



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
Office (701) 627-4781
Fax (701) 627-3805

MINUTES OF SPECIAL TRIBAL BUSINESS COUNCIL MEETING

FRIDAY, MAY 26, 1995, 11:00 A.M.

(CONTINUATION OF MEETING ON THURSDAY, MAY 25, 1995)

XI. RECONVENE MEETING.

Meeting reconvened at 11:00 a.m. Councilmembers in attendance were:

Russell D. Mason, Sr.
Mark Fox
Austin Gillette
George Fast Dog
Ivan Johnson

Members absent were: Daylon Spotted Bear, Edwin Hall.
Five (5) members present; two (2) members absent.
Quorum established.

Others Present: C. J. Packineau, Sergeant at Arms;
Jackie Morsette, Acting Recording Secretary.

Chairman Mason said he was preparing a resolution in support of Senator McCain's Bill, and would like this pre-approved so that the tribal delegation could take it with them when they go to Washington.

XII. APPROVAL OF MINUTES.

A. December 08, 1994, Regular Council Meeting

MOTION to approve, with corrections, made by Mark Fox.
Second to Motion, Austin Gillette.

VOTE: 5 in favor. Motion Carried.

B. December 13, 1994, Special Council Meeting

MOTION to approve with grammatical correction on page 6 made by Mark Fox, seconded by George Fast Dog.

VOTE: 5 in favor. Motion Carried.

C. December 14, 1994, Special Council Meeting

MOTION to approve with corrections and check Item 8 on page 7, made by Mark Fox. Seconded by Ivan Johnson.

VOTE: 5 in favor. Motion Carried.

D. December 22, 1994, Special Council Meeting

MOTION to approve, with clarification on page 4, made by Austin Gillette. Seconded by Mark Fox.

VOTE: 5 in favor. Motion Carried.

E. February 23, 1995, Special Council Meeting

MOTION to approve, with correction on page 6, made by Austin Gillette. Seconded by Ivan Johnson.

VOTE: 5 in favor. Motion Carried.

F. February 27, 1995, Special Council Meeting

MOTION to approve made by Austin Gillette. Seconded by Ivan Johnson.

VOTE: 5 in favor. Motion Carried.

G. March 09, 1995, Regular Council Meeting

MOTION to approve made by George Fast Dog. Seconded by Mr. Gillette.

VOTE: 5 in favor. Motion Carried.

H. March 15, 1995, Special Council Meeting

MOTION to approve made by Austin Gillette. Seconded by George Fast Dog.

VOTE: 5 in favor. Motion Carried.

I. March 28, 1995, Special Council Meeting

MOTION to approve made by George Fast Dog. Seconded by Mark Fox.

VOTE: 5 in favor. Motion Carried.

XIII. LATE AGENDA ITEMS.

A. Resolution to Support Passage of Senate Bill 814, with Recommendation that IHS be Included in Legislation.

Resolution was read and introduced by Chairman Mason.

Austin Gillette MOVED for approval, with recommendation that Mark Fox be authorized to sign on behalf of Secretary Spotted Bear. George Fast Dog seconded the motion for approval.

VOTE: 5 in favor. Motion Carried.

RESOLUTION NO. 95-122-MNF

- B. Signature Request from Bernie Fox to Install Security Light for 4-Bears Rodeo.

Mark Fox made a MOTION that Chairman Mason be authorized to sign so a light pole can be put up. Motion was seconded by George Fast Dog.

VOTE: 5 in favor. Motion Carried.

- C. Resolution to Add Two Names to Escrow Account for Tribal Gaming Compact.

Resolution presented by Mark Fox to amend Resolution No. 95-090-DSB to include the TAT Treasurer's name on signatory authority; and to include Ranie Sondrol as signatory authority on behalf of the State.

Mr. Fox made the MOTION to amend Resolution 95-090-DSB to add the above two names. Second by Austin Gillette.

VOTE: 5 in favor. Motion Carried.

- D. Escrow Account with Duncan Oil.

Mark Fox initiated discussion on this matter. He said we have, in essence, won the case against Duncan Oil Company and the rest of the oil companies that joined in this case. The escrow account where these deposits were made now belong to the Tribes. As of April 26, 1995, the amount in this account was \$184,900. The monies will be transferred to the tribe. Council needs to decide where these monies will go.

Discussion: Mr. David Brendsel said the council might consider opening a separate account at Community First Bank to keep separate from other funds, then we could transfer to any of the other accounts, when needed.

Mr. Thomas Bird Bear said the Tax Code states that this check is to be paid to the Tribal Tax Account, and the funds may be invested or reinvested, as approved by the tribal council. Any use of these funds must be identified by tribal council resolution.

John Danks said the current accounts the tribes have, all meet this requirement. He said it doesn't say a special tax account, an account is an item the tribe can set up in their own bookkeeping, which we have anyway, so the issue is, do you want to interpret the process that the tribe has this special account in their accounting system, or does the tribe want to separate that further, by giving it a special checking account. He said the tribe can meet the code just by putting it in their checking account.

Chairman Mason said it sounds like the only thing the codes require is a requirement for their accountability and maintenance of expenditures and identify the account, which can be determined by the tribe.

Mr. Gillette said our intent is to separate the tribal and contract funds, and this is a tribal revenue, and we should recover the costs that we spent. The tribes should prepare a resolution and say, "Here's what we intend to do with this." Whatever is left goes to the operation of the Tax Department, and designate a refund portion.

Mr. Thomas Bird Bear said the tax administration properly is supposed to be in the accounting system. When you get revenues in, they go to either a governmental fund or special revenue fund. They are accounted for in that system, and when the governing body makes a decision about spending revenues, that decision is passed on to the comptroller, and the comptroller does the change according to whatever decision is made.

Mr. Ed Lone Fight said the issue is the attorneys in DC need to know what to tell Lakeside Bank--to make the check payable to the Three Affiliated Tribes or to the Tax Commission.

MOTION made by Austin Gillette to have the check made out to the Tribal Tax Department as defined in the ordinance that established the whole operation, for deposit into our central account. Motion seconded by Mark Fox.

VOTE: 5 in favor. 2 absent. Motion Carried.

E. Health Benefit Insurance.

John Danks said there are some questions on how this

insurance has been handled. He said the tribe has two resolutions, the insurance was handled under Resolution 90-179; and, later, Resolution 92-010-JJR was adopted. One provides for 100% insurance premium being paid by the tribe and the other provides for 100% for councilmen and 70/30% for employees, except a single employee would get 100%; married family w/o spouses, 70/30; both man and wife working, would get equal to the single rate (90-179).

In 1992, the people receiving 100% single and family was the TBC and 3 other employees. In 1993, the single and family that received 100% over and above the councilmen were 8 tribal employees; in 1994, other than the TBC, who received 100% with single and family, were 3 employees; in 1995, other than TBC receiving 100%, there are 3 tribal employees.

Mr. Fox asked, "How is it that this resolution is legally sufficient? Mr. Quale responded that the resolution of 1992 says the tribal government, through its programs and T-2 and indirect costs, is going to pick up 100% of the health insurance premiums for everybody, no matter what class of coverage. The Minutes of January 22, do not reflect this resolution nor any other resolution. The tape of the meeting indicates Cletus Medicine Crow, who was in the meeting on a gaming issue, said the resolution hadn't been completed yet. Wilbur D. Wilkinson said to go ahead and approve and it can be prepared later. Motion to approve was made and voted on 5 in favor. Mr. Quale said he is unable to determine from the tapes of the meeting or the Minutes of the meeting what happened.

Mark Fox made a MOTION to defer any action on this matter until such time as more research and insight into this matter has been conducted. Second to motion was made by Austin Gillette.

VOTE: 5 in favor, 2 absent. Deferred.

F. Liquor license Request for 4-Bears Casino.

Mark Fox made a MOTION that the council take no action on the liquor license request for 1994-95, but act only on the liquor license request for 1995-96. Motion was seconded by Austin Gillette.

VOTE: 5 in favor, 2 absent. Motion Carried.

XIV. ADJOURNMENT.

MOTION to adjourn made by Austin Gillette, second to motion made by Ivan Johnson. 5 in favor, 2 absent. Meeting adjourned at 1:45 p.m.

CERTIFICATION OF MINUTES

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) members constitute a quorum.

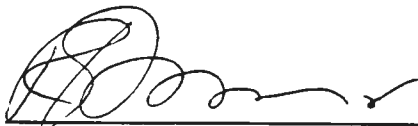
7 members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10th day of August 1995, whereupon the foregoing minutes were presented for approval by the Three Affiliated Tribes Recording Secretary.

Said Minutes were duly approved by the affirmative vote of 7 member(s), 0 member(s) opposed, 0 member(s) abstained, 0 member(s) absent and not voting; and that these Minutes have not been rescinded or amended in any way, except as noted by council when approved.

Dated this 10th day of August, 1995.

Daylon Spotted Bear
Daylon Spotted Bear, Secretary
Tribal Business Council

ATTEST:



Russell D. Mason, Chairman
Tribal Business Council