



* 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 11:58AM.

OPENING PRAYER

Geralyn Roanhorse

ROLL CALL

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

I. APPROVAL OF AGENDA

FTR: Councilwoman Monica Mayer joined the meeting.

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

II. APPROVAL OF MINUTES

- 7/10/2019 Regular Tribal Business Council Meeting Minutes
- 8/7/2019 Regular Tribal Business Council Meeting Minutes

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



III. SPECIAL GUESTS & ELDERS

A. Paster Schmidt

Item deferred.

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B. Ravenheart

Seeking assistance for vehicle repair to her transmission that she uses to help transport elders. Recently paid \$3,500 upfront but just received a call that they need \$1,020 more to get the vehicle out. She is the Twin Buttes Elder Liaison and uses the vehicle for her job. Chairman Mark N. Fox asked Ravenheart to make sure she is collecting mileage while using the vehicle for work.

Motion: Councilman Cory Spotted Bear moved to approve \$3,500. 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 – Not Present

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

Discussion: Councilman Cory Spotted Bear Office will process the payment.

C. Parshall School - Shane Saegert (Superintendent) & Board Members; Michelle Hoff & Jacoby JarSKI

FTR: Councilman Mervin Packineau joined the meeting.

Thanked the TBC for their support with the school construction and donation to the athletic complex and presented gifts and season sports passes to the TBC. Phase I completion slated for October 2019.

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D. Jaylyn Hall

Chairman Mark N. Fox expounded on the great athletes that have come from Fort Berthold and noted the 7 consecutive cross country state championships and overall 14 state appearances. Today, Chairman Mark N. Fox Track & Field as individual champion to acknowledge as Jaylyn Hall from Parshall High School with a plaque and star quilt in the school colors. Councilman Mervin Packineau noted that she works at the Healing Horse Ranch this summer and is turning into a heck of a cow girl.

EXECUTIVE COMMITTEE REPORTS



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

Presented an overview of recent activities that included the opening of the Child Safety Center, greenhouse tours in Fargo & Gila River, successful Little Shell Pow-wow, record setting Brooks & Dunn Concert with 5000 in attendance, United Tribes & Leaders' Summit with Chairman's Feed, upcoming Fall Fest.

V. VICE CHAIRMAN'S REPORT - Councilman Randy Phelan

Item deferred.

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

Item deferred.

VII. TREASURER'S REPORT - Councilman Mervin Packineau

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

Report deferred. Budget meeting tentatively at Aug. 23rd at 9AM.

FTR: Chairman Mark N. Fox noted the lunch was provided by the Parshall Back Pack program today.

B. Small Loans* –Mary Ellen Sun

Motion: Councilman Fred Fox moved to approve Group A (15): subject to Loan Policies & procedures. Councilman Cory Spotted Bear seconded the motion.

Vote: 6- Ayes. 1 – Abstention. 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 – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Fred Fox moved to approve Group B (5): subject to Loan Policies & procedures. Councilman Cory Spotted Bear seconded the motion.

Vote: 6- Ayes. 1 – Abstention. 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 – Aye
Councilwoman Monica Mayer – Aye

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C. Business Loans – Toni Star

Motion: Councilman Fred Fox moved to approve the presented business loan for [XXXXXXXX]. Subject to loans policies and requirements. Councilman Randy Phelan seconded the motion.

Vote: 6- Ayes. 1 – Abstention. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Abstained
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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Motion: Councilman Cory Spotted Bear moved to grant authority work with the individuals to adjust loans payments (mortgage and small loan hardship) due to hardship. Councilman Fred Fox seconded the motion.

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

VIII. SEGMENT UPDATES

A. North Segment – Councilwoman Monica Mayer

Item deferred.

B. Twin Buttes – Councilman Cory Spotted Bear

Item deferred.

C. Four Bears – Councilwoman V. Judy Brugh

Item deferred.

IX. OFFICER REPORTS



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A. Chief Executive Officer Report* – *Roger White Owl, Acting CEO*
Allen Demaray presented for the CEO.

1) Executive Orders*

Motion: Councilman Cory Spotted Bear moved to ratify EA-2019-100;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a \$3500 financial sponsorship to the R.E.A.C.H organization to assist in youth activities.

Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Randy Phelan moved to ratify EA-2019-101;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a \$3750 financial sponsorship for Kason Allen White Tail and Legend Walker Real Bird to assist with expenses incurred during the Youth Indian Relay Races in Shakopee, MN August 21-15.

Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Fred Fox moved to ratify EA-2019-102;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves \$25,000 for the 2019 United Tribes Gaming Association dues.



Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilwoman Monica Mayer moved to ratify EA-2019-103;

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council stays the renewal of Diamond Willow's business license until such time as the BIA responds to the trespass inquiry and completes its investigation, and directs the TERO Commission to take action consistent with this EA.

Councilman Fred Fox seconded the motion.

Vote: 5- Ayes. 1 – Opposition. 1 – Abstention. Motion carried.

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

Motion: Councilwoman V. Judy Brugh moved to ratify EA-2019-104;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes is committed to assisting in the development of The New Town Recreational Center in the amount not to exceed 3 million dollars for fiscal year 2020.

Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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



Councilwoman Monica Mayer – Aye

Motion: Councilman Fred Fox moved to ratify EA-2019-105;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves to pay the remaining balance of \$7,461.55 to Greenwich Revolving Trust for the home mortgage of Janice Starr. Title will be used as collateral and issued to the Three Affiliated Tribes Small Loans Department.

Councilman Randy Phelan seconded the motion.

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

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

Motion: Councilman Fred Fox moved to ratify EA-2019-106;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a financial request in the amount of \$1,918.81 payable to United Quality Cooperative to assist the Four Bears Horsemanship Program in the purchasing of panels, gates and a water tank.

Councilman Cory Spotted Bear seconded the motion.

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

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

Motion: Councilman Randy Phelan moved to ratify EA-2019-107;

NOW, THEREFORE, BE IT RESOLVED that the Three Affiliated Tribes approves and authorizes that the Chairman execute said submitted “*Intergovernmental Title IV Agreement between the Three Affiliated Tribes, acting through its Tribal Council, and the State of North Dakota, acting through its Department of Human Services*” on behalf of the Three Affiliated Tribes.



Councilman Mervin Packineau seconded the motion.

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

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

Motion: Councilman Randy Phelan moved to ratify EA-2019-108;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves the attached contract(s) with Engineers-Architect, P.C., under which Engineers-Architect, P.C. will act as the A&E for the Emergency Response Center Project.

BE IT FINALLY RESOLVED, After execution of the A&E Contract the Tribal Business Council authorizes the necessary parties to begin the bidding process for selecting a general contractor for the Mandaree Emergency Response Center Project.

Councilman Fred Fox seconded the motion.

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

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

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

a) Report

Presented report that included;

- FY2019 Monthly Revenue Collections by Type.(Production Tax, Extraction Tax, Motor Fuels Tax, Drilling Fess, Alcohol Tax, Hotel Use Tax)
 - Total 2018 Collections; \$201,619,962.
 - Total 2019 Collections; \$227,877,491.
- Total Tax Revenue Collected - By Quarter From Oct 1, 2017 through Jun 30, 2019.
- Oil & Gas Tax Revenues - By Quarter from 10/01/2017 through 6/30/2019.
- Total Alcohol Tax Revenue - By Quarter from 10/01/17-6/30/19.
- Total Alcohol Tax Revenue - By Quarter from 10/01/17 - 6/30/19.



- ND Motor Fuel Tribal Revenue - Three Affiliated Tribes 07/01/2019-07/31/2019
- ND Oil & Gas Certification Report Gross Production Tax for Revenue Period: 31-July-2019.
- Oil & Gas Certification Report Oil Extraction Tax for Revenue Period: 31-July-2019

\$26.5 million tax revenue collected from July 2018 to present that reveal a 3% increase from the previous period. Also included in the report is the extension of the licensure suspension to October 1st. Chairman Mark N. Fox noted at some point in time we need to make a decision on the Alcohol tax whether to move forward with our own or seek an agreement with the state and stated that we are losing out on a lot of money and would like a determination by the end of the year for program funding or dual taxation. Chairman Mark N. Fox expressed that the tribe is spending a lot of money paying for services that this tax revenue could be helping with. Jeff Baker stepped up to the mic and asked which vendors are paying the tax. Chairman Mark N. Fox noted that the only vendor is the 4Bears Casino since the ordinance was approved.

b) Business License Requests.

Motion: Councilman Randy Phelan moved to approve the following Business Licenses pending back ground review;

- Iidaq ish Quik Snax – Jessica Whiteowl – Grocery - New
- Clear Advantage Drone Solutions – Ryan Dusenberry – Technology – New
- Honeybird Incorporated – Jacy Dayton Bird – Trucking - New

Councilman Mervin Packineau Seconded the motion.

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

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

Discussion: Back ground review has increased to prevent companies that have bad debt from being licensed by the tribe.

c) Dunn and Bradstreet 3-year Contract

Services to conduct back ground checks on commercial businesses.

Motion: Councilman Fred Fox moved to approve the 3 year contract for Dunn & Backstreet Contract services. Councilman Mervin Packineau seconded the motion.



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

Discussion: Contract term 3 years; Yr. 1(7,500) Yr. 2 (\$7,763), Yr. 3(\$8,035.00). Up to 500 reports annually of individual business. Once in the system they will notify the tribe is their status changes.

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

Motion: Councilman Randy Phelan moved to approve 19-199-FWF entitled “*Approval of 46 (Forty-Six) Applicants for Enrollment into the Three Affiliated Tribes*” Councilman Randy Phelan seconded the motion.

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

Discussion: 16,042 total members. Monthly Enrollment Advisory Committee is meeting monthly.

X. UNFINISHED BUSINESS

A. Wake Fund Resolution – *John Fredericks*

Item deferred.

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

Item deferred.

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D. Utilities Department(from NRC) – *Michael Bintliff, Director*

Presented departmental narrative, Organizational chart, Departmental Overview, Wastewater Job Descriptions, and Inspection Forms. Requesting that 4 additional permanent full-time Wastewater Technician positions be added to Utilities Organizational Chart. The Utilities department is



responsible for the operation and maintenance of the tribe's wastewater infrastructure. Changes were made to the department's maintenance program to properly maintain and preserve the multiple wastewater systems that are located throughout the reservation.

Motion: Councilman Fred Fox moved to approve the additions of the positions to the Utilities Dept. Organizational Chart. Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Discussion: Positions to be advertised and hopefully brought back for approval at the October TBC meeting. The CEO's office concurred.

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E. Tom Wells/ James Green Appraisals (from NRC) *Tom Well BIA Deputy Superintendent, & Lonny Wright(Supervisory Realty Specialist)*

James Green Regional Appraiser for the Great Plains Region out of Billing noted calendar year date set for completion of the market study. Would eliminate the need for an appraisal every single time. Current Secretarial Waiver that allowed the applicant to have a one year grace period to get submit an appraisal and used 17-117-FWF as the floor. That was amended Aug. 28th and is not used any longer but just allows them a 1 year grace period to submit an appraisal. John Fredericks noted that it would eliminate the need for BIA approval before the granting of a ROW every time. Additional land owner training to be held. The new waiver should be in effect indefinitely. John Fredericks noted the market study would be used a floor evaluation but the land owners can still seek their own appraisals. Lonny Wright confirmed that there would be the opportunity to comment on the market study. Kenny Danks asked about range unit analysis & rate adjustment from oil impacts. Councilman Randy Phelan noted the dust from Oil activity that is effecting crops and livestock and if the BIA is taking that into consideration. Tom Wells noted that they have discussed it but no action date. Ken Danks recommended that the tribe go on record and pass a resolution. Chairman Mark N. Fox noted that the issue should go back to NRC and return to TBC. Lonny Wright has discussed with McKenzie County about noxious weeds and they are not sure or thought it was a lower priority and in talking with the Great Plains regional Natural Resource Officer he noted that is are grant funding available and he would help the tribe to apply.

FTR: *Chairman Mark N. Fox stepped out of the office.*

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F. Makes Cents – Richard Mayer (COO), Jason Two Crow, Damon Williams(Compliance Officer) & Management Team



Creating a corporation as its own to access capital. Two tribal portfolio, called Advanced Cash & Max Lend. Max Lend has a an operating line of credit so they are prosing having a different company come in and take over the existing line of credit to maximize the existing line of credit from \$18 million to \$35 million. They have requested that they separate the tribal corporation to allow for proper auditing of MaxLend versus Advanced on Cash to segregation of those two entities. Submitted the Makes Cents audit and current balance sheet to July 2019, MHA Systems, the completed audit, AUP's for the years, agreed upon procedures for reconciliation for 2014 & 2015 to get proper balances moving forward. In 2015 there was a financial quick book program crash and had to be rebuilt. Councilman Fred Fox is MakesCents ever made a loan from the tribe and Richard Mayer replied yes and that it has been paid off. Richard Mayer noted that they have made two loans with the original loan being for \$5 million that was paid back in 3 years with interest & last year they made and additional loan for 5 million tht was paid back in 10 months with interest. Proposing moving from their existing creditor Dimension Credit to Revere Capital for their line of credit. They have over 50 full time employees in Bismarck at their call center and project that increasing to 70 by the end of the 4th quarter. And that is the reason for increasing the Line of credit to accommodate the 4th Quarter Christmas season surge.

Motion: Councilman Fred Fox moved to approve resolution no. 19-225-FWF entitled “*Organization and Formation of TSAKITS UETSA, INC., a wholly owned tribal corporation.*” Councilman Mervin Packineau seconded the motion.

Vote: 6 Ayes. 1 – Abstension. 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 – Abstained

Discussion: Councilman Randy Phelan noted that it should be UETSA TSAKITS as said in the language and Damon Williams noted that the change will be made.

Motion: Councilman Fred Fox moved to approve resolution no. 19-226-FWF entitled “*REORGANIZATION OF MAKES CENTS, INC. and TSAKITS UETSA, INC.: Wholly Owned Tribal Corporations*” Councilman Mervin Packineau seconded the motion.

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

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



XI. MEDICAL REQUESTS

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A. Karen Walks

Grand-daughter [XXXXXXXX] is seeking assistance to pay bills from life saving surgery while away at college in Oklahoma seeking her PhD. After numerous attempts to contact EMHC in Sept. of 2018 she asked her the grandmother to go in person and was told that her grand-daughter was not in their system and would need to physically come into the clinic to register. EMHC will not pay because she did not contact them or receive her call. She currently owes \$2,740 to the Stillwater Medical Center. Councilwoman Monica Mayer noted that it went through a Health work session. And that she needed to return home and get into the system with within 72 hours. She is a student in OK. And we need to support our young who are doing good. Councilwoman Monica Mayer recommended that the tribe take care of it. Karen Walks noted that they would not accept Boon Insurance in OK. Councilwoman Monica Mayer expressed that our students who are off going to college should be covered by the government for their medical needs as a treaty right and noted that EMHC tries to do anything they can not to provide services and address here. Total was \$26,000, insurance has paid \$12,000, and the family paid about \$9,000.

Motion: Councilwoman Monica Mayer moved to approve paying in full \$2,740 to the vender. Councilman Cory Spotted Bear seconded the motion.

Vote: 7- Ayes. Motion carried.

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

FTR: Chairman Mark N. Fox returned to the meeting and re-assumed the chair of the meeting.

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

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XII. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chairman
Dunn County in asking to develop Skunk Bay Recreation Area and tribe has right of 1st refusal.

Motion: Councilman Randy Phelan moved to apply & acquire the Skunk Bay Recreation Area Lease. Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye



Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Easements for service lines for Joy Bear, Angelita Felix, Charles Felix, Sadie Young Bird, Parshall Pow Wow Grounds, Interpretive Center, Samantha Knows His Gun, & Rose White Owl.

Motion: Councilman Randy Phelan moved to approve resolution no. 19-200-FWF entitled "*Consent to Certain Right(s) of Way across Tribal land to Reservation Telephone Cooperative for Tribal Members' Benefit*" Councilman Fred Fox seconded the motion.

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

Easements in South Segment for BIA 20 road to Mahto Bay from the housing.

Motion: Councilman Fred Fox moved to approve resolution no. 19-201-FWF entitled "*Easement on Tribal Land on BIA Route 20 Road Easement*" Councilman Randy Phelan seconded the motion.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-202-FWF entitled "*Request for PL 93-638 Contract FY 2020 to perform an assessment and monitoring plan for the Three Affiliated Tribe's Range Survey/Study Project*" subject to Legal review. Councilman Fred Fox seconded the motion.

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



Councilwoman Monica Mayer – Aye

Discussion: Opportunity for \$200,000 grant.

25% Tribal share on allotment 1794 for electrical easement.

Motion: Councilman Randy Phelan moved to approve resolution no. 19-203-FWF entitled “*Consent to Certain Rights of Way across Tribal land for the McKenzie Electric Cooperative*” subject to Legal review. Councilman Fred Fox seconded the motion.

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

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

Discussed acquired land near Elbowoods

- Richard Siira and others land sale – New Town near EMHC 80 acres – about \$25K/acre
Councilwoman Monica Mayer thought it could be negotiated in time. Also land near Pouch Point is being considered for Camp Earth Lodge and housing requests will be placed on hold. – No action.
- Sue Romero lot for sale north of old water tower near Breslins. No appraisal but the lot has city sewer service. To ask for an appraisal and TAT can pay for it. Over \$200,000.
- Turner Property - Chances R/ New Town News lot sale asking \$850,000.
Councilwoman Monica Mayer/North Segment may be interested and the old Shopko building also.
- Torgerson Properties – Radar Site on Hwy. 83 & 23. North & south of the old radar base and possibly part of it. To ask for an updated appraisal. The Tribe did put in a bid back in the 80’s.
- Peterson Property - Rice Lake Land sale and they will provide an appraisal. Will return when appraisal is provided. Discussion on the flooding issues.
- Lost Bridge land south being put out to auction and Texx Fettig Property. Texx Lone Bear should look into the Oct 8th sale.



Motion: Councilman Fred Fox moved to rescind resolution no. 18-159-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal Land for the Mandaree Water Intake Line Rebuild Project Submitted by McKenzie Electric Cooperative.*" Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Fred Fox moved to approve amending resolution no. 19-205-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal Land for the Mandaree Water Intake Line Rebuild Project Submitted by McKenzie Electric Cooperative.*" Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Discussion: This resolution amends resolution 18-159-FWF to correct references to a section number.

Motion: Councilman Fred Fox moved to rescind 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 Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Fred Fox moved to approve amending resolution no. 19-206-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 Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

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

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-204-FWF entitled “*Approval of Home Site Leases and Utility Corridors for Home Sites*” Councilman Fred Fox seconded the motion.

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

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

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

Item deferred.

C. Easements*

Item deferred.

TAT_20190912-1253_01d5696922bac98c.mp3

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

Provided an up concerning the Twin Buttes Water Treatment Plant; FBRW Contract 2017-2. Presented two resolutions; one to upgrade the power line and another for existing FBRWS infrastructure (WTP, pipelines, access road, intake structures). Contractor has completed all work able to be completed until permanent power is provided to the new Twin Buttes WTP and intake allowing raw water to be provided for startup and commissioning. Mandaree Water Treatment Plant - Settling Ponds; Change Order No.2. The McKenzie Electric line relocation easement has been completed and notification received from the BIA. It is anticipated that this work will take place in September allowing for the Settling pond construction in October and November. Change Order No.



2 will INCREASE the contract amount \$42,734.71 from \$646,377.97 to \$689,112.68. Work includes the addition of heat trace cable, controls, and associated electrical items necessary to provide heat along lagoon WTP discharge piping due to the shallow bury depth necessary based on existing site and surrounding elevations & drainage. BOR Construction - Increase is accounted for in the budget. FBRW SCADA Contract, Change Order No. 10 will DECREASE the contract amount \$6,111.09 from \$2,434,805.02 to \$2,428,693.97. Radio path study completed using 40ft towers at WTP and Intake and 60ft Towers at both. Proposing to use 60ft at WTP and 40ft at Intake. Twin Buttes Intake pump VFDs changed 18-pulse drive to a ULH ABB drive. ABB start-up vs Allen Bradley staff. DV/DT filters were added on the on output side of MCC VFDs. BOR Construction - Decrease is accounted for in the budget. Automated Meter System Implementation - BOR has budgeted \$1,000,000 to plan, contract, and bid a new metering system for the FBRW system. FBRW & BW are preparing a Specific Authorization to move forward with the design, bid, and construction services needed to complete this project. The BOR has noted that they expect the Tribe to fund any AMR System costs in addition to this through industrial water revenues. Resolution presented to extend a 3-Phase line to the intake to utilize the water treatment facility. Also language allowing the Chairman to sign other required documents as needed to carry out the agreement. Waiting on McKenzie Electric to deliver the new construction agreement which would give us the cost. Oct. 15th date to have it in place to complete for this season. Created a separate project as opposed to amending the established agreement. Texx Lone Bear noted that tribal allotment 5345 has just been returned to the tribe from the Corps of Engineers so there is no easements on it. Payment must be received before the design component. McKenzie Electric estimates of \$225,000 and Pem Hall believes it is a good estimate.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 19-207-FWF entitled “Consent to Certain Rights-of-Way across Tribal land for McKenzie Electric Cooperative, Inc.” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

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

Discussion: Language to not exceed amount and authority for the Chairman to sign any related documents and negotiate contract amounts. John Fredericks recommendations not exceed amount. Councilman Cory Spotted Bear thought \$300,000 was a good maximum. Texx Lone Bear noted that the tribe will still need the ROW in the end. Part B has an unknown cost and the authority to grant ROW and secondary cost unknown at this time.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 19-233-FWF entitled “Consent to Certain Rights(s) of Way across Tribal land for Fort Berthold Rural Water Supply Systems” [FBRW]. Councilwoman Monica Mayer seconded the motion.



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

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

Motion: Councilman Randy Phelan moved to approve 2 Change Orders;

- Mandaree WTP- Settling Ponds; Change Order No. 2.
- SCADA Contract; Change Order No. 10

Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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

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

XIV. EDUCATION COMMITTEE – *Councilman Cory Spotted Bear, Chair*

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

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A. Language Program - Lanny Real Bird

Motion: Councilman Fred Fox moved to approve resolution no. 19-208-FWF entitled “*Approval of Proposal and Budget for Plains Indian Sign Language Reservation–Wide Instruction Workshops.*” subject to meeting/concurrence with advisory committee. Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman V. Judy Brugh – Aye



Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

FTR: Tony Lone Fight informed the TBC about recent discussion at the Cultural Committee meeting to divide the Education dept. and create a separate Language & Culture in the FY 2020. Councilman Fred Fox expressed that there needs to be work session. Chairman Mark N. Fox expressed that the two would still need to work very closely.

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B. Indrek Park Contract

Noted that he is going through Indiana University because he is not a US citizen. Finished the Hidatsa Dictionary that is more than 2000 pages and has been turned over to the Hidatsa Preservation Office and waiting to be edited and published. Currently working on the Mandan language that include hundreds of hours of digital resources. The dictionary will be a speaking dictionary. Councilman Fred Fox question whether the contract was with Research Institute or Indrek Park. Mr. Park replied that it is with him. Councilman Fred Fox expressed that with Douglas Parks going to the nursing the tribe was concerned that the tribe could loss resources. Indrek Park assured the TBC that most of the Arickara items have been digitally copy to Dancing Eagle. Inrek Park noted that 100% of the Mandan & Hidatsa materials are at Fort Berthold. Mr. Park noted the only problem at this point is archiving the collection at this time. Councilwoman Monica Mayer expressed that this the reason splitting the Language from Education would facilitate this from a budget point of view. Councilman Cory Spotted Bear asked that the Mandan program that Twin Buttes segment has been funding and requested that the general fund take over on the funding.

Motion: Councilman Cory Spotted Bear moved to approve the “*Contract between the Three Affiliated Tribes and Trustees of Indiana University on behalf of the American Indian Studies Research Institute, Bloomington, IN.*” subject to copies of all the Douglas Parks language materials be housed with the tribe and contract paid out of tribal general fund(subject to budget meeting). Councilwoman Monica Mayer seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Discussion: Councilwoman Monica Mayer would have him present to the monthly Cultural Committee. Chairman Mark N. Fox stated that we can have Mr. Park paid by the end of the month.

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C. Crossroads – Willard Yellow Bird



Motion: Councilman Fred Fox moved to approve the same amount as last year to the event. Councilman Randy Phelan seconded the motion.

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

FTR: Last years donation was for \$20,000 subject to enrolled members receiving free admission.

XVI. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer

A. Transportation Administration – Scott Satermo

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1) Cemetery Restoration – Pat Dubois, Acting Director & Ashly Hall, GIS Technician.

Provided an update. Two staff hired: Lane Standish & Denver Spotted Bear. Independence Cemetery has been GPS mapped (363 graves with 16 unknown & 16 veterans) along with St. Anthony's in Mandaree & Congregational in Shell Creek. A lot of information is missing such as birth dates, Indian name, and some unmarked. Will be working with families and cross referencing with other resources. Maintenance of the cemeteries and moving in black dirt. They currently don't have their own equipment so they are using Solid Waste equipment. They want to develop a web site that would include obituaries and grave site information. Further they want to include family cemeteries and grid the cemeteries so there is no overlapping issues. A waypoint is need yet for the GPS. Chairman Mark N. Fox recommended phone number and contact information be posted on the web site for families to contact if they have problem and help with digging graves. There are 10 cemeteries along with unidentified family cemeteries.

XVII. 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 Fred Fox moved to approve resolution no. 19-209-FWF entitled “Approval of Setback Variance for the Lang USA Project Requested by Marathon Oil Company” Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman Fred Fox – Aye



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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-210-FWF entitled “Approval of Setback Variance for the Jasper L USA Project Requested by Marathon Oil Company.” Councilman Fred Fox seconded the motion.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-211-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Fox Ridge East Project Submitted by Enerplus Resources (USA) Corporation.” Councilman Fred Fox seconded the motion.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-212-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Metals South Pad Project Submitted by Enerplus Resources (USA) Corporation.” Councilman Mervin Packineau seconded the motion.

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



Motion: Councilman Randy Phelan moved to approve resolution no. 19-213-FWF entitled “Consent to Amend BIA ROW No. FBIG090013 to add Four Wellbores and Expand Well Pad Acreage for the TAT #2-1H Pad Submitted by Enerplus Resources (USA) Corporation” Councilman Mervin Packineau seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-214-FWF entitled “Approval of Assessment of a Civil Fine on RimRock Oil & Gas Williston, LLC for Trespass Violations of BIA ROW No. FBOG090020 for the Moccasin Creek 16-3H Project and Consent to Amend BIA ROW No. FBOG090020 to Add Three Additional Wells on the Moccasin Creek 16-3H Well Pad and for the Continued Use of Access Road and Well Pad Acreage Not Approved in the Original BIA ROW No. FBOG090020 Submitted by RimRock Oil & Gas Williston, LLC.” Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-215-FWF entitled “Approval of Setback Variance for the Moccasin Creek 16-34H Project Requested by RimRock Oil & Gas Williston, LLC Energy Company.” Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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



Motion: Councilman Randy Phelan moved to approve resolution no. 19-216-FWF entitled “Approval of Assessment of a Civil Fine on RimRock Oil & Gas Williston, LLC for Trespass Violations of BIA ROW No. FBOG090002 for the Moccasin Creek 16-34H Project and Consent to Amend BIA ROW No. FBOG090002 for the Continued Use of Access Road and Well Pad Acreage Not Approved in the Original BIA ROW No. FBOG090002 Submitted by RimRock Oil & Gas Williston, LLC.” Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-217-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Two Shields Butte 14-21A Multi-Well Pad and Multi-Use Access Road Corridor Project Submitted by RimRock Oil & Gas Williston, LLC.” Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-218-FWF entitled “Consent to Amend BIA ROW No. FBOG101320 across Tribal land for the Skunk Creek 8-2 Multi-Use Access Road Corridor Project Submitted by RimRock Oil & Gas Williston, LLC.” Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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



Motion: Councilman Randy Phelan moved to approve resolution no. 19-219-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Wolverine 21-22H Pad Project Submitted by WPX Energy Williston, LLC.” Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-220-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Meadowlark 6-34H Pad Project Submitted by WPX Energy Williston, LLC.” Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Mervin Packineau moved to approve resolution no. 19-221-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Furbearers Access Road Project Submitted by Targa Badlands LLC.” Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

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

XVIII. HEALTH & HUMAN SERVICES

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

Jared Eagle presented for the CEO and submitted written reports.



Motion: Councilman Fred Fox moved to approve the “*Three Affiliated Tribes Elbowoods Memorial Health Center Employment Contract Medical Staff Nurse Practitioner*” [Lori Jepson, FNP] Contract. Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Discussion: Councilwoman Monica Mayer noted that 2 year contracts are the standard at this time to allow for assement.

Letter of Support for Perinatal Care Collaborative (Associated with March of Dimes Rotary Grant). Councilwoman Monica Mayer recommended a work session before collaborating to insure the tribe know what direction we are going. Chairman Mark N, Fox noted that propriety of information needs to be legally secured.

Motion: Councilwoman Monica Mayer moved to approve resolution no. 19-222-FWF entitled “*Memorandum of Agreement Between the Upper Missouri District Health Unit First District Health Unit Southwestern District Health Unit and Elbowoods Memorial Health Center*” subject to Legal review. Councilman Mervin Packineau seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Discussion: Bill Swaney clarified some issues in the MOU that included health insoections at school facilities, pools, food stands tatoo & body art businesses. Councilwoman Monica fully supported the agreement because EMHC needs the help as the reservation is in crisis with the drug issues and Hep-C.

Motion: Councilman Fred Fox moved to approve resolution no. 19-223-FWF entitled “*Authorization for the Fort Berthold Diabetes Program -Special Diabetes Program for Indians (SDPI) grant to sustain a yearly 20% indirect cost rate throughout the lifetime of the SDPI grant.*” Councilwoman Monica Mayer seconded the motion.



Vote: 7- Ayes. Motion carried.

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

Discussion: Councilwoman Monica Mayer recommends indirect cost at 20% and takes the 13% and put it back into patient care. Chairman Mark N. Fox expressed concern that indirect cost rates need to be put into place so as to not red flag federal programs during audits. Jared Eagle noted that IDC comes out of the salary portion and not separately. Chairman Mark Fox recommend that they work with the auditors and the CEO to generate a letter stating that this is what we have to do to make the program survive.

Motion: Councilman Mervin Packineau moved to approve resolution no. 19-224-FWF entitled “Authorization to fund the Fort Berthold Diabetes Program in the event that the Special Diabetes Program for Indians’ (SDPI) funding should ever not be reauthorized through the United States Congress.” Councilwoman Monica Mayer seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Discussion: Councilwoman Monica Mayer feels strongly about developing the EMHC land area to bring all services into that are of development so our people can have one place for all their health needs. A new Diabetes center attached to the clinic and the Chairman agreed.

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B. Tribal Health* – Red Fox Sanchez, Director

Presented written & oral report. Meetings/Travel/Training: USET, Presenter, August 13-15, 2019, Nashville, TN; Home Community Based Services Conference, Panelist for MFTP-TI and Improving Long Term Services and Supports in Native Communities, August 26-29, 2019, Baltimore, MD. Birth and Deaths: Seven (7) Births (Three (3) North Segment, Three (3) Ward County, One (1) Parshall Segment). Three (3) Deaths-Males. September 2018-September 2019 Death Statistics presented. Project Updates: Continued coordination with Money Follows the Person-Tribal Initiative grant. Seeking approval to outsource development of a Tribal Health Web site created by KAT Communications and paid for through MFTP-TI grant funding. TBC questioned the need to outsource and asked the Director to coordinate with TAT MIS. No action. Requesting support in



the form of Administrative Leave from the TBC for the Task Force conducting their HCV Conferences within the communities. Rapid HIV and HCV screening will be available during the conferences through the N.D. State Dept. of Health and Public Health Nursing. Rapid testing to all segments of the MHA Nation. Hepatitis C Awareness, Screening and Education Conference will occur on Oct. 4th at the Four Bear Casino & to forward to HR who will ask the Chairman. Also seeking contract approval for Suzi Bercier, who will provide tele-health services for adolescent and younger at 20 hours per week @ \$100.00 and will meet clients on-site once a month. Contract total is \$104,000 for 12 months, services to start in October. Councilwoman Monica recommended a letter to the ND Vital Statistics requesting access to death certificates of tribal members to track death causes & life expectancies on the reservation and further expressed the alarming drop in life expectancy for native women due to social problems and fully support this letter. Sonny Hall introduced as the new Home Health Director. Letter of support of requesting information of cause of death to track trends. Department of Vital Records only provides me with information of gender, age and county.

Motion: Councilwoman Monica Mayer moved to approve the Suzi Bercier MSW, LICSW & CMO 12 month contract for counseling services. Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Discussion: *Clinical Supervisore should include the CMO.*

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

Presented a report oral report. Currently there are 145 Life & Limb clients. At \$25,000 each it adds up \$3,730,000 million dollars. About 50 active with some approve who have not showed up for about a year and those will be reviewed. 7 in the nursing home and that is \$40,000/each for a total of \$280,000. Budget for \$900,000 for FY2020. Yearly cost is \$1,400,000. 24 KDU patients with 797 diabetics' reservation wide. Grants & Donations is also providing public information for diabetic & burial information. Requested the assistance John Fredericks concerning Wake & funeral funds and would like to offer input from her office for the new resolution. Education Grant position request to be routed through HR.

Motion: Councilman Cory Spotted Bear moved to approve Life & Limb for Applicant A: [XXXXX]. Councilman Mervin Packineau seconded the motion.

Vote: 6- Ayes. 1 – Not Voting. 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 – Aye

Motion: Councilman Cory Spotted Bear moved to approve \$3,500 from fund 380 for moving expenses to return home to get on insurance for Applicant A: [XXXXXX]. Councilwoman Monica Mayer seconded the motion.

Vote: 6- Ayes. 1 – Not Voting. 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 – Aye

Motion: Councilman Fred Fox moved to approve Applicant B [XXXXXX]; Councilwoman Monica Mayer seconded the motion.

Vote: 6- Ayes. 1 – Not Voting. 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 – Aye

Motion: Councilman Mervin Packineau moved to approve Applicant C [XXXXXX]: Life. Councilwoman Monica Mayer seconded the motion.

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



Motion: Councilman Mervin Packineau moved to approve Applicant D [XXXXXXX]:
Councilwoman Monica Mayer seconded the motion.

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

Motion: Councilwoman Monica Mayer moved to approve Applicant E [XXXXX]: Councilman
Cory Spotted Bear seconded the motion.

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

The following applicants were referred to Health Committee to vet prior to TBC.

- Applicant F [XXXXXXX]: referred to committee.
- Applicant G [XXXXX]: referred to committee.
- Applicant H [XXXXX]: referred to committee.

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D. Good Road Recovery (GRR) – Ty Thompson, Director

Presented request for holiday pay for staff and used the proposed HR version and recommended to amend their own policy. When an employee is scheduled to work during a holiday (listed below), he/she will be compensated at a rate off-time and half of the employee's regular rate of pay. This policy is only applicable when the employee is physically working during the holiday in question- this does not relate to paid days off due to a holiday. The following list of staff are the only staff eligible for the increased hourly pay rate while working on holidays: Residential Technicians (and Leads), Nursing Staff, Security Officers, & Lead Cook/ Food Service Assistant. The following is a list of applicable holidays to be paid when worked at the above referenced compensatory rate: New Year's Day, Martin Luther King Jr. Day, All Chiefs Day, Memorial Day, Independence Day, Labor Day, All Nation's Day, Veteran's Day, & Christmas Day. Policy



Motion: Councilman Fred Fox moved to approve a GRR policy concerning holiday pay for essential employees at time & a half. Councilman Mervin Packineau seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Fred Fox moved to approve the “*Consultant Contract Between the Three Affiliated Tribes and Joy Froelich*” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Discussion: Contract renewal.

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E. Low Income Energy Assistance (LIHEAP) – Rose Crow Flies High, Director

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

Motion: Councilman Fred Fox moved to approve resolution no. 19-227-FWF entitled “*Authorization to Adopt Policies and Procedures Manual for the Three Affiliated Tribes Low Income Home Energy Assistance Program (LIHEAP) for FY 2020*” subject to Legal Review. Councilman Mervin Packineau seconded the motion.

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

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

A. Justice Commission Report*

Item deferred.

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

Item deferred.

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

MHA Division of Drug Enforcement (MHA-DDE) Agents have concluded a five month joint investigation with Homeland Security Investigations (HSI) and the Drug Enforcement Administration (DEA). MHA-DDE had identified a Drug Trafficking Organization (DTO) from Las Vegas, Nevada. This DTO was a major source of Methamphetamine, Opioid pills (Oxycodone) and Heroin. This was a lengthy very complex investigation with hundreds of hours of investigation which consisted of surveillance, multiple controlled drug buys, multiple search warrants both tribal and federal and numerous interviews. This investigation led to a twelve-person federal indictment for the conspiracy to distribute the afore mentioned narcotics on the MHA Nation. The indictments were of the major source from Nevada and tribal members that facilitated the sale of the narcotics on Fort Berthold. This investigation also led to the indictment of several Standing Rock Sioux Tribal members for the distribution of Meth on Standing Rock. MHA-DDE drug investigations also led to federal search warrant for six (6) residences, two vehicles and the seizure of another vehicle relating to drug trafficking in western North Dakota, to include on Fort Berthold. MHA-DDE Agents assisted HSI, DEA, United States Marshals (USM), and other law enforcement personnel in a multi-day operation that culminated in the seizure of approximately 867 grams of suspected methamphetamine. Thirty (30) grams of suspected heroin, and 291 suspected oxycodone/fentanyl pills, some of which was intended for Fort Berthold. Agents also seized in excess of \$10,000 in United States currency and 32 electronic devices, some of which were seized from enrolled members. Our MHA-DDE Intel Analyst also assisted in the operation by providing technical support for the seized electronic devices. This operation led to the issuance of two federal criminal complaints and arrest warrants. Investigation, which continues and suggests this case is directly linked to two suspected overdose deaths. MHA-DDE Agents presented testimony in two cases before a Federal Grand Jury. One case resulted in an enrolled male being indicted for distribution of suspected heroin that may have contributed to one or more suspected drug overdoses on Fort Berthold. The other case resulted in the indictment of two African American males from Michigan suspected of distributing pills throughout Fort Berthold. MHA-DDE Agents responded to assist one of our K9 Patrol Agents with a traffic stop made near Parshall. Three individuals from Michigan, to include one previously arrested by McKenzie County Sheriff's Office and MHA-DDE after being found to possess suspected oxycodone pills and a large amount of United States currency during Mandaree Celebration, were identified in the vehicle. Investigation at the scene of the traffic stop resulted in the seizure of in excess of \$10,000 in United States currency and the arrest of one of the



African American males. In the month of August MHA-DDE, in 15 separate investigations have seized a total of \$85,25.00 in US Currency, all from drug sales on Fort Berthold.

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D. Card Reader Locks/After Work Hour Entry - Bruce Benson, Maintenance Director

Card reader locks have been installed on the exterior entrances of the Tribal Office Building, The TERO/Energy building. The reason is to keep each building secure from transient visitors, basically these visitors need to enter main doors and check in with the security desk to gain entrance to the building. Our proposed policy is; "all exterior doors be locked 24/7 except for the main entrance(s) and only those employees that have a desk/office space within the facilities would be issued a key to access the locked doors." There are several employees that work for different departments and segments but don't maintain a desk or office space within the facility, they will not get a key as we need to keep the integrity of the buildings. The Chairmen and the Tribal Business Council Representatives, will receive a key card that allows access to building 24/7, all other employees will be given access at the discretion of the Director of program. i.e., 8am to 8pm, 9am to 6pm, weekends. This system works so that the cost to replace a card is minimal, compared to hard key. The key is mated to the person and not to the door. So, if person loses key, we take it out of the system and issue new one, no more changing whole locks. The system is setup and maintained by the Tribal Maintenance Department.

Motion: Councilman Cory Spotted Bear moved to approve the presented policy & purchase of metal detector equipment from 380. Councilwoman Monica Mayer seconded the motion.

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

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

Discussion: Councilman Mervin Packineau asked that he move forward with the metal detector that was previously approved. Councilman Cory Spotted Bear asked a memo be put out about access concerns from the departments. Councilwoman Monica Mayer recommended working with security and beef up the security of the building.

TAT_20190912-1539_01d5698041f4f180.mp3

E. McLean County LAW Enforcement MOU

Councilman Fred Fox provided an overview of the MOU. Hot pursuit with the crime going to the jurisdiction of where the crime occurred when crossing jurisdictions. Rules for use of force to detain until Law Enforcement of jurisdiction arrive and mental health rules. Mental rules would allow TAT Law Enforcement support paramedics taking an individual to i.e. Minot.



Motion: Councilman Cory Spotted Bear moved to approve resolution no. 19-228-FWF entitled “Approval of Memorandum of Understanding Between the Tribe and McLean County.” subject to Legal review. Councilman Fred Fox seconded the motion.

Vote: 6- Ayes. 1 – Not Voting. 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 – Aye

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F. Child Support Vehicle Purchase – Bill Woods

Tribe would purchase the vehicle with budgeted federal for process serving. Submitted a budget for the tribe to purchase a vehicle and the program would lease the vehicle. Created a policy for the employees to use the vehicle. Created a lease form for the federal requirement.

Motion: Councilman Cory Spotted Bear moved to approve the purchase of the vehicle subject to Procurement process. Councilwoman Monica Mayer seconded the motion.

Vote: 6- Ayes. 1 – Not Voting. 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 – Aye

Discussion: Councilman Mervin Packineau asked that the vehicle be licensed by TAT.

Comprehensive Child Support nationwide are having trouble making their 20% in kind match so came together with a proposal to reduce to 10% for many tribes for the match through consultation issued a letter of support. Need a letter for Bill Woods to be designated to represent the tribe at the consultation meeting. Would need to carry with him due to deadline next Monday. Chairman has signed. Letter of Support has undergone Legal review.

Motion: Councilman Fred Fox moves to authorize William Woods to be the designee for the delivery of Letter of Support to the Tribal Consult for OCSC. Councilman Mervin Packineau seconded the motion.

Vote: 6- Ayes. 1 – Not Voting. 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 – Aye

XX. LEGAL DEPARTMENT – *Tyra Wilkinson, Interim MHA Supervising Attorney*

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A. Ethics Ordinance (3rd Reading) – *Tyra Wilkinson & John Fredericks*

Changes included clarification of the Special Prosecutor dealing with process & hearings. 2nd
Comments were taken and published on the MHA web site and the MHA Times.

Motion: Councilman Fred Fox moved to approve resolution no. 19-229-FWF entitled “Approval and Adoption of Amended Section III of the MHA Nation Code of Ethics in Government Ordinance” subject to resolution. Councilwoman Monica Mayer seconded the motion.

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

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

TAT_20190912-1614_01d5698529038e3e.mp3

Motion: Councilman Randy Phelan moved to approve resolution no. 19-230-FWF entitled “Authorization of Construction Contract for Female Transitional Housing Project” Councilman Mervin Packineau seconded the motion.

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

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

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Motion: Councilman Mervin Packineau moved to approve \$15,000 sponsorship from General Fund for the event Indian Nation Finals Rodeo (INFR) & \$15,000 from the 4Bears Casino. Councilman Cory Spotted Bear seconded the motion.

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



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

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Motion: Councilman Randy Phelan moved to approve resolution no. 19-231-FWF entitled “*Approval of a Contract for Scull Construction Services, Inc. to be the designated CMAR for Phase 1 – Tribal Administration Building and Phase 2 – Government Support Building.*” Councilman Fred Fox seconded the motion.

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

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

Discussion: Cheryl White will provide the TBC conceptual drawing. Further meeting to determine the fiscal budget split. The construction crew will be mobilizing next week. Councilman Fred Fox noted that it is not to exceed \$24,000 with additional negotiation.

XXI. NEW BUSINESS – Tribal Councilman Add Ons

TAT_20190912-1604_01d56983c2d54f4a.mp3

A. Chairman Mark Fox- NTES Request

National Energy Group Summit in Washington D.C. for the 2-3 day event.

Motion: Councilman Cory Spotted Bear moved to approve a sponsorship of \$5000 for National Tribal Energy Summit. Councilman Randy Phelan seconded the motion.

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

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

B. Chairman Mark Fox – Reserved

C. Councilman Randy Phelan – Reserved



D. Councilman Randy Phelan – Reserved

TAT_20190912-1549_01d56981a9cdf1d4.mp3

E. Councilman Fred W. Fox – Charlie Vigen

Sponsorship request for three teams in Walla Walla Washington for the World Championship. Teams will be attending Walla Walla World Indian Relay Races leaving Tuesday September 17, 2019. The World Indian Relay Races are September 20, 21, 22 with 1 men's Indian relay team, 2 women's Indian relay team plus 3 single racers. Team members (tribal) include Lloyd Vigen, Daniela Vigen, Hailey Vigen, Jessee Vigen, Kylee Halvorson. The other 8 are from the Crow nation and Lakota tribes.

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

Motion: Councilman Mervin Packineau moved to approve \$6000 for Teams Ada Hay & \$4000/team for others as policy. Councilwoman Monica Mayer seconded the motion.

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

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

Discussion: Councilwoman Monica Mayer asked that all receipts be turned in.

F. Councilman Fred W. Fox – Reserved

G. Councilman Mervin Packineau – Reserved

H. Councilman Mervin Packineau – Reserved

I. Councilman V. Judy Brugh – Ryan Dusenberry (See Closed Session)

J. Councilman V. Judy Brugh – Reserved

K. Councilman Cory Spotted Bear – Reserved

L. Councilman Cory Spotted Bear – Reserved

M. Councilwoman Monica Mayer – Reserved

N. Councilwoman Monica Mayer – Reserved

XVII. OTHER

TAT_20190912-1604_01d56983c2d54f4a.mp3

A. Bays Alone Parade

Motion: Councilman Fred Fox moved to approve Veteran 253 Post & Auxiliary event at Bays Alone \$1,500/participant. Councilman Randy Phelan seconded the motion.

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



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

TAT_20190912-1624_01d5698690d0ab22.mp3

B. Wrangler Finals

Motion: Councilman Cory Spotted Bear moved to approve \$1000/participant moved for the Wrangler Finals pursuant to the policy and report. Councilwoman Monica Mayer seconded the motion.

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

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

XXII. CLOSED SESSION

TAT_20190912-1754_01d569932dfb623c.mp3

- A. **Human Resources (HR)*** – *Barlow Wells, Director*
- B. **TAT Law Enforcement Report*** – *Nelson W. Heart, Chief of Police*
- C. **S. B. Issue** (From Health)
- D. **D. H. W. Medical Issue** (From Health)
- E. **Boon Insurance/Billings Agreement** (From Health)
- F. **B.J. [XXXXX] Dental Bill** (From Health)
- G. **Juvenile Services Issues** – *Robert Hunter* (From Judicial)
- F. **Assistance** – *Billy Jo Wounded Face*
- H. **Ryan Dusenberry & Anthony Folden**
- I. **Pardon Contract**
- J. **Fettig Land Sale**
- K. **Title Insurance** – *John Fredericks*
- L. **Dusty Brugh**
- M. **Legal Dept. - Tyra Wilkinson**

XXIII. ADJOURNMENT:

Motion: Councilman Randy Phelan moved to adjourn the meeting. Councilwoman V. Judy Brugh seconded the motion. Meeting adjourned at 7:38PM 6-0-0-1 (MP-NV)



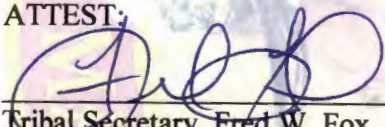
CERTIFICATION

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 10th of October, 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.

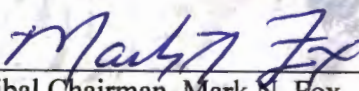
Chairman (X) Voting () Not Voting

Dated this 10th day of October, 2019.

ATTEST:



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



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