



## **CALL TO ORDER**

Chairman Mark N. Fox called the meeting to order at 11:55AM.

## **ROLL CALL**

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

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

***Motion:*** Councilman Randy Phelan moved to approve the agenda. Councilwoman Monica Mayer seconded the motion.

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

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

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

- **3/18/2020 Regular Meeting Minutes**
- **3/30/2020 Special Meeting Minutes**

*Item deferred.*

***FTR:*** Councilman Cory Spotted Bear joined the meeting via telephone.

## **III. NEW BUSINESS:**

### **A. Ratification of Executive Committee Actions**

***Motion:*** Councilman Randy Phelan moved to approve Executive Committee actions from the April 8<sup>th</sup>, 2020 Executive Committee meeting.

- Purchase of American Scientific Medicine COVID-19 test kits.
- Cooperation with the State to develop drive through COVID-19 testing.
- Small Loans Applications (7)
- Grant Walker Contract
- Vanamberg, Rogers, Yepa, Abeita & Gomez Contract Increase to \$100,000.
- Not authorizing polling places for June due to the continuing social distancing/mitigation.
- Jim Foote Land Sale



Councilman Fred Fox seconded the motion.

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

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

*FTR: Councilman Randy Phelan stepped out of the meeting.*

#### **B. Resolutions:**

**Motion:** Councilman Fred Fox moved to approve resolution no. 20-054-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*”. Councilwoman Monica Mayer seconded the motion.

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

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

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 20-055-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*” Councilwoman Monica Mayer seconded the motion.

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

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



THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING  
APRIL 8<sup>th</sup>, 2020 MINUTES  
[CLOSED SESSION CONTENT EXCLUDED]

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 20-056-FWF entitled “*Rescinding of Lease in Section 35 Township 148N Range 95W with Missouri River Resources*”. Councilwoman Monica Mayer seconded the motion.

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

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

**Motion:** Councilman Randy Phelan moved to blanket approve the presented (13) Right-of-Ways (ROW’s);

- 20-057-FWF entitled “*Consent to an Assignment of Right-of-Way of BIA ROW No. FBOG101234 from WPX Energy Williston, LLC to Arrow Pipeline, LLC for the Pipelines for the North Mabel 2-35H Pad and Consent to an Assignment of Right-of-Way of BIA ROW No. FBOG101321 from WPX Energy Williston, LLC to McKenzie Electric for the Utilities for the North Mabel 2-35H Pad, Submitted by WPX Energy Williston, LLC.*”
- 20-058-FWF entitled “*Consent to an Assignment of Right-of-Way of BIA ROW No. FBOG101369 from WPX Energy Williston, LLC to Arrow Pipeline, LLC for the Pipelines for the Wolverine 21-22H Well Location, and Consent to an Assignment of Right-of-Way of BIA ROW No. FBOG101370 from WPX Energy Williston, LLC to McKenzie Electric Cooperative, Inc. for the Utilities for the Wolverine 21-22H Well Location, Submitted by WPX Energy Williston, LLC.*”
- 20-059-FWF entitled “*Consent to Amend BIA ROW No. FBOG100187 (Modification No. 1) To add Three Additional Wellbores on the West Clark 24 SWNE Well Pad Submitted by EOG Resources, Inc.*”
- 20-060-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Mandaree 10 NENE Multi-Use Corridor Project Submitted by EOG Resources, Inc. and Approval of an Assignment of the Utilities Right-of-Way from EOG Resources, Inc. to McKenzie Electric Cooperative, Inc.*”
- 20-061-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Mandaree 10 NENW Multi-Use ROW Project Submitted by EOG Resources, Inc. and Approval of an Assignment of the Utilities Right-of-Way from EOG Resources, Inc. to McKenzie Electric Cooperative, Inc.*”
- 20-062-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Bruin Clinton URD Line Project Submitted by McKenzie Electric Cooperative Inc.*”



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- 20-063-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the XTO FBIR Smith South URD Line Project Submitted by McKenzie Electric Cooperative Inc.*”
- 20-064-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Enerplus RimRock Grains URD Line Project Submitted by McKenzie Electric Cooperative Inc.*”
- 20-065-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the QEP Buffalo 10-6D URD Line Project Submitted by McKenzie Electric Cooperative Inc.*”
- 20-066-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Enerplus Peppers URD Line Project Submitted by McKenzie Electric Cooperative Inc.*”
- 20-067-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the WPX Pheasant URD Line Project Submitted by McKenzie Electric Cooperative Inc.*”
- 20-068-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Enerplus WPX RR Spiders URD Line Project Submitted by McKenzie Electric Cooperative Inc.*”
- 20-069-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Strings South Temporary Water Line Project Submitted by Enerplus Resources (USA) Corporation.*”

Councilwoman Monica Mayer seconded the motion.

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

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

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 20-070-FWF entitled “*Approval of 32 (Thirty-Two) Applicants for Enrollment into the Three Affiliated Tribes*”. Councilman Randy Phelan seconded the motion.

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

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



**Motion:** Councilman Randy Phelan moved to approve resolution no. 20-071-FWF entitled “*Approval of the 2020-2021 Tribal Small Game & Furbearer Hunting and Fishing Proclamations.*” Councilwoman Monica Mayer seconded the motion.

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

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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 20-072-FWF entitled “*FBRW Director Authority to Extend Service Contracts.*” Councilwoman Monica Mayer seconded the motion.

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

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

### C. Ratification of Executive Actions

**Motion:** Councilman Randy Phelan moved to ratify Executive Action 2020 EA-07;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a \$5,000.00 sponsorship to the Badlands Gymnastics Club for the Annual Night of Stars Show and Second Annual NODAK Northern Lights gymnastics competition being held March 6-9, 2020 in Watford City, ND.

Councilwoman Monica Mayer seconded the motion.

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

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



Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to ratify Executive Action EA-2020-08;

**NOW THEREFORE BE IT RESOLVED**, the Tribal Business Council hereby requests that the federal and state governments provide funds in an amount to be determined in order for the Tribe to combat the COVID-19 pandemic while still maintaining its normal budgetary obligations; and **BE IT FINALLY RESOLVED**, the Tribal Chairman is authorized to take such action as is necessary to carry out the terms and intent of this Executive Action.

Councilwoman Monica Mayer seconded the motion.

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

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

#### **D. Grants & Donation [HIPAA Sensitive/Closed Session]**

**Motion:** Councilwoman Monica Mayer moved to approve 1 application [XXXXX] Life & Limb. Councilman Fred Fox seconded the motion.

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

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

#### **E. White Shield Segment Resolutions**

**Motion:** Councilman Fred Fox moved to approve resolution no. 20-073-FWF entitled “*Approval of Dispute Resolution Provisions and Limited Waiver of Sovereign Immunity in East Segment’s Public Safety and Bus Garage Building Agreement.*” [Woodstone] subject to Legal review (John Fredericks). Councilman Mervin Packineau seconded the motion.



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

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

*Discussion:* Correction to presented resolution East Segment to be change to TAT.

**Motion:** Councilman Fred Fox moved to approve resolution no. 20-074-FWF entitled “*Approval of Dispute Resolution Provisions and Limited Waiver of Sovereign Immunity in East Segment’s 20 Unit Apartment Complex Construction Agreement.*” [Comstock] subject to Legal review (John Fredericks). Councilman Mervin Packineau seconded the motion.

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

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

*Discussion:* Correction to presented resolution East Segment to be change to TAT.

**Motion:** Councilman Fred Fox moved to approve resolution no. 20-075-FWF entitled “*Approval of Dispute Resolution Provisions and Limited Waiver of Sovereign Immunity in East Segment’s New Ralph Wells Community Center Building Agreement.*” subject to Legal review (John Fredericks). Councilman Randy Phelan seconded the motion.

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

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



*Discussion:* Correction to presented resolution East Segment to be change to TAT.

**F. Diamond Willow**

Pete Bruer & Diamond Willow EA 19-103 ratified 9/19/2019.  
Chairman Mark N. Fox recommended continued stay on the TERO licensing

*Motion:* Councilman Fred Fox moved to extend the stay to issue Diamond Willow a TERO license. Councilman Randy Phelan seconded the motion.

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

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

*Discussion:* John Fredericks concurred to legal correctness.

**IV. ADJOURNMENT:**

*Motion:* Councilman Randy Phelan moved to adjourn the meeting. Councilman Cory Spotted Bear seconded the motion. Meeting adjourned at 6:20 pm. 6-0





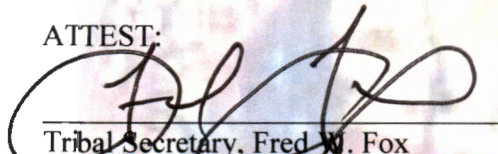
### CERTIFICATION

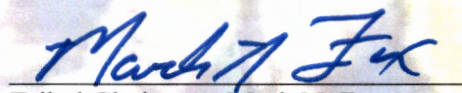
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 5 were present at the Regular Meeting thereof duly called, notice, convened and held on the 11<sup>th</sup> of June, 2020; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 5 members; 0 members opposed; 0 members abstained; 2 Members not voting.

Chairman (X) Voting    () Not Voting

Dated this 11<sup>th</sup> day of June, 2020

ATTEST:

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

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