



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

## **CALL TO ORDER**

Chairman Mark N. Fox called the meeting to order at 11:18AM.

## **OPENING PRAYER**

Joy Chapin

## **ROLL CALL**

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

### **I. APPROVAL OF AGENDA**

**Motion:** Councilman Randy Phelan moved to approve the agenda. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

### **II. APPROVAL OF MINUTES**

- 6/13/2019 Regular Tribal Business Council Meeting Minutes
- 7/9/2019 Special Tribal Business Council Meeting Minutes

**Motion:** Councilman Randy Phelan moved to approve the submitted minutes subject to minor edits and 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

### **III. SPECIAL GUESTS & ELDERS**

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**A. Sally White**

Have been requesting a home for years and is asking for the tribe to pay for the contractors to build her house out towards the lake. Chairman Mark N. Fox recommended getting some estimates and bring them to the Chairman's office to see how much of the cost the tribe can cover. Colter Werlinger from North Segment will be points of contact for his grand-mother and facilitate getting 2 estimates. Councilwoman Monica Mayer will send Colture Werlinger out to see what needs to get done and get estimates.

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**B. Damon Williams - Athletic Commission & Mr. Ken Shamrock – Valor BK, President**

Damon Williams introduce Ken Shamrock to discuss a new event in bareknucke combat sports at the casino as President of Valor BK. Seeking to change the landscape of combative sports. Tournament with the crowning of a heavyweight champion. Chairman Mark N. Fox expressed his dedication to making the 4 Bears Casino a world class venue. Mr. Ken Shamrock noted that Pay-per-View will be airing & there is prize money at \$110,000. The TBC presented Mr. Ken Shamrock with a pendleton blanket to honor his endeavours.

**EXECUTIVE COMMITTEE REPORTS**

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

Provided a report of recent activities & events such as; Oil & Gas Management Meeting, Corps of Engineers Meeting, Quarterly NAFSA Board Meeting, Violence in Indian County meetings with the Assistant Secretary of Indian Affairs, MHA Picnic Saratoma Park in Bismarck, Phase II Water Park, Industry Partners Work Session, Mid-Year NCAI Conference Presentation on Tax Issues & the Riverbed, UTTC Board member, Work continues for Fee to Trust efforts for about 10,000 acres, beautification & development of the Four Bears peninsula, Energy Conference at the Casino. Upcoming events and activities include; Elder Luncheon with the Yellow Bird Dancers as entertainment, Employee Fun Day activities, White Shield & Mandaree Pow-Wows, July 23<sup>rd</sup> Budget meeting, July 29<sup>th</sup> Federal Partners meeting. Aug 5<sup>th</sup>-7<sup>th</sup> Youth Baseball Camp in New Town, and participation in the ND State Fair parade.

**FTR: Birthday song & gifts for Councilman Randy Phelan.**

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

Rodeo on the 30<sup>th</sup> with Bakkan Days events, Mud Run & today's last clean-up day with wrist bands for the State Fair being given to those who helped, Thanked The FBHA for their housing improvements in Mandaree & demolition of the 5 dilapidated houses, Jesse Chase (Team Roping) & Kasen Johnson to the Nation High School Rodeo in Hot Springs, Mandaree Pow-wow events next weekend, Attended the UTTC event to bring into trust the Figure 4 Ranch, Thanked the TBC for the increase in Elders money. Grand openings of the Jump House & Headstart.

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

Wished Councilman Randy Phelan a good birthday week, Upcoming White Shield Pow-wow includes a golf scramble, horse races, softball tourney, 3-3 basketball tourney, rodeo, Sahnish Survival Camp





week, C-Store expansion completion, RV Park is full with all the amenities and cabins, continuing construction on Elder Building and Tribal Administration, Garrison City Council Tour of White Shield projects, White Shield Ambulance Services continues to train people, White Shield Fire Dept. development, Thanked the Chairman Mark N. Fox for attending their Community update, Congratulated the Energy Dept. & Committee on the successful Energy Expo.

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

Provided a brief welcome to the public and Segment update.

**A. CFO Report\* – Whitney Bell**

Presented the Expense Report. Budget Work Session meeting on Tuesday July 23<sup>rd</sup>.

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-140-FWF entitled "Directive to the Office of Trust Fund Management to Make Available Funds for Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL7228700 in the Amount of \$6,000,000.00" 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-141-FWF entitled "Directive to the Office of Trust Fund Management to Make Available Funds for Withdrawal from Three Affiliated Tribes MHA Nation Peoples Fund Account PL10017014 in the Amount of \$10,500,000." 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-142-FWF entitled "Authorization of OST to administer annual and biannual disbursements from Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waalpsis, Aki numuk aki tawatesh." 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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

*Item deferred.*

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**C. Small Loans\*** – *Mary Ellen Sun*

**Motion:** Councilman Fred Fox moved to approve Group A(18): Small Loans Application subject to Loans Policy & Procedures and waiver for Applicant for A2 & inclusion of the late application as discussed. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Councilman Cory Spotted Bear requested to add person according to policies. Mary Ellen Sun noted that the usual deadline is a week before for the submission of application. Councilman Fred Fox questioned the additional collateral recommendation and Mary Ellen Sun noted that the policy is not using of *Years of Service* for collateral for #A2[XXXXX]. A2 added

**D. Mortgage Program** – *Val Mayer*

*Item deferred.*

**VIII. SEGMENT UPDATES**

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

Community Cleanup is ongoing to instill pride in our community. Demolished a number of buildings in New Town and are taking out junked cars to the new junk yard. Commended Councilman Mervin Packineau on the beautification of the Four Bears peninsula project. Projects: Main Street projects are beginning construction and collaborative projects with the City of New Town are progressing, Day Care Center beginning, Arts & Crafts Center is busy, NS Home Services has staffed and functioning doing assessments for elders, accreditation for billing from the State,





Community Meeting last week with a heavy focus on drugs, Thanked Law Enforcement for their service, Zero Drug Tolerance in housing, Chairman Mark N. Fox thanked Councilwoman Monica Mayer for her leadership in beautifying Main Street

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

Recreation Areas fully utilized, Water Treatment upgrades, Community Center completion at the end of the summer, 200 community geothermal wells, Elders Center, Cemetery & family cemetery fencing project, fencing the bison pasture for 200-300 bison, rodeo ground & hotel, cold storage in progress, sidewalks construction, Twin Buttes Pow-wow success, Thanked FBHA on removing and renovating their homes, Thanked the TBC for the elder disbursement, Happy Birthday to Councilman Randy Phelan. Chairman Mark N. Fox commended Councilman Cory Spotted Bear on the recreation park.

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

Francine White presented an update. BIA 2 to start construction, Community Cleanup continues, Elders Trip to Minot, July 24<sup>th</sup> C-Store Expansion ground breaking, Drug Education Fair, Johnny Bird building closure for 5-6 weeks for ground testing/boring.

**IX. OFFICER REPORTS**

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

**1) Executive Orders\***

**Motion:** Councilman Fred Fox moved to ratify the following Executive Orders;

- **EA2019-94,**  
NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves of Diana J. Mischel's Business License Application, having paid the \$50.00 license fee, for Family Fireworks to be located in New Town – Four Bears Segment.
- **EA2019-95,**  
NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves of Delreen J. Robertson's Business License Application, having paid the \$50.00 license fee, for Family Fireworks to be located in West Segment Mandaree.
- **EA2019-96,**  
NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves of Mickey Rush and Derald Rowland's Business License Application, having paid the \$50.00 license fee, to be located in Four Bears Segment.
- **EA2019-97.**  
NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves of Thomas G. Rowland's Business License Application, having paid the \$50.00 license fee, for Black Feather Trades to be located in Four Bears Segment.

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

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

Submitted written Monthly Tax Report the included; Business License Applications, Online Web Portal, Fiscal, Regulatory. FY2019 Monthly Revenue Collections By Tax Type, FY2018 and FY2019 Monthly Comparison of All Revenue Sources, Comparative Monthly Tax Revenues- All Sources Comparative FY2018 & FY2019, Monthly Oil & Gas Tax Revenues Fiscal Year 2019, Monthly Alcohol Tax Revenue Fiscal Year 2019, Chairman Mark N. Fox’s presentation to the NCAI 2019 Mid-Year Conference entitled “Tax Issues in Indian Country”. Total May Revenue Collections: \$25,345,511.66. Collected \$243,845.70 more than May 2018 Total FY2019 Annual (8 months) Collections: \$176,400,246.80. Total FY2018 Collections: \$253,529,920.17 [Diff: \$77,129,673.37]. A number of emergency fireworks business license where approved by Executive Action.

**Motion:** Councilman Randy Phelan moved to approve Top 5 Business Licenses on page from booklet.

- 3 FEATHERS STAR QUILT/3 FEATHERS LLC – Benjamin Leedom – Retail
- R & J TOWING – Jeff Hall – Towing
- THE PUT TOGETHER – Cedric Dawson – Food
- THUNDER BUTTE PETROLEUM SVCS – Bernie Fox – Transload/Pipeline
- MANDAN'S BEAD SUPPLY STORE – Thomasina Mandan – Retail Crafts

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

**Motion:** Councilman Randy Phelan moved to approve authority for Chairman Mark N. Fox to renegotiate consultant agreement extension with Collective Strategies. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-144-FWF entitled “Approval of 30 (Thirty) Applicants for Enrollment into the Three Affiliated Tribes”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Total enrollment at 16,410 members.

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-145-FWF entitled “Blood Degree Corrections to D.F.P Enrollment Number 301U-02385 and Her/His Direct Biological Descendants.” 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-146-FWF entitled “Correction to the Blood Degree of S.L.V. Enrollment Number 301U-08926 and Her/His Direct Biological Descendants” 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-147-FWF entitled “*Correction to the Blood Degree of T.L.B. Enrollment Number 301U-10175*”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-148-FWF entitled “*Correction to the Blood Degree of W.K.W.S. Enrollment Number 301U-13476*”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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#### 4) **VOC-Rehab**

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-143-FWF entitled “*Tribal Business Council Approval of Application for the Rehabilitation Services Administration American Indian Vocational Rehabilitation Services CFDA Number 84.250M*”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**X. UNFINISHED BUSINESS**

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**A. Loan Request<sup>2</sup> – Felicia Felix for Vincent Fox**

Seeking to renegotiate his father's contract for deed for land in Fort Yates for property where trailer and family cemetery is. Seeking a loan to retain the land. \$204,284 owed and was paying \$1000/month but contract end is coming up. Chairman Mark N. Fox asked that Val Mayer work with him to get application for mortgage or small loan. Father's probate was contested in February so the family has to wait 1 to 2 years. They really don't want to lose the property. Mary Ellen Sun, Small Loans Program noted that he would need to bring in his trailer title for the Small Loan and try to get the title solely in his name. The brothers are in agreement to change the title which is all their names. Chairman Mark N. Fox asked that Vincent Fox work with the Loans Dept. to iron out the details and return when it's ready to go.

**B. 10% Interest or less Resolution<sup>3</sup>**

*Item deferred to Committee*

**C. Trespass Code<sup>3</sup>**

*Item deferred to Committee.*

**D. CleanSmart Solutions<sup>3</sup>**

*Item deferred to Committee.*

**E. Chris McLaughlin Land Sale<sup>3</sup>**

*Item deferred to Committee.*

**F. Nueta Hidatsa Sahnish College (NHSC)<sup>3</sup> – Dr. Twila Baker, President**

*Item deferred to Committee.*

**G. Native Connections IDC Decrease<sup>3</sup> – Iva Gillies**

*Item deferred to Committee.*

**H. BIA 10 Road Share Agreement – WPX<sup>3</sup>**

*Item deferred to Committee.*



**I. Kidney Dialysis Unit ( KDU)<sup>3</sup> – Callie Baker, Director**

*Item deferred to Committee.*

**J. Girl Scout Matching Funds<sup>3</sup> – Nancy Rakness**

*Item deferred to Committee.*

**K. McKenzie Electric (Buffalo Ranch)<sup>2</sup>**

*Addressed*

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**L. Krissy Burr Education Request<sup>2</sup>**

Request for financial assistance to attend appraisal school. Chairman Mark N. Fox recommended looking into the 477 program. Cost is just less than \$32,000 for 2/yrs.

**Motion:** Councilman Cory Spotted Bear moved to approve 50% of the cost for the 1<sup>st</sup> year and subject to investigating additional funding program assistance (ie: 477). 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 – Not Present

Councilwoman V. Judy Brugh – Not Present

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

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**M. Sacred Fire Project Resolution – T.J Plenty Chief**

Seeking approval to pay for A&E that came under the \$10,000 as requested by the TBC. Chairman Mark N. Fox asked the deliverables are viable with usable plans. Looking at site at Sannish but issues with road grading and the cost would be pretty high. Chairman Mark N. Fox asked Mr. Plenty Chief to work with the CEO's Office to phase the project and if needed find an alternative site that would be more cost effective and accessible. It was mentioned that a possible site would be near the new Veterans Center.

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-149-FWF entitled “Architectural Fee Proposal – MHA Nation – Sacred Fire Project” 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

## **XI. MEDICAL REQUESTS**

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### **A. D. Johnson**

\$9,067. Boon Insurance is not paying and she is getting collections coming after her. The Chairman's Office will look into.

**Motion:** Councilman Randy Phelan moved to grant authority to the Chairman's office to investigate why Boon is not paying and look into payment options from EMHC and as a last option the tribe to cover 75% of the bill. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Councilwoman Monica Mayer recommended that Stella Berquist to contact Pam Lewis.

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### **B. White Tail**

Receiving limited assistance from Life & Limb. Chairman Mark N. Fox recommended that they be qualified for the \$3,500 from Life & Limb

**Motion:** Councilman Fred Fox moved to qualify for Life & Limb at the \$3,500 level. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**C. Van Purchase - Colleen Wilson (Stone) for R. Wilson**

The family has raised \$15,000 on their own to purchase a wheelchair van to transport her son Robert Wilson to his bi-weekly medical appointments. Councilman Cory Spotted Bear & Councilwoman Monica Mayer agreed to split the balance of the cost of a wheelchair van.

**Motion:** Councilman Cory Spotted Bear moved to approve \$7,500 from Twin Buttes Segment funds and \$7,500 from the General Fund. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** On a similar issue of a van donation from the tribe to an individual Councilman Fred Fox noted that they can't get the title from the tribe to donate the van from finance.

**COMMITTEES OF THE TRIBAL BUSINESS COUNCIL**

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

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**A. Fort Berthold Housing Authority (FBHA) – Toni Parisian, Executive Director & Coby Rabbithead, CFO**

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 19-150-FWF entitled “Three Affiliated Tribes' Support for the FBHA Indian Housing Plan for FY October 1, 2019 to September 30, 2020.” 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Has met the 8 goals & objectives for the year; Maintenance, MOD, Housing, Safety & Security, Transitional Finance, Housing Availability. The plan once sign is submitted to HUD. Chairman Mark N. Fox recommend that in the future the annual plan be reviewed by Legal as part of





the process & include a letter stating that TAT Legal has reviewed. 460 units on Fort Berthold & 25 Mutual Self Help, with 100 homes in North Segment. The Council was invited to the Community Revitalization Project Phase I Open House in White Shield Friday, July 12, 2019.

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**B. Transportation Administration** – *Scott Satermo, Transportation Administrator*

Presented revised Organizational Chart that included changes to Roads & Public Works. The CEO has reviewed and was ok with it with just some logistical work on positions to be completed. Councilman Cory Spotted Bear noted that the CFO had procurement issues with the chart. The Dept. is working with the CFO on the flow of taking control of vehicles after the procurement process takes place. Councilman Randy Phelan noted that Councilman Mervin Packineau would like item to be tabled concerning the fleet management.

**Motion:** Councilman Randy Phelan moved to approve the presented organizational chart (minus the fleet management portion for further review). 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 – Not Present

Councilwoman V. Judy Brugh – Not Present

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

**XV. ENERGY COMMITTEE** – *Chairman Randy Phelan, Chair*

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

*Item deferred.*

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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-151-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Nighthawk 6-34H Pad 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 – Not Present

Councilwoman V. Judy Brugh – Not Present

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye



**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-152-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Omaha Woman 24-13-12H Project Submitted by WPX Energy Williston, LLC*". 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-153-FWF entitled "*Approval of Assessment of Civil Fine on RimRock Oil & Gas Williston, LLC for Trespass of BIA ROW No. FBOG100842 for the Two Shields Butte 13-22 Well Pad and Consent to Amend BIA ROW No. FBOG100842 to add Four Additional Wells on the Two Shields Butte 13-22 Well Pad.*" subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-154-FWF entitled "*Approval of Consent to Amend BIA ROW No. FBOG100809 to add Four Additional Wells on Moccasin Creek 14-33 Well Pad.*" subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

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





**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-155-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Bird Stephen Well Connect Project Submitted by Crestwood”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-174-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Phase 3 SW N-S Loop Gas Re-Route Project Submitted by Arrow Pipeline, LLC”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-171-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the WPX Beaks 36-35H Project Submitted by McKenzie Electric Cooperative, Inc”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-173-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the RimRock Moccasin Creek 13-34-3H Project Submitted by McKenzie Electric Cooperative, Inc.”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-172-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Petro Shale Horse Camp 11 URD Line Project Submitted by McKenzie Electric Cooperative, Inc”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-160-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Hunts Along Bay Distribution Line Project Submitted by McKenzie Electric Cooperative, Inc. ”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-161-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Petro Shale US 1 OH URD Line Project Submitted by McKenzie Electric Cooperative, Inc. ”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-175-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the XTO Iron Woman/Yellow Wolf 31X-10 Project Submitted by McKenzie Electric Cooperative, Inc.”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-176-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Four Bears USA Project Submitted by Targa Badlands LLC”. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Global settlement used for small acreage projects. Ballon payment is almost used up.

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-168-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Whales Loop 1/Peppers Access Road Project Submitted by Targa Badlands LLC.” 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 – Not Present



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

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

*No Items*

**XVII. HEALTH & HUMAN SERVICES**

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

Submitted written report that included; Administrative Activities, Budget, HR, Billing Report, Total RPMS Payments, Total Payments by Facility & Department, Pharmacy, Governance, Behavioral Health, IT Department, Service Quality Activities, PRC Monthly Report, Top 10 Referred Facilities, Patient Services, Public Health Nursing, & Safety & Risk Management Activities.

**Motion:** Councilman Fred Fox moved to approve the EMHC Employment Contract-James Jeske, OD. [2yr –Term - August 11, 2019-August 10, 2021] 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Fred Fox moved to approve EMHC Employment Contract-Aubrey Mowery, MPH, PNP, CHES, RN [Term: October 11, 2019-October 10, 2021] subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 19-166-FWF entitled “Support of Three Affiliated Tribes’ Health Care Staff to participate in Stopping Elderly Accidents,





*Deaths, and Injuries Study, an initial online survey, by the University of Washington-Seven Direction Program.”* 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Confirmation of Participation in the STEADI Pilot Study - Myra Parker, J.D., Ph.D., University of Washington, Center for the Study of Health and Risk Behaviors. Has reviewed and supports your research study titled, "Stopping Elderly Accidents, Deaths, and Injuries Study." It is our understanding the project will begin on March 30, 2019. We are very interested in your efforts that may help improve our understanding of health in our elderly population.

*Motion:* Councilwoman Monica Mayer moved to approve Region 8 CMS Tribal Consultation for designation a Tribal Liaison for the Medicaid application process. With a letter from the Councilman Mervin Packineau. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* CEO Office to facilitate. Chairman Mark N. Fox also noted the SNAPP program is using trust income royalties as income.

**B. Tribal Health\* – Red Fox Sanchez, Director**

The Director thanked the HHR Committee for assisting with the recent QSP training. Presented a report of June Birth and Death (Average age of death is 41); June Births 8 (1 Mandaree; 2 New Town; 4 Ward County-Minot; 1 Parshall). June Deaths 7 (4 Mountrail; 1 Mercer; 1 Ward County; 1 McKenzie) Average Age of Death 41. Project Updates: Continued coordination with Money Follows the Person-Tribal Initiative grant. Circle of Life and Tribal Health presented the *Centra/Intake Model-Integration of Substance Use and Behavioral Health* at the National Indian Health Board-Tribal Health Conference. Tribal Health presented MHA Nation Home Health Care and Money Follows the Person-TI grant at the Native American Health Care Conference. QSP training was held June 25 -27, 2019 at the community college. This Friday I will be coordinating a video promotional shoot with KAT Marketing for Medicaid Enrollment awareness.



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

*Item deferred.*

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

**A. Justice Commission Report\***

*Item deferred.*

**FTR:** *Councilman Randy Phelan assumed the Chair of the meeting.*

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**B. Tribal Court Report\*** – *Elizabeth Yellowbird, Acting Court Administrator*

Submitted written monthly report that included; Overall Operations & FBDC Goals/638 Scope of Work, Financial, Juvenile Report, Appellate Court Report, Adult Probation Report, Civil Dept. Report, Monthly Statistics, Criminal & organizational chart. The draft of FBDC survey was finalized with input from the Justice Commission; the survey will be distributed at the end of July. (2) E. Wounded Face has been providing assistance as the Appellate Court. (3) Currently have eight (8) positions being advertised, Chief Judge, 2 Public Defender positions, Public defender and Prosecutor clerks, Court recorder, and Adult Probation officer; the Director of Juvenile Services is temporarily being filled. Work continues on the Tribal Code. Continued updating and work with FullCourt data management system. The Chief Judge position remains open. There are still a number of maintenance issues with the Court Building, including temperature control, electricity and faucet in Jury deliberation room, and issues with the plumbing. Maintenance has been working to fix it. Judge Seaworth has been working with the MIS personnel on getting the court recording system issues resolved, we hope to see everything working by next week. This has been an ongoing issue since the move to this building. Councilman Randy Phelan noted that HR was directed to advertise those positions ASAP at yesterday's Special TBC meeting. It was noted that their budget is in need of increases to meet the need. Councilwoman Monica Mayer requested that the CEO address this at the next budget meeting and for Ms. Yellowbird submit to him their need for the last budget quarter. Councilwoman Monica Mayer commended the Administrator on taking on the Court in the interim and addressing the tribal code.

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

Staff provided a short report on recent activities.

**FTR:** *Chairman Mark N. Fox resumed the Chair of the meeting.*

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**D. Child Support Contracts** – *Allison Johnson, Director & Ashly Meade, Financial Specialist*

In process of hiring a case specialist to fill our last open position, we have current a TAT employee seeking to transfer into our office from Tribal Health. Third Quarter collections. Submitted the OCSE 3a Report of Collections for the months of April, May and June, 2019. Total collected was \$541,221.67. CIS system- Debit Cards- The Debit Cards have become active, allowing persons





receiving support payments to receive funds on their cards within a day or two off hitting our books. Parents have greater access to their funds for their children. Tribal Court- Maintaining regular full day court sessions two times per month. Child Support court dockets are filled and participation in the court sessions by non-custodial parents is on the rise. The Region 8- Federal Child Support Director and a staff member conducted a site visit for two days last month. While here they viewed a Court session, discussed funding and budget items, and observed our debit card procedures. The officials met with staff and myself. We were complemented on our progress as a program, and no deficiencies were noted. Four (4) office staff, including myself, Bill Woods, and two case specialists attended various educational tracts at the National Tribal Child Support Conference in June. Woods was elected, based upon his knowledge and experience in child support, to the Executive Board of Directors for the National Tribal Child Support Association. This is a great honor for our tribe, of which approximately 60 [federally recognized tribes are members. He will begin a two year term on the board next month.

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-156-FWF entitled “*Appointment of an Associate Judge – Child Support for The Fort Berthold District Court*” [Taylor Olsen] subject to Legal review of contract. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Budget is due August 1<sup>st</sup>. Chairman Mark N. Fox expressed neutrality concerns over Child Support funding and asked that next year the TAT Legal Dept. present it.

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-157-FWF entitled “*Approval of Consultant Contract between TAT Division of Child Support Enforcement and Laboratory Corporation of America Holdings.*” subject to Legal review of contract. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye



**Motion:** Councilman Fred Fox moved to approve resolution no. 19-158-FWF entitled, "Approval of Consultant Contract between TAT Division of Child Support Enforcement and Systems & Methods Inc." subject to Legal review of contract. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-159-FWF entitled "Approval of Consultant Contract between TAT Division of Child Support Enforcement and Thomson Reuters" subject to Legal review of 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-169-FWF entitled "Approval of Consultant Contract between TAT Division of Child Support Enforcement and Access and Data Solutions, LLC" subject to Legal review & 1-years term change & Legal review of 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Fred Fox moved to approve the 424 Annual Submission Form for 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* of the \$1,083,594.80 80% is Federal grant funding and 80% and 20% from the tribe as a match for \$218,000. Their fiscal year starts at the time as the Federal start.

**Motion:** Councilwoman Monica Mayer moved to approve the following items subject to Legal review & budgeted;

- Contract Wireless Text Messaging Services Texting system (\$366.15/month)
- Work vehicle (\$27,308.50-Ryan Chevrolet-Minot)
- Contract for Marketing Services(\$4,450-KAT Marking video for GoodHealth TV)

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

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

As of June, K9 Officers have been recertified. Another officer has been recertified and another certified as a trainer. Surrounding towns have been requesting our services, showing a presence at local pow-wows. Wage Scale for K9 Officers and explanation of various levels of certification and scale of increase. Wage scale is specific to Federal Drug Enforcement standards. Councilman Fred Fox expressed that possible issues with Law Enforcement K-9 Officers receiving less. Councilwoman noted the need to fair and the situation of losing Officers to Drug Enforcement due to the higher wage scale. Councilman Randy Phelan expressed the need to look at the both wage scales to have equity. Increases due to certifications need to be built into the HR policy process.

**Motion:** Councilman Fred Fox moved to approve Joe Larvie Jr., Patrol Agent/K9 Handler with MHA Public Safety Division of Drug Enforcement 10% increase. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Patrol Agent/K9 Handler Joe Larvie Jr has met the requirements of the position of a certified K9 Handler according to the MHA-DDE salary schedule and Job description.

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

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

*Item deferred.*

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

*Item deferred.*

**C. Easements\***

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-177-FWF entitled “Consent to Certain Right(s) of Way across Tribal land” [FBRW]. Councilwoman Monica Mayer.

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

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 19-162-FWF entitled “Land Ownership Record Change to 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye





**FTR:** Chairman Mark N. Fox informed the council of selling the land and building on Parshall's Main Street 13 years ago is willing to refund the payment because he still gets tax notices and the title was never changed. It's important to make sure taxes are paid on the properties that the tribe purchases.

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-165-FWF entitled "Authorization to Complete and Submit a Fee to Trust Application for Allotment 301-568A-Tribal Share". 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-163-FWF entitled "Jarrett Shane Johnson Land Sale to the Three Affiliated Tribes" Councilman Cory Spotted Bear seconded the motion.

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

**FTR:** Discussion of a policy concerning exchanging land from inside a town with land outside a town.

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-164-FWF entitled "Approval of the Land Exchange between the Three Affiliated Tribes and Spencer Wilkinson, Sr." 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye



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

**1) Twin Buttes Water Treatment Plant; Change Order No. 3**

Results of Change Order No. 3 will increase the contract amount \$63,557.69 from \$8,750,924.25 to \$8,814,849.65. Work includes bentonite conditioning of pond liners, revisions to mezzanine ductwork, various electrical revisions, installation of SCADA tower at intake, and addition of appliances to WTP breakroom. Funding - Change Order paid for out of \$350,000 contingency in budget for WTP Construction. Trying to Schedule a meeting with MEC they have not met their previously stated schedules. Now impacting WTP Startup.

**Motion:** Councilman Fred Fox moved to approve the Twin Buttes Water Treatment Plant; Change Order No. 3 for a \$63,557.69 increase. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**2) Mandaree Water Treatment Plant - Settling Ponds; Change Order No. 1**

Change Order No. 1 with Cost Proposal Results of Change Order No. 3 will INCREASE the contract amount \$107,071.56 from \$539,306.42 to \$646,377.97. Work includes addition of 2 manholes, additional site piping, and road crossing to tie into the storm sewer system being installed in the New Mandaree School project. Change is necessary due to the construction of the school that blocks natural drainage that was being used to discharge the pond. Funding - BOR Construction - Increase is accounted for in the budget. Work Order Cost Estimate - Funding - O&M Funding - Revenue Funding. Councilwoman Monica Mayer expressed the need to get people water and get the segments out of the water business.

**Motion:** Councilman Randy Phelan moved to approve Mandaree Water Treatment Plant - Settling Ponds; Change Order No. 1. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye





**XX. LEGAL DEPARTMENT** – Tyra Wilkinson, Interim MHA Supervising Attorney  
*No items*

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

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

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- C. Councilman Randy Phelan –Mandaree EMS Ambulance - Josie Bingen & Dr. Benji Kitagawa**  
Precision Paramedic Services Profit & Loss % of Total Income Report for January - December 2018. Unfortunately, grant funding to the oil impacted areas has ceased. We are seeing continued oil and gas activity, and this brings more injury and accidents and our volume of calls has been increasing year over year. One ambulance is in and out of the shop. The other ambulance hit a deer. Have 5 paid staff members in Mandaree. Requesting to get an approval for another ambulance. \$268,000 quote. Councilwoman Monica Mayer recommended a separate budget and setting aside funds for emergency services in the tribal budget for all segments and also creating a Dept. of Emergency Health Care Services and will meet during Health work session to facilitate. Chairman Mark N. Fox asked that all three quotes be submitted. The title and ownership to the new ambulance will be held by the MHA Nation.

**Motion:** Councilman Randy Phelan moved to approve the purchase of ambulance subject to 3 bids being submitted. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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

**Motion:** Councilman Cory Spotted Bear moved to approve 60% of cost. 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 – Not Present  
Councilwoman V. Judy Brugh – Not Present  
Councilman Cory Spotted Bear – Aye



Councilwoman Monica Mayer – Aye

- F. Councilman Fred W. Fox – *Reserved*
- G. Councilman Mervin Packineau – *Reserved*
- H. Councilman Mervin Packineau – *Reserved*
- I. Councilman V. Judy Brugh – *Reserved*
- J. Councilman V. Judy Brugh – *Reserved*
- K. Councilman Cory Spotted Bear – *Reserved*
- L. Councilman Cory Spotted Bear – *Reserved*
- M. Councilwoman Monica Mayer – *Reserved*
- N. Councilwoman Monica Mayer – *Reserved*

**XXII. CLOSED SESSION**

- A. T. Bussell<sup>2</sup>
- B. GTFJC Comp. Time Issue.<sup>2</sup>
- C. Forensic Interview<sup>2</sup>
- G. Extradition<sup>2</sup>
- H. WPX
- I. Banishment Issue
- J. LE Background Resolution – *John Fredericks*
- K. Water Trespass
- L. Basketball Sponsorship – *Alfred Smith*
- M. WPX Oil & Gas Lease
- N. Special Prosecutor Contract
- O. Edgewater Golf Course Donation
- P. Rodeo Sponsorship
- Q. MHA Women’s Veterans Group
- R. Human Resources

**XXIII. ADJOURNMENT:**

**Motion:** Councilwoman Monica Mayer moved to adjourn the meeting. Councilman Randy Phelan seconded the motion. Meeting adjourned at 5:01PM.






### CERTIFICATION

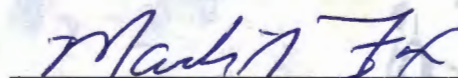
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 6 were present at the Regular Meeting thereof duly called, notice, convened and held on the 12<sup>th</sup> of September, 2019; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 6 members; 0 members opposed; 0 members abstained; 1 Members not voting.

Chairman (X) Voting    ( ) Not Voting

Dated this 12<sup>th</sup> day of September, 2019.

ATTEST:

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

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