burial plots and develop cooperation with the churches. Councilman Mervin Packineau & Councilman Fred Fox are going to collaborate on renovation of the Congregational church.

**Motion:** Councilman Fred Fox to authorize development and the Chairman's Beautification Project. Councilwoman Monica Mayer seconded the motion.

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



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

*Discussion:* Councilman Randy Phelan would like to see more improvement at the Catholic Cemetery in Mandaree like the fencing. Councilwoman Monica Mayer would like to see the preservation of the cemeteries and utilize Ed Hall's expertise on treaties and would the projects to report under the Cultural Committee. Cemeteries are recorded under the county and the tribe needs to do it ourselves.

**H. Councilman Mervin Packineau – Marcus Levings** [12/21/2018]

*Motion:* Councilman Fred Fox moved to approve payment for the consultant agreement for White Headed Eagle Consulting from 2017, for services provided and resulting \$6,200 claim subject to restructuring of the contract as close out agreement. Councilman Randy Phelan seconded the motion.

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

*Discussion:* An invoice from Mr. Levings and an invoice from TERO would be required.

*FTR:* It was brought to the TBC's attention that LIEHAP had denied the elder services to replace a furnace. The elder applied in Minot and was also denied there. Councilwoman Monica Mayer will work with the elder from her segment.

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**I. Councilman V. Judy Brugh – Four Bears Board Member Appointments Resolution**

*Motion:* Councilwoman V. Judy Brugh moved to approve resolution no. 18-306-CSB entitled "Appointment of Board Members and Officers by the Four Bears Tribal Business Council Representative, V. Judy Brugh". Councilman Randy Phelan seconded the motion.

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





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

- J. Councilman V. Judy Brugh** – *Reserved*
- K. Councilman Cory Spotted Bear** – *Reserved*
- L. Councilman Cory Spotted Bear** – *Reserved*
- M. Councilwoman Monica Mayer** – **Heath Knight Dental Request**  
*Tabled*

**N. Councilwoman Monica Mayer** – *Casey Hall*

Seeking a loan to purchase a vehicle through Small Loans and they advised him to seek a waiver of the Small Loans policy from the TBC. Mary Ellen Sun noted that she is past due on an existing outstanding loan and that Small Loans according to policy could not consolidate a new loan until the outstanding loan is paid off. It was noted that Casey Hall is currently a TAT employee.

**Motion:** Councilwoman Monica Mayer moved to approve a loan of \$15,000 with a waiver of the pay in full requirement before consolidation. Wage assignment would be required. Councilman Randy Phelan seconded the motion.

Vote: 4 - Ayes. 2 – Abstentions. 1 – Not Present. Motion carried.

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

**XXII. CLOSED SESSION**

- A. Legal Dept. Contracts.** – *Caleb Dogeagle*
- B. Human Resources (HR)** – *Barlow Wells, Director*
- C. Four Bears Casino Report** – *Scott Wilson, General Manager*
- D. Magdalena Egan-Gonzalez**
- E. Vantage** - *Carson Hood Jr.*
- F. Pipeline Safety Code Operators Fee Contract** – *Carson Hood & Shenan Atcitty*
- G. MRR Update**
- H. Kidney Dialysis Unit (KDU)** – *Callie Baker, Director*
- I. Home Health** – *Red Fox Sanchez & Gabrielle Peetrii.*
- J. Traffic Violation Fines through Mandaree**
- K. Albertson Engineering Contract**
- L. Lenny Abrahams**

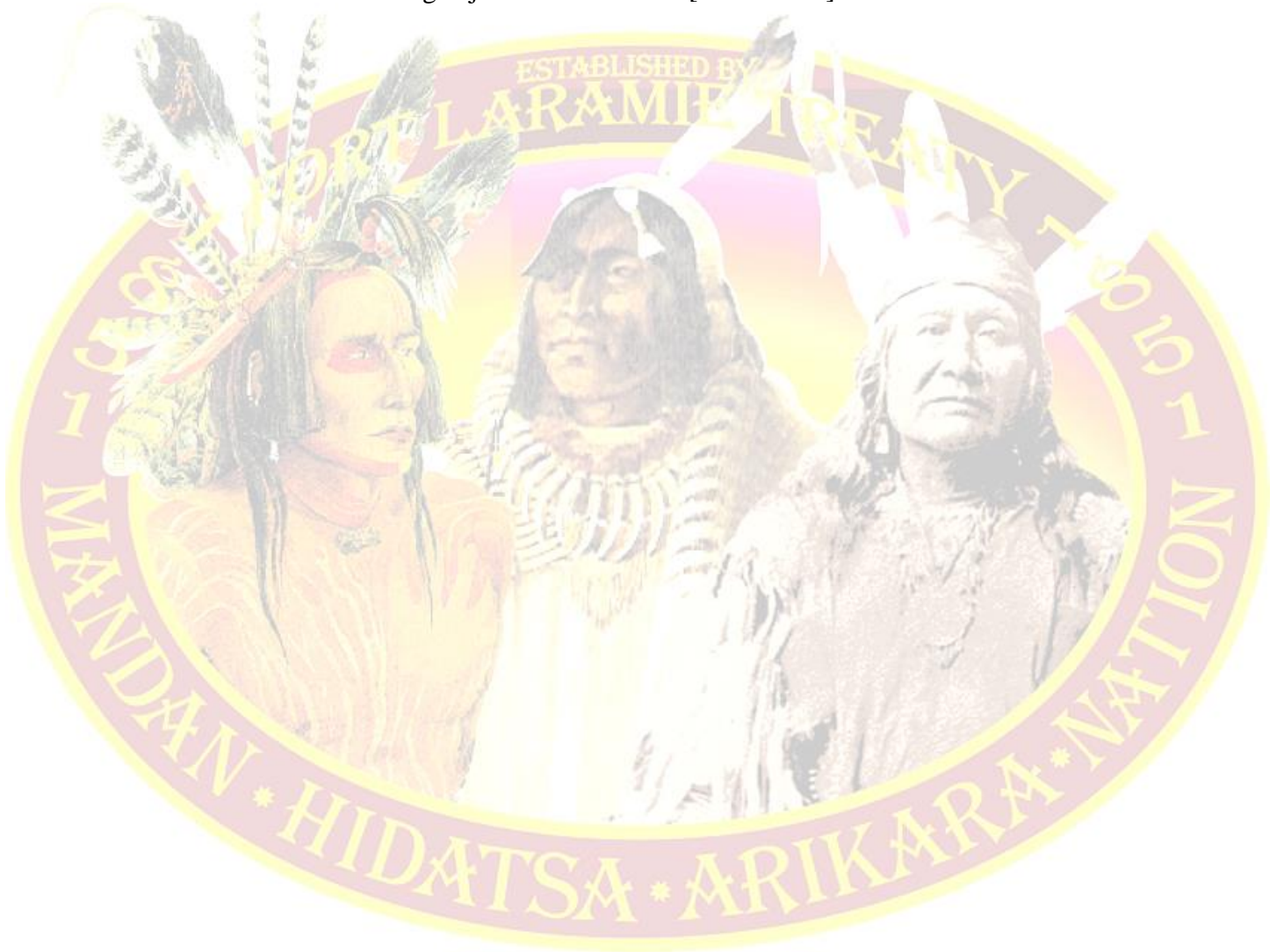


**M. Alfred Jr. & Jackie Morsette**

**N. Staff Overtime Extension for Work Performed on the Financial Software System Implementation**

**XXIII. ADJOURNMENT**

*Motion:* Councilman Mervin Packineau moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 3:10PM [12/21/2018]






**CERTIFICATION**

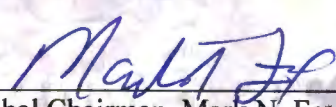
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 10<sup>th</sup> of January, 2019; 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 10<sup>th</sup> day of January, 2019.

ATTEST:

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

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