



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
JULY 9th, 2020 MINUTES
[CLOSED SESSION CONTENT EXCLUDED]

* 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 11:35am.

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 (via phone), & Councilman Fred Fox. *Quorum established.*

OPENING PRAYER

Marva Pretends Eagle

I. APPROVAL OF AGENDA

Motion: Councilman Fred Fox moved to approve the agenda. 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

II. APPROVAL OF MINUTES

- **6/11/2020 Regular Meeting Minutes**

Item deferred.

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III. SPECIAL GUESTS & ELDERS

A. State District 4 Candidates Endorsement - Lisa Deville Senate Candidate & Thomasina Mandan & Hunter Andes.

Lisa, Senate, Hunter & Thomasina running for the ND State District 4 asking for an endorsement & campaign donation. Chairman Mark N. Fox noted that reviewing past actions that the complexity of endorsing a candidate at the government level as governments don't do this and felt that it is a violation of the election ordinance. Lisa noted that as we would be representing the tribe we should have the tribe's endorsement. Hunter understands Chairman Mark N. Fox concerns and expressed concerns with how District 4 has been gerrymandered by the Republicans and still



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seeking the tribes support. Chairman Mark N. Fox noted his battles with the State government. Chairman Mark N. Fox noted that the tribe has officially supported candidates in the past but he can't himself. Hunter provided explained the extent of District 4 and recent changes with the addition of Kenmare, Sawyer, South Prairie. Killdear, Halliday, around Minot, Surry Sawyer, Max, Makoti, Plaza, around Stanley, and the entire reservation.

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

Councilman Mervin Packineau would like to see a motion of some kind of acknowledgement of these candidates and ask the people to get out and vote. Councilwoman Monica Mayer noted that she will personally support the candidates. Councilwoman Monica Mayer would be willing to propose a motion to encourages membership to vote for the candidates. Chairman Mark N. Fox noted that there is a standing action to provide campaign contributions. Chairman Mark N. Fox discussed the Voter ID & physical address issues and voting by mail along with the Tribe's efforts to get everyone to vote. Councilman Mervin Packineau welcomed the group to post their capaign materials at North East segment facilities and will encourage everyone to vote for them.

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B. National High School Finals Rodeo Youth Sponsorship Request - Hatten Kleemann & Daylon Danks

Motion: Councilman Fred Fox moved to approve \$1,500 for each particiapant as policy. 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. Leonard Hosie

Addressed outside of the meeting.

EXECUTIVE COMMITTEE REPORTS

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



Meetings with the White House and numerous agencies concerning Covid-19 funding. Grand opening of the Wellness Outreach Center in Bismarck. Parshall Assisted Living Grand opening and goal to build one in each segment. Upcoming meeting with the Governor. Hosting the ND Vietnam Veterans Convention at Four Bears. Provided an overview of Cares Act funding and how it will be applied to offset losses of revenue due to the Covid-19 pandemic. Informed the public that the Elder's disbursement will be going out this month. Update of the effects of the Dakota Pipeline on tribal/allottee revenue and also battle over riverbed royalties. Chairman Mark N. Fox asked all the listeners to wear their masks and provided an update on upcoming Covid-19 testing. Meeting next week over opening the schools and its implications, and the hopes of pushing the start of school back to coincide with a vaccine.

V. VICE CHAIRMAN'S REPORT – Councilman Randy Phelan

Item deferred.

VI. EXECUTIVE SECRETARY'S REPORT – Councilman Fred Fox

Item deferred.

VII. TREASURER'S REPORT - Councilman Mervin Packineau

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

Submitted FY2020 Expense Report (YTD). Revenue & budget projections update. Budget adjustments being made to compensate for the loss of oil revenue. Preparing through work sessions and Director's meeting for the FY 2021 budget. Seeking services for our Minors Trust Fund and would require an RFP and interviews. Chairman Mark N, Fox noted that the Elder's distribution will be by mail this time and by a drive through pick-up possibly by July 22nd.

Motion: Councilman Randy Phelan moved to approve an RFP to manage Minors Trust Funds subject to Legal review. 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

B. Mortgage Program – Val Mayer, Credit Manager



Item deferred.

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C. Small Loans* –*Mary Ellen Sun, Lead Loan Officer*

Motion: Councilman Cory Spotted Bear moved to approve group A: (17) & Loans Policies & Requirements. 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

Motion: Councilman Fred Fox moved to approve group B: (1) subject to cosigner & Loans Policies & Requirements. Councilman Cory Spotted Bear 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

Councilman Mervin Packineau inquired whether a 30 year employee (Iva Gillies) could use her *Years of Service* as collateral for a small loan. It was noted that it has been done before. Mary Ellen Sun explained a policy from HR. Mary Ellen Sun expressed there are areas that need a policy for Years of Service and John Fredericks will look into. Mary Ellen Sun believes 30 years will allow up to \$20,000 and there needs clarification as to amounts for over 30 years. Need also legal clarification concerning retirement as collateral.

D. Four Bears Casino Report* – *Scott Wilson, General Manager* [See *Closed Session*]-

Item deferred.

VIII. SEGMENT UPDATES:

A. North Segment – *Councilwoman Monica Mayer*



- B. Twin Buttes** – Councilman Cory Spotted Bear
C. Four Bears – Councilwoman V. Judy Brugh

Items deferred.

IX. OFFICER REPORTS:

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A. Chief Executive Officer Report* – Scott Satermo, CEO

1) Executive Orders*

Motion: Councilman Fred Fox moved to ratify EA2020-16:

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves small loans for the following individuals pursuant to the policies and procedures of the Three Affiliated Tribes Small Loan Department. 1. Whitney Bell - approved for the difference of \$30,000.00 2. Kari Mossett - \$3800.00 3. Iva Gillies - \$6000.00

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

Motion: Councilman Fred Fox moved to ratify EA2020-17:

NOW, THEREFORE, BE IT RESOLVED, that the Three Affiliated Tribes authorizes and supports South Segment in making a grant submission to the ITCB in the amount of \$65,760.00 for the purposes specified above; and
BE IT FURTHER RESOLVED, the Three Affiliated Tribes hereby authorizes the Twin Buttes Segment to accept the grant from the ITBC in an amount of up to \$65,760.00 for the purposes specified above and in accordance with the grant proposal; and
BE IT FINALLY RESOLVED, that the Chairman is hereby authorized to execute such documents and take such further actions as are necessary to carry out the terms and intent of this Executive Action.

Councilman Mervin Packineau seconded the motion.

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



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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 Fred Fox moved to ratify EA2020-18:

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves of Lonnie Wright Business License Application, having paid the \$50.00 license fee, for Moonlight Fireworks to be located in Four Bears Segment

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

Motion: Councilman Fred Fox moved to ratify EA2020-19:

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves of Kelly Jo Hosie Business License Application, having paid the \$50.00 license fee, for Chief Bloodlines/Fireworks/Jelly's/Tea's and Dried Foods to be located in New Town- Four Bears Segment.

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

Motion: Councilman Fred Fox moved to ratify EA2020-20:



NOW, THEREFORE, BE IT RESOLVED, that the Three Affiliated Tribes authorizes and supports entering into an Independent Contractor and Employee Lease Agreement and a Medical Director Services Agreement with Sanford Bismarck to provide for management of its KDU and a Medical Director for its KDU; and

BE IT FINALLY RESOLVED, that the Tribal Chairman is hereby authorized to execute such documents and take such further actions as are 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

Motion: Councilman Fred Fox moved to ratify EA2020-21:

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves of Lorenzo Stubbs Business License Application, having paid the \$50.00 license fee, for Pinions and Blankets to be located on the Fort Berthold Reservation.

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

Motion: Councilman Fred Fox moved to ratify EA2020-22:

WHEREAS, The Tribe has explored funding options for the purchase of the property in Las Vegas, Nevada; and



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WHEREAS, Goldman Sachs, who manages the Tribe's private investments, has offered a loan which is secured by pledging said investments as collateral ; and

WHEREAS, The Tribe finds the loan and its terms agreeable; and

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Committee approves and authorizes the Tribal Chairman and the Tribe's CFO to execute the necessary documents to secure the loan from Goldman Sachs.

BE IT FINALLY RESOLVED, That the Chairman and CFO are authorized to execute such other documents as is necessary to carry out the terms and intent of this Executive Action.

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

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

Motion: Councilman Fred Fox moved to approve resolution no. 20-124-FWF entitled “*Approval of 26 (Twenty-Six) 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

Discussion: 16,707 total tribal members.

3) **Tax Department Report*** – *Cynthia Monteau, Tax Commission Director*
CEO presented report. The Tax Department is reporting revenue collections for the month of May (Month. §FY2020). Total FY2020 Actual Collections for eight



months is \$164,854,536 compared to FY2019 Actual Collections for eight months which was \$176,400,247. Projected Revenue Collections for FY2020 We have adjusted the collections by decreasing our original projections from \$291M to \$221M. Other: Working on tax issues for riverbed, boundary wells, and MRR wells. Also, working on verifying oil and gas revenue data received by the State under the Oil and Gas Agreement. COVID-19: We will be implementing additional safety precautions in our office as we receive traffic from the public for business licenses and tax-related business, as well as, vendors and others entering our offices. We will also be implementing COVID-related questions for business license applicants when picking up/dropping off license applications and payments.

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4) **Application for Unassigned 2.5 GHz Spectrum Resolution**

Motion: Councilman Fred Fox moved to approve resolution no. 20-123-FWF entitled “*Approving an Application with the Federal Communications Commission for the Tribal Priority Window Opportunity to Claim Unassigned 2.5 GHz Spectrum Available for Tribal nations on Rural Tribal Lands*” 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

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5) **Occupational Therapy Proposal - Savannah Alkire-Austin MS, OTR/L & Nitika Baker**

Councilwoman Monica Mayer recommended establishing her in Bismarck with and assistant and fully supports bringing her services to the tribe with an interim budget to be presented at the next Health Committee.

Motion: Councilman Mervin Packineau moved to approve with budget, authority for the Chairman to sign. 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

X. UNFINISHED BUSINESS

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A. MHA Land and Livestock Corporation Charter Amendments^[From Executive] - *Ted Lonefight III & John Mahoney*

Motion: Councilman Fred Fox moved to approve resolution entitled “*Approval of Amended Charter of West Segment Livestock Corporation/MHA Land & Livestock Corporation; Name Change and Number of Directors*” subject to Legal review.

Discussion: Chairman Mark N. Fox would like to see the board appointed by TBC (Article 7), Term limit to 2 year terms in sync with TBC election terms, Review & approval of Charter & by-laws language by the TBC to be included with Legal Dept. review.

Motion withdrawn

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B. Modification of the Mitigation Policy (20-052-FWF)^[From Executive]

Chairman Mark N. Fox discussed the need to amend the resolution to account for the current need. Mentioned the restriction on groups gathering. Would really like to analyze the data which is coming in Aug. Chairman Mark N. Fox would like to require masks be worn in public places.

Motion: Councilwoman Monica Mayer moved to approve reservation wide requirement to wear masks in public building subject to EA. Councilman Cory Spotted Bear 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

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C. Kidney Dialysis Unit (KDU) – Sanford Contract Proposal, Sanford Insurance Proposal^[From Executive]

Have a meeting on the 16th and will be ready next month to do the transition. It will take effect on the 17th of July. Staff will remain the same with just administrator



position being outsourced. Also assessing increasing the number of days they can offer services.

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

- XI. ECONOMIC DEVELOPMENT COMMITTEE** - *Councilwoman Monica Mayer*
XII. ENERGY COMMITTEE – *Chairman Randy Phelan, Chair*

A. Energy Dept. Update* - *Kenny Lyson, Director*

Energy Committee next week on the 16th. The Director spoke on the effects of the shutdown of the pipeline on oil development.

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

Motion: Councilman Fred Fox moved to approve resolution no.

- 20-125-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal/and (Allotment 865A) for the Whales East Well Connect Project Submitted by Arrow Pipe line, LLC.*"
- 20-136-FWF entitled "*Consent to Approval of a Right-of-Way across Tribal land (Allotment 1978) for the TEK South Phase 1A Project Submitted by TEK Industries LLC.*"
- 20-137-FWF entitled "*Consent to Approval of a Temporary Use Permit across Tribal land (Allotments 81, 82, 550A, 529A, 808A, 821A-D,) for the TEK Four Bears South Route Submitted by TEK Industries LLC*".
- 20-138-FWF entitled "*Consent to Approval of a Temporary Use Permit Across Tribal Land for the Marathon Deep Creek Pad Submitted by Marathon Oil*".

Subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Resolutions would need language waiving the Committee review proces for these resolutions. ChairMark N. Fox recommended bringing to Executive Committee in the future if no scheduled committee is available.

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



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

Motion: Councilman Fred Fox moved to approve the contracts of Bernice DuBois, FNP Provider Contract Parshall Field Clinic/Women's Health & Andrea Weisz, FNP Provider Contract Twin Buttes Field Clinic. 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

Update provided on the upcoming public COVID-19 testing. There is an app to preregister to expedite the process. National Guard will be in New Town on the 13th. Will be utilizing an online app to pre-register people.

FTR: Councilman Randy Phelan conference call lost. 1:57PM.

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

Submitted report for the record. Birth and Deaths: 13 Births, Seven (7) Deaths, Average age of death Males for June: 35 years of age, Average age of death Females for June: 49 years of age, Total average of death Male/Female for June: 42 years of age. Data is collected from the Deputy State Registrar, July 6, 2020.

Motion: Councilwoman Monica Mayer moved to approve the following contracts subject to Legal review;

- Dr. Kathy Anderson Contract,
- Dianna Romero contract amendment to include telemedicine,
- “*Money Follows the Person*” Grant Monica Yellow Bird,
- Contract Mid-wife Gloria Berg.

Councilman Fred Fox seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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

Item deferred.

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

The Director presented a statistical report of detailing Grants and Donations expenditures & number served back to 2016. Categories included Funeral Assistance, Medical & Life & Limb. Discussion on the difference between funeral assistance and the wake fund and the need to clarify the names of these different services as presented to the public and within the financial system to improve reports. Alva Irwin handed out a list of applicants. 206 are on Life & Limb, 20 children, 180 adults, 43 are 65 and older. Chairman Mark N. Fox recommended dropping the number down to 60 for reporting.

Motion: Councilman Mervin Packineau moved to approve [Roseanne Burghardt] for Life & Limb. Councilman Fred Fox seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

The Director submitted a draft resolution from 2016 that was never approved. TBC asked that the polies be finalized and represented in a resolution with Legal review. To continue to provide Life & Limb services we have been providing.

Motion: Councilman Cory Spotted Bear moved to approve continued utilization of the Life & Limb guidelines. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Present
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye



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

Discussion: John Fredericks will update the guidelines and develop a policy and resolution for the next Health Committee. In discussion of program forms and letters Chairman Mark N. Fox recommended removing the Senior Pallbearer statement.

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

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Mervin Packineau moved to approve App [B]. Councilman Fred Fox seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Fred Fox moved to approve Applicant [C-R.E.] for Life & Limb. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye



App D. Dental Surgery Assistant. Boone will pay

Motion: Councilman Mervin Packineau moved to approve 75% for cataract surgery for \$1,325 elder Applicant [E]. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Fred Fox moved to approve Applicant [F]. 90-day \$1000/month max Life & Limb hotel policy with TBC approval for extensions. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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E. Medical Bill – G.B.

Motion: Councilman Fred Fox moved to approve for Life & Limb. Councilwoman Monica Mayer seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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

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

1) MHA Wellness Drug Court Resolution

Question rose as to whether a drug court is already part of the Law and Order code. Otherwise it would need to be added through the reading process. Will need to be done as soon as possible.

Motion: Councilwoman Monica Mayer moved to approve 1st reading of the Drug Court establishment. Councilman Mervin Packineau seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: If it found to already be part of the code then an Executive Order can be done giving the Chairman authority to sign.

Motion: Councilman Cory Spotted Bear moved to hire Dave Christenson for the Chief Judge position subject to Legal review and back ground requirements. Councilwoman Monica Mayer seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

B. Public Safety Division of Drug Enforcement* – *Gerald White, Jr., Chief* [See **Closed Session**]

- XV. NATURAL RESOURCES COMMITTEE** – *Councilman Randy Phelan, Chairman*
Travis Hallam presented Ward Roehr road collapse and Marathon pipeline collapse. \$25,000 for waiver to leave abandoned pipeline (to the tribe) that would put the road at greater risk. 700' of 4 inch pipe. Discussion on the impacts to the reservation of the shutdown of the major pipelines to semi road traffic up to 5000 trucks a day. Safety analysis to be completed. Would like to do an analysis on DAPL.

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



Item deferred.

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

Item deferred.

C. Easements*

Item deferred.

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

Motion: Councilwoman Monica Mayer moved to approve resolution no. 20-126-FWF entitled "*Consent to Certain Right(s) of Way across Tribal land*" [FBRW] subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Water service to the Mandaree Emergency Response Center.

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

TAT_20200709-1404_01d655f9e2ecfd7e.mp3

A. Precision Paramedic Services Contracts – *Tyra Wilkinson & John Mahoney*

Tyra Wilkinson noted that it is still in contract negotiation & clarification. Chairman Mark N. Fox expressed the need for the tribe to develop our own reservation wide ambulance service. Possible double billing issue discussed and the need to see more information. John Fredericks questioned whether Precision as a consultant over a tribal ambulance service could extend their licensing over the service. John Fredericks recommended a 30 day contract and let Legal develop a contract that addresses the concerns of the tribe. It was noted that this needs to be approved for payment or they will not make payroll.

Motion: Councilman Fred Fox moved to approve a payment to allow Precision to make payroll. Councilwoman Monica Mayer seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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B. Danny Hall Land Trade

Natural Resource Dept. is working on a resolution. Purchased 120 acres. Traded it with the tribe and was shorted on acres by the BIA. Been working on this land trade for years. Councilwoman Monica Mayer thinks the BIA dropped the ball, and suggests Texx Lone Bear will bring in a resolution for this. Have the CEO follow up with Texx Lone Bear to bring back next month.

Motion: Councilwoman Monica Mayer moved to approve moving forward with the process with a resolution. Councilman Mervin Packineau seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

C. Dr. Inna Contract Renewal

Addressed in Executive Committee.

D. NAFFA Contract – Monty Fox

Tabled.

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E. Intertribal Buffalo Council Grant Resolution – Jessica White Plume-Young Bear

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 20-127-FWF entitled “*Approval for South Segment to Request and Receive up to 200 Buffalo from ITBC 2020 Surplus Buffalo Program.*” Councilman Fred Fox seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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F. Sylvan Learning Center and MHA Agreement – Kathy Johnson

Motion: Councilman Fred Fox moved to approve the agreement. 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

G. State of ND One Stop Delivery System MOU

Addressed

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H. White Shield Duplex Contract

Motion: Councilman Fred Fox moved to approve resolution no. 20-128-FWF entitled “*Authorizing and Approving Contract With CPK Construction*” subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

TAT_20200709-1459_01d6560197e98e5c.mp3

I. Request for Tero Fee Waiver – Alan Chase & Myles Chase



Requesting the TERO fee to be waived for the moving of Myles' house from 4 Bears Casino to Parshall. The house is to be moved by O'Neil House Movers out of Williston ND on July 13th, 2020.

Motion Councilman Fred Fox moved to approve the request for a Tero Fee Waiver. Councilman Mervin Packineau seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

XVII. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

XVIII. LEGAL DEPARTMENT – Tyra Wilkinson, MHA Supervising Attorney

A. I.H.S Contract Support Costs Settlement Offer Resolution – John Fredericks

To return in three months.

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B. Resolution:

Motion: Councilman Mervin Packineau moved to approve resolution no. 20-129-FWF entitled “*Approval of Change Order for Grid-Tied photovoltaic power systems Construction and Costs for the MHA Nation Interpretive Center Project and Authorization for Appropriation for Additional Construction and Costs.*”. Councilman Fred Fox seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Discussion: Presented resolution to be edited to spread the funding between this fiscal and next fiscal.

XIX. CULTURAL COMMITTEE – Chairman Randy Phelan, Chair



XX. NEW BUSINESS – Tribal Councilman Add Ons

- A. Chairman Mark Fox- *Reserved***
- B. Chairman Mark Fox- *Reserved***
- C. Councilman Randy Phelan – Fritz Fettig Lease/Trade**

Item deferred.

- D. Councilman Randy Phelan – *Reserved***

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E. Councilman Fred W. Fox – TERO Waivers

Motion: Councilman Fred Fox moved to approve resolution nos. 20-130-FWF & 20-131-FWF entitled “*Waiver of the TERO Employment Rights Fee for the Bus Garage Construction Project in White Shield, ND.*” & entitled “*Waiver of the TERO Employment Rights Fee for the Public Safety Building Construction Project in White Shield, ND.*” Councilwoman Monica Mayer seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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F. Councilman Fred W. Fox – Contracts

Motion: Councilman Fred Fox moved to approve the following 6-month contracts subject to Legal review:

- Jackie White Calfe
- Brad Kroupa
- Anthony Nugalez
- John Bearstail
- Frank White Calfe

Councilwoman Monica Mayer seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

Motion: Councilman Fred Fox moved to approve the John Mahony Contract.
Councilman Mervin Packineau seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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G. Councilman Mervin Packineau – Rodeo Sponsorship – Randy Baker, Jim Baker, Marvin Driver

Motion: Councilwoman Monica Mayer moved to approve \$13,000 sponsorship for the Hosh Ga Days Rodeo. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

H. Councilman Mervin Packineau – Contract for Basketball

The purpose of this Contract is Consultant to provide the following: Strength and Conditioning and basketball skills for all grade levels.

Motion: Councilman Fred Fox moved to approve the Steven Aguilar consultant contract. Councilman Mervin Packineau seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present



Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

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I. Councilman V. Judy Brugh – Anti-Drug Video Production

Francine White presented request. Working with DEA & Law Enforcement to produce an antidrug video. Was suggested utilizing tribal member Justin Deegan & Joran Fox for editing. Two quotes presented; one with editing and one without. Taylor Bradley would be the lead on the project with oversight to be determined on the tribal side.

FTR: Councilwoman V. Judy Brugh joined the meeting by phone.

Motion: Councilman Cory Spotted Bear moved to approve the edited version of the project with funding from the General Fund. Councilman Fred Fox 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

J. Councilman V. Judy Brugh – Hires (see HR)

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K. Councilman Cory Spotted Bear – Chloe Fredericks

Developing a studio at her home. Grant and small business loan. Councilman Cory Spotted Bear would like to have some of it just covered.

Motion: Councilman Cory Spotted Bear moved to approve a Small Loan subject to Loan polices & requirements & segments financial contribution. Councilwoman Monica Mayer seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye



L. Councilman Cory Spotted Bear – *Reserved*

TAT_20200709-1549_01d6560899f8eff6.mp3

M. Councilwoman Monica Mayer – Marcus Wells

Discussion on reimbursement from work previously done. Requesting a \$57,000 loan to make payroll for his staff doing land & oil and gas work for allottees.

Motion: Councilman Mervin Packineau moved to approve a business loan not to exceed \$57,000 for Marcus Wells subject to Loans Policy & requirements.

Councilman Fred Fox seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye

N. Councilwoman Monica Mayer – *Reserved*

TAT_20200709-1610_01d6560b672b4080.mp3

O. Summer Yellowwolf /Morsette Land Issue

Land dispute. Brother has land at 25 lake view. I was told it was open and it would stay open. Needed to wait for probate. There is a house on there and remodeled it for my brother. Jason Morsette stated it is his land. Summer Yellowwolf is requesting for the land lease. That home lease was given to Jason Morsette thru committee in 2018. They are going to court for it tomorrow.

TAT_20200709-1555_01d656094d03620c.mp3

P. Phil Packineau Home Mortgage Increase

Motion: Councilman Cory Spotted Bear moved to reaffirm previous action increasing the Phil Packineau home loan by \$60,000. Councilman Fred Fox seconded the motion.

Vote: 5 - Ayes. 2 – 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 – Not Present
Councilman Cory Spotted Bear – Aye
Councilwoman Monica Mayer – Aye



XXI. CLOSED SESSION:

- A. **Human Resources (HR)*** – *Melissa Brady, Director*
- B. **Election Board Items**
- C. **Child Care**
- D. **Solid Waste hire**
- E. **TAT Law Enforcement Report***– *Nelson W. Heart, Chief of Police*
- F. **Public Safety Division of Drug Enforcement*** – *Gerald White, Jr., Chief*
- G. **Home Sale – J.A.**
- H. **Head Start Program** – *Kelly Bradfield, Director*
- I. **Jack Rabbithead**
- J. **Proposal** – *Delvin Foote*
- K. **Mandaree School**
- L. **Legal** – *John Fredericks*
- M. **Lewis White**
- N. **Vickie Alberts Small Loan**
- O. **Fred Fox Home Mortgage Increase**
- P. **WPX – Trespass-** *Katherine Everett*

XXII. ADJOURNMENT:

Motion: Councilman Fred Fox moved to adjourn the meeting. Councilman Mervin Packineau seconded the motion. Meeting adjourned at 7:34pm. Vote: 5-0-0-2.




CERTIFICATION

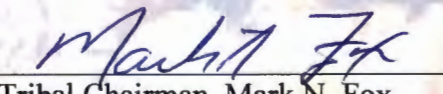
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 5 were present at the Regular Meeting thereof duly called, notice, convened and held on the 13th of August, 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 13th day of August, 2020

ATTEST:


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


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