



THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING  
JANUARY 11<sup>th</sup>, 2023 MINUTES  
[CLOSED SESSION CONTENT EXCLUDED]

\* Standing Agenda Item

Superscript indicates times deferred (After 3-times returned to Committee)

**I. CALL TO ORDER:**

Chairman Mark N. Fox called the meeting to order 12:15 PM.

**II. ROLL CALL:**

*Present:* Councilman Cory Spotted Bear, Councilwoman Monica Mayer (Not Present), Councilman Mervin Packineau, Chairman Mark N. Fox, Councilman Robert White, Councilwoman Sherry Turner-Lone Fight (Not Present), & Councilman Fred Fox.  
*Quorum established.*

**III. OPENING PRAYER:**

Gerrilyn Yellow Bird

**IV. APPROVAL OF AGENDA:**

*Motion:* Councilman Cory Spotted Bear moved to approve the agenda. Councilman Robert White seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Not Present

Councilwoman Sherry Turner-Lone Fight – Not Present

Councilman Robert White – Aye

**V. APPROVAL OF MINUTES:**

- **December 15<sup>th</sup> 2022 Regular Meeting Minutes.**

*Motion:* Councilman Robert White moved to approve the December 15<sup>th</sup> 2022 Tribal Business Council Minutes subject to minor corrections. Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilwoman Monica Mayer – Not Present

Councilwoman Sherry Turner-Lone Fight – Not Present

Councilman Robert White – Aye



*FTR: Councilman Fred Fox Special Birthday Recognition with special song & gifts and words of recognition.*

**VI. SPECIAL GUESTS & ELDERS**

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**A. Veterans Posts – Robert Hunter Sr., Veterans Affairs Director**

Formally invited for the Vietnam Veterans Parade in Hawaii. Recognized Fort Berthold as serving in such high numbers. Included are the Auxiliaries. Total cost for 91 attendees from all posts & auxiliaries seeking \$179,460. Also D-Day Event discussed and Councilman Robert White noted that we a family member at Normandy. Chairman Mark N. Fox recommended that the participant list be narrowed down and act quick to keep the cost down and noted that it was approved in Executive for flights & \$1,200/per person.

***EXECUTIVE COMMITTEE REPORTS***

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

Chairman Mark N. Fox attended the State of the State Address. Chairman Mark N. Fox expressed his condolences those lost loved ones. He congratulated all the TBC on all the Christmas Party's that were held. Gaming discussion was held at the State Capital. Chairman Mark N. Fox attended meetings in regards to hydrogen development. He attended the State of the Tribal Nations address and also State of the State Address. Oil and Gas meetings were also held that he attended. Bismarck Community Christmas party and New Year's Sobriety Event. The Federal Partners meeting will be held on Jan. 23-24, 2023. Councilman Fox advised that he would like to speak on Range Units at the Federal Partners Meeting. MRR Board meeting at the end of the month.

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**VIII. VICE CHAIRMAN'S REPORT – Councilman Cory Spotted Bear**

Recent activities included Bison Meat distribution, Continuing Fair Grounds project with a lot of interest being shown, Bison Pasture operations cont., Weekly High School Construction planning with Architect, Housing construction, Elder Generator Project (1<sup>st</sup> 10 homes). Congratulated his South Segment staff on their hard work. Commended all the youth for their hard work in academics and sports.

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

Working with Cheryl White developing recording equipment system for the new Chambers that was not included in the original plans and will need a change order. Next White Shield Theatre movies are *Puss n Boots the Last Wish*, with opening of *Ant Man & the Wasp* at the White Shield Theatre, Coffee Shop opening in March in the Community Center that will include teas & shakes.





*FTR: Councilwoman Monica Mayer joined the meeting at 1:11PM.*

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

Provided a brief welcome & wished everyone a Happy New Year. Congratulated Councilman Robert White on his new election.

**A. CFO Report – Whitney Bell**

*Item deferred.*

**B. Mortgage Program – Val Mayer, Credit Manager**

There will be a Home Mortgage committee meeting before the end of January 2023.

*Item deferred.*

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

**Motion:** Councilman Mervin Packineau moved to approve small loans applications Group A (13) subject to Loans policies & recommendations. Councilman Robert White Seconded the motion.

Vote: 6- Ayes. 1- Not Present. 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 Sherry Turner-Lone Fight – Not Present

Councilman Robert White – Aye

*FTR: Councilwoman Sherry Turner-Lone Fight joined the meeting at 1:47PM.*

**Motion:** Councilman Cory Spotted Bear moved to approve small loans Grant Exception for Item C4 for policies & recommendations. Councilman Robert White 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

**Motion:** Councilman Cory Spotted Bear moved to approve small loans applications Group C (6) subject to Loans policies & recommendations. Councilman Robert White 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

*Discussion:* Policy exception for item C4.

**D. Four Bears Casino Report\*** (See Closed Session)– *Spencer Wilkinson, Scott Wilson, General Manager*

**XI. SEGMENT UPDATES:**

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

*Item deferred.*

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**B. Four Bears Segment** – *Councilman Robert White*

Youth Development initiative & dept., Beading & Ribbon Skirt classes, Amanda Danks has been hired as a tutor for Four Bears students, final bidding for 20-Unit apartments & 12 housing units, and upcoming bidding for the new Community Center, thanked Cory & Fred for laying out the template for such development. Seeking the TBC to catch up on development in the segment.

**C. West Segment** - *Councilwoman Sherry Turner-Lone Fight*

*Item deferred.*

**XII. OFFICER REPORTS:**

**A. Chief Executive Officer Report\*** – *Stella Berquist, CEO*

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1) **Executive Orders\***

*Motion:* Councilman Fred Fox moved to ratify EA 2022-72:

**WHEREAS**, The White Shield (East) Segment desires to renew the two Consultant Contracts in form as attached hereto each for an additional one-month term at a total cost of \$9,000.00.

**NOW, THEREFORE, BE IT RESOLVED**, That, through Executive Action procedure, the Tribal Business Council of the Three Affiliated Tribes hereby approves the two Consultant Contracts in form as attached hereto, one for Jackie Whitecalfe, and one for Jessie Whitecalfe; and

**BE IT FURTHER RESOLVED**, That, through Executive Action procedure, the Tribal Business Council of the Three Affiliated Tribes hereby approves and appropriates the \$9,000.00 expenditure of Tribal funds from the FY 2023 White Shield (East) Segment budget for the payment of the fees in accordance with the terms of the two Consultant Contracts; and

**BE IT FINALLY RESOLVED**, That the Tribal Chairman and White Shield (East) Segment Representative are hereby authorized to execute the aforementioned Consultant Contracts for Jackie Whitecalfe and Jessie Whitecalfe, and to take such further action as necessary to carry out the terms and intent of this Executive Action.

Councilman Robert White seconded the motion.

Vote: 6- Ayes. 1- Not Present. 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 Sherry Turner-Lone Fight – Not Present

Councilman Robert White – Aye

*Motion:* Councilman Fred Fox moved to ratify 2022-73:

**NOW, THEREFORE, BE IT RESOLVED**, That, through Executive Action procedure, the Tribal Business Council of the Three Affiliated Tribes hereby approves the attached Consultant Contract for John Bearstail, in form as attached hereto; and

**BE IT FURTHER RESOLVED**, That, through Executive Action procedure, the Tribal Business Council of the Three Affiliated Tribes hereby approves and appropriates the \$6,250.00 expenditure of Tribal funds from the FY2023 White



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Shield Segment budget for the payments in accordance with the terms of the Consultant Contract; and

**BE IT FINALLY RESOLVED**, That the Tribal Chairman and the White Shield Segment Representative are hereby authorized to execute the aforementioned Consultant Contract for John Bearstail, and to take such further actions as necessary to carry out the terms and intent of this Executive Action.

Councilman Cory Spotted Bear seconded the motion.

Vote: 6- Ayes. 1- Not Present. 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 Sherry Turner-Lone Fight – Not Present

Councilman Robert White – Aye

**Motion:** Councilman Cory Spotted Bear moved to ratify 2022-74:

**WHEREAS**, The Tribe has an immediate need to authorize and approve the Amendment Package to amend the Tribe's ICDBG-CARES grant within required timeframes and secure necessary funding for the two cell towers in Twin Buttes and East Buttes.

**NOW THEREFORE BE IT RESOLVED**, The Chairman is authorized to execute all documents in the Amendment Package for the MHA Nation's ICDBG-CARES grant, and to take such further action as is necessary to carry out the terms and intent of this Executive Action.

Councilman Robert White seconded the motion.

Vote: 6- Ayes. 1- Not Present. 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 Sherry Turner-Lone Fight – Not Present

Councilman Robert White – Aye

**Motion:** Councilman Cory Spotted Bear moved to ratify 2023-1:





**WHEREAS**, The RFA is well tailored to assist the Tribe in achieving food sovereignty by facilitating the NG2 Greenhouse ability to market a portion of its produce to eligible educational institutions on and near the Reservation that currently utilize FNS nutrition programs for eligible students, and to provide knowledge of the Farm to School and Greenhouse concepts to the Administration, Staff, and Students of those institutions; and

**WHEREAS**, The RFA requires the Tribe provide in-kind contributions, including facilities, equipment, or services or a cash cost share of 25% of the total project costs; and

**WHEREAS**, The Tribe intends to submit a FY 2023 Farm to School" Grant application requesting federal funds in the amount of \$99,393 Federal Funds requiring a MHA Nation Cash Cost Share commitment of \$35,375 for a Total Project Cost of \$134,768; and

**NOW THEREFORE BE IT RESOLVED**, The Three Affiliated Tribes authorizes and approves the Chairman to submit all necessary documentation and the Cost Share Commitment to the U.S. Department of Agriculture Food and Nutrition Service (USDA-FNS) in accordance with this Request for Applications for the FY 2023 Farm to School" Grant.

**NOW THEREFORE BE IT RESOLVED**, The Three Affiliated Tribes authorizes and approves

Councilman Robert White seconded the motion.

Vote: 6- Ayes. 1- Not Present. 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 Sherry Turner-Lone Fight – Not Present

Councilman Robert White – Aye

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- 2) **Enrollment\*** – *Sevant S. Taft, Enrollment Director*  
Lexi Taft presented for the Director.

**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 23-001-FWF entitled “Approval of 16 (Sixteen) Applicants for Enrollment into the Three Affiliated Tribes” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Cory Spotted Bear – Aye



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Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman Monica Mayer – Aye  
Councilwoman Sherry Turner-Lone Fight – Not Present  
Councilman Robert White – Aye

*Discussion:* 17,154 total members.

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 23-002-FWF entitled “*Amendment to the Enrollment Ordinance of the Three Affiliated Tribes – Chapter 7, Section 11-7-2; Gender.*” subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Cory Spotted Bear – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman Monica Mayer – Aye  
Councilwoman Sherry Turner-Lone Fight – Not Present  
Councilman Robert White – Aye

- TAT\_20230111+1315\_01d925bec8dda2d4
- 3) **Tax Department Report\*** – *Cynthia Monteau, Tax Commission Director*  
Report submitted for the record. Ms. Monteau stated the collections for the month of December 2022 is \$38.4 million dollars. That is about \$2.8 million dollars more than December 2021. The tribe is about 8% on the year-to-date collections. ND Tax Commission Office for Calendar year 23 determined 115.55 trigger price. In 2022 it was 94.69. Chairman Mark Fox noted that he was not happy with the trigger language that the State passed and the trigger should be lower. Chairman Mark N. Fox advised Ms. Monteau that the Tribe will be sponsoring a dinner for invited legislators. He would like her to get more Tax information prepared to present to the legislators for the outreach event. There are two Business Licenses that need approval.

**Motion:** Councilman Fred Fox moved to approve the following business licenses:

- **Ahwah Energy, LLC**
- **Skyn Style**

Councilman Cory Spotted Bear seconded the motion.

Vote: 5- Ayes. 1- Not Voting. 1- Not Present. 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 Sherry Turner-Lone Fight – Not Present  
Councilman Robert White – Aye

**XIII. UNFINISHED BUSINESS:**

**A. Resolution 22-121-FWF Modification** <sup>[NRC]2</sup>

*Motion:* Councilman Fred Fox moved to approve amendment of resolution no. 22-121-FWF entitled “Home Site Leases – June 2022.” subject to Legal review. Councilwoman Sherry Turner-Lone Fight seconded the motion.

Vote: 5- Ayes. 2- 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 – Not Voting  
Councilwoman Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

*Discussion:* Correction to the utility corridor.

**B. Juvenile Detention – Mike Young Bird, Administrator** <sup>[JUDICIAL]</sup>

*Item deferred*

**C. Nueta Hidatsa Sahnish College – Twyla Baker, President** <sup>[EDUCATION]2</sup>

Submitted report for the record. Seeking budget increase in their annual request. Presented a report of the colleges soft dollars. Also resuet for funding for the AIHEC Basketball Tournament. Discussed the need for construction dollars. Councilman Robert White asked the President to plan for dormitories. Councilwoman Monica Mayer expressed the need for workforce training. Councilwoman Monica Mayer commended Ms. Baker on the college have clean audit for the last five years. There were no findings during that time and they have been moved to low risk. Chairman Mark N. Fox needs ag related training.



**Motion:** Councilwoman Monica Mayer moved to approve \$2.5 million budget. Councilman Cory Spotted Bear 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 Sherry Turner-Lone Fight – Not Voting

Councilman Robert White – Aye

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

#### **XIV. EXECUTIVE COMMITTEE – Chairman Mark N. Fox**

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##### **A. Ratification of 1/19/2023 Executive Committee Actions:**

- **Parshall Ambulance Cost Correction**
- **Flying W Contract**
- **McDonald Memorial Request**
- **Arctic IT Contract**
- **NAFSA Sponsorship**
- **RES Conference Sponsorship.**
- **TERO Waiver/Bandy Poitra**
- **Memorial/Funeral Fund to \$1000.**
- **West Segment Elder Generator Project Increase**
- **West Segment Trailer Purchase**
- **West Segment Water Jetter Purchase**
- **West Segment Portable Heating System**
- **Pipeline/Sewer Inspection Tool**
- **West Segment Snow Plow Purchase**
- **West Segment Geotechnical Contract for Fairgrounds**
- **West Segment Legal Retainer Agreement**
- **C.D. Dental Request**
- **MHA Supplemental Education Grant Increase to 7K**
- **Veterans Trips (National Vietnam Vets & Ira Hayes)**
- **Joy Gillette Felix Contract**
- **Justin Deegan Contract**
- **Marcellias Honor Flight**
- **R.F.S. Garage Reimbursement**
- **Legislative Recognition Budget**





- **EMHC - Smile Network International Oral Health Program Data Share**
- **Tax Dept. - Cell Tower RFP (5 Towers)**
- **FSA Advisory Group**
- **LATCF Authorization**
- **Dakota Boys Ranch Bill**
- **M.W.H. Life & Limb & Payment**
- **Greenhouse Sewer System Approval**
- **Sheldon Standish Legal Contract**
- **R.M. Medical Request**

**Motion:** Councilman Fred Fox moved to ratify the 1/19/2023 Executive Committee Actions . Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Cory Spotted Bear – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman Monica Mayer – Aye  
Councilwoman Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

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#### **B. Resolution - Kauffman Survey**

**Motion:** Councilman Robert White moved to approve the affected position to be funded through the General Fund. 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 – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman Monica Mayer – Aye  
Councilwoman Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

*Discussion:* Has an existing resolution.

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#### **C. Resolution - IGA Sponsorship**



**Motion:** Councilman Fred Fox moved to approve resolution no. 23-003-FWF entitled “*Appointing the Delegates from the Three Affiliated Tribes to the Indian Gaming Association and Authorizing the Payment of the Indian Gaming Association Annual Dues.*” subject to Legal review. 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 – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman Monica Mayer – Aye  
Councilwoman Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

*Discussion:* (Formally NIGA)

**D. TERO Waiver/Bandy Poitra**

Employee waiver. Add to above ratification list. Addressed above.

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**E. Resolution Moore Engineering**

**Motion:** Councilman Fred Fox moved to approve resolution no. 23-004-FWF entitled “*Approval of Engineer Consultant Agreement between the White Shield Segment and Three Affiliated Tribes, and Moore Engineering, Inc., for Design and Engineering Services for White Shield Segment’s Street Improvement Project (Awahu Village), and Citywide Asphalt Street Repairs Project, and for Authorization of Payment of Engineering Fees.*” subject to Legal review. Councilman Robert White 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

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**F. East Segment Consultant Contracts (3)**





**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 23-005-FWF entitled “*Approval of Consultant Contracts with Jackie Whitecalfe and Jessie Whitecalfe for services to be provided to the East Segment*” subject to Legal review. Councilman Robert White 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

**Motion:** Councilman Robert White moved to approve resolution no. 23-006-FWF entitled “*Approval of a Contract for Services with John Bearstail for services to be provided to the East Segment.*” subject to Legal review. 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

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### **G. East Segment Fire Coverage Contracts (3)**

**Motion:** Councilman Fred Fox moved to approve contracts from East Segment & B.I.A. budgets 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye



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#### H. Twin Buttes Elders Organization Reimbursement

**Motion:** Councilman Cory Spotted Bear moved to ratify action to reimburse. Councilman Robert White 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

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#### I. Resolution - Utility Corridor Project for BIA 2 Housing Development.

**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 23-007-FWF entitled “*Approval of Four Bears Housing Subdivision and Utility Corridors/or the Respective Four Bears Segment Home Sites.*” subject to Legal review. Councilman Robert White 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

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#### J. SSCDC Audit Report

The audits and reports were presented and accepted by TBC in the Executive Meeting.

**Motion:** Councilman Cory Spotted Bear moved to accept SSCDC Audit Report. Councilwoman Monica Mayer 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

**XV. ECONOMIC DEVELOPMENT COMMITTEE** – *Councilman Robert White, Chair*  
*No Items*

**XVI. HEALTH & HUMAN SERVICES COMMITTEE** - *Councilwoman Monica Mayer, Chair*

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

Provided update and discussed patients struggling with Medicaid and oil royalties. Ms. Eagle stated that they encourage patients to apply for Medicaid. Also, Medicaid is asking patients about oil royalties and are declining services because of royalties. Medicaid has extended services for up to 1 year for expectant mothers. Ms. Eagle stated that they are having issues with Radiology services. (X-Rays) Patients are being sent out to surrounding hospitals for Radiology Services.

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

*Item deferred.*

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**C. Life & Limb\*** - *Felicia Lone Bear Jimenez, Director*

**Motion:** Councilman Robert White moved to approve the presented Life & Limb. Councilwoman Monica Mayer 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

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



**XVII. JUDICIAL COMMITTEE** – *Councilwoman Monica Mayer, Chair*

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- A. Tribal Court Report\*** - *Elizabeth Yellow Bird & David Christenson, Chief Judge*  
Judge Christianson read through his report with the TBC. He stated that the budget for the year is complete. Contract for transcript services needs to be approved. The services will be as needed.

**Motion:** Councilwoman Monica Mayer moved to approve Transcript Services Contract for Jenean Jessen 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

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- B. TAT Law Enforcement Report\*** - *Nelson Heart Jr., Chief of Police*  
Report submitted for the record. Discussion of Officer & Officer Housing issues, Vehicle Use Policy & family benefits. Short discussion of bringing segment security staff in as LE Trainees. Councilwoman Monica Mayer would like to see Indoor & outdoor firing ranges. HR needs vet out family benefits and what surrounding counties do. Chairman Mark N. Fox wants to see numbers before committing. Also verify that family benefits are allowable under the 638 contract. With a full staff there would be 35 officers. There are currently 18 positions open. In the Federal Budget there is enough funding for 8 or 9 officers. The tribe pays the rest of the officer positions. LE also mentioned the need for a Firing Range. Councilman Fred Fox advised LE to get moving on the construction of the Firing Range. The Officers went through their statistics with the TBC. Councilwoman Monica Mayer stated to LE to work with HR in regards to the Insurance issue. Chairman Mark N. Fox expressed his concerns for this issue. No Action Items. Chairman Mark N. Fox stated that a meeting with State, Federal and County LE Agencies is being set up to discuss jurisdiction issues. Councilman Fred Fox advised Officer Heart of a meeting with county officials to discuss LE issues. This meeting will be on February 15<sup>th</sup>, 2023 in White Shield at 10AM. He also asked Drug Enforcement to attend.

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





Year End Report submitted for the record. Officer Chip White read through his report. In 2022, 17,000 fentanyl pills were seized. The value of those is 1.5 million dollars. Fentanyl is the number one killer of 19 to 54 year old's. Seven enrolled members have been indicted for selling Fentanyl.

**XVIII. CULTURAL COMMITTEE** – *Councilwoman Sherry Turner-Lone Fight, Chair*  
*No Items*

**XIX. EDUCATION COMMITTEE** – *Councilwoman Monica Mayer, Chair*  
*No Items*

**FTR:** *Chairman Mark N. Fox stepped out of the meeting and Councilman Cory Spotted Bears assumed the Chair.*

**XX. NATURAL RESOURCES COMMITTEE** – *Councilman Cory Spotted Bear, Chair*

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

**Motion:** Councilwoman Sherry Turner-Lone Fight moved to approve resolution no. 23-008-FWF entitled “*Home Site Lease Resolution – January 2023.*” [Nicole Beston] subject to Legal review. Councilman Robert White seconded the motion.

Vote: 5- Ayes. 2- 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 – Not Voting  
Councilwoman Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

*Discussion:* 1.5 acre home site.

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

*Item deferred.*

**C. Fort Berthold Rural Water (FBRW) Update\*** – *Joseph Silveria, Director.*

*Item deferred.*

**D. T310A-B, T1529 Resolution**



*Item deferred.*

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**E. Land Sale – Anita Hall**

Heirship property (10 Tracks) around 53.5 acres.

*Tabled*

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**F. Land Exchange – Frank Felix**

**Motion:** Councilman Fred Fox moved to approve resolution no. 23-009-FWF entitled "Approval of the Land Exchange between the Three Affiliated Tribes and Frank Felix." subject to Legal review. Councilman Robert White seconded the motion.

Vote: 5- Ayes. 2- 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 Sherry Turner-Lone Fight – Not Voting

Councilman Robert White – Aye

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**G. Agriculture Leases:**

**1) Nancy Vitko**

**Motion:** Councilman Fred Fox moved to approve resolution no. 23-010-FWF entitled "2023 Agricultural Leases for Nancy Vitko (East Segment Only)" subject to Legal review. Councilman Robert White seconded the motion.

Vote: 5- Ayes. 2- 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 Sherry Turner-Lone Fight – Not Voting

Councilman Robert White – Aye

**2) Donovan Dixon**





**Motion:** Councilman Fred Fox moved to approve resolution no. 23-011-FWF entitled “2023 Agricultural Leases for Donovan Dixon.” subject to Legal review. Councilman Robert White seconded the motion.

Vote: 5- Ayes. 2- 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 Sherry Turner-Lone Fight – Not Voting  
Councilman Robert White – Aye

**3) Blain C. Fox.**

**Motion:** Councilman Fred Fox moved to approve resolution no. 23-012-FWF entitled “2023 Agricultural Leases for Blain C. Fox.” subject to Legal review. Councilman Robert White seconded the motion.

Vote: 5- Ayes. 2- 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 Sherry Turner-Lone Fight – Not Voting  
Councilman Robert White – Aye

**4) Wade Howard**

**Motion:** Councilman Fred Fox moved to approve resolution no. 23-013-FWF entitled “2023 Agricultural Leases for Wade Howard” subject to Legal review. Councilman Robert White seconded the motion.

Vote: 5- Ayes. 2- 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 Sherry Turner-Lone Fight – Not Voting  
Councilman Robert White – Aye



**5) Weston Schettler**

**Motion:** Councilman Fred Fox moved to approve resolution no. 23-014-FWF entitled “2023 Agricultural Leases for Weston Schettler” subject to Legal review. Councilman Robert White seconded the motion.

Vote: 5- Ayes. 2- 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 Sherry Turner-Lone Fight – Not Voting  
Councilman Robert White – Aye

**6) Kansas Johnson**

**Motion:** Councilman Robert White moved to approve resolution no. 23-015-FWF entitled “2023 Agricultural Leases for Kansas Johnson” subject to Legal review. Councilman Mervin Packineau seconded the motion.

Vote: 5- Ayes. 2- 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 Sherry Turner-Lone Fight – Not Voting  
Councilman Robert White – Aye

**7) Anthony Vitko**

**Motion:** Councilman Fred Fox moved to approve resolution no. 23-016-FWF entitled “2023 Agricultural Leases for Anthony Vitko” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

Vote: 5- Ayes. 2- 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 Sherry Turner-Lone Fight – Not Voting  
Councilman Robert White – Aye

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**H. GIS Grant Resolution - Tanya Sand-Driver, Director**  
\$250K B.I.A. Grant Noxious Weed eradication.

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 23-017-FWF entitled “*Authorizing Submission of an Application and Proposal for FY 2023 BIA Agriculture Invasive Species (Noxious Weed) Funding.*” subject to Legal review. Councilman Fred Fox seconded the motion.

Vote: 5- Ayes. 2- 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 Sherry Turner-Lone Fight – Not Voting  
Councilman Robert White – Aye

**XXI. ENERGY COMMITTEE – Councilman Fred Fox, Chair**

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

Brief report provided. There are 44 oil rigs in the state. There are 6 rigs on FBIR. There are trainings coming up for the department. The next Energy is February 1<sup>st</sup>, 2023. Roads Meeting date TBD. Two new Field Inspectors coming on in February. Tomorrow, Mr. Lyson will be attending a meeting in Bismarck.

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

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 23-018-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land (Allotments T1880-A & 1875) submitted by Arrow Pipeline, LLC*” Councilman Fred Fox 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

**Motion:** Councilman Fred Fox moved to approve resolution no. 23-019-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land (T2006-A, T2102-C, T2006, 2248) Submitted by McKenzie Electric Cooperative Inc.*” Councilwoman Monica Mayer 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

## **XXII. NEW BUSINESS – Tribal Councilman Add Ons**

### **A. Chairman Mark N. Fox- XTIRI Contract Renewal – Harriet Good Iron**

Contract for Services Agreement (\$543K/3-Years). Provided a history of the use of the system that was initially purchased in 2018 and how it can pay for itself. Recommended to provided comparable options. She advised that this would pay for itself. She feels it is something that would be very beneficial to the tribe. Ms. Goodiron stated that XTIRI can manage all of the tribe’s information. This agreement is for two years and costs \$543,000 for one year. The CEO would have to direct all Department Director’s to enter their department information. Councilwoman Monica Mayer expressed the importance of data collection. Chairman Mark N. Fox would like to see our own people trained so we don’t need to pay ½ million a year to do this for us and would like a negotiation on the price. TBC was asked to define the scope of the XTIRI’s capabilities. Councilman Fred Fox asked Ms. Goodiron to look for another kind of software that could do the same thing but at a cheaper price. So far, the tribe has had one contract with XTIRI. It was for three years and cost the tribe. \$450,000. Harriet expressed that see is seeing Directors not wanting to share and enter their program data. Councilwoman Monica Mayer recommended a resolution mandating the database for data collection. Chairman Mark N. Fox recommended an implementation plan before anything else. Councilwoman Monica Mayer want Harriet to report to a committee.

### **B. Chairman Mark N. Fox – TERO Legal Contract**

Legal representation for the Commission & the Dept.

**Motion:** Councilman Cory Spotted Bear moved to approve Richard McGee Contract subject to Legal review. Councilwoman Monica Mayer 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 – Not Voting  
Councilwoman Monica Mayer – Aye  
Councilwoman Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

**C. Councilman Cory Spotted Bear – Reserved**

**D. Councilman Cory Spotted Bear – Reserved**

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

**E. Councilman Fred W. Fox – Preston Demarce Jr.**

Contract for services to conduct COVID cleaning services when needed for East Segment.

**Motion:** Councilman Fred Fox moved to approve resolution no. 23-020-FWF entitled “Approval of Contract for Services between the White Shield Segment of .....” subject to Legal review. Councilwoman Monica Mayer 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 – Not Voting  
Councilwoman Monica Mayer – Aye  
Councilwoman Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

**F. Councilman Fred W. Fox – Reserved**

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**G. Councilman Mervin Packineau – Parshall High School Seniors**

Superintendent Shane Sagert & group of students joined the meeting seeking assistance for their senior class trip. They have been raising funds since their sophomore year. They are here to request funds for their Senior trip to Boston, Massachusetts. The total for airfare and hotel rooms is \$14,400.00. The total cost of activities, trips and rooms is \$34,000. So far, they have raised \$9,836.86. They are requesting \$26,000.



**Motion:** Councilman Mervin Packineau moved to approve \$25,000 sponsorship. Councilman Cory Spotted Bear seconded the motion. Motion carried.

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

Chairman Mark N. Fox – Aye  
Councilman Cory Spotted Bear – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman Monica Mayer – Not Present  
Councilwoman Sherry Turner-Lone Fight – Not Present  
Councilman Robert White – Aye

**H. Councilman Mervin Packineau – Reserved**

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**I. Councilwoman Monica Mayer – Loren Good Day Request**

Ms. Good Day is an artist and designer and has background with the Language dept. She was invited to a Cultural Exchange event by the Native Hawaiian Arts Foundation to show her wearable art. She reached out to the Language & Culture Dept. and asked if they wanted to collaborate. Requesting assistance for 12 people to attend Cultural Exchange and Native Hawaiian Immersion School Visit in conjunction with the Culture & Language Program. All are tribal members except one.

**Motion:** Councilman Robert White moved to approve \$23K sponsorship. 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

**J. Councilwoman Monica Mayer – Reserved**

**K. Councilwoman Sherry Turner-Lone Fight – Reserved**

**L. Councilwoman Sherry Turner-Lone Fight – Reserved**

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**M. Councilman Robert White – Leads the Way C-Store Construction Improvement**





C-store is currently geo-thermal but with the traffic in and out in the winter months it is cold in the store. Seeking to install supplemental propane heating (\$24K).

**Motion:** Councilman Mervin Packineau moved to approve contract from Four Bears Segment funds subject to Legal review. Councilman Robert White 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 Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye

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**N. Councilman Robert White – Marcus Levings**

Received two bids. Covid price increases for the peninsula development. One of 15 Public Works going projects. Amount requested is for the tribal match. Chairman Mark N. Fox recommended prioritizing projects by criteria & data for the projects around the reservation. John Fredericks had questions concerning the Tribal Administration Fee & whether this was built into Public Works budget. Marcus noted that it wasn't and they also have more upcoming projects this summer.

**Motion:** Councilman Robert White moved to approve resolution no. 23-021-FWF entitled “*Approval of Public Works Department And Indian Health Service general fund match for the Woman Goes Out Subdivision Lift Station renovation Project Within Four Bears Segment and hereby approves a Tribal Federal Fund match in the Amount of \$380,000.00 for \$993,500 Project*” subject to Legal review. 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 – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman Monica Mayer – Aye  
Councilwoman Sherry Turner-Lone Fight – Aye  
Councilman Robert White – Aye



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

*Item deferred.*

**FTR:** Harold Hank Bolman Loan Issue. He made a Small Loan in the past (7-8 years ago). He was always making timely payments. His company went under and since then he has not been able to make payments. Mr. Bolman stated that political reasons are why he lost work. His disbursements are going towards his loan. Making payments on a tribal loan and disbursements being taken to pay loan. CEO will review file & records and provide an update to the TBC to what is owed. Mr. Bolman would like them to look into EOG and believes there was extortion involved at the time.

**XXIV. CLOSED SESSION:**

- A. Human Resources (HR)\* – Melissa Brady, Director
- B. Legal\* – John Fredericks
- C. Four Bears Casino Report\* – Spencer Wilkinson, Scott Wilson, General Manager
  - 1) Report
  - 2) Apartment Planning<sup>2</sup>
  - 3) Retainer
- D. NARCAN Distribution [Judicial]<sup>2</sup>
- E. Scott Wilson Dental
- F. Educational Reimbursement - Mark N. Fox

**XXV. ADJOURNMENT:**

**Motion:** Councilman Fred Fox moved to adjourn the meeting. Councilman Robert White seconded the motion. Meeting adjourned at 6:16 PM.





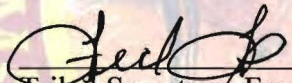
### CERTIFICATION

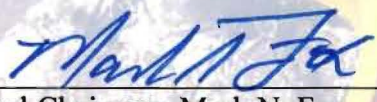
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 6 were present at the Regular Meeting thereof duly called, notice, convened and held on the 8<sup>th</sup> of February, 2023; 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; 1 Members not voting.

Chairman ( X ) Voting ( ) Not Voting

Dated this 8<sup>th</sup> day of February, 2023

ATTEST:

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

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