



CALL TO ORDER

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

OPENING PRAYER

Prayer by Florence Brady.

ROLL CALL

Present: Councilman Cory Spotted Bear, Councilwoman Monica Mayer(Not Present), 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. Councilwoman V. Judy Brugh seconded the motion. *Motion carried.*

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. January 10th, 2019 Regular Tribal Business Council Meeting Minutes

Motion: Councilman Randy Phelan moved to approve the January 10th, 2019 Regular Tribal Business Council minutes. Councilwoman V. Judy Brugh seconded the motion. *Motion carried.*

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

III. SPECIAL GUESTS & ELDERS

No items.



EXECUTIVE COMMITTEE REPORTS

TAT_20190214-1157_01d4c45c84cd09c6.mp3

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

Attended Governors address and the State of the State & Tribal Address. Nation meeting with the American Petroleum Institute. Tribal flag rising at the State capital. Appreciation dinner & program. NCAIED Meetings, NAFSA meetings in February. Selected to the board of NAFSA. Endorsement of a State bill for infrastructure & increase in the tribal revenue base. Upcoming Memorial for former Councilman Malcom Wolf & day of appreciation, Ira Hayes event, 4th Annual Ice Water Warrior Plunge to raise funds for the American Indian Cancer Association with a goal of \$60,000. District & regional tournaments hosted at the new White Shield High School & the 4Bears Event Center.

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

Tax Agreement ground work meetings, 1st Annual 3-on-3 Basketball Tournament for 3rd & 4th graders, Mandaree War Bonnet Dance, Valentines Dinner. Upcoming: Shakopee Elders Trip.

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

Continuing to update minutes & resolutions to the web site. Cross referencing tribal code on the resolution pages. Seeking suggestions for historical documents to include. White Shield Update; Tribal Administration facility groundbreaking in March, planning for an Elders Center, 5-duplex apartment under construction. Housing rentals leases are bringing in \$23,000/month. Provided details on the upcoming first time hosting of the District Boys tournament. Sahnish Healing Lodge is up and running with five clients.

TAT_20190214-1228_01d4c460b9bd854e.mp3

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

Commended all the segments on the many good projects to improve our reservation.

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

Revenue is above projected expenditures. \$27 million contribution to the People's Fund (OST/OTFM @ 3%), \$8 million to the Educational Trust Fund (at about \$ 20 million), \$6 million to the Private Placement Fund from Tribal JTAC is at \$6 million investment fund. IRS debt resolve report due next week with appeals pending and no defaults at this point. \$49 million going out in the next disbursement and associated costs. Chairman Mark N. Fox asked that the new financial system and email system be fixed ASAP.

FTR: *Councilwoman V. Judy Brugh left the meeting at 12:41PM.*

Motion: Councilman Randy Phelan moved to approve resolution no. 19-012-FWF entitled "Approval of Fiscal Year 2019 General Fund Budget for the Three Affiliated Tribes". 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 – Aye
Councilwoman Monica Mayer – Not Present

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

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

Motion: Councilman Randy Phelan moved to approve Group A (16 applications): subject to Loan Dept. requirements & policy. Councilwoman V. Judy Brugh 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

Motion: Councilman Randy Phelan moved to approve Group B (2 applications): subject to Loan Dept. requirements & policy and additional collateral & or co-signor. Councilman Fred Fox seconded the motion.

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

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

Discussion: List is of those currently not working for the tribe. Chairman Mark N. Fox expressed the possibility to use IMM monies for collateral.

VIII. SEGMENT UPDATES

A. North Segment – *Councilwoman Monica Mayer*
No report.



B. Twin Buttes – Councilman Cory Spotted Bear

Community update; Snow removal hot line, construction continues of the Community Center, water treatment, Sober Living Lodge. Upcoming projects include: Swimming pool, Ambulance building, Indian relay, small hotel, cold storage units, round homes development & design awards,

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C. Four Bears – Councilwoman V. Judy Brugh

Commended the snow removal crews for their work. Working on a new C-Store, BIA Route 2, cultural activities, segment vehicle maintenance is performed locally, 76 elders in Four Bears.

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• **BIA Route 2 – Marcus Levings**

5 mile route between junctions ND 23 & ND 22 is used as a detour emergency route and not just access for the 37 residential families, along with Continental & Marathon for oil field access. Proposed a complete reconstruct of the BIA Route 2. Chairman Mark N. Fox noted the cost just jumped to \$10 million with the engineering and would need to be a phased project. Councilman Mervin Packineau noted that oil partners were going to pay half.

Motion: Councilman Fred Fox moved to approve resolution no. 19-039-FWF entitled “Approval and Authorization of Reconstruction of the Bureau of Indian Affairs Route 2 Not to Exceed the Amount of \$10,442,000 and hereby Prioritizes the Bureau of Indian Affairs Route 2 as No. 1 on the FY 2019 TIP List”. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Not Present

Motion Amended: To include the language subject to input & contributions from oil industry partners with options to carry over expenditures to next fiscal by phase, with review by Legal & a drafted resolution.

Discussion: Marcus Levings noted that it would be able to support truck traffic. Chairman Mark N. Fox only stipulated that it utilize a competitive open bid process.

IX. OFFICER REPORTS

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

Attended the NCAI Winter Session.

1) Federal Programs Report*



No report.

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2) Executive Orders*

Motion: Councilman Randy Phelan moved to approve EA2019-65;

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. XXXX- \$3500.00
2. XXXX - \$3000.00
3. XXXX- \$5000.00

Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve EA2019-66. Subject to Chairman's discretion.

NOW THEREFORE BE IT RESOLVED, that the Executive Committee formally approves, Baker Tilly Virchow Krause, LLP to begin supporting the Tribe in its application for BIA and other Federal Grants that pertain to the development of MHA Tribal resources and feasibility study.

BE IT FURTHER RESOLVED that any of the Tribal Executive Officers may sign aforementioned lease documents on behalf of the tribe for the transactions above.

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 – Aye
Councilwoman Monica Mayer – Not Present



Motion: Councilman Mervin Packineau moved to approve EA2019-67;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves an amendment to resolution No. 15-194-LKH to support established and recognized traditional societies and veterans groups to \$9,000/day not to exceed \$18,000.00 per year.

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 – Aye
Councilwoman Monica Mayer – Not Present

Discussion: Policy clarification.

Motion: Councilman Fred Fox moved to approve EA2019-68;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves \$2,500.00 to be paid to the Missouri Valley Montessori School for XXXXX tuition. She is currently in pre-school and doesn't qualify under the current education grant policy.

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 – Aye
Councilwoman Monica Mayer – Not Present

Discussion: This is a policy change to include pre-school children for tuition assistance.

Motion: Councilman Mervin Packineau moved to approve EA2019-69;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves the attached GENERAL RELEASE AND SETTLEMENT AGREEMENT with Kinetic Leasing, Inc., authorizes the payment, from tribal funds,



of \$2,014,439.88 due thereunder, and authorizes the Chairman to execute the Agreement on behalf of the Three Affiliated Tribes.

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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve EA2019-70;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves the attached WPX SURFACE-USE PERMIT AGREEMENT, giving WPX Energy Williston, LLC limited and non-possessory access and use rights over allotment T1836 in order to access a well connect.

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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Cory Spotted Bear moved to approve EA2019-71;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a \$9,000.00 sponsorship to the Native American Church of North America.

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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Fred Fox moved to approve EA2019-72;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves educational assistance in the amount of \$2500 to assist XXXXX with tutoring costs. Payment will be made to Bonnie England (tutor).

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

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

Report submitted; 5-Year (FY'15-FY'19) Annual Revenue Collections by Tax Type, FY'19 Monthly Drilling Fees, 5-Year (FY'15-FY'19) Annual Drilling Fees Comparison.

Two Business Licenses previously approved pending back-ground review with TERO and requires further review for Screaming Eagle Energy LLC & Thomas Oilfield Services Inc. Legal is also reviewing. Chairman Mark N. Fox expressed concern Tax Dept. regulatory over sight and holding up businesses from conducting business at the same time asked that the Dept. Chairman Mark N. Fox asked that the Dept. look the process for more in-depth review of a company's business practices to protect our subcontractors from non-payment from possible unscrupulous companies. Chairman Mark N. Fox asked for more in depth of review of business practices to receive a tribal business licenses.

Motion: Councilman Fred Fox moved to approve Screaming Eagle Energy LLC & Thomas Oilfield Services Inc. business licenses to June 30th, 2020 pending back ground review. 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 – Aye
Councilwoman Monica Mayer – Not Present



State Tax Bills for Two bills that would reestablish the Governor authority to enter into revenue sharing agreements on Alcohol Tax, Gross Receipts, Tobacco Tax, and a Sale & Use Tax were approved on the ND Senate floor yesterday. The S.B. 2312 bill update.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-013-FWF entitled “Approval of 35 Applicants for Enrollment into the Three Affiliated Tribes”. 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 – Aye
Councilwoman Monica Mayer – Not Present

Discussion: Councilman Mervin Packineau questioned whether the enrollment committee had reviewed and discussion as to the role of the committee to approve or disapprove. The TBC saw the role of the committee was not to approve or disapprove but to provide guidance. Total enrollment is now at 16,306 tribal members with the approval of this resolution.

X. **UNFINISHED BUSINESS**

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A. **Fort Berthold Housing Authority¹ (FBHA)**– *Toni Parisian, Director*

Submitted budget request & 5 year plan. Chairman Mark N. Fox asked that when the weather changes for FBHA get busy and renovate homes.

Motion: Councilman Cory Spotted Bear moved to approve the submitted FBHA budget request for year 1 subject to available funding. 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 – Aye
Councilwoman Monica Mayer – Not Present

Discussion: Tribal staff will work with FBHA to set priorities. Councilman Randy Phelan noted that a work session at UTTC and asked Terry Red Fox to come back with a budget around \$6 million (1



million/segment) due to the large number of homes that are boarded up. 416 low income rental stock units and 48 conveyed. A need for a census to possibly increase H.U.D. funding.

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B. Mandaree School¹ – *John Mahoney, Mandaree School Board, Attorney*

Presented contract with Burke Construction with recommended change for dispute resolution edited as requested. \$23,233,346 total school project allocation. Chairman Mark N. Fox wants language including competent & applicable jurisdiction. Cap on the sovereign immunity included. Dunn & Bradstreet report completed the company checks out good. Liquidated damages at \$2000/day. A 10% retainage on the contract. Completion date of Aug 2020. Approved by the school board.

Motion: Councilman Fred Fox moved to approve resolution no 19-014-FWF 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*” subject to Legal review. 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 – Aye
Councilwoman Monica Mayer – Not Present

C. Amera Black Hawk-Brinson Medical Request² *Previously Addressed*

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D. Krystal Bell² – *Diana Tomlin*

Krystal Bell received a previous educational loan for Arizona State University and grand-mother is requesting assistance to pay off a loan that her grand-daughter received and she co-signed for. Completed her first year with tuition for her 1st year at \$40,000, but she couldn't afford to continue. She continues her studies now through an online program.

Motion: Councilman Randy Phelan moved to a approve \$2,923 educational grant to assist her TAT Small Loan payment subject to review of initial loan assistance by the Chairman's Office & Councilman Cory Spotted Bear's Office and insuring that her original MHA small loan of \$40,000 was spent for educational purposes. Councilman Cory Spotted Bear 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 – Aye
Councilwoman Monica Mayer – Not Present

E. A.S Nursing Home Bill Reimbursement

Item deferred.

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F. Big Horn Sheep Update – Antoine Smith, Game & Fish Director

Delays in receive date may push the release date back a year due to helicopter availability. Councilman Randy Phelan expressed concern with the herd wondering off the reservation and being charged by farmers for over grazing. The Director noted that the sheep are GPS collared and that they would be returned by the capture company. Discussion of areas placement of the sheep and range. Game & Fish Director expressed concerns with the Big Horn intermixing with the State herd of sheep in which case they would be euthanized. Tunnel Point & Twin Buttes areas along with other areas of expansion on the reservation discussed. Presented an MOU with the ND State Game & Fish to manage for two years. Rocky Boy has a contract biologist to monitor during capture and would like to plan media coverage. The Tribe may also want media coverage during the release. Councilman Randy Phelan asked for a bow season for moose.

Motion: Councilman Cory Spotted Bear moved to approve the ND Game & Fish MOU subject to insertion of recommendations from Legal Dept. 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 – Aye
Councilwoman Monica Mayer – Not Present

XI. MEDICAL REQUESTS

No items.

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XII. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

No items.

XIII. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer, Chair

No items.

XIV. ENERGY COMMITTEE – Chairman Randy Phelan, Chair



A. Energy Dept. Update* - *Carson Hood Jr., Director*

Federal Partners Meeting was postponed due to the government shut-down but they are getting back to business. The government shut-down affected our ROW approval process.

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B. ROW's* – *Paul Grady & Catherine Everett*

FTR: *John Fredericks recommended tabling the Buffalo Ranch ROW.*

Motion: Councilman Fred Fox moved to approve resolution no. 19-015-FWF entitled “*Approval of Setback Variance Requested by ONEOK Rockies Midstream, LLC for the Axell USA CTB.*” 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-016-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Skunk Creek 8-2 Multi-Well Pad and Multi-Use Access Road Corridor Project Submitted by RimRock Oil & Gas Williston, LLC.*” 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-017-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Skunk Creek 4-7 Multi-Well Pad and Multi-Use Access Road Corridor Project Submitted by RimRock Oil & Gas Williston, LLC.*” 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-018-FWF entitled “Consent to Amend BIA ROW No. FBOG100508 for the Horses East Well Pad Modification Project Submitted by Enerplus Resources (USA) Corporation”. 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-019-FWF entitled “Consent to Amend BIA ROW No. FBOGJ 00504 for the Horses West Well Pad Expansion Project Submitted by Enerplus Resources (USA) Corporation.” 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-020-FWF entitled “Approval of Setback Variance Requested by Marathon Oil Company for the Quale USA Project.” 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 – Aye
Councilwoman Monica Mayer – Not Present

Discussion: 1015 feet.



Motion: Councilman Randy Phelan moved to approve resolution no. 19-021-FWF entitled "*Consent to Modification No.1 to BIA ROW No. FBOG100242 and Consent to an Additional Modification to BIA ROW No. FBOG100242 for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project Submitted by Marathon Oil Company.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-022-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Delores Sand 29-32H Project Submitted by WPX Energy Williston, LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-023-FWF entitled "*Consent to Approval of a half-mile Lake Setback Variance for Axell USA CTB Project Submitted by Targa Badlands LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Discussion: Well connect at 947.28 ft. from the lake on fee land to reduce the largest flare south of the bridge. Carson Hood Jr. noted that guidelines of granting a variance within the 1000 ft. require larger berms, additional monitoring, and tertiary requirements on the pad. Chairman Mark N. Fox recommended more stringent requirements for oversight when these variances are approved and also



creating precedence. The 1000 ft. acts as a buffer zone to allow time to react to a spill and we need to be firm on any new development.

Motion: Councilman Randy Phelan moved to approve resolution no. 19-024-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Riverview 32 Project Submitted by Targa Badlands LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-025-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Whales Loop /Peppers Project Submitted by Targa Badlands LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-026-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Fish South Project Submitted by Targa Badlands LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-027-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Leviathan Project Submitted by Targa Badlands LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-028-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Whales Loop 3 Project Submitted by Targa Badlands LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-029-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Wolf Chief Re-Route Project Submitted by Arrow Pipeline, LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-030-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Western Expansion North Project Submitted by Arrow Pipeline, LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-031-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Western Expansion South Project Submitted by Arrow Pipeline, LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-032-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Helen Well Connect Project Submitted by Arrow Pipeline, LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Mervin Packineau moved to approve resolution no. 19-033-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Corn Stalk Loop Line Project Submitted by Arrow Pipeline, LLC.*" 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 – Aye
Councilwoman Monica Mayer – Not Present



Motion: Councilman Mervin Packineau moved to approve resolution no. 19-034-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the African Animals North Well Connect Project Submitted by Arrow Pipeline, LLC.*” 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-035-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Clouds West Well Connect Project Submitted by Arrow Pipeline, LLC.*” 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-036-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Lackawanna Loop Line Project Submitted by Arrow Pipeline, LLC.*” Councilman Cory Spotted Bear 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 – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Randy Phelan moved to approve resolution no. 19-037-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the XTO Reese 43X Project Submitted by McKenzie Electric Cooperative.*” Councilman Cory Spotted Bear 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 – Aye
Councilwoman Monica Mayer – Not Present

FTR: Councilman Cory Spotted Bear raised a question as to the process to insure once approved they are approved by the TBC are properly receipted, recorded and paid and put into the sys. Carson Hood Jr. noted that the Dept. keeps a hard/digital file. Cash receipts person takes the check and logs it received and then it is paid directly to the Finance Dept. and the General Fund and we mark it received in our system. It gets to us via the B.I.A. and OST. Councilman Randy Phelan noted that today the TBC made \$472,497 for the Tribe and instructed the Energy Director to be sure to that these are paid. Chairman Mark N. Fox recommended Energy Dept. work with Finance by to establish the process.

C. BIA Road Task Force Reassignment

Addressed at Executive Committee

D. Setback Discussion

Item deferred.

E. Vantage-QEP

Item deferred.

FTR Councilwoman V. Judy Brugh returned to meeting 2:26PM.

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

TAT_20190214-1423_01d4c470d7d24974.mp3

F. Atcity Contract Discussion

After negotiation the contract budget was reduced by \$75,000 with the same terms for the 1-year contract; October 1st, 2018- September 30th, 2020(with payment retro)

Motion: Councilman Mervin Packineau moved to approve revised Shenan R. Atcity, Special Legal Counsel Contract with the MHA Energy Division. Councilman Randy Phelan seconded the motion.

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

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



Discussion: Chairman Mark N. Fox noted that a majority of the TBC want a streamlined Legal and want to move toward provided these services. All the outside Legal contractors need to be on the same page keep in touch with the Tribes' Legal Director & John Fredericks.

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

TAT_20190214-1428_01d4c4718ae469de.mp3

G. BIA 13 – Lloyd Vigen

Independence road maintenance for 51/49% cost share with the Tribe.

Motion: Councilman Fred Fox moved to approve/reaffirm the BIA 13 Road Share agreement subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

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

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

Discussion: Some had agreed to the 70/30 but going back due to the 51/49% due to the State tax legislation. RFP is in place and going out to bid the 1st week in March. Councilman Randy Phelan asked that he return with the bids in March.

XV. EXECUTIVE COMMITTEE – Chairman Mark N. Fox

TAT_20190214-1713_01d4c488aae92082.mp3

A. Parshall Recreation Justice Center Concerns

Motion: Councilwoman V. Judy Brugh moved to approve resolution no.19-046-FWF entitled “Approving of Architect/Engineer Contract and Costs for Parshall Recreation-Emergency Center in Parshall, North Dakota”. [Nelson Tremain Partnership] Councilman Randy Phelan seconded the motion.

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

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

TAT_20190214-1613_01d4c4803ff6307e.mp3

B. Thunder Butte FY2019 Promissory Note



Motion: Councilman Fred Fox moved to approve resolution no. 19-043-FWF entitled “*Approval of Loan for Thunder Butte Petroleum Services, Inc. for Operating Costs*” 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 – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Fred Fox moved to approve the Thunder Butte FY2019 Promissory Note. 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 – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Present

C. Boys and Girls Club

Addressed through the budget approval process.

D. Four Bears Contract

Addressed

E. Robert Wood Grant

Previously Addressed

TAT_20190214-1718_01d4c4895de53e00.mp3

F. Youth Education Grant Policy

Motion: Councilman Fred Fox moved to clarify the youth Education Sponsorship policy to include preschool age children. Councilman Randy Phelan seconded the motion.

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

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



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

TAT_20190214-1718_01d4c4895de53e00.mp3

G. Katheryn Everett Transfer

Motion: Councilman Randy Phelan moved to approve the Katheryn Everett transfer to the Chairman's office as Energy Liaison with a carryover of all permanency rights. Councilman Fred Fox seconded the motion.

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

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

TAT_20190214-1718_01d4c4895de53e00.mp3

H. United Tribes Technical College (UTTC) Pow Wow Grounds

Funding for improvements of the UTTC Pow-Wow grounds fell short and UTTC is requesting assistance to lay concrete in area where vendors set up during the event.

Motion: Councilman Randy Phelan moved to approve \$18,000 to assist UTTC to lay concrete for the vendor's area of the pow-wow grounds. Councilman Fred Fox seconded the motion.

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

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

I. Emergency / Recreation Center

Addressed above

TAT_20190214-1152_01d4c45bd1aa4458.mp3



J. Q.B. Hospital Bill

Motion: Councilman Randy Phelan moved to approve assistance for 75% of hospital bill. 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

K. INFR Regional Request

Addressed through the budget approval process.

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

TAT_20190214-1443_01d4c473a5ca6792.mp3

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

Motion: Councilman Fred Fox moved to approve Dr. Rising Son leave reconciliation due to lapse in contract. 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 – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 19-038-FWF entitled "Award of Pre-Construction Contract for Elbowoods Memorial Health Center Dental and Eye Clinic Addition, New Town, North Dakota, for the Three Affiliated Tribes' Elbowoods Memorial Health Center to Scull Contracting, Rapid City, South Dakota." subject to Legal review and resolution. Councilwoman V. Judy Brugh seconded the motion.

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

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



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

Motion: Councilman Cory Spotted Bear moved to approve the “*Clinical Affiliation Agreement for Resident Education Between Memorial Health Center and Northwell Health, Inc*”. Councilman Fred Fox seconded the motion.

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

Motion: Councilman Fred Fox moved to approve the “*Memorandum of Understanding Between University of Mary and Elbowoods Memorial Health Center Regarding Nursing Education Program*”. Councilwoman V. Judy Brugh seconded the motion.

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

Motion: Councilman Fred Fox moved to approve the “*Pharmacist in training Pharmacy Affiliation Agreement with the North Dakota State University*” Councilwoman V. Judy Brugh seconded the motion.

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



Motion: Councilman Cory Spotted Bear moved to approve the “*ND Pediatric Access Program Clinical Affiliation access to child mental care state/tribal grant.*” Councilman Fred Fox seconded the motion.

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

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

B. Tribal Care Health Insurance* – *Jerry Fozzard & Pamela Lewis (See Closed Session)*

C. Tribal Health* – *Red Fox Sanchez, Director*
Submitted a written report to the CEO.

TAT_20190214-1433_01d4c4723edf91e0.mp3

D. Life & Limb* – *Alva Irwin, Grants & Donations Director*
Presented a list of applications.

Motion: Councilman Mervin Packineau moved to approve Request B. for Life & Limb. Councilwoman V. Judy Brugh seconded the motion.

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

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

Motion: Councilman Mervin Packineau moved to approve Request C. for Life & Limb. Councilman Fred Fox seconded the motion.

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

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



Motion: Councilman Cory Spotted Bear moved to approve Request D. for Life & Limb.
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 – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Abstained
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Fred Fox moved to approve Request E. for Life & Limb. 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 – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Present

Motion: Councilman Mervin Packineau moved to approve Request F. for Life & Limb.
Councilwoman V. Judy Brugh seconded the motion.

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

Motion: Councilman Cory Spotted Bear moved to approve Request G. for Life & Limb.
Councilwoman V. Judy Brugh seconded the motion.

Vote: 5 - Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.
Chairman Mark N. Fox – Not Voting
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye



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

FTR: Request A is asking for \$3,500 for living expenses, but the program dose 'nt provide living expenses. She is at home recovering from cancer. Councilwoman Monica Mayer has agreed to assist with \$500 and ask the other councilmembers for a \$500 match each. Councilwoman V. Judy Brugh will match Councilwoman Monica Mayer for assistance. Grants & Donations will route.

FTR: The Director noted that with the minutes not having names has caused issues with tracking. Councilman Randy Phelan noted that for HIPPA concerns because we don't them on the radio and on the web site. Councilman Randy Phelan recommended referring to Legal. Memo to the Secretary's Office stating that names of Life & Limb will not be published.

FTR: A family is requesting \$2000 for dental surgery tomorrow. Councilwoman Monica Mayer requested that it brought in today. Councilman Randy Phelan recommended working with the Chairman's Office and the CEO.

E. D.S (Son) - Dental Request

Chairman authorized by blanket motion to address.

F. S.B. – Payment

Chairman authorized by blanket motion to address.

G. F.H. – Orthodontic

Chairman authorized by blanket motion to address.

H. L.R. – Chair, Fathers Health Issue

Chairman authorized by blanket motion to address.

TAT_20190214-1453_01d4e4750bdd0660.mp3

I. Good Road Recovery – Ty Thompson, Director

Good Road Recovery currently has seven residents, and three outpatient individuals attending. Below is a summary of possible reimbursement utilizing the ND State SUD Voucher reimbursement rates. Lower reimbursement rates than Boon and Medicaid Expansion. Eight have Boon/Tribal Care and two have Medicaid Expansion (Sanford Health). A daily/weekly cap will be set for overtime at 2 hours per day/8 hours per week. Employees who work more than that will be compensated according to legal requirements. But, we will advise employees to respect this limit. No employee shall work more than 60 hours in a seven day period. Overtime is calculated on a weekly basis. Overtime hours, at the rate of time and half, is calculated on any hours worked after 40 hours. Submitted the program FY2019 budget worksheet that included over-time. Chairman Mark N. Fox noted that over-time needs to be pre-approved by supervisor and within their budget. Barlow Wells, HR Director noted that they are currently only getting comp. time.

Motion: Councilman Fred Fox moved to approve over-time hours for the staff at the Good Road Recovery 24/7 facility subject to Director pre-approval. Councilman Cory Spotted Bear seconded the motion.



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

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

Motion: Councilman Fred Fox moved to approve the “*Consultant Contract Between the Three Affiliated Tribes and Bruce & Linda Gillette*” to begin on February 1, 2019 and run through September 30, 2019.

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

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

H. N. LB. - Dental

Chairman authorized by blanket motion to address.

I. S.BH. – Dental

Chairman authorized by blanket motion to address.

J. H. K. - Dental

Chairman authorized by blanket motion to address.

K. R. H. – Dental

Chairman authorized by blanket motion to address.

TAT_20190214-1157_01d4c45c84cd09c6.mp3

L. H. F. – Bill Reimbursement

Medical bills total over \$16,000 and have been turned over to a collection agency.

Motion: Councilman Fred Fox moved to approve reimbursement for medical expenses of elder H.F for the amount of \$2364.17. Councilman Randy Phelan seconded the motion. (From Health Committee) *Motion carried.*

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

M. Life & Limb Request – F. K.

Chairman authorized by blank motion to address.

Motion: Councilman Mervin Packineau moved to grant the Chairman authority to work with/resolve above medical requests. Councilwoman V. Judy Brugh seconded the motion.

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

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

N. Salary Increase – S. YB.

Item deferred.

O. Aging Services – Polly Chase

Item deferred

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

A. Justice Commission Report*

Item deferred.

TAT_20190214-1508_01d4c47725df421a.mp3

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

1) Fines & Fees

Motion: Councilman Mervin Packineau moved to approve the presented Fines & Fees Chart. Councilman Fred Fox seconded the motion.

Discussion: Changes include audio copies audio recording to reduce to \$50 from \$150.

El Marie Conklin has a problem with the reasons for the Fines & Fees and needs explanations. Primary item is \$20 fee for filing motion. The State court doesn't charge for motions. \$20 motions can be filed in a case & a filing fee. Presents a problem for low income people and attorneys. Another issue is the Request for a Change of Judge. This is something that is jurisdictional. The State also doesn't require a fee for this. With the drug problem on the reservation many families to file on their own and this is a burdensome fee for involuntary



commitment. Small Claims fees are also burdensome. This should be sent to the attorneys and discussed which is also part of her objection. John Fredericks conferred that this was a good suggestion. It was agreed that this motion would be a 1st reading and back to Committee for the 2nd reading. El Marie Conklin expressed that there needs a court procedure on imposing fees.

FTR: *Forward Fees & Fines to Judicial committee for 1st reading.*

2) Public Intoxication Charges

The FBDC is seeking a \$75 fine. El Mari Conklin expressed there have been constitutional challenges on imposing these fines and asked for a definition on public intoxication.

Returned to Judicial Committee.

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

1) SRO & MOU

Item deferred.

2) McKenzie County MOU

Item deferred.

TAT_20190214-1518_01d4c4788bdc3928.mp3

D. Child Support Interim Director Bonus

Mr. Woods has been the Interim Director for 17 months and in agreement with the Chairman and the former CEO it was agreed a \$1000/month bonus would be acceptable provided the Federal rules would allow. Has spoken with the Judicial Committee Chairwoman V. Judy Brugh and she has agreed. HR has a copy of the research that the former CEO completed. Councilman Randy Phelan stated that we should have a copy also. Councilwoman V. Judy Brugh expressed that in doing his own job with the extra duties as Director that he should be compensated.

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

Motion: Councilman Mervin Packineau moved to approve the request for a bonus of \$1000/month bonus for the time served as Interim Director. Councilwoman V. Judy Brugh 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



Discussion: Roger White Owl, Interim CEO noted that the Federal Contract Officer confirmed that the cost is allowable. Councilman Randy Phelan noted that it goes against policy to do retroactive. Councilman Mervin Packineau noted that Mr. Woods has brought allot back to the tribe. 20% of the retroactive would come from tribal funding with 80% from Federal.

TAT_20190214-1538_01d4c47b580aabae.mp3

E. Domestic Violence Shelter House in Bismarck - Sadie Young Bird

Decided to close the Bismarck shelter due to low use. The Tribe owns the building and the Director would like to convert to a woman's shelter or hand it over some other program like the Good Road Recovery Center. Furniture will be moved out by Maintenance after the Polar Plunge.

Motion: Councilman Fred Fox moved to accept relinquishment by Domestic Violence of Bismarck and focus on domestic violence or addiction/treatment recovery opportunities for the building. Councilman Cory Spotted Bear seconded the motion.

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

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

TAT_20190214-1543_01d4c47c0b06a460.mp3

F. Reserved Housing for Judge Discussion

Motion: Councilwoman V. Judy Brugh moved to search the available North Segment housing units for Judicial Professional Staff. Councilman Fred Fox seconded the motion.

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

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

TAT_20190214-1723_01d4c48a1100c518.mp3

G. Young Morning Star LLC. Proposal – Jody Archambault

Young Morning Star, LLC., is 100% Native American owned home care service business. It is owned and controlled by Jody Archambault, an enrolled member of the MHA Nation(Three Affiliated Tribes). Submitted a business proposal to provide home health care services in the Bismarck/Mandan area to Elder's and the disabled that are homebound and unable to care for themselves and those who have been discharged from the hospital and need continued assistance.



The State of North Dakota requires licensing for home health care, and our application is pending. Our plan of operation is to assist 80 clients in the Bismarck/Mandan area, three hours/day, and four days a week. This will provide for twelve hours a week for billing for each client. Our revenue is based on an initial cost of \$78.50/hour, or \$942.00 a week per patient. Source of revenue is based on private pay, Medicaid, Medicare, and other insurance carriers. The major cost of operation will be the professional staff consisting of Registered Nurses, Licensed Practical Nurses, Personal Care Attendant, Licensed Social Worker, Business Manager, and a Secretary. Seeking seed money or a grant. Cash flow plan of \$100,000. Dr. Kathy Eagle noted that she has seen a need and would build a team of nurses. Chairman Mark N. Fox recommended a contract that includes a scope of work, total hours, expected hours, client services, and coordination with the Chairman's Bismarck satellite staff.

Motion: Councilman Randy Phelan moved to approve the Young Morning Star LLC home health proposal for services in Bismarck not to exceed \$100,000 subject to developing a contract, Chairman's & 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 Voting
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Present

Discussion: Chairman Mark N. Fox recommended a March 1st. contract term start objective. Dr. Kathy Eagle is providing some technical assistance with the State requirements.

XVIII. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

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A. Homesite(s)* - Valeri Hosie

Motion: Councilwoman V. Judy Brugh moved to approve homesite applications (1-7 home sites)

- Millard Hale, Jr.
- Janelle P. Thundercloud
- Twyla Good Bird
- Susan Hall
- Christopher McLaughlin
- Bernadine Stevens
- Shelia Lockwood

Councilman Fred Fox seconded the motion.

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



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

Motion: Councilman Mervin Packineau moved to approve homesite applications 8 & 9;

- Thomas Demaray,
- Kelsey and Brock Jacobson

Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Mervin Packineau moved to approve homesite application 10;

- Mary R. Bruce

Councilwoman V. Judy Brugh seconded the motion.

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

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

Motion: Councilman Mervin Packineau moved to approve resolution no. 19-040-FWF entitled "*Approval of Home Site Leases and Utility Corridors for Home Sites*" Councilman Fred Fox seconded the motion.

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

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



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

TAT_20190214-1548_01d4c47cbee4f66c.mp3

A. Shane Johnson Land Sale – *Texx Lone Bear, NRD Director*

About three tracts for sale in the Independence area with 100% interest. Farm land on a flat next to the water near Richard Mandan's old place. No appraisal has been done.

Tabled - Needs appraisal and negotiations.

TAT_20190214-1558_01d4c47e2501e896.mp3

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

- **Camilla Sally White - *Tabled***

Councilman Mervin Packineau will visit with her to seek options.

- **William D. Halls**

Motion: Councilman Mervin Packineau moved to approve William D. Halls (2). Councilman Fred Fox seconded the motion.

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

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

- **Garrett Gilbertson**

Motion: Councilman Fred Fox moved to approve Garrett Gilbertson (3). Councilwoman V. Judy Brugh seconded the motion.

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

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

- **Wilber Hunts Along**



Motion: Councilman Mervin Packineau moved to approve Wilber Hunts Along (4). Councilman Fred Fox seconded the motion.

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

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

- **Richard Risan**

Motion: Councilman Mervin Packineau moved to approve Richard Risan, (5-9). Councilman Fred Fox seconded the motion.

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

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

- **Travis Iglehart**

Motion: Councilman Fred Fox moved to approve Travis Iglehart (10). 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 – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Present

- **Lorraine Howe**

Motion: Councilman Fred Fox moved to approve Lorraine Howe (11). Councilwoman V. Judy Brugh seconded the motion



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

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

- **Mathew Gilbertson**

Motion: Councilman Mervin Packineau moved to approve Mathew Gilbertson (12). Councilman Cory Spotted Bear seconded the motion.

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

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

- **Harvey Billadeau**

Motion: Councilman Fred Fox moved to approve Harvey Billadeau (13-17). Councilwoman V. Judy Brugh seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve resolution no. 19-042-FWF entitled "*Agricultural Leases" on Tribal Land*" subject to Legal review & resolution. Councilwoman V. Judy Brugh seconded the motion.

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

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



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

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C. Easements* - *Shaylane Miller*

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 19-041-FWF entitled “*Consent to Certain Rights of Way across Tribal land for the Livestock Watering System*” subject to Legal review [Pete Fredericks] Councilwoman V. Judy Brugh seconded the motion.

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

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

D. Tom Demaray Sr. Lease
Item deferred.

TAT_20190214-1643_01d4c484750afa70.mp3

E. USGS Stream Gauging

An award of \$25,000 was made to the Tribe from the B.I.A. and the presenters are seeking approval of a resolution to deposit the funds to environmental.

Motion: Councilman Fred Fox moved to approve resolution no. 19-047-FWF entitled “*Continuation of the Streamflow Gauging Project on the Fort Berthold Indian Reservation*”. Councilman Randy Phelan seconded the motion.

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

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

XIX. CULTURAL COMMITTEE – *Chairman Randy Phelan, Chair*
No items.



FTR: Chairman Mark N. Fox returned to the meeting at 4:36.

TAT_20190214-1633_01d4c4830ee3effa.mp3

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

A. Contracts

Motion: Councilman Fred Fox moved to approve resolution no. 19-044-FWF entitled "Approval of the Special Counsel Contract Between Galanda Broadman PLLC and the Three Affiliated Tribes." 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 – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Not Voting
Councilwoman Monica Mayer – Not Present

B. Cenex Pipeline

John Fredericks negotiated an NDA for their proposal.

B. Four Bears Contracts

Motion: Councilman Fred Fox moved to approve the Swenson Hagen & Company quote for the Retaining Wall Monitoring for Johnny Bird Veterans Memorial Hall. 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 – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Not Voting
Councilwoman Monica Mayer – Not Present

Discussion: Total cost of \$28,000.

Motion: Councilman Fred Fox moved to approve the Northern Technologies, LLC (NTI) Geotechnical Exploration, Site Instrumentation and Consulting Services Proposal. 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 – Aye



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

TAT_20190214-1638_01d4c483c20a4f20.mp3

C. Cedrick Wilkinson

Needs a association with a acrediting organization. He noted that he has one with BSC.

Motion: Councilman Fred Fox moved to approve, not to exceed \$90,000 with documentation of association for acreditation. Councilman Randy Phelan seconded the motion.

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

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

Discussion: 10-15 students certified by the end of the fical. Three semister at \$3,500/semister with an average 20 students. Most of the students are working in the field and taking classes. Needs a building for accreditation. Councilman Fred Fox will assist in finding a suitable building that passes the building code. Has NCCER certification for the teaching.

XXI. NEW BUSINESS – Tribal Councilman Add Ons

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

TAT_20190214-1653_01d4c485dbfff428.mp3

C. Councilman Randy Phelan – Kingdom Business – Ken Hall

April 14th – 16th event in Bismarck.

Motion: Councilman Fred Fox moved to approve a sponsorship in the amount of \$18,000. 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 – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Not Present



D. Councilman Randy Phelan – 8 Ball – Kenny Lyson

Kenny Lyson is seeking asking for \$5,000 for the kid's 8-Ball tournament.

Motion: Councilman Fred Fox moved to approve a sponsorship of \$5000. Councilman Cory Spotted Bear seconded the motion.

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

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

TAT_20190214-1658_01d4c4869012d6ce.mp3

E. Councilman Fred W. Fox – Casey Mahto Furnace Work by H.A. Thompson's Bill for \$9,600 furnace install. North Segment declined assistance.

Motion: Councilman Mervin Packineau moved to approve authority review and resolve the H.A. Thompson's invoice for Casey Mahto. Councilman Fred Fox seconded the motion.

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

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

TAT_20190214-1703_01d4c48743138c3e.mp3

F. Councilman Fred W. Fox – Martha Phelan

Seeking educational assistance for \$16,007.25 with a start date of March 19th. Currently has worked on the Grammy's and a few Netflix projects. She is to attend a school in Master Special Effects for six months. Does not qualify for PELL grant.

Motion: Councilman Fred Fox moved to approve a \$7,000 educational grant & balance in educational loan. Councilman Mervin Packineau seconded the motion.

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

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



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

TAT_20190214-1703_01d4c48743138c3c.mp3

G. Councilman Mervin Packineau – XXXXX

TBC authorized the hiring as Grounds Keeper at the Good Road Recovery Center, but HR has brought up an old back ground incidence. Chairman Mark N. Fox had made a recommendation for his hiring and still does and in light of the old incident and still would recommend.

Motion: Councilman Mervin Packineau moved to proceed with the hiring of XXXXX. Councilman Fred Fox seconded the motion.

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

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

H. Councilman Mervin Packineau – Reserved

TAT_20190214-1708_01d4c487f70091cc.mp3

I. Councilman V. Judy Brugh – Melvin Hale

Seeking assistance for the teams to participate in four boys & girls basketball tournaments for the teams Hurricanes.

Motion: Councilman Randy Phelan moved to approve up to \$500/segment office & the Chairman's Office. 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 – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Not Voting
Councilwoman Monica Mayer – Not Present

J. Councilman V. Judy Brugh – Reserved

TAT_20190214-1708_01d4c487f70091cc.mp3

K. Councilman Cory Spotted Bear – TERO Waiver



Motion: Councilman Mervin Packineau moved to approve resolution no.19-045-FWF entitled “Approval of TERO Employment Rights Fee Waiver for the Twin Buttes Community Center Project.” Councilwoman V. Judy Brugh seconded the motion.

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

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

L. Councilman Cory Spotted Bear – *Reserved*

M. Councilwoman Monica Mayer – *Reserved*

N. Councilwoman Monica Mayer – *Reserved*

XXII. CLOSED SESSION

- A. Human Resources (HR)* – *Barlow Wells, Director*
- B. Four Bears Casino Report* – *Scott Wilson, General Manager*
- C. Attorney Contract
- D. Tribal Care Health Insurance – *Jerry Fozzer*
- E. Alfred Morsette Jr.
- F. John Fredericks
- G. Hwy 23 By-Pass

XXIII. ADJOURNMENT

Motion: Councilman Randy Phelan moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 7:08PM.



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 7th of March, 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 7th day of March, 2019.

ATTEST:

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

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