



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

TRIBAL BUSINESS COUNCIL

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SPECIAL TRIBAL BUSINESS COUNCIL MEETING

WEDNESDAY, JUNE 14, 1995, 10:55 A.M.

I. CALL MEETING TO ORDER & PRAYER.

Meeting was called to order by Chairman Russell D. Mason, Sr. Moment of silent prayer and meditation was held.

II. ROLL CALL.

A. Roll called by Secretary Daylon Spotted Bear, as follows:

1.	Chairman Mason	Present
2.	Vice Chairman Hall	Present
3.	Secretary Spotted Bear	Present
4.	Treasurer Fox	Present
5.	Councilman Gillette	Present
6.	Councilman Johnson	Absent
7.	Councilman Fast Dog	Absent

Five (5) members present; two (2) members absent.
Quorum established.

B. Employees Present: C. J. Packineau, Sergeant at Arms; Marian Spotted Bear, Recording Secretary; TAT Financial Consultant David Brendsel; Tribal Attorney Christopher D. Quale; Acting Comptroller Frank Henry.

C. Others Present: Patty K. Fredericks, Alden Company, Denver, CO; Kenneth Fredericks, Jr.; Clarence O'Berry, CEO/MEC; Casey Fredericks, 4-Bears Motor Lodge; Cleo L. Wells, CBCD/FBCC.

III. APPROVAL OF AGENDA.

A. Additions to Agenda.

1. Resolution on Financial Support for Pow Wows.
2. Resolution on Gaming Personnel Policy for Rehabilitated Employees.
3. Indigenous Games Financial Support.
4. Legal Briefing on Election & Gaming Arbitration.
5. Presentation on Options for Tribal Financing.
6. Hiring of Temporary Outside Counsel.
7. Little Bighorn Financial Request.
8. Research Possibility of Forest Service Land Claim.
9. Trespass Issue in Shell Creek.
10. North Segment Staff.
11. Renewal of Head Start Consultant.
12. Assist with Speaker Fees and Travel for Virgil Hill's Presentation at 4-Bears Fight.

B. Deletions from Agenda.

1. Water & Sewage Priority List for Each Segment.
2. Educational Leave Request.
3. Property & Supply.

NOTE: Council decided to have a special meeting on Friday, June 16, 1995, at 9:00 a.m.

C. Motion to Approve Agenda, with additions and deletions.

Motion: Austin Gillette
Second: Edwin Hall
Vote: 5 in favor. 2 absent.

Discussion: Mark Fox requested council to be flexible to add items to the agenda for this meeting. Chairman Mason inquired about granting administrative leave for Monday, July 3rd, 1995. Council was in agreement.

IV. APPROVAL OF RESOLUTIONS.

A-1. Resolution for Support of Pow Wows on Reservation.

Resolution would grant \$10,000.00 to each segment on the reservation to support cultural activities. Motion for approval by Mark Fox, seconded by Edwin Hall.

Discussion: The \$10,000.00 will not be given out until a week or two before the scheduled activity. Twin Buttes shall receive a check at this time, since their pow wow is this week.

Motion: Mark Fox
Second: Edwin Hall
Vote: 5 in favor; 2 absent. Passed.

RESOLUTION NO. 95-131-DSB

(Note: Councilman Fast Dog entered the meeting at 11:15 a.m., stating he had not been notified the meeting was being called to order.)

A-2. Nine-Month Moratorium on Further Consideration of any Proposals for Establishment of Additional Class III Gaming Facilities on Reservation for Nine Months.

Motion to approve resolution was made by Mark Fox, seconded by Edwin Hall.

Discussion: Due to pending issues with current management agreement, it was felt this resolution would be in the best interests of the tribes at this time. Should issues be resolved before period of moratorium ends, moratorium shall be lifted.

Motion: Mark Fox
Second: Edwin Hall
Vote: 4 for; 1 opposed; 1 abstaining;
1 absent. Passed.

RESOLUTION NO. 95-132-DSB

- B. Resolution for Formal Agreement with City of New Town for Disposition of Abandoned Vehicles.

Motion to approve this resolution made by Austin Gillette, second to motion made by Daylon Spotted Bear.

Discussion: Agreement is signed by Mayor and City Auditor of New Town, and the Tribal Chairman; and has been approved by the New Town City Council. The City, in effect, will be acting as the tribes' agent. Indian-owned abandoned motor vehicles will be brought to the attention of the City and/or registered owner, by a BIA police officer or a cross-deputized police officer. Rensch Chevrolet will tow the vehicle and it will be stored at Lakeview Wrecking. If vehicle is not claimed, it shall be auctioned off. This agreement is in perpetuity, unless terminated in writing.

Motion: Austin Gillette
Second: Daylon Spotted Bear
Vote: 5 in favor; 1 stepped out; 1 absent.
Passed.

RESOLUTION NO. 95-133-DSB

Note: See also Resolutions No. 95-134-DSB and 95-135-DSB, approved under Other Business, Items D and F. These resolutions were passed later in the meeting.

V. OTHER BUSINESS.

- A. Tribal Business License. Application for Retail Cigarette Sales at Sunset Motel by Betty Matthews.

Motion to approve: George Fast Dog
Second: Austin Gillette.
Vote: 4 in favor, 1 abstention,
1 stepped out, 1 absent. Passed.

- B. Alcohol Beverage Permit for Twin Buttes Rodeo Club for June 16, 17, 18.

Motion to approve: Daylon Spotted Bear

Motion died for lack of second. Note: This was readdressed later in the meeting. At this time, Casey Fredericks, TB Rodeo Club President, advised the council the permit would be for one day only, between

the hours of 12:00 noon and 5:00 in the evening.

Motion to approve: Daylon Spotted Bear
Second: Mark N. Fox
Vote: 4 in favor; 2 opposed; 1 absent.
Motion Passed.

C. Legal Briefing on General Election and Gaming Arbitration.

Mr. Christopher D. Quale briefed the council on the above two items in a closed session.

Motion was made by Austin Gillette for Tribal Attorney to draft a formal resolution objecting to the assigned arbitrator. Mr. Gillette amended his motion to object in the form of a letter, rather than a resolution; and to state the tribes' preference for an arbitrator who has knowledge of and is familiar with Federal Indian Law Concepts. Motion and amended motion was seconded and concurred on by George Fast Dog.

Motion: Austin Gillette
Second: George Fast Dog
Vote: 6 in favor; 1 absent. Motion Passed.

Motion was made by Austin Gillette to retain William T. Butcher to assist in research of records from Federal District Court. Motion seconded by Mark Fox. Tribal Attorney to contact Mr. Butcher and follow up on this. Costs to be negotiated and approved by Chairman and/or Treasurer or both.

Motion: Austin Gillette
Second: Mark N. Fox
Vote: 6 in favor; 1 absent. Motion Passed.

D. Resolution on Indigenous Games Resolution.

Mark Fox presented this resolution to provide financial support to Team North Dakota. The North American Indigenous Games will be held in Minneapolis, MN, beginning the last week in July 1995. Athletes from Fort Berthold will be participating.

Mr. Fox entertained a motion for approval, seconded by Edwin Hall.

Discussion on number of participants involved from Fort Berthold, which is estimated to be 80 - 100. The games will last for about eight days.

Motion: Mark Fox
Second: Edwin Hall
Vote: 6 in favor, 1 absent. Motion Passed.

- E. Rusty Kouba, Williston, ND, re Proposal for Tribal Business Opportunity.

Mr. Kouba did not go into detail on his proposal, as he wanted a disclosure statement signed beforehand. He was asked to meet further with the Tribes' Financial Investment Consultant, David Brendsel, on his business proposal. Mr. Brendsel is to come back and advise the council on Mr. Kouba's proposal.

(Tape 2)

Note: Recessed for lunch at 12:40 p.m. Reconvened 2:00 p.m.

- F. Resolution on Gaming Personnel Policy for Rehabilitated Employees.

In order to comply with state gaming laws, this resolution will allow the Gaming Commission to determine whether or not a person has been rehabilitated, so they may be employed with the casino. Mark Fox made motion to approve, seconded by Edwin Hall.

Discussion centered on whether this should be an interim policy. Mark Fox amended his motion to include that this will be deemed an interim policy, amendment agreed to by Edwin Hall.

Motion: Mark Fox
Second: Edwin Hall
Vote: 6 in favor. 1 absent. Motion Carried.

RESOLUTION NO. 95-135-DSB

Note: At this time, the request for an alcohol beverage permit for one-half day at the Twin Buttes Rodeo was readdressed. See V.B., Other Business.

- G. Mandaree Electronics.

Clarence O'Berry, CEO, Mandaree Electronics, requested a \$28,000 payment balance on a previously-approved \$42,000 grant from the Tribes to pay MEC's IRS Taxes and a U.S. Direct Loan. Mr. O'Berry was asked to get with John Danks and negotiate with IRS to make a plan for a repayment schedule; and then come back to the council and let them know what was agreed upon.

Mr. Hall inquired if there was a plan in place by MEC right now to insure an IRS tax problem doesn't occur again. Mr. O'Berry said the Mentor-Protegee Agreement expires in May 1997, and he has been trying to sit down with Northrop to lay out a plan, so that at the end of the agreement, MEC will be a viable company. No long-term plan has ever been laid out for MEC. The total

IRS bill is \$43,000 at this time. The U.S. Direct Loan is about \$16,000 delinquent, at present, but can be restructured.

Mr. O'Berry asked if MEC was going to be included in the Tribes' planned financial package. Mr. Fox said as far as they are planning right now, MEC is still part of this.

H. Tribal Finance Presentation. (Closed Session)

David Brendsel, TAT Financial Consultant, gave an updated report on tribal finances, along with his recommendations and proposals. After conclusion of Mr. Brendsel's presentation, a motion to authorize the Treasurer to distribute the TAT 1993 and 1994 Audits, as required, was made by Edwin Hall, seconded by Daylon Spotted Bear.

Motion: Edwin Hall
Second: Daylon Spotted Bear
Vote: 6 for, 1 absent.

Note: Five minute recess taken.

I. Tribal Business Licenses.

A. Valerian Three Irons Fireworks Sales.

Motion by George Fast Dog for approval.
Second by Austin Gillette.
Vote: 3 for, 2 abstained, 1 out, 1 absent.

B. Chad Martin Wooden Toy Sales.

Motion by Austin Gillette for approval.
Second by George Fast Dog.
Vote: 4 for, 1 abstention, 1 out, 1 absent.

J. Contract with Attorney for Range Unit Lawsuit Case.

Motion made by Edwin Hall to authorize Treasurer, with Chairman's input/approval, to seek negotiations for a contract with an attorney to work on the Range Unit Lawsuit. Motion seconded by Austin Gillette.

Discussion was on cost factor involved, which was unknown at this time.

Vote: 5 for, 1 out, 1 absent. Passed.

VI. NEW BUSINESS.

A. Grazing Unit Allocation Lawsuit.

Update on this was given to council by Tribal Attorney.

B. Dismissal of Tribal Staff Attorney.

Mark Fox made a motion to give authority to Tribal Attorney Quale to give a two-week notice, as of this date (June 14), to the Tribal Staff Attorney, Urban Bear Don't Walk, as of this date. Motion seconded by Austin Gillette.

Vote: 6 for, 1 absent. Passed.

Discussion on the fact that the contract for the Tribal Staff Attorney had expired in December 1994, and had not been renewed by the Tribes.

C. Little Bighorn Financial Request.

Austin Gillette presented a financial request for Scouts Day at Little Bighorn in Montana. He moved for approval of \$300. Motion seconded by Mark Fox.

Vote: 6 for, 1 absent. Passed.

D. Research Possibility of Forest Service Land Claim (Natural Resources Committee).

Official action requested from the council to seek legal research and opinion on Bureau of Land Management land north of reservation for potential grazing rights, as part of aboriginal rights or as part of the 1851 Treaty. There is a possibility the tribes may gain some grazing rights, which may help solve the tribes' present problem of lack of land for ranchers.

Mr. Gillette moved that a letter be prepared for the Chairman's signature to request action be taken by the tribes' Washington Attorneys to research the above possibility. Motion seconded by Daylon Spotted Bear.

Vote: 5 for, 1 out, 1 absent. Passed.

E. Trespass Issue in Shell Creek.

Chairman Mason reported on some individuals whom had been on tribal land digging up blackroot for resale. He requested Natural Resources to research whether or not there is a policy that pertains to such incidences; and, if not, perhaps to draft up a tribal policy that would address situations such as this.

Mr. Gillette said the Natural Resource Committee would address this at their meeting the next day.

F. North Segment Staff.

Chairman Mason inquired of Mr. Fast Dog as to what arrangement had been made to retrieve the dollars on

the unauthorized pay received by one of his former staff members; plus a time sheet which had been submitted and approved for 8 hours on May 17 for one of his staff members; however, documentation showed that the staff member had been in Mandan on that date. Mr. Fast Dog said he didn't know anything about the second issue. He said he would check on this. Further discussion involved the tribes' election ordinance pertaining to political activities of tribal employees, and Mr. Fast Dog's responsibility for proper administration of the Segment Employment Program. The authority of Mr. Fast Dog to appoint board members was also brought up. Mr. Fast Dog said "maybe on Friday" he would give a report to the council.

G. Cleo Wells, FBCC Business & Development.

Ms. Wells distributed information she had picked up at a Rural Business Cooperative & Development Service Conference (formerly the Rural Development Association) in Atlanta. A brief report was given on this conference, and the dollars that are available under federal programs as a result of the 1890 institutional land grant status given to the tribal college. Ms. Wells also mentioned some problems she is having with her office space and utilities. She advised funding has been depleted for her program, however, the program is still authorized until September 21.

Mr. Mason asked Ms. Wells to set up a meeting with himself, Ms. Wells, Mike Cross, and John Danks on Thursday morning, June 15, 1995.

H. Personnel.

Austin Gillette made a motion to approve the renewal of Lois Burnes' Consultant Agreement with Head Start. Motion seconded by Daylon Spotted Bear.

Discussion on consultant agreement is not to exceed the amount stated.

Vote: 6 for, 1 absent. Motion Carried.

I. Approval of Donation for Honorarium for Virgil Hill to Attend the 4-Bears Casino Boxing Match as a Speaker.

Mark Fox made a motion for approval for himself to work with the Casino and TAT Programs to sponsor Mr. Hill for the upcoming tribal casino events. Motion seconded by Edwin Hall.

Discussion on the amount of the honorarium.

Vote: 6 for, 1 absent. Motion Carried.

VII. APPROVAL OF MINUTES.

- A. April 05, 1995
- B. April 12, 1995
- C. April 14, 1995

Mark Fox made a motion that the council's recently adopted policy of shortening minutes for reproduction and publication apply to the above minutes, as well. Second by Edwin Hall.

Vote: 6 for, 1 absent. Motion Carried.

Motion made by Mark Fox to approve the April 05, 1995 Minutes. Second by Austin Gillette.

Vote: 6 for, 1 absent. Motion Carried.

Austin Gillette moved for approval of the April 12, 1995, Minutes. Second by Mark Fox.

Vote: 6 for, 1 absent. Motion Carried.

Austin Gillette made a motion to approve the Minutes of April 14, 1995, with stated corrections. Motion seconded by Daylon Spotted Bear.

Vote: 6 for, 1 absent. Motion Carried.

VIII. OLD BUSINESS.

- A. Reapproval of Amendment to Resolution No. 95-090-DSB.

Mark Fox made a motion in regards to the escrow account that council reapprove the resolution regarding the escrow accounts and the establishment of the escrow accounts as required by the Tribal/State Gaming Compact. Second by Edwin Hall. (Resolution was amended to include Mark Fox, TAT Treasurer, and Ranie Sondrol, AG State Gaming Division, on signature card.)

Vote: 6 for, 1 absent. Motion Carried.

IX. ADJOURN.

Motion for adjournment made by Daylon Spotted Bear, seconded by Edwin Hall. 6 in favor, 1 absent. Meeting adjourned at 5:05 p.m. Next council meeting scheduled will be a special meeting on Friday, June 16, 1995, at 9:00 a.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.

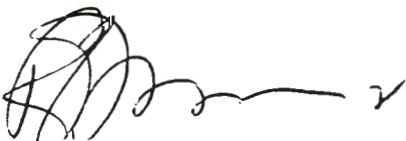
Said Minutes were duly approved by the affirmative vote of 7 member(s), 0 member(s) opposed, 0 member(s) abstained, 0 member(s) absent and not voting; and that these Minutes have not been rescinded or amended in any way, except as noted by council when approved.

Dated this 10th day of August, 1995.

ACCEPTED:

Daylon Spotted Bear
Daylon Spotted Bear, Secretary
Tribal Business Council

ATTEST:



Russell D. Mason, Chairman
Tribal Business Council