



* 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 11:12AM.

OPENING PRAYER

Marva Pretends Eagle

ROLL CALL

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

I. APPROVAL OF AGENDA

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

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman V. Judy Brugh – Not Present

Councilman Cory Spotted Bear – Not Present

Councilwoman Monica Mayer – Aye

II. APPROVAL OF MINUTES

- **10/10/2019 Regular Tribal Business Council Meeting Minutes.**

Motion: Councilman Randy Phelan moved to approve the 10/10/2019 TBC minutes subject to minor edits. Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman V. Judy Brugh – Not Present

Councilman Cory Spotted Bear – Not Present

Councilwoman Monica Mayer – Aye

FTR: Councilman Cory Spotted Bear joined the meeting at 11:23AM.

FTR: Councilwoman V. Judy Brugh joined the meeting at 11:25AM.



III. SPECIAL GUESTS & ELDERS

A. **MHA Nation Schools Presentation**

Presentation of checks to the reservation school districts. \$100,000/school with New Town & Four Bears combining for \$200,000.

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B. **Sally White¹**

Brought up concerns with receiving a home and was told that a walk through needs to be done at the house by the lake and that never happened and it has been 20 years. Sally White asked that Councilwoman Monica Mayer work on getting it done. Councilwoman Monica Mayer will send her Maintenance staff over to check out what it needs. Sally White expressed there was an issue with pipes not being the right size underneath. Councilman Mervin Packineau noted that it was given to Sally White and was repaired a number of times. At a later date, Sally White accepted a deferent home in White Shield. Councilman Mervin Packineau noted that the structure was checked and was found good and a pipe was repaired. Sally White is currently working in New Town and is going to live in an apartment in New Town until the house is ready. Chairman Mark Fox's Office will also help how ever they can. Councilman Melvin Packineau will take of the issues and get the house ready.

C. **Ronald Brugh**

Item deferred.

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D. **Elders Museum Board – Jeff Fox & Ramona Two Shields**

Received a \$4 million donation and would like to report on our activities. Ramona Two Shields read into the record the members of the TAT Museum Board. Informed the TBC that bids/RFP for the architech & construction manager have been advertised. Seeking a \$2.5 million match for the expansion and renovation project with two options. Looking to install solar & geo-thermal to cut utility costs. Mike Lavadere, Archetech provided additional information to upgrade the building to museum specification. Chairman Mark N. Fox wanted to insure the cost for renovation isnt more that building new. Construction to start in the spring and go for 8 months. The is colobraing with the Interpretive Center. Ramona Two Shields noted that this is the first time that the museum has come to the tribe for funding.

Motion: Councilman Randy Phelan moved to approve, not to exceed \$2.5 million for the 2020/21 TAT budget term. Councilwoman V. Judy Brugh 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: Chairman Mark N. Fox wants to solid coordination with the Interpretive Center. Councilwoman Monica Mayer asked the Museum Board to please report to the Cultural Committee.

FTR: The Ladies Auxillary provided the lunch for those in attendance.

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E. MHA Education Pathways Program - Deb Wilson

Provided a quarterly report to the TBC. Supports the tribe through mentorship for all academic areas of study throughout the country. Mentors currently located at UTTC, BSC, Dickinson and Minot. In this last year we have found an additional \$2 million in funding for students/quarter. Seeking additional Resources from the Cobell Scholarship. Councilman Fred Fox would like the schools present to provide their input as to how to make the program better. Councilwoman Monica Mayer recommended that their report of graduates should go to HR to recruit from and commended them on their work. The program is requesting \$508,000 for the fiscal. Chairman Mark N. Fox noted that the funding was already in the budget and the budget was passed with a resolution.

EXECUTIVE COMMITTEE REPORTS

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

Acknowledged the MHA members who participated in the INFR. Recent events included; Federal Partners meeting, Fall Fest, Halloween Party, Culture is Cool event, & MonDak college Basketball Tourney at the Casino, Meeting with the Governor over gaming & flaring, Marine Corp Birthday Dinner, area Veterans events, attended White House Native Veterans meeting and Senate Testimony on how to better serve our veterans, Various community Thanksgiving dinners, Judicial meetings. Upcoming events include: Christmas Party in Bismarck, 18th – Veterans Grand Opening, Tribal Employee Christmas Party on Dec. 20th. Acknowledged the New Town Cross Country Team on their 8th consecutive State Champions & Robert White as the individual champion.

V. TREASURER'S REPORT - Councilman Mervin Packineau

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

Submitted the FY2020 Budget Report to the Council members. Provided an update on the new computerized financial accounting system and approval process. Discussed authorized person for each fund to approve expenditures. Issue with special projects approvers who the Construction Management Office has control but segments also are doing their own approving and they need to be designated in the system. Chairman Mark N. Fox noted that it is not mandated to use the tribal Construction Office to manage projects but everything must go through Finance for auditing purposes. Chairman Mark N. Fox recommended a work session to go line by line item to assign an administrator for approvals in the system.

Motion: Councilman Randy Phelan moved to approve resolution no. 19-267-FWF entitled “Authorization for a Disbursement to the Elders”. 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: Disbursement date for the elder checks is on December 17th.

Motion: Councilman Randy Phelan moved to approve resolution no. 19-268-FWF entitled “Authorization for a one-time Disbursement of Funds from Tribal Oil & Gas Royalty Revenues to All Enrolled Members of the Three Affiliated Tribes”. 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: Disbursement date for the December 9th. Chairman Mark N. Fox noted that the only deduction according to resolution will be child support up to \$500/claim.

Motion: Councilman Randy Phelan moved to approve resolution no. 19-269-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 \$19,750,000.00”. 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

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B. Small Loans* –Mary Ellen Sun

Motion: Councilman Randy Phelan moved to approve Group A(20): Applications subject to Loans policies & requirements. Councilman Fred Fox seconded the motion.



Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Fred Fox moved to approve Group B (12): Applications subject to Loan policies & requirements. Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

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

Motion: Councilman Fred Fox moved to approve Group C: Applications subject to Loans policies & requirements. Councilman Randy Phelan seconded the motion.

Vote: 6- Ayes. Motion carried.

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

Motion: Councilman Cory Spotted Bear moved to approve adding [XXXXXX] 20# Group A. 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



FTR: Chairman Mark N. Fox noted the Small Loans is a revolving loan fund that for the past 6 years has not required support from the budget and commended the staff for their good job.

C. Mortgage Program – Val Mayer

Item deferred.

D. Business Loans – Toni Star

Item deferred.

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

Item deferred.

VI. OFFICER REPORTS

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

1) Executive Orders*

Motion: Councilman Randy Phelan moved to ratify Executive Action: EA-2019-114;

NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes hereby authorizes and approves a contract with Woodstone Inc. of Maple Grove, Minnesota to complete the construction of the Twin Buttes Rodeo Track and Powwow Grounds as designed and authorizes a guaranteed maximum price of \$4,570,233.00 subject to additions and deductions as provided in the contract to come from Tribal Funds.

BE IT FURTHER RESOLVED, that the Tribal Business Council waives the TERO fees and Solid Waste fees.

BE IT FURTHER RESOLVED, that this Executive Action shall serve as a Notice to Proceed for Woodstone Inc. to commence work on the Twin Buttes Rodeo and Powwow Grounds.

BE IT FURTHER RESOLVED, that the Chairman designates Cory Spotted Bear, Twin Buttes Council Representative, to execute any and all contract documents pertaining to the Twin Buttes Rodeo Track and Powwow Grounds project hereto.

BE IT FINALLY RESOLVED, The owner's representative for this contract/action shall be Cory Spotted Bear, MHA Twin Buttes Representative.

Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye



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

Motion: Councilman Randy Phelan moved to ratify Executive Action: EA-2019-115;

WHEREAS, the Tribal Business Council has determined that the Three Affiliated Tribes is eligible for the participation in the Indian Health Service Joint Venture Program for the construction of the Elbowoods Memorial Health Center expansion; and

NOW THEREFORE, BE IT RESOLVED, that Tribal Business Council authorizes and approves the submission of both the pre-application documentation and, if selected, a proposal to the Indian Health Service for the FY 2020 Joint Venture Program for the construction of the Elbowoods Memorial Health Center.

BE IT FURTHER RESOLVED, that the Tribal Business Council commits to participate in the Joint Venture Program, to include financing of the construction and equipping of the Elbowoods Memorial Health Center that meets IHS design criteria and approval. Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Fred Fox moved to ratify Executive Action: EA-2019-116;

NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes hereby authorizes and approves a contract with Woodstone Inc. of Maple Grove, Minnesota to complete the construction of the Twin Buttes Motel as designed and authorizes a guaranteed maximum price of \$1,388,898 subject to additions and deductions as provided in the contract to come from Tribal Funds.

BE IT FURTHER RESOLVED, that the Tribal Business Council waives the TERO fees and Solid Waste fees.

BE IT FURTHER RESOLVED, that this Executive Action shall serve as a Notice to Proceed for Woodstone Inc. to commence work on the Twin Buttes Motel.

BE IT FURTHER RESOLVED, that the Chairman designates Cory Spotted Bear, Twin Buttes Council Representative, to execute any and all contract documents pertaining to the Twin Buttes Motel project hereto.

BE IT FINALLY RESOLVED, The owner's representative for this contract/action shall be Cory Spotted Bear, MHA Twin Buttes Representative.



Councilman Randy Phelan seconded the motion.

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

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

Motion: Councilman Fred Fox moved to ratify Executive Action: EA-2019-118;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves the Contract Agreement between the Four Bears Segment Representative V. Judy Brugh and Robert White. Compensation to be drawn from the Four Bears Segment.

Councilman Randy Phelan seconded the motion.

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

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

Motion: Councilman Fred Fox moved to ratify Executive Action: EA-2019-120;

NOW THEREFORE BE IT RESOLVED, The Tribal Business Council authorizes and approves the attached Vessel Contract wherein Lake Assault, LLC will construct and deliver the Vessel to the Tribe, and authorizes the Chairman to execute the Contract.

Councilman Randy Phelan 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 – Not Voting
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Abstained



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

The Tax Department is reporting revenue collections for the month of October 2019 (Mo. 1 - FY2020), reporting at the end of November gave us an opportunity since our last report to receive September and October revenue collections. Total FY2019 Collections was \$275,138,125, compared to total FY2018 Collections of \$253,877,545. Total FY2020 Projected Collections is \$291,490,853. October distributions are based upon August production as reported to the State in September. The Crude Oil Monthly Price Average on July 1, 2019 was: WTI at \$57.55* and MHA Price Received at \$53.99.* Total collections for the month of October (23,550,658) increased slightly from the month of September (23,130,690) by about \$400,000.

Motion: Councilman Fred Fox moved to approve the following Business Licenses subject to background reviews;

- Ojibwe Home Improvement, Janie Schroeder-Herman
- Distinctive Cabinet Design, Mike Lewandowski
- Empire Max, Brett & Francine Baker

Councilwoman V. Judy Brugh 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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3) Enrollment* – *Sevant S. Taft, Enrollment Director*

Motion: Councilman Fred Fox moved to approve resolution no. 19-270-FWF entitled “Approval of 41 (Forty-One) Applicants for Enrollment into the Three Affiliated Tribes”. 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: December 2nd deadline by Executive Action to be added to enrollment to make the disbursement. 16,550 total members.

VII. UNFINISHED BUSINESS

A. Wake Fund Resolution² – John Fredericks

Item deferred.

B. T44-2A Home lot for Charles Fox Home² (from NRC)

Item deferred.

C. Rescinding the Energy/Environmental MOU¹ (from Executive)

Item deferred.

D. DW Shale LLC Lease¹ (from Energy)

Item deferred.

E. Mandaree School Construction Funding¹

Item deferred.

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F. LIHEAP Resolutions – Rose Crows Flies High, Director

Motion: Councilman Mervin Packineau moved to approve resolution no. 19-271-FWF entitled "Authorization of FY 2020 Community Services Block Grant Application Submission to the Office of Community Services, U.S. Department of Health and Human Services for Low Income Energy Assistance Program Grant" Councilwoman V. Judy Brugh 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: Chairman Mark N. Fox asked that he be included in any email chains for information.



Motion: Councilman Fred Fox moved to approve resolution no. 19-272-FWF entitled "Authorization for the Three Affiliated Tribes' Low Income Home Energy Assistance Program to exclude income generated from royalty payments or bonuses from minerals rights in the computation of gross income for purposes of qualifying for the LIHEAP Program for FY 2020." Councilwoman V. Judy Brugh seconded the motion.

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

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

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

VIII. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chairman

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A. Land Sales

1) Wade Uran Land Sale

Lot 4 Block 1 in New Town for \$25,000.

Motion: Councilman Randy Phelan moved to approve resolution no. 19-273-FWF entitled "Wade Uran's Land Sale to the Three Affiliated Tribes" 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: From land acquisition.

2) Antoinette Starr Land and Home Sale

She is asking that anything she owes the tribe be taken from the proceeds. Texx Lone Bear recommended also deducting property taxes for 2018 & 2019.

Motion: Councilman Randy Phelan moved to approve resolution no. 19-274-FWF entitled "Antoinette Starr's Land and Home Sale to the Three Affiliated Tribes". 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

3) Land Sale - Allotment 301-1257

Item deferred.

4) Land Sale - Fee Land in South Segment

Item deferred.

5) Land Sale - James Foote - NE Segment

Item deferred.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-275-FWF entitled “Approval of Home Site Leases and Utility Corridors for Home Sites” 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: Winona Dobbs-Goodleft, Haley K. Wolf, Wayne Simpson, Llore Dawn Dickens, Thomas Jay Plenty Chief, Wesley Scott Wilson & Debra Two Crow.

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

South Segment(T1088), South Segment (T1398), East Segment (T3028), Gary Danks (T608A, Chaundee Chase, (A800A), Brenda Huesers (A183A), Tedsena Lone Fight Tribal (Fee), Henry Almit Breuer (T1510-A/T1510-C) & Marty Young Bear (A1102A-A).



Motion: Councilman Randy Phelan moved to approve resolution no. 19-278-FWF entitled “*Agricultural Leases on Tribal land*”. 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

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D. Easements*

Motion: Councilman Randy Phelan moved to approve resolution no 19-276-FWF entitled “*Consent to Certain Rights of Way across Tribal land for the McKenzie Electric Cooperative*” [Sherry Lone Flight]. 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. 19-277-FWF entitled “*Consent to Certain Rights of Way across Tribal land for the McKenzie Electric Cooperative – Interpretive Center*” 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

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E. Fort Berthold Rural Water (FBRW) – Pem Hall

Texx Lone Bear Denise Fisher presented for T5119, 286-A, 132-A, 155A.



Motion: Councilman Randy Phelan moved to approve resolution no. 19-279-FWF entitled “*FBRW Resolution for Subsequent User Easements ROW’s*” subject to Legal review. 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

a. Automated Meter Read Resolution

Motion: Councilman Randy Phelan moved to approve resolution no. 19-280-FWF entitled “*Approval for FBRW to Proceed with a RFP for an Automated Meter Read System*” 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 “*Specific Authorization No. 2019-03 Three Affiliated Tribes Fort Berthold Indian Reservation Automatic Meter Read System RFP Development Date: November 26, 2019 W.O. 012483.426*” 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. 19-281-FWF entitled “*FBRW Approval to Complete a Reservation-Wide System Master Plan*” subject to the FBRW Director. & Legal Review & resolution. 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 grant signature authority to FBRW Director Pem Hall to sign off on the Contract Change Order to extend the project term to next spring for the Mandaree Water Treatment Settling Ponds. 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: Should not be any additional cost. Chairman Mark N. Fox recommended that make sure and inform the council if there is additional cost. Chairman Mark N. Fox commended their work to save the water system and their initiative putting the pylons in to save the Mandaree intake.

Motion: Councilman Randy Phelan moved to grant signature authority to Pem Hall the Change Order for the Trench #4 for the Twin Buttes at \$40,500. 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

IX. EXECUTIVE COMMITTEE – Chairman Mark N. Fox

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A. Graham Construction Invoice



Motion: Councilman Randy Phelan moved to approve payment of the Graham Construction invoice. Councilman Fred Fox seconded the motion.

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

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

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B. Enrollment Ordinance – John Fredericks & Tyra Wilkinson

Motion: Councilman Randy Phelan moved to approve resolution no. 19-282-FWF entitled “Resolution Superseding Resolution 18-146-FWF and Amending the Enrollment Ordinance of the Three Affiliated Tribes with Regard to Appeals.” Councilwoman V. Judy Brugh seconded the motion.

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

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-283-FWF entitled “Resolution Superseding Resolution 18-145-FWF and Amending the Enrollment Ordinance of the Three Affiliated Tribes to Set the Standards for an Enrollment Committee.” Councilman Fred Fox seconded the motion.

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

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

Motion: Councilman Fred Fox moved to approve resolution no. 19-284-FWF entitled “Resolution Superseding Resolution 18-16-FWF and Amending the Enrollment Ordinance of the



Three Affiliated Tribes with Regard to Fraud and Erroneous Enrollments” subject to Legal review. Councilwoman V. Judy Brugh seconded the motion.

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

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

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C. Hotel Expansion

Motion: Councilman Randy Phelan moved to approve resolution no. 19-285-FWF entitled “*Approving Four Bears Hotel Expansion Budget and TBE Proposal for Professional Services*” subject to Legal review. 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 – Not Voting
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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D. Riverboat Vessel Project

Motion: Councilman Fred Fox moved to approve resolution no. 19-286-FWF entitled “*Approving the Lake Assault Vessel Contract*” subject to legal review not to exceed \$4 million. 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 – Not Voting
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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E. Unity Sponsorship



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

Motion: Councilman Fred Fox moved to approve a sponsorship of \$5000. 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 – Aye
Councilman Mervin Packineau – Not Voting
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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F. WPX – Nakota Pad, Lewis and Clark Unit

Off reservation project moved onto the reservation for the benefit of the tribe's tax revenue.

Motion: Councilman Fred Fox moved to approve resolution no. 19-287-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Nokota 24-13-12H Pad Project Submitted by WPX Energy Williston, LLC*”. Councilwoman V. Judy Brugh 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 – Not Voting
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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G. Water Code

Motion: Councilman Fred Fox moved to approve resolution no. 19-288-FWF entitled “*Adopting Tribal Water Use and Administration Code.*” subject to Legal review and resolution. Councilman Cory Spotted Bear seconded the motion.

Vote: 5- Ayes. 1- Opposition. 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 – Opposed



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

Discussion: Councilwoman V. Judy Brugh submitted a document from the B.I.A.'s opinion that the Tribe has no authority over Allottee Water rights. John Fredericks noted that there are provisions that protect the rights of allottees and at the same time there are provisions for permitting language for certain instances of allottee use. Gloria Fast Dog expressed concerns over any decision over her families land concerning water. Ramona Two Shields also expressed concern over the proposed Water Code and informed the council of a current court action on her own land. Chairman Mark N. Fox commented that the value of water have greatly increased with the oil boom. People are taking water and affecting aquifers and taking water and effecting people down stream so we need rules and laws to protect people. The Water Code was publised for comments. The Water Code follows the protection given through the Federal government. Jeff Baker express support for Gloria Fast Dog's statement. Kelly Hosie posed the question of water as a mineral under the law. Chairman Mark N. Fox noted that they are diferent under the law. Discussion on quantification of water.

H. Wendell White Reimbursement Request

Addressed

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I. Political Donation Policy

Motion: Councilman Mervin Packineau moved to approve a policy establishing a \$5000 maximum contribution to approved political candidates running in federal elections. 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 – Not Voting
Councilwoman Monica Mayer – Aye

J. Knutson Land Sale

Item deferred.

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K. White Shield Contracts



Motion: Councilman Fred Fox moved to approve White Shield Contracts; John Mahoney, John Bearstail, Phil Gullickson, Sports Exercise, Brad Kroupa, Frank White Calf, Jackie White Calf, Jessie White Calf. Councilman Mervin Packineau seconded the motion.

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

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

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L. Brody Frulich NFR Sponsorship

Motion: Councilman Fred Fox moved to approve under the existing junior sponsorship policy. 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

FTR: A sponsorship policy for the amount of \$2,500 was approved for junior competitors in the NFR at the 10-31-2018 Executive Committee meeting.

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M. Bismarck Christmas Party Funding

Motion: Councilman Fred Fox moved to approve \$5000 from 380 for the Bismarck Christmas Party. 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



X. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

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A. Wilkinson Welding Yearly Tuition for Youth Workers – Cedrick Wilkinson

Students receive AWS Certification. Goal is to get 20 students certified. Chairman Mark N. Fox recommended paying per certified student. He does work with BSC.

Motion: Councilman Fred Fox moved to approve subject to oversight from a college system with a *pro rata* for cost of supplies & books and break down for successful certified completion and to work through CEO. 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 – Aye

Councilman Mervin Packineau – Aye

Councilwoman V. Judy Brugh – Not Voting

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Not Voting

XI. CULTURAL COMMITTEE – Chairman Randy Phelan, Chair

XII. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer

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A. MHA Interpretive Center – Delphine Baker

1) Report

Construction in Progress with estimated completion date July 31st, 2020. Project is on schedule. We have bi-weekly Owner, Architect and Contractor (OAC) meetings on site once a month and by phone once a month. Our project is inspected daily with the Inspection Company NTI. Also, Orin Grinnell Construction Management Office does onsite inspections. All information is reviewed when received and corrective actions are made accordingly. We are installing Vortex fire suppression in the archive and collections, library and media rooms. We are seeking Certification from the American Alliance of Museums. We have to monitor air control and moisture control and provide those reading in our application for Certification. We will be one of three Native American museums certified. We attended the Association of Tribal Archives, Libraries and Museums conference in Temecula, CA. We met with the MICA Group at the conference and they have given us notification that they will help us put together our audio tours of the exhibit space telling the story of the Great MHA Nation. They are committing thousands of dollars to travel and put together everything we needs for the audio tour app. When the project is completed they will give us a \$10,000.00 grant to maintain the audio app.

2) Split Rock Studios Contract Addendum

Custom photography from Paige Baker Photography for use at the MHA Nation Interpretive Center.

Motion: Councilman Mervin Packineau moved to approve Split Rock Contract Addendum for \$30,000 from the department budget. Councilman Cory Spotted Bear seconded the motion.



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

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

3) MABU Agency Contract

Motion: Councilman Cory Spotted Bear moved to approve MABU Agency Contract Marketing Plan. Councilman Mervin Packineau seconded the motion.

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

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

Discussion: Marketing proposal for approval with Marketing & Advertising Business Unlimited (MABU) Agency for website to Visit MHA, we would split the cost of the web site with MHA Tourism. The Interpretive Center would have a separate website linked to Visit MHA. They are also helping us plan our grand opening with graphic design items and will promote the Grand opening in local newspapers, and TV interviews with them attending the Grand Opening of the MHA Interpretive Center.

4) K Gallery Grand Opening Exhibition

Consultant agreement for Kelsey Jacobson to develop a display for current MHA artists. Chairman Mark N. Fox recommended that that the Director return with a consultant agreement in December.

5) Solar Panel Field Bid

The solar panels for the MHA Interpretive Center project will supply 100% of the expected electricity needs on an annual basis of 557 Kw per year. This system will provide 360 kW AC/406.4kWDC photo voltaic power systems. This includes the complete installation of 1,016 Solar Modules and 6 inverters. The cost of \$1,091,384.00 is requested to be appropriated from the Special Projects General Fund Budget for Fiscal Year 2020. Chairman Mark N. Fox asked that they keep John Fredericks informed on the development of agreements to sell the excess energy to the local electric utility and insure that 3 bids are secured.



Motion: Councilman Fred Fox to approve \$1 million to support solar installation subject to budget. Councilman Cory Spotted Bear seconded the motion.

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

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

FTR: Resolution entitled “Approval of Change Order for Grid-Tied photovoltaic power systems Construction and Costs for the MHA Interpretive Center Projects and Authorization for Appropriation for Additional Construction and Costs”

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B. Midnight Horizon LLC – Tammy Schnee CEO

Seeking a joint venture with the tribe to offer various training. Chairman N. Fox recommends that it be worked out further in Committee.

XIII. ENERGY COMMITTEE – Chairman Randy Phelan, Chair

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

Motion: Councilwoman Monica Mayer moved to approve resolution no. 19-309-FWF entitled “Clear Advantage Contract” 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: Ryan Dusenberry.

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

Motion: Councilman Randy Phelan moved to approve resolution no. 19-289-FWF entitled “Consent to Approval of a Right-of-Way across Tribal/and for the Whales 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. 19-290-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal Fee land for the Tennis South Multi Use Corridor Project Submitted by Enerplus Resources*” 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. 19-291-FWF entitled 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: Amends 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.*”

Motion: Councilman Fred Fox moved to approve resolution no. 19-292-FWF entitled “*Medal's South* “ subject to Legal review. 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. 19-293-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Spotted Horn 26-35 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. 19-294-FWF entitled “*Resolution Superseding Resolution 18-16-FWF and Amending the Enrollment Ordinance of the Three Affiliated Tribes with Regard to Fraud and Erroneous Enrollments.*” 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. 19-295-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Fast Dog 7-6H 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. 19-296-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Spotted Wolf 7-6H 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. 19-297-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: 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. 19-298-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Helen Pad 148-95-5 Access Road Re-route Project Submitted by PetroShale (US), Inc.*” 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. 19-299-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the South Area Surface Site and Access Road Project Submitted by Targa Badlands 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. 19-300-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Weathers North and South Tie-In Project Submitted by Arrow Pipeline, 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. 19-301-FWF entitled “*Consent to Amend BIA ROW No. FBOG101331 (Modification No. 1) across Tribal land for the Western Expansion North–Oil Project Submitted by Arrow Pipeline, 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. 19-302-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Southern Expansion Pipeline Project Submitted by Arrow Pipeline, 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. 19-303-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Fish South and African Animals Central Well Pads Project Submitted by Arrow Pipeline, 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: Councilwoman Monica Mayer moved to approve resolution no. 19-304-FWF entitled “*Approval of Setback Variance Requested by Bruin E&P Operating, LLC for the Bonita Well Pad to Evans Well Pad Flowlines Project*” 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 approve resolution no. 19-305-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Bonita Well Pad to Evans Well Pad Flow Lines Project Submitted by Bruin E&P Operating, LLC.*” 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. 19-306-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the EP EPG MRO Kermit Lizards Line Project Submitted by McKenzie Electric Cooperative Inc.*” 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 approve resolution no. 19-307-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Bruin Bonita URD Line 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 resolution no. 19-308-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the African Animals URD Electrical Line 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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C. Resolution: Emergency Response and Notification Mandate and Fines for Accidental Releases or Spills of a Hazardous Substance, Pollutant or Contaminant...(1st Reading)



“Emergency Response and Notification Mandate and Fines for Accidental Releases or Spills of a Hazardous Substance, Pollutant or Contaminant, including Produced Water, into the Air, Land or Water or Ground Water of the Fort Berthold Indian Reservation.”

In discussion it was noted that this could be a duplicate law under the Environmental. John Fredericks noted that this resolution fines for failure to report a spill. Chairman Mark N. Fox recommended holding off on any action until the issues with the Energy/Environmental MOU are resolved.

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D. UIC Resolution - Carson Hood Jr., Director

John Fredericks Solid & Hazardous Waste Management Code covers this and requires a permit from the Environmental Dept. and the TBC policy currently does not allow. The Tribes regulatory authority over non-tribal members has not been recognized by the EPA. The council will review the resolution for the December TBC meeting.

Item deferred.

E. Trespass Code – Shenan Atcitty, Energy Attorney

Item deferred

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F. Thunder Butte Project Budget Increase – Marcus Levings, Four Bears Special Projects

Approval of Flickertail Paving & Supply, Supply LLC and Authorization. The project was bided out. Marcus Levings noted that savings from BIA 2 project could also be used in this project.

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 19-313-FWF entitled *“Approval of Flickertail Paving & Supply, LLC and Authorization of Construction of Thunder Butte Subdivision Tribal Route - 38th Street Northwest of the Four Bears Segment”* subject to Legal review. Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

XIV. HEALTH & HUMAN SERVICES

TAT_20191126-1557_01d5a4724103c008.mp3

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

Submitted report. Patterson Dental Design services.



1) Patterson Dental Service Agreement

Motion: Councilman Fred Fox moved to approve the Patterson Dental Service Agreement subject to A&E assurances. Councilwoman V. Judy Brugh seconded the motion.

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

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

Discussion: Also to keep Construction Management/Dennis Fox in the loop.

2) Data Track Consulting Agreement

Motion: Councilman Fred Fox moved to approve resolution no. 19-312-FWF entitled “DT-Trak Contract” subject to Legal review. Councilman Randy Phelan seconded the motion.

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

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

Discussion: Chairman Mark N. Fox asked that when utilizing in-house Legal review to insure that a letter stating that TAT Legal has also reviewed the resolution or agreement be included or processed through the Legal Dept.

3) Good Health TV Service Agreement

Motion: Councilwoman Monica Mayer moved to approve GoodHealthTV 1-year Subscription Renewal for \$21,000. 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 – Not Voting
Councilwoman V. Judy Brugh – Aye



Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

FTR: Request a Closed Session item.

TAT_20191126-1612_01d5a4745b2658f4.mp3

B. Tribal Health* – Red Fox Sanchez, Director

Immunization Disparity Project, November 15, EMHC. Birth and Deaths: Ten (10) Births (October), One Death (1) (October). Program/Project Updates: Upcoming QSP training, January 3. Upcoming Patient Benefits Coordinator Training, January 21. Home and Community Based Services information meeting on January 21 during Senior Day at the Casino.

1) Recruitment, Retention, Moving Policy Approval

To improve recruitment efforts to secure medical staff at Tribal Health for 2-year agreement and reimbursement of bonuses and repayment up to 25% of base salaries.

Motion: Councilman Randy Phelan moved to approve the Recruitment, Retention, Moving Policy subject to Legal review. Councilwoman V. Judy Brugh seconded the motion

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

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

2) KAT Marketing

CHR and Circle of Life Marketing (Recruitment, service education) Campaign, total cost \$12,077 for the 6 month project.

Motion: Councilman Randy Phelan moved to approve KAT contract subject to Legal review. Councilwoman V. Judy Brugh seconded the motion.

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

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



Discussion: Councilman Randy Phelan expressed concern over the company providing the deliverables and Chairman Mark N. Fox asked the Director to make sure they provide everything in the contract.

3) Patient Benefits Coordinator Training

Patient Benefits Coordinator Training, July 21-23, total cost \$12,000.

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

4) QSP Training

QSP training, total cost \$6,895 for 15 participants.

Motion: Councilman Randy Phelan moved to approve \$6,895. Councilwoman V. Judy Brugh seconded the motion.

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

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

5) Financial Request for QSP Training Participants

Requested \$1,500 to provide \$100/participant as incentives for the one day training.

Motion: Councilman Randy Phelan moved to approve \$50/gift card from 380. 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 – Not Voting
Councilman Mervin Packineau – Aye



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

6) Home Elder Training

January 21st, will hosting Home & Community Based Service base Informational at the casino. Requesting a lunch sponsorship for the elders. Chairman Mark N. Fox will talk to the casino management and asked the Director to stay in touch with Stella Berquest.

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C. Good Road Recovery Center (GRRC) - Ty M. Thompson, BS, MA, LAC, Executive Director
Currently one opening for males & 3 female openings at the facility.

Motion: Councilman Randy Phelan moved to approve the Joshua Seil Contract to September 30th. 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

- **Renewal for overtime essential staff. Chairman Mark N. Fox asked that he visit with HR first. CEO will get a work Session with HR and develop a better plan of scheduling to avoid the need for overtime**

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D. Life & Limb* – Alva Irwin, Grants & Donations Director
Provided a summary financial costs of the program.

1) Renewals

Motion: Councilman Randy Phelan moved to approve the submitted Life & Limb renewals for FY2020 subject editing listing. Councilwoman V. Judy Brugh seconded the motion.

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

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



Discussion: To edit list and denote if deceased.

2) **New Requests**[HIPAA SENSISITIVE]

Motion: Councilman Randy Phelan moved to approve Item A [XXXXXX] for Life & Limb request. Councilwoman V. Judy Brugh seconded the motion.

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

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

Motion: Councilman Randy Phelan moved to approve Item C. [XXXXXX] Life & Limb request. Councilman Mervin Packineau seconded the motion.

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

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

Motion: Councilman Randy Phelan moved to approve Item D. [XXXXXX] Nursing Home Care request. Councilman Mervin Packineau seconded the motion.

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

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

FTR: Item B. Nursing Home Assistance for FY2020 (\$40,000) already used. Still owes \$37,211.82. The Director to work with Lenny Abrams to determine who's balances are in trouble. Councilwoman Monica Mayer volunteered to help work with them. Chairman Mark N. Fox noted that we can do an Executive Order if needed.



FTR: Councilman Randy Phelan left the meeting at 4:33PM.

3) Staff Salary Increases

The Director is seeking salary increase for the staff due to the increase in services/workload provided. Have all received Compliance Training. Chairman Mark N. Fox recommended addressing through the budget process first.

4) Education Grant Separation – Kathy Fredericks

Request for the Education Grant program to become independent. It was noted that the supplemental grant was \$4,500.

CFO will move forward.

E. Medical Bills;

- 1) R.H.
- 2) P.M.

Items deferred.

F. Dental Assistance:

- 1) R.B

Item deferred.

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- 2) **A.J.B.**

\$2,200 Dental Bill not covered by insurance. Did receive assistance from her segment.

FTR: Councilman Fred Fox returned to the meeting.

Motion: Councilwoman Monica Mayer approved to approve 75%. of the bill. Councilman Fred Fox seconded the motion.

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

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

Discussion: Chairman Mark N. Fox asked to make sure that all other resources be requested first.

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3) **B.D.L**

\$2,300 balance from dental bill

Motion: Councilman Cory Spotted Bear moved to approve 75% of the bill. Councilwoman Monica Mayer seconded the motion.

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

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

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G. Wheel Chair Ramp Request – Calantha Zerzmann

Has 3 estimates. Councilman Cory Spotted Bear will take care of it with the Chairman's Office assistance also.

Motion: Councilwoman Monica Mayer moved to authorize Councilman Cory Spotted Bear to take care of the cost along with the Chairman's Office. Councilman Fred Fox seconded the motion.

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

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

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H. BC/BS of ND Employee Benefits Renewal – Charity Yessilth

BC/BS presented an alternate plan. \$1.98 million increase in the current plan. Basis for increase was based on claims paid out. State rates also applied for the increase. Chairman Mark N. Fox asked to also look at other providers. Councilwoman Monica Mayer noted that 823K state employees have moved to Sanford. Councilwoman Monica Mayer noted BC/BS does not cover treatment and mental health and they need step up and give the tribe a good plan. Councilwoman Monica Mayer would like a work session to secure some better options. Also to work with legal on the expired contract. Councilwoman Monica Mayer noted that many members would rather use Sandford over Boon and Sanford doesn't accept Boone. Councilwoman Monica Mayer will have a working session.

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

A. Justice Commission Report*



Item deferred

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

1) Report

Submitted a written report for the record. Court Manual is complete. Tribal Code work continues with the Justice Commission. Regular working meetings with the Justice Committee. Attended Nation Tribal Judicial Conference. New Magistrate Marty Foote is shadowing Judges and will receive training soon. Evelyn Wounded Face Consultant Contract \$32/hr. 1 year (Sept 30th) return with total cost. Purchased new computers and like to donate the old ones to various programs after wiping the hard drives. Chairman Mark N. Fox recommended that he just follow the policy. Fines and Fees have been cut in half. John Fredericks noted that they were not comparable with the State.

Motion: Councilman Fred Fox moved to approve the Court Fines & Fees subject to Legal review. Councilwoman V. Judy Brugh seconded the motion.

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

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

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

Item deferred.

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D. Transportation Dept. – Richard Hall, Transportation Director

Requesting an additional position (Office Assistant) for the Licensing Dept. and recommended to work through the budget process. Requested an additional Motor Carrier position and the increased budget to facilitate. Chairman Mark N. Fox recommended working with the CFO and push for January 1st. CEO will do a quick analysis for a salary adjust for Stacey Driver and bring back recommendations. Stacey Driver paid for some items out of her own pocket for the new building and would like to be reimbursed. Chairman Mark N. Fox recommended submitting receipts. Some programs have received plates but have not paid for them yet and we may need to charge late fees and will be working with Property.

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E. Child Support – Alison Johnson, Director

SmiONE Fee Schedule Changes. Will only affect the cardholders for Child Support disbursements. Remote Check Deposit (Third Party) when cashing a check to load your card. It was noted that there



are ATM machines located Minot and at the New Town Jack & Jill. No charge to the custodial parent unless they want to use they're card for paychecks. To take effect December 1st.

FTR: Councilman Fred Fox assumed the chair off the meeting. Chairman Mark N. Fox stepped out.

Motion: Councilwoman Monica Mayer moved to approve SmiONE Fee Schedule Changes (Employment check). Councilman Mervin Packineau seconded the motion.

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

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

Motion: Councilman Mervin Packineau moved to approve DesignSpace Modular Building purchase from 380. Councilman Cory Spotted Bear seconded the motion.

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

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

Discussion: Exiting building would need to be moved.

XVI. LEGAL DEPARTMENT – Tyra Wilkinson, MHA Supervising Attorney

XVII. 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 Center** - Mary Fredericks & Marle Baker
Fire Department & Ambulance facility has been put out to bid and asking the TBC to accept the Comstock bid that was put out twice. In the first round the bids were extremely high. Chairman Mark N. Fox noted the budget cost went up and would need to be approved also . \$483487



Motion: Councilman Fred Fox moved to approve resolution no. 19-311-FWF entitled “*Mandaree EMS Center*” subject to resolution and budget not to exceed 450. 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 – Not Voting
Councilwoman V. Judy Brugh – Aye
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: It was noted that they can move forward with the construction meeting. Gloria Larsgard to the archetech & engineer for the project from Minot. Also noted the project will included grading for a police station in aseperate project. Councilman Randy Phelan also noted that Mary Fredericks is also preparing bids for the new Mandaree Clinic.

TAT_20191126-1622_01d5a475c21b08e2.mp3

D. Councilman Randy Phelan – Heart Program Approval

Motion: Councilman Randy Phelan moved to approve Mary Jane Yeaqho for assistance through the Elder Heart Program not to exceed \$8,100. Councilman Mervin Packineau seconded the motion.

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

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

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E. Councilman Fred W. Fox – Four Bears 8-Ball Classic - Ray Poitra

Motion: Councilman Mervin Packineau moved to approve a \$5000 sponsorship. Councilwoman V. Judy Brugh seconded the motion.

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

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



Councilwoman Monica Mayer – Aye

F. Councilman Fred W. Fox – *Reserved*

G. Councilman Mervin Packineau – Kathleen Racine –

Addressed outside of meeting.

H. Councilman Mervin Packineau – *Reserved*

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I. Councilman V. Judy Brugh – Purchase of Artifact Approvals

Motion: Councilwoman V. Judy Brugh moved to approve the purchase of cultural artifacts from Four Bears Segment funds for the Four Bears Segment. Councilman Cory Spotted Bear seconded the motion.

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

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

J. Councilman V. Judy Brugh – *Reserved*

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K. Councilman Cory Spotted Bear – Hans Youngbird Dental
Orthodontic procedure for son. [XXXXXX]

Motion: Councilman Mervin Packineau moved to approve for 75% of \$2,400. Councilman Cory Spotted Bear seconded the motion.

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

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

Councilman Cory Spotted Bear – *Reserved*

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L. Councilwoman Monica Mayer – North Segment Contracts

Motion: Councilwoman V. Judy Brugh moved to approve the North Segment contracts for; Big Fire Law, Al Nygaard, Joanne Azure subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

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

M. Councilwoman Monica Mayer – Reserved

XVIII. CLOSED SESSION

- A. **Human Resources (HR)^{1*}** – *Melissa Brady, Interim Director*
- B. **Elbowoods Memorial Health Center (EMHC)** – *Dr. Kathy Eagle, CEO.*
- C. **Finance Insurance Deduction Issue** – *Melissa Brady, Interim HR Director*
- D. **Bereavement Policy** – *Melissa Brady, Interim HR Director*
- E. **Social Media Policy** *Melissa Brady, Interim HR Director*
- G. **Education Director Salary Negotiation** ^(from Education)
- H. **Adult Detention Issues¹** ^(From Judicial)
- I. **SRO Officers Resolution¹**
- J. **MLL Consulting/Memorandum of Change** – *John Fredericks*
- K. **BIA Road 22 Maintenance Agreement**
- L. **Loan Issue** – *Bruce Benson* ^[from Economic]
- M. **Loan Issue** – *Delvin Driver Jr.* ^[from Economic]
- N. **Discussion on ¼ mile Structure Setback** ^(from Energy)
- O. **Lewis/Explorer Discussion** – *Brandon Harris, WPX & Antoine Smith, Game & Fish Director* ^(from Energy)
- P. **Medical Request – F. H.** ^{(From Health) addressed}
- Q. **F.W. Issue** ^[From Judicial]
- R. **Richard Hall** ^[From Judicial]
- S. **Thunder Butte** – *Bernie Fox*
- T. **Executive Actions**
- U. **Pool Council**

XIX. ADJOURNMENT

Motion: Councilman Fred Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 7:36PM.



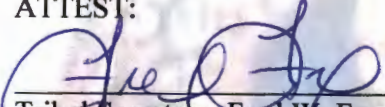
CERTIFICATION

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 9th of January, 2020; 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 9th day of January, 2020.

ATTEST:



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



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