



\* 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 12:54PM.

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

## **OPENING PRAYER**

Carol Enno.

## **ROLL CALL**

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

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

*Motion:* Councilman Randy Phelan moved to approve the agenda. Councilwoman V. Judy Brugh seconded the motion.

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

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

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

- 11/26/2019 Regular Tribal Business Council Meeting Minutes.

*Item deferred.*

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

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#### **A. Robert White Jr. Recognition**

Chairman Mark N. Fox congratulated and bestowed special recognition & Plaque on Robert White Jr. for his accomplishments. He was awarded Senior Athlete of the Year & Individual State Champion. Noted the New Town Eagle with their record 16 Cross Country titles, 8 consecutive and national attention to the New Town Eagle Cross Country team. Chairman Mark N. Fox discussed developing another documentary to tell the story of Fort Berthold's athletes.



**B. Ronald Brugh<sup>2</sup>**

*Item addressed outside of meeting.*

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**C. Renewal Contract – Marilyn Young Bird**

Consultant to provide Consultation Services with regard to Safe Haven/transition homes, health education and community organization for the Three Affiliated Tribes. The Consultant has the full responsibility for the building of Safe Haven/Transition homes in all six segments on the MHA Nation Communities. The Consultant will provide guidance/recommendations for: Campaign Against Drugs, drug prevention and intervention activities and services, pathways to career/vocational training for youth, and assist in lobbying efforts to increase funding for TAT Safe Haven/Transition Homes, Health Care Programs and Campaign against Drugs.

**Motion:** Councilman Cory Spotted Bear moved to approve contract. Councilman Randy Phelan seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Not Present

Councilman Mervin Packineau – Not Voting

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

***EXECUTIVE COMMITTEE REPORTS***

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

Updated on recent activities and upcoming event. The White House visit with Gold Star Mother Harriet Good Iron concerning native veteran's services and how to improve. Presented gifts to Vice President Pence. Successful turnouts at recent community events such as the Tribal Christmas party at the Bismarck Civic Center, segment Christmas parties, Employee Christmas party and the Elders Party.

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

Provided an update on the upcoming Mandaree “Cowboy Christmas” Christmas Party and activities.

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

*Item deferred.*

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

Provided updates on recent events and activities in North East segment.



**FTR:** Councilman Fred Fox joined the meeting at 1:59PM.

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

*Item deferred.*

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**B. Small Loans\* –Mary Ellen Sun**

**Motion:** Councilman Randy Phelan moved to approve Group A(12): small loan applications subject to Small Loans Policies and recommendations. 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 – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting

**Motion:** Councilman Randy Phelan moved to approve Group B(1): small loan applications subject to Small Loans Policies and recommendations. 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 – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting

*Discussion:* Recommended to pay off of balance and (co-signor or additional collateral.)

**C. Mortgage Program – Val Mayer**

*Item deferred.*

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**D. Business Loans – Toni Star**

Received a home loan in 2010 for \$92,000 that she has paid down to \$50,000, and will pay off when her land is purchased. Asking that the home loan be considered at 3% instead of the 5.5%.



**Motion:** Councilman Cory Spotted Bear moved to reconfirm that the Toni Starr home be at 3% interest & effective for all home loan accounts historically & future loans. 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

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

*Item deferred.*

**VIII. SEGMENT UPDATES**

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

Provided an update on recent events and activities that include; North Segment Christmas party that had over 1200 attendees.

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

Provided an update on recent events and activities that include; Community Center soft opening, Preparation for the summer construction projects such as the new Roads Garage & Pow-wow area.

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

Recent activities include the Four Bears Christmas Diner and weekly cultural programs. Informed the public that BIA 2 is closed for the winter.

**IX. OFFICER REPORTS**

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

**1) Executive Orders\***

**Motion:** Councilman Randy Phelan moved to ratify 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.

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

**Motion:** Councilman Randy Phelan moved to ratify EA 2019-121;

**WHEREAS**, Attorney Randy Seiler has offered his services to the Three Affiliated Tribes at a rate of \$300/hr with a \$150,000. annual cap effective November 18,2019.

**NOW THEREFORE BE IT RESOLVED**, Subject to legal review, the Tribal Business Council authorizes the Tribal Chairman to execute a legal services agreement with Mr. Seiler based upon the above terms.

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

**Motion:** Councilman Randy Phelan moved to ratify 19-315-FWF "*Sanction and Approval of the integration of employment and training-related, formula-funded Federal grants into a single plan (477 Plan), a single budget and a single reporting system, in accordance with the provisions of Public Law 102-477, for the purpose of improving the effectiveness of those services, reducing joblessness in Indian communities and serving tribally-determined goals consistent with the policy of self-determination, and acceptance and implementation of Public Law 115-93 which amends and expands Public Law 92-477*". 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



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

*Item deferred.*

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

*Item deferred.*

**X. UNFINISHED BUSINESS**

**A. Wake Fund Resolution<sup>3</sup>** – *John Fredericks*

*Item deferred.*

**B. T44-2A Home lot for Charles Fox Home<sup>3</sup>** (from NRC)

*Item deferred.*

**C. Rescinding the Energy/Environmental MOU<sup>2</sup>** (from Executive)

*Item deferred.*

**D. DW Shale LLC Lease<sup>2</sup>** (from Energy)

*Item deferred.*

**E. Mandaree School Construction Funding<sup>2</sup>**

*Item deferred.*

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**F. Land Sales** – *Texx Lone Bear, Natural Resources Director*

**1) Land Sale - Allotment 301-1257<sup>2</sup>**

Robert Sheppard is a 50% shareholder with his sister Clarinda Moore owner of the remaining shares share for the property near White Shield School. \$6,500/acre for development by the segment.

**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 19-316-FWF entitled “Land and Home Sale to the Three Affiliated Tribes” [Robert Sheppard] Councilman Randy Phelan seconded the motion.

Vote: 5- Ayes. 2- Abstentions. Motion carried.

Chairman Mark N. Fox – Abstained

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye



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

**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 19-317-FWF entitled “Land and Home Sale to the Three Affiliated Tribes” [Clarinda Moore] Councilman Randy Phelan seconded the motion.

Vote: 5- Ayes. 2- Abstentions. Motion carried.  
Chairman Mark N. Fox – Abstained  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Abstained  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**2) Land Sale - Fee Land in South Segment<sup>2</sup>**

*Item deferred.*

**3) Land Sale - James Foote - NE Segment<sup>2</sup>**

*Item deferred.*

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**4) Knutson Land Sale<sup>2</sup>**

Below market price for pieces to consolidate land for possible development of transitional care apartments for the 22 acres. \$3.657 million.

**Motion:** Councilwoman V. Judy Brugh moved to approve resolution no. 19-338-FWF entitled “RBK Ventures, LLP Real Property Sale to the Three Affiliated Tribes” subject to Legal review and resolution. Councilman Fred Fox seconded the motion.

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

**G. UIC Resolution<sup>2</sup> - Carson Hood Jr. , Director**



*Item deferred.*

**H. Trespass Code<sup>2</sup> – Shenan Atcitty, Energy Attorney**

*Item deferred.*

**I. Medical Bills;<sup>2</sup>**

- 1) R.H.<sup>2</sup>
- 2) P.M.<sup>2</sup>

*Items deferred.*

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**J. Dental Assistance:**

- 1) R.B<sup>2</sup> [XXXXXX]

Need prepayment before the dentist will proceed with the surgery. Councilman Mervin Packineau expressed that they need to exhaust Boon insurance first. Not a vender approved vender through Boone.

**Motion:** Councilman Randy Phelan moved to approve Boone to utilize this vender and payment of the remaining cost after exhausting Boon Insurance resources. 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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**K. MHA Interpretive Center Contract– Delphine Baker**

Curator for the K Gallery in the new MHA Cultural Interpretive Center, who will plan, design and execute the MHA Nation Art Exhibition in conjunction with the Soft Opening and other events as assigned.

**Motion:** Councilwoman Monica Mayer moved to approve the Kelsey Jacobson Contract 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 – Not Voting  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

### ***COMMITTEES OF THE TRIBAL BUSINESS COUNCIL***

#### **XI. 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**

The draft of FBDC survey was finalized with input from the Justice Commission; it was mailed to attorneys. (2) Currently have a one position not filled and that is the court advocate who will be in the Public Defender's office. (3) Interviews have been conducted for other court positions and have been hired, Cassidy is working on getting paperwork through system. Continue to locate people/organizations to conduct training for clerks. We are in the process of a "clean up of the Full Court files". Many of our FBDC files were incomplete and need updating because of the high turnover in court staff in previous years, and because of moves; this is a huge task and will take months to complete. The Court Manual has been completed, we will duplicate and distribute to all court staff. Continue working on the Tribal Codes; Justice Commission met September 20 and had teleconference with Sharon Thompson on a team/task force effort to code amendment. Court staff members and Chief Judge Seaworth attended the National Tribal Judicial and Court conference in Minneapolis. Have new Magistrate Foote Shadowing Judge Jackson, Judge Seaworth and Judge Heart. Court is looking for an opening in training in Reno NV at the National Judicial College. Found an IT person for the court.

***Motion:*** Councilwoman V. Judy Brugh moved to approve Tribal Court organizational chart subject to Legal & CEO 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:*** Federal Program Manager to be added.



**Motion:** Councilwoman V. Judy Brugh moved to approve the modification of the Fines & Fees Schedule. (Motions, Change of Judge, Request Forms reduced to zero). 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

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

*Item deferred.*

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

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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-318-FWF entitled “*Approval of Home Site Leases and Utility Corridors for Home Sites*” [Ronald C, Mann] 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. 19-337-FWF entitled “*Consent to Certain Right(s) of Way across Tribal land*” [FBRW Service Lines] 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

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

*Item deferred.*

**C. Easements\***

*Item deferred.*

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

*Item deferred.*

**E. North Dakota Highway 73 Project** - *KLJ*

*Item deferred.*

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**F. Tribal Utilities** – *Patrick DuBois*

Seeking a modification resolution of the agreement with to do away with charging with residential customers. Resolution is with Legal and will return when ready. Salary Matrix presented and Chairman Mark N. Fox asked that they will take under advisement for the next budget meeting.

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

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- A. Hall of Honor Fund Request** – *Scott Davis, Executive Director of the North Dakota Indian Affairs Commission*
- B. Educational Grant Increase and Independent Department Request**
- C. Rusty Gillette Contract**
- D. Water Park Phase 3 Resolution**
- E. Interpretive Center/MEC ROW** (\*Amended Resolution 19-277-FWF)
- F. NDA – Lighthouse**
- G. NDA – Glass Investment Projects / Houweling Greenhouse Tour**
- H. Milestone Early Learning Center – Outstanding Invoice**
- I. Scripps News Article**
- J. Tricia Zunker Election Sponsorship Request(\$1,500)**
- K. Jackie Fielder Election Sponsorship Request(\$1,500)**
- L. Glenda Rush – Wheelchair Van Request**
- M. Mary Schoppert – Wheelchair Van request**

**Motion:** Councilman Randy Phelan moved for blanket approval of items A-M. 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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**N. NextEra NDL**

**Motion:** Councilman Fred Fox moved to approve the NextEra Non-discloser Agreement. 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

**O. Land Sale-Greenhouse**

*Item deferred.*

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

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**A. Nueta Hidatsa Sahnish College (NHSC) Athletics Request – Dr. Twyla Baker, President**  
Request for \$100,000 to support athletic activities at the college.

**Motion:** Councilman Cory Spotted Bear moved to approve the request for \$100,000 subject to budget work session. 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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**B. Graduate Program/Law Program – Wendi Wells**

Requesting assistance for the University of Oklahoma for her Masters in Legal Studies in Energy.



**Motion:** Councilwoman Monica Mayer moved to approve drafting of payback contract (Service Agreement) with funding from Docket funding and 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

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### C. North Segment Home Health Contract

**Motion:** Councilman Cory Spotted Bear moved to approve the Linda Irwin contract for services to North Segment & Northeast Segment. 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

**FTR:** Chairman Mark N. Fox stepped out of the meeting. Councilman Randy Phelan assumed the chair. At 3:10PM.

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

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### A. Support Request – Ryan Wilson

Requesting \$15,000 in support from the MHA Nation to ensure that activities surrounding the reauthorization/ Appropriations campaign are sufficiently supported and that a successful conclusion can be reached in this Congress. This critical investment will be used to fund the publishing of Briefing Papers, Testimony, and Advocacy letters. It will also be used to fund a Congressional Briefing, and a Congressional Reception designed to heighten awareness and elevate the issue within House leadership. Native American Language Preservation Act was reauthorized asking for \$15,000 to the National Indian Education Association. Councilman Randy Phelan noted that there is a \$5000 limit policy.

**Motion:** Councilman Fred Fox moved to approve a sponsorship of \$5,000 for the NIEA/NALPA event. 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 – Aye  
Councilwoman V. Judy Brugh – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Councilman Mervin Packineau & Councilman Fred Fox will provide an additional \$1,500 each.

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**B. Hidatsa Language Nest Budget – Nora Packineau**

Report submitted for the record. Sept. 9<sup>th</sup> Emersion program had 7 kids. Listing of elders presented. Planning for a trip to Hawaii for a workshop with fundraising that has already begun. North & West Segments have indicated interest to help. Requesting \$50,000 for two trips, curricula, and additional items for the programs.

*Motion:* Councilman Cory Spotted Bear moved to approve \$40,000. Councilman Randy Phelan seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Present  
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 she make sure to include the older people. Councilman Randy Phelan noted that they picked Hawaii due to their successful immersion program.

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**C. Interim Director for the Cultural Department**

*Motion:* Councilman Fred Fox moved to appoint Anthony Lone Fight as Interim Cultural Department Director effective today and to be advertised until filled. 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:** Councilwoman Monica Mayer moved to separate the Cultural Dept. from the Education Committee subject to Legal review and the CEO's Office drafting a resolution for the Jan. 2020 Cultural meeting. 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 – Not Voting  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Director Amy Mossett expressed her opposition to separating Culture/Language from the Education Dept. Councilman Randy Phelan explained that they have been together for many years without great success and wants a greater effort to include culture.

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**D. Great Plains Dance Company LLC**

The Great Plains Dance Company is comprised of champion singers and dancers throughout Indian Country. This year our group includes thirty singers and dancers representing various tribes throughout the United States with eight enrolled members representing the MHA Nation. The members performing this year at the festival are: Jocy (Bird) Fox, Jackie Bird, Eahtosh Fox, Meah Cross, Ataya Little Sky, Tokala Little Sky, Mato Little Sky, Jonathon (JT) Largo. We would like to see if our tribe would be willing to sponsor us, if not for anything else but travel, food and incidental costs for the trip to Florida at the end of the month. Any sponsorship will be greatly appreciated.

**Motion:** Councilwoman Monica Mayer moved to approve \$1000/ participant. Councilwoman V. Judy Brugh 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



**E. THPO – Pete Coffee**

*Item deferred.*

**XVI. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer**

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**A. 2020 Census Resolution & Budget Request – Cheyenne Brady**

Councilwoman Monica Mayer expressed the importance of getting an accurate count to bring in grants. Councilman Fred Fox recommended \$100,000 support. Training in each segment for the workers. Would like to see a scheduling timeline. Will keep each council representative aware of the activities in their respective segments. Requesting a web link to promote the jobs.

**Motion:** Councilwoman V. Judy Brugh moved to approve a budget of \$100,000. 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

**Discussion:** 294 part time jobs and requesting a link on the TAT web site advertising the information. To work with the CEO's office.

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

**A. Energy Dept. Update\* - Kenny Lyson**

*Item deferred.*

TAT\_20191219-1546\_01d5b6836fbb311a.mp3

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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-319-FWF entitled “Approval of Setback Variance for the Quale USA CTB Requested by ONEOK Rockies Midstream, L.L.C.” 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-320-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Landforms South Project Submitted by Enerplus Resources (USA) Corporation.*" 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-321-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Skunk Creek 4-7-8 Well Connect Project Submitted by Arrow Pipeline, LLC.*" 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-322-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Vegetation South Well Connect Project Submitted by Arrow Pipeline, LLC.*" 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-323-FWF entitled "*Approval of Setback Variance Requested by Marathon Oil Company for the Doll USA Project.*" 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-324-FWF entitled "*Consent to Grant of Right-of-Way across Tribal lands for the Myrmidon Water Gathering System-30th Street NW Pipeline Project Submitted by Marathon Oil Company.*" 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-325-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the TAT Pipeline Project Submitted by Targa Badlands LLC.*" 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-326-FWF entitled "*Amending Resolution No. 19-028-FWF to Update the Right-of-Way Application and Consent Request for the Whales Loop 3 Project Submitted by Targa Badlands LLC.*" 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-327-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land for the Van Hook 1-28A & 8-28A Gathering Lines Project Submitted by Van Hook Gathering Services, LLC.*" 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

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

**XVIII. HEALTH & HUMAN SERVICES - Councilwoman Monica Mayer**

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

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 19-335-FWF entitled "*Authorization to Apply/Accept the ND Department of Health and Human Services Title V. Material and Health Grant "Group Prenatal Care Project" in the Amount of \$7,500*" 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

**Motion:** Councilman Fred Fox moved to approve the Provider Contract for Layana Martin, FNP (Pediatrics). 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

**Motion:** Councilwoman Monica Mayer moved to approve the Specialty Provider Services Tomzack contract. Councilwoman V. Judy Brugh seconded the motion.

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

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

**Motion:** Councilwoman Monica Mayer moved to approve the Provider Contract Mckenzie County Dr. Lori Jepson-Sports Medicine-to be paid through Tribal Health Master Contract Budget. 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

**Motion:** Councilwoman V. Judy Brugh moved to approve the Provider Contract for Mckenzie County Dr. Joshi-Orthopedic Surgeon-to be paid through Tribal Health Budget Master Contract. 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



**Motion:** Councilman Fred Fox moved to approve the Walman Instruments contract dental/optometry clinic. Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not 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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**B. Tribal Health\*** – *Red Fox Sanchez, Director*

Report submitted for the record. Program/Project Updates: Upcoming QSP training, January 7. Upcoming Patient Benefits Coordinator Training, January 28-30. Home and Community Based Services information meeting on January 28 during Senior Day at the Casino. All my manager positions are now filled and all managers are MHA enrolled.

**C. Good Road Recovery Center (GRRC)** - *Ty M. Thompson, BS, MA, LAC, Executive Director*

Report submitted for the record. Nellie Boyd introduced herself as the new Circle of Life Director and provided a brief summary of her background and her philosophy to treatment. Chairman Mark N. Fox expressed the importance of continuum of care and the need to ramp up the services on Fort Berthold.

*Item deferred.*

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

*Item deferred.*

TAT\_20191219-1611\_01d5b686f19eabfa.mp3

**E. Diabetes Program Building** - *Jared Eagle*

Seeking approval to start construction. 1<sup>st</sup> year approval of #4 million a year for three years in the budget discussion starting in the FY2020. 11.9 million design option would include a basement to make room for expansion or storage (\$11.1 with the basement). Pre design through April, Contract award in May with Construction in June and completion 2021. Seeking approval for the \$12 million budget. Chairman Mark N. Fox recommended a resolution draft with Legal review and to come back under old business to the TBC. Councilman Cory Spotted Bear asked that protections be put in place to insure that the cost don't get out of hand. Construction Management risk to be utilized to reduce the GMP.

**Motion:** Councilwoman Monica Mayer moved to approve drafting a resolution for the project budget. Councilman Cory Spotted Bear 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

**XIX. LEGAL DEPARTMENT** – *Tyra Wilkinson, MHA Supervising Attorney*

*Item deferred.*

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

- A. **Chairman Mark Fox**- *Reserved*
- B. **Chairman Mark Fox** – *Reserved*
- C. **Councilman Randy Phelan** – *Reserved*
- D. **Councilman Randy Phelan** – *Reserved*
- E. **Councilman Fred W. Fox – TERO Commission Appointment** – *John Mahoney, Attorney*

**Motion:** Councilwoman V. Judy Brugh moved to approve resolution no. 19-328-FWF entitled "*Approval of Appointment of Wayne Fox as TERO Commissioner for the White Shield Segment of the MHA Nation.*" Subject to Legal review. Councilman Cory Spotted Bear 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

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-329-FWF entitled "*Approval of Payroll Deduction for Tribal Employees for Rent or Home Mortgage Program payments owed to Ree Lodge Management Program, of the White Shield Segment of the MHA Nation*" Councilman Cory Spotted Bear 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



**Motion:** Councilman Fred Fox moved to approve resolution no. 19-336-FWF entitled "*Approval of Withholding from People's Fund Disbursements for payment of Rental Property Damages owed to Ree Lodge Management Program of the White Shield Segment of the MHA Nation.*" subject to Legal review. Councilman Cory Spotted Bear 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

- F. Councilman Fred W. Fox – Reserved**
- G. Councilman Mervin Packineau – Reserved**
- H. Councilman Mervin Packineau – Reserved**

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**I. Councilman V. Judy Brugh – TERO Commission**

**Motion:** Councilwoman V. Judy Brugh moved to approve resolution no. 19-331-FWF entitled "*Appointment of Jay James to Serve on the TERO Commission*" Councilman Cory Spotted Bear 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 – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting

**J. Councilman V. Judy Brugh – Reserved**

TAT\_20191219-1636\_01d5b68a7493fecc.mp3

**K. Councilman Cory Spotted Bear –Dental Request Kilreen Reynolds  
\$1,340 bill.**

**Motion:** Councilman Cory Spotted Bear moved to approve payment of 75% of the bill subject to utilizing other available resource first. Councilwoman V. Judy Brugh seconded the motion.

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



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

- L. Councilman Cory Spotted Bear – *Reserved*
- M. Councilwoman Monica Mayer – *Reserved*
- N. Councilwoman Monica Mayer – *Reserved*

**XXI. CLOSED SESSION**

- A. McDonald Family
- B. Nueta Hidatsa Sahnish College (NHSC) Board Appointment - *Chairman Mark N. Fox*
- C. TERO Commission Appointment
- D. Land Purchase - *Councilwoman Monica Mayer*
- E. Merit Pay Payment - *Whitney Bell, CEO*
- F. Land Purchase - *Chairman Mark N. Fox*
- G. Four Bears Segment Appointment - *Councilwoman V. Judy Brugh*
- H. Human Resources (HR)\* – *Melissa Brady, Interim Director*
- I. TAT Law Enforcement Report<sup>2\*</sup>– *Nelson W. Heart, Chief of Police*
- J. Adult Detention Issues<sup>3</sup> (From Judicial)
- K. SRO Officers Resolution<sup>2</sup>
- L. BIA Road 22 Maintenance Agreement<sup>2</sup>
- M. Loan Issue – *Bruce Benson*<sup>2</sup> [from Economic]
- N. Loan Issue – *Delvin Driver Jr.*<sup>2</sup> [from Economic]
- O. Discussion on ¼ mile Structure Setback<sup>2</sup> (from Energy)
- P. Richard Hall<sup>2</sup> [From Judicial]
- Q. RM – Life and Limb
- R. 3<sup>rd</sup> Party Investigation - *Roger White Owl, CEO*

**XXII. ADJOURNMENT**

**Motion:** Councilman Mervin Packineau moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 7:20PM.






### CERTIFICATION

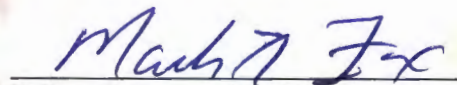
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 6 were present at the Regular Meeting thereof duly called, notice, convened and held on the 9<sup>th</sup> 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 9<sup>th</sup> 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