

\* Standing Agenda Item script indicates times deferred (After 3-times returned to Committee)

### **CALL TO ORDER:**

Chairman Mark N. Fox called the meeting to order at 12:05PM.

#### **ROLL CALL:**

*Present:* Councilwoman Monica Mayer, Councilman Cory Spotted Bear (by cell phone), Councilman Mervin Packineau, Chairman Mark N. Fox, Councilwoman V. Judy Brugh, Councilwoman Sherry Turner-Lone Fight, & Councilman Fred Fox. *Quorum established*.

#### **OPENING PRAYER:**

Jon "Pancho" Brady

FTR: Birthday song, prayer, and acknowledgments to Chairman Mark N. Fox & Councilwoman V. Judy Brugh.

### I. APPROVAL OF AGENDA:

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

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

#### II. APPROVAL OF MINUTES:

• 8/12/2021 Regular Meeting Minutes.

*Motion:* Councilman Mervin Packineau moved to approve the 8/12/2021 Tribal Business Council Minutes subject to minor corrections. Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear - Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye Councilwoman Sherry Turner-Lone Fight – Aye

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### III. SPECIAL GUESTS & ELDERS

#### A. School Board Check Presentations

Presentation of annual checks to the reservation school Superintendents of \$100K each.

#### EXECUTIVE COMMITTEE REPORTS

TAT\_20210915-1137\_01d7aa262249ddbc

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

Expressed prayers & condolences to those who have lost loved ones. Informed the TBC that he has been reappointed to the National EPA Advisory Committee & visit. School startup. Upcoming: UTTC Gaming meeting, Hosted the Tribal-State Relations Committee, ND Sen. Wardner reservation visits, State discussions concerning alcohol taxation & the States expanded gaming & protecting jobs. Will be restarting his radio updates concerning the pandemic. With schools starting back up the TBC has asked all the reservation schools to mandate mask wearing & social distancing. Discussed the importance to get vaccinated and the responsibility of citizens to get vaccinated, the mask requirement for all tribal buildings.

# V. <u>VICE CHAIRMAN'S REPORT</u> – Councilman Cory Spotted Bear

Item deferred.

TAT 20210915-1208 01d7aa2a5549720a

### VI. <u>EXECUTIVE SECRETARY'S REPORT</u> – Councilman Fred Fox

Reported that all the resolutions & minutes are posted on the Records Office web page. Upcoming East Segment events include the Community Picnic & Outreach in Bismarck.

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# VII. TREASURER'S REPORT - Councilman Mervin Packineau

Expressed condolences to all those that lost loved ones and prayers for those having hard times. Recommended increasing covid testing & making more user friendly. North East Segment is catching up on projects delay by the pandemic.

TAT\_20210915-1218\_01d7aa2bbb541aa4

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

Provided summary of work on the budget. Presented Expense Report for FY2021 and draft FY2022. October work session before the next TBC to adjust for Special Projects. Conducted financial review of program, segment budgets, & carry-over. Around 76% expended for the FY2021 budget. Projected revenue is tracking over expectations. Chairman Mark N. Fox wants the numbers to provide to the



membership. Peoples Fund is just under 550 million with interest almost paying for the distribution by itself. CEO noted the deadline for the Cares Act approvals.

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B. Mortgage Program – Val Mayer, Credit Manager

Received over a million in revenue. The program is hopeful that it will make the 5 million mark to be self-sufficient.

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

*Motion:* Councilwoman V. Judy Brugh moved to approve Group A(11): Small Loans Applications subject to Loans Policies & recommendations. Councilman Mervin Packineau seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh - Aye

Councilwoman Sherry Turner-Lone Fight – Aye

Discussion: Mike Blacksmith & Crystal Taylor added to the list for approvals.

**D. Four Bears Casino Report\*** – Spencer Wilkinson, Scott Wilson, General Manager Report submitted in Executive Committee.

#### VIII. SEGMENT UPDATES:

TAT\_20210915-1153\_01d7aa283c301082

A. North Segment – Councilwoman Monica Mayer

Reported 82 employees with only one not vaccinated, all clinics are active providing services, North Segment facilities are regularly cleaned and following mask mandates, Covid care packages for elders. Upcoming projects include: Quick Lube, Dr. Wilson Park, Old Mail & More building purchase for a Segment mercantile business, Demolition project to remove the 3 old buildings on main street.

TAT 20210915-1158 01d7aa28ef389b18

**B.** Four Bears Segment – Councilwoman V. Judy Brugh

Recent events include: continuing Cultural classes, Staff covid-19 testing & invited everyone to the Robert Brugh Memorial.

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C. West Segment - Councilwoman Sherry Turner-Lone Fight

Recent events include: Elder drive up event, testing & vaccine event, continuing Cultural events.

#### **IX. OFFICER REPORTS:**

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

Item deferred.

TAT\_20210915-1238\_01d7aa2e886ed4b4

#### 1) Executive Orders\*

*Motion:* Councilman Mervin Packineau moved to ratify Executive Action EA-2021-27:

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves an increased amount of \$315,511 to EA 2021-24 for changes made to construction as evidenced by change orders 1 and 2 to be paid to Silver Fox Pipeline and Facility Services.

Councilwoman V. Judy Brugh seconded the motion.

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

*Motion:* Councilman Mervin Packineau moved to ratify Executive Action EA-2021-28:

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves that \$500 dollars from each Tribal Business Council Representative be granted for a total of \$3500 to Tawny Sitting Bear to help with expenses resulting from the unexpected burden of caring for her sickly mother. Councilwoman V. Judy Brugh seconded the motion.

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



Councilwoman V. Judy Brugh – Aye Councilwoman Sherry Turner-Lone Fight – Aye

*Motion:* Councilwoman V. Judy Brugh moved to ratify Executive Action EA-2021-29:

**NOW THEREFORE BE IT RESOLVED,** That the Tribal Business Council hereby authorizes and adopts the Proclamation entitled "Acknowledging the Life of ' Prairie Rose Woman".

Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

*Motion:* Councilman Cory Spotted Bear moved to ratify Executive Action EA-2021-30:

WHEREAS, The Tribal Business Council has identified a need for economic development and land reacquisition in the South Segment; and

WHEREAS, The Tribe intends to purchase 34.5 acres of real property located within Tract 2143; and

WHEREAS, The purchase price of the property is \$60,375.

NOW THEREFORE BE IT RESOLVED, The Tribal Business Council approves the purchase of the property subject to approval of a Purchase Agreement by legal counsel for the Tribe.

**BE IT FURTHER RESOLVED,** That the Tribal Chairman is authorized to execute the Purchase Agreement upon approval by legal counsel.

**BE IT FINALLY RESOLVED,** That the Tribal Chairman is authorized to take all necessary action to implement this Executive Action.

Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye Councilwoman Sherry Turner-Lone Fight – Aye

*Motion:* Councilwoman Monica Mayer moved to ratify Executive Action EA-2021-31:

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves the purchase agreement and authorizes the Chairman to execute the purchase of the Mail Box & More building Original Townsite, New Town, Mountrail, North Dakota Block 25, Lot 5 and a strip of land along the West edge of Lot 4, Block 25, Original Townsite, of New Town, ND has been offered for sale to the Tribe; and The Tribe has negotiated a Purchase Agreement for The Mail Box Building which is \$300,000.00.

Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

FTR: "Cornerstone Bank Property Purchase" assigned resolution no. 21-182-FWF

TAT 20210915-1243 01d7aa2f3c739da0

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

**Motion:** Councilwoman V. Judy Brugh moved to approve resolution no. 21-183-FWF entitled "Approval of 40 (Forty) Applicants for Enrollment into the Three Affiliated Tribes." Councilman Mervin Packineau seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

*Discussion:* 16,907 total tribal members. Councilwoman Monica Mayer presented the Director with a birthday gift blanket.

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3) Tax Department Report\* – Cynthia Monteau, Tax Commission Director Submitted report for the record. Collected \$27.9 million in revenue up 13.3 million from August 2020. Getting closer to pre-pandemic numbers in revenue.

#### i. Business License Code.

*Motion:* Councilwoman V. Judy Brugh moved to approve the 2<sup>nd</sup> Reading of the Business License Code. Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting

*Motion:* Councilman Mervin Packineau moved to approve the presented Business Licenses:

- Quale Trucking, LLC Scott Quale Renewal Water Hauling—FBIR.
- Ahwah Energy, LLC Jason Baker New Products—FBIR.
- **Bear Mountain, LLC** Jason Wall Renewal Construction FBIR.
- Ferguson Enterprises, LLC Jodi Wagner Renewal Oilfield Supplies FBIR.

Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting

TAT 20210915-1308 01d7aa32bd523ece

#### ii. Double Rainbow Contract Renewal

*Motion:* Councilman Fred Fox moved to approve the Double Rainbow Contract Renewal. Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh - Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting

# iii. Cell Tower Grant Resolution

*Motion:* Councilman Fred Fox moved to approve resolution no. 21-184-FWF entitled "*Approval of Mobile Broadband Tower Sites across Tribal Land (T 1730-B and T 777A-D)*" subject to Legal review. Councilwoman V. Judy seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting

#### X. UNFINISHED BUSINESS

A. Resolution 09-126-VJB – James Johnson [NRC]

Item deferred

# B. South Segment Elk Pasture Lease<sup>[NRC]</sup>

"Agricultural Leases for Elk Pasture – South Segment."

Addressed

C. Brianna Foote Land Sale – North Segment<sup>[NRC]</sup>

Item deferred

D. Right-of-Way across Tribal land 301-T2098-D for Louis Gwin(Resolution)
[NRC] -

Addressed

TAT 20210915-1253 01d7aa30a3483288

E. KAT Productions Purchase Discussion<sup>[Executive]</sup> - Scott Satermo, CEO Councilwoman Monica Mayer noted that the purchase would include the Building(in Bismarck), GoodHealthTV, & Staff. TBC recommended further review. CEO noted that it is a very profitable business. Councilwoman Monica Mayer thinks it a good investment. Previous Letter of Intent has expired. John Fredericks noted that there is a Non-Disclosure Agreement in place. Chairman Mark N. Fox is not ready at this time to make a decision. John Fredericsk recommended analyzing the financial information by our consultants to see if it is a reasonable investment for the tribe.

### COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

- XI. <u>HEALTH & HUMAN SERVICES COMMITTEE</u> Councilwoman Monica Mayer, Chair
  - A. Elbowoods Memorial Health Center (EMHC) Update\* Dr. Kathy Eagle, CEO & Anita Martin, CMO.
    - 1) Contracts:
      - i. Lori Jepson, FNP (Mandaree Field Clinic).

*Motion:* Councilman Fred Fox moved to approve the Lori Jepson, FNP Contract. Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting

2) Eaton & Associates Provider Services Agreement Discussion.

*Item deferred.* 

**B.** Tribal Health Update\* - Jared Eagle, Health Administrator

Item deferred.

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C. Life & Limb\* [HIPAA SENSITIVE]



*Motion:* Councilman Fred Fox moved to approve the following Life & limb requests and Financial requests:

- I.W. [XXXXX] Life & Limb program.
- G.W.C. XXXXX Life & Limb program.
- A.S. [XXXXX] Life & Limb program.
- T.E. [XXXXX] Life & Limb program.
- M.J.B.[ XXXXX] Life & Limb program.
- M.F.[XXXXX] Life & Limb program.
- K.R. [XXXXX] Life & Limb program.
- C.B.F. [XXXXX] Life & Limb program.
- L.I. [XXXXX] Life & Limb program.
- A.R.Y[XXXXX] Life & Limb program.
- T.P.S. [XXXXX] Life & Limb program.
- A.S. [XXXXX] assistance to pay for dental costs \$2,049.00
- C.W. [XXXXX] assistance to pay for denture costs \$4,971.43
- J.F.[XXXXX] assistance to pay for dental costs. \$2,686.00
- C.D. [XXXXX] assistance to pay for hospital costs. \$14,141.50
- G.L. [XXXXX] assistance to pay for dental costs. \$4900.00
- R.G. [XXXXX] assistance to pay for dental costs. \$3,433.45
- C.A.C. [XXXXX] assistance to pay for dental costs. \$3,416.00
- R.G.B. [XXXXX] assistance to pay for dental costs. \$3,948.00
- L.V. [XXXXX] assistance to pay for dental costs. \$5,105.00
- L.C.V. XXXXX assistance to pay for medical costs. \$10,790.14
- C.S. [XXXXX] assistance to pay for dental costs. \$6,399.65
- A.M.H.[ XXXXX] assistance to pay for medical costs. \$3,455. 96
- J.L.B. [XXXXX] assistance to pay for medical costs. \$1,234.17

Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting

#### D. Good Road Recovery Center (GRRC) Update\*- Dr. Joy Froelich

- 1) Report
- 2) Contract

Item deferred.

TAT 20210915-1313 01d7aa33707e2382

### E. UND Tobacco Survey – UND Tribal Tobacco Control Project

Native American Adult Tribal Tobacco Survey in collaboration with the State of North Dakota.

*Motion:* Councilman Mervin Packineau moved to approve UND Tobacco Survey – UND Tribal Tobacco Control Project. Councilman Fred Fox moved to approve.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting

*Discussion:* The presenter is requesting an address listing of reservation tribal members.

#### F. Dental Reimbursement – Alkier(See Closed Session)

TAT 20210915-1418 01d7aa3c8c7c65e

#### G. College Visit Assistance Request – Robert Hunter

Requesting assistance for his son who is a senior in High School and is trying visit a college.

*Motion:* Councilman Fred Fox moved to approve financial assistance in the amount of \$300 from each Segment office and the Chairman's Office. Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

Discussion: Councilwoman Monica Mayer Office to process.

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**H.** LIHEAP – Rose Crow Flies High, Director



- 1) Authorization of FY 2020 Community Services Block Grant Application Submission to the Office of Community Services [Resolution].
- 2) 2022 Policy & Procedures Manual.
- 3) Authorization for the Three Affiliated Tribes' Low-Income Home Energy Assistance Program to exclude income generated from royalty payments, bonuses from minerals rights or IIM account monies in the computation of gross income for purposes of qualifying for the LIHEAP Program for FY 2022. [Resolution].
- 4) Chairman's Authority

*Motion:* Councilman Mervin Packineau moved to approve the following:

- 21-185-FWF entitled "Authorization of FY 2022 Community Services Block Grant Application Submission to the Office of Community Services, U.S. Department of Health and Human Services for Low Income Energy Assistance Program Grant."
- 21-186-FWF entitled "Authorization to Adopt Policies and Procedures Manual for the Three Affiliated Tribes Low Income Home Energy Assistance Program (LIHEAP) for FY 2022."
- 21-187-FWF entitled "Authorization for the Three Affiliated Tribes' Low Income Home Energy Assistance Program to exclude income generated from royalty payments, bonuses from minerals rights, and IIM account monies in the computation of gross income for purposes of qualifying for the LIHEAP Program for FY 2022." Subject to Legal review.
- Chairman's Authority

Councilwoman V. Judy Brugh seconded the motion. Vote: 6-0-0-1(STLF-NV)

# XII. JUDICIAL COMMITTEE - Councilwoman V. Judy Brugh, Chair

A. Tribal Court Report\* - Elizabeth Yellow Bird & David Christenson, Chief Judge Submitted report for the record.

*Motion:* Councilman Fred Fox moved to approve the Timothy Wilhelm Public Defender Contract renewal. Councilwoman Sherry Turner-Lone Fight seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye



*Motion:* Councilwoman V. Judy Brugh moved to approve the B.J. Jones Contract. Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear - Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

*Motion:* Councilman Mervin Packineau moved to approve the El Marie Conklin Contract Extension (Public Defender for one case). Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

Court Policy Manual

Item deferred for CEO review to next TBC.

B. TAT Law Enforcement Report\* - Marty Foote, Acting Chief of Police

Item deferred.

TAT\_20210915-1408\_01d7aa3b25805226

- C. Public Safety Division of Drug Enforcement Report\* Gerald White, Jr., Chief Submitted report for the record.
- XIII. <u>CULTURAL COMMITTEE</u> Councilwoman Sherry Turner-Lone Fight, Chair
- **XIV.** EDUCATION COMMITTEE Councilwoman Monica Mayer, Chair
- XV. NATURAL RESOURCES COMMITTEE Councilman Cory Spotted Bear, Chair
  TAT\_20210915-1423\_01d7aa3d3f7ece12
  - A. Homesite(s)\* Texx Lone Bear, Natural Resources Director



*Motion*: Councilwoman Sherry Turner-Lone Fight moved to approve resolution no. 21-188-FWF entitled "Home Site leases and Utility Corridor for August 2021. [Brianna Foote, Kyle Mandan, Star Mackenzie, Adam Fredericks, Marie Finley, Sunshine Halvorson, Pauline Casarez, & Curtis Hall] subject to Legal review. Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Cory Spotted Bear – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman Monica Mayer – Aye
Councilwoman V. Judy Brugh – Aye
Councilwoman Sherry Turner-Lone Fight – Aye

Motion: Councilman Fred Fox moved to approve resolution no. 21-189-FWF entitled "Home Site leases and Utility Corridor for September 2021" [Sylvia Chase, Twyla Baker, Telia Baker, Sharon Grey, David & Cylee Dobbs & Rick Hall] subject to Legal review. Councilwoman V. Judy Brugh seconded the motion.

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

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

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

*Motion*: Councilman Fred Fox moved to approve resolution no. 21-190-FWF entitled "Agricultural Leases for August 2021" [Noreen Mossett, Howard Fettig, Scott Simenson, Curtus Danks, Jim Waldock, & Weston Schettler] subject to Legal review. Councilwoman Sherry Turner-Lone Fight seconded the motion.

Vote: 6- Ayes. 1- Not Voting. Motion carried. Chairman Mark N. Fox – Not Voting Councilman Cory Spotted Bear – Aye Councilman Fred Fox – Aye



Councilman Mervin Packineau – Aye Councilwoman Monica Mayer – Aye Councilwoman V. Judy Brugh – Aye Councilwoman Sherry Turner-Lone Fight – Aye

*Motion:* Councilwoman Sherry Turner-Lone Fight moved to approve resolution no. 21-191-FWF entitled "Consent to Approval of a Right-of-Way across Tribal land 301-T2098-D requested by Louis Gwin" subject to Legal review. Councilman Mervin Packineau seconded the motion.

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

Motion: Councilman Cory Spotted Bear moved to approve resolution no. 21-192-FWF entitled "Consent to Approval of a Right-of-Way across Allotment 301-1143 requested by Chris McLaughlin" subject to Legal review. Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Cory Spotted Bear – Aye
Councilman Fred Fox – Aye
Councilman Mervin Packineau – Aye
Councilwoman Monica Mayer – Aye
Councilwoman V. Judy Brugh – Aye
Councilwoman Sherry Turner-Lone Fight – Aye

*Motion:* Councilwoman V. Judy Brugh moved to approve resolution no. 21-193-FWF entitled "Consent to Approval of a Right-of-Way across Tribal land 301-T565A-E & T567A-C requested by Bear Mountain" subject to Legal review. Councilwoman Sherry Turner-Lone Fight seconded the motion.

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



# Councilwoman Sherry Turner-Lone Fight – Aye

*Motion:* Councilwoman Sherry Turner-Lone Fight moved to approve resolution no. 21-194-FWF entitled "*Consent to Approval of a Right-of-Way across Allotment 301-634 & 301-89A requested by Julius Poitra*" subject to Legal review. Councilwoman V. Judy Brugh seconded the motion.

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

Motion: Councilwoman Sherry Turner-Lone Fight moved to approve resolution no.21-195-FWF entitled "Consent to Approval of a Right-of-Way across Tribal Land (1252) submitted by McLean Electric Cooperative Inc." subject to Legal review. Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

Motion: Councilman Mervin Packineau moved to approve resolution no. 21-196-FWF entitled "Amendments of Home Site Lease and Utility Corridor Resolutions." subject to Legal review. Councilwoman V. Judy Brugh seconded the motion.

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



*Motion:* Councilman Cory Spotted Bear moved to approve resolution no. 21-197-FWF entitled "Agricultural Leases for Elk Pasture - South Segment" subject to Legal review. Councilman Mervin Packineau seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

Discussion: \$1000 fee.

#### ALLOTMENT 2143 LAND SALE

*Motion:* Councilman Fred Fox moved to approve resolutions nos.

- 21-198-FWF entitled "Land Purchase Allotment 301-2143 (Hartman)."
- **21-199-FWF** entitled "Land Purchase Allotment 301-2143 (Boyd)."
- 21-200-FWF entitled "Land Purchase Allotment 301-2143 (Lindgren)."
- 21-201-FWF entitled "Land Purchase Allotment 301-2143 (J. Helphrey)."
- 21-202-FWF entitled "Land Purchase Allotment 301-2143 (R. Helphrey)."

Councilman Mervin Packineau seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Ave

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

#### C. Fort Berthold Rural Water (FBRW) Update\* – Pem Hall, Director

Item deferred.

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### **D.** Utilities Salary Structure – Michael Bintliff, Director

*Motion:* Councilman Fred Fox moved to approve Utilities Salary Structure. Councilwoman V. Judy Brugh seconded the motion.



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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Not Voting.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

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### E. MHA Nation Building Codes—Dennis Fox

*Motion:* Councilman Mervin Packineau moved to approve 2<sup>nd</sup> Reading of the MHA Nation Building Code. Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Not Voting.

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Not Voting.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

*Discussion:* John Fredericks noted that the only changes made to the administrative portions from the North Dakota Code.

### Exchange

Working in conjunction with 1<sup>st</sup>. Nations Innovations. \$20,000 invoice for annual fee for web site. Chairman Mark N. Fox recommended

*Motion:* Councilman Mervin Packineau moved to approve \$20,000 for invoice payment. Councilwoman Sherry Turner-Lone Fight seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Not Voting.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye



*Discussion:* Chairman Mark N. Fox recommended starting payment October 1<sup>st</sup>.

### XVI. ENERGY COMMITTEE - Councilman Fred Fox, Chair

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**A. Energy Dept. Update\*** - *Kenny Lyson, Director*WTI index at \$73/barrel. Federal Partners to be determined. North Dakota Petroleum Council meeting next week.

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B. ROW's\*-Paul Grady & Harriette Clah

Motion: Councilman Fred Fox moved to approve resolution no. 21-203-FWF entitled "Consent to Approval of a Right-of-Way across Tribal Land (575A) for the Foolish Bear USA Access Road and All-Utility Corridor Submitted by Marathon Oil Company" Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Not Voting.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

*Motion:* Councilman Fred Fox moved to approve resolution no. 21-204-FWF entitled "Consent to Partial Assignment of BIA ROW No. FBOG101452 across Tribal Land (575A) Submitted by Marathon Oil Company." Councilwoman V. Judy Brugh seconded the motion

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Not Voting.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

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#### C. Engineer Contract Renewal – Frank Lee

Motion: Councilman Fred Fox moved to approve no. 21-208-FWF entitled "Approval to renew and retain Frankie Lee for Engineering Consultant Services" Councilwoman V. Judy Brugh seconded the motion.



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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

Discussion: Same contract as last year.

### XVII. EXECUTIVE COMMITTEE – Chairman Mark N. Fox

### A. Ratification of Executive Committee Approvals from 9/14/2021

- Annual Consultant Contract Renewals (5)
- Recreation Project Contracts & Budget
- Hawk Estates Demolition Contract & Soil Testing
- MHA Education Pathways Contract Renewal
- Four Bears Home Mortgage Purchase
- John Smetana PA Contract Approval (GRRC)
- Sandy Thompson LAC Contract Renewal (GRRC)
- Recovery Services Organizational Chart (GRRC)
- TERO Legal Contract
- GSA Monitoring Devices on Health Vehicles
- Medicus Firm-Psychiatric Services Contract (EMHC)
- Sodium Dental Sensor Service Agreement (EMHC)
- EMHC In-House Telework Policy
- Dr. Joshi & Dr. Tomjack Contract Renewal (EMHC)
- Extreme Broc Riding
- Mandaree School FFE
- Fashion Show Sponsorship Request
- INFR Request
- Extreme Broc Riding
- Parshall Ambulance Request
- Wayne Stone Water BIA Water Grant Submittal
- Mark Advant Contract (See Double Rainbow Contract Renewal Tax Report)
- Frank Gasper Contract

*Motion:* Councilman Mervin Packineau moved to approve a blanket ratification of the Executive Committee Approvals listed above. Councilman Cory Spotted Bear seconded the motion.



Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

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

Motion: Councilman Fred Fox moved to approve resolution no. 21-205-FWF entitled "Approval of Ambulance and Emergency Services Contract for the West Segment of the MHA Nation with Precision Paramedic Services, Inc." Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau - Not Voting.

Councilwoman Monica Mayer – Aye.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

Motion: Councilman Fred Fox moved to approve resolution no. 21-206-FWF entitled "Authorizing Robins Kaplan LLP Representation Agreement for pending litigation" Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting.

Councilwoman Monica Mayer – Aye.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

*Motion:* Councilman Fred Fox moved to approve resolution no. 21-207-FWF entitled "Approving Agreement For Architect And Engineering Services For The Kidney Dialysis Unit" Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye



Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting.

Councilwoman Monica Mayer – Aye.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

### B. Cornerstone Bank Property Purchase/Mail and More

Addressed

#### C. Reservation-Wide School Mask Mandate

*Motion:* Councilman Fred Fox moved to approve Reservation-Wide School Mask Mandate. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting.

Councilwoman Monica Mayer – Aye.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

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### **D. FBRW Contract Renewals**

Annual funding renewals.

*Motion:* Councilman Fred Fox moved to approve FBRW Contract Renewal subject to Legal review & resolution. Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting.

Councilwoman Monica Mayer – Aye.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

Discussion: If requiring resolution to be reviewed by Legal and assigned a resolution no. 21-210-FWF entitled "Approving FY 2021 Bureau of Reclamation Funding Agreements for Fort Berthold Rural Water"

# **XVIII.** <u>ECONOMIC DEVELOPMENT COMMITTEE</u> - Councilwoman Monica Mayer, Chair

### XIX. NEW BUSINESS - Tribal Councilman Add Ons

- A. Chairman Mark N. Fox- Reserved
- B. Chairman Mark N. Fox Reserved
- C. Councilman Cory Spotted Bear Reserved
- D. Councilman Cory Spotted Bear Reserved
- E. Councilman Fred W. Fox Reserved
- F. Councilman Fred W. Fox Reserved

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## G. Councilman Mervin Packineau - Parshall Schools

Parshall Elementary School Addition with estimated cost of \$7 million. Through 2 fiscal years. North East segment expressed interest in purchasing the old building for housing as long as it can be conveyed from the State.

Motion: Councilman Mervin Packineau moved to approve resolution no. 21-181-FWF entitled "Authorizing Additional Funding for Construction of Parshall Elementary School" Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Aye

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Aye

#### H. Councilman Mervin Packineau - Reserved

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I. Councilwoman Monica Mayer – Home School Request See Health Committee Shahkohe Spotted Bear and Niibwin Davis. Council will do the same as Robert Hunter Sr.'s Children. Requesting \$5718. Previous was given requested amount. \$2,500 each child.

*Motion:* Councilman Fred Fox moved to approve \$2,500/Semester/child. Councilwoman Monica Mayer seconded the motion. Councilwoman Monica Mayer seconded the motion.

Vote: 4- Ayes. 1- Abtention. 2- Not Voting. Motion carried. Chairman Mark N. Fox – Aye Councilman Cory Spotted Bear – Abstained



Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting.

Councilwoman Monica Mayer – Aye.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

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# J. Councilwoman Monica Mayer – North Segment Community Building Proposal

*Motion:* Councilwoman Monica Mayer moved to approve A&E [DSGW] subject to resolution, authority for the Chairman to negotiate fees, and Legal review. Councilwoman V. Judy Brugh seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting.

Councilwoman Monica Mayer – Aye.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

**NOTE:** Assigned resolution no. 21-211-FWF entitled "Authorizing Execution of Architect and Engineering Contract with DSGW Architects, Inc. for North Segment Community Center"

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## K. Councilwoman V. Judy Brugh – Lovetta Fox Home Purchase

Home sale in New Town. \$120K. From Four Bears Segment Funds. Appraisals completed.

*Motion:* Councilwoman V. Judy Brugh moved to approve Lovetta Fox home purchase from Four Bears Segment funding. Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting.

Councilwoman Monica Mayer – Aye.

Councilwoman V. Judy Brugh – Aye

Councilwoman Sherry Turner-Lone Fight – Not Voting.

#### L. Councilwoman V. Judy Brugh – Reserved



- ${\bf M.\ Council woman\ Sherry\ Turner-Lone\ Fight}-{\it Reserved}$
- N. Councilwoman Sherry Turner-Lone Fight Reserved
- **XX. LEGAL DEPARTMENT** Tyra Wilkinson, MHA Supervising Attorney

Item deferred.

#### XXI. CLOSED SESSION:

- A. Human Resources (HR)\* Melissa Brady, Director
- **B.** Legal John Fredericks
- **C.** Enrollment Issue<sup>2</sup> – Sevant S. Taft, Enrollment Director
- D. Dental Reimbursement Alkier Lexi Driver
- E. Oilfield Support Services Ed Danks & Jake Danks
- **F. Tribal Insurance** *Charity Yessilth*, *Interim Director*
- G. Scott Wilson Loan
- H. Jay Hale Loan

# XXII. ADJOURNMENT:

*Motion:* Councilwoman V. Judy Brugh moved to adjourn the meeting Councilman Mervin Packineau seconded the motion. Meeting adjourned at 5:55PM



#### **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 15<sup>th</sup> of September, 2021; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 7 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman (X) Voting () Not Voting

Dated this 15th day of September, 2021

ATTEST:

Tribal Secretary, Fled W. Fox Tribal Business Council, Three Affiliated Tribes Tribal Chairman, Mark M. Fox Tribal Business Council, Three Affiliated Tribes

Office of the Executive Secretary

MIDA