



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

SPECIAL COUNCIL MEETING

MINUTES OF JULY 23, 1996

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

- A. CALL TO ORDER AND OPENING PRAYER.** A Special Meeting of the Three Affiliated Tribes' Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 11:00 a.m. in the Tribal Council Chambers, for the purpose of taking action on items deferred from the Regular Meeting of July 11, 1996. A moment of silent prayer was held.
- B. CHAIRMAN'S ANNOUNCEMENTS.** A current list of important legislative issues was handed out by Chairman Mason to the council members for them to take a look at. The problem of outsiders and tribal members digging up the roots of the purple coneflower for the purpose of selling them was brought up by Mr. Mason, who stated that only certain people have the rights to use these, and our cultural traditions should not be forgotten. An attempt will be made to do something about this.
- C. ROLL CALL.** MOTION made by Mark N. Fox for Austin Gillette to serve as Acting Secretary until the Executive Secretary arrives, seconded by Edwin Hall. Mr. Gillette called roll: Five members present, two members absent (Ivan Johnson and Daylon Spotted Bear). Quorum established.
- D. TAT FINANCIAL CONSULTANT UPDATE ON TRUST FUNDS.** Mr. David Brendsel said the Bureau of Indian Affairs would like the Tribe to settle for a lot less than we should. Lonnie Points, CPA Consultant for the Inter-Tribal Monitoring Association is going to send us an open-ended proposal outlining a plan of action to go forward, and prepare a proposal to the bureau for a settlement. Recommendation is for the Tribe to make some type of an effort to come up with a figure they are ready to settle for and make a presentation to congress. Mr. Brendsel will review the plan of action and proposal, and will make his recommendation to the council.
- E. COMMITTEE ANNOUNCEMENTS.** Mr. Fox stated he had attended the Justice Conference in Sioux Falls, SD. The Department of Justice sponsored the Northern Plains Justice Conference. U.S. Attorney General Janet Reno was in attendance. Mr. Fox said he had a chance to speak with some officials about a detention facility for our Tribe. He also attended workshops on juvenile justice and child protection. He said he was disappointed that neither Social Services nor Tribal Court were there, however Head Start was there, and planned to share some of the information with the two programs. He also stated he and Edwin Hall would be attending a ND Indian Gaming Association Meeting on July 29 at Prairie Knights.

- F. **APPROVAL OF AGENDA.** MOTION to approve agenda, with the addition of ten items, and the provision that when the gaming attorneys arrive they will be moved up on the agenda, was made by Mr. Gillette, seconded by Mr. Fox. VOTE: 5 in favor, 2 absent. Carried.

Note: Mr. Spotted Bear joined the meeting at 11:30 a.m.

G. **OTHER BUSINESS (PRIOR TO UNFINISHED BUSINESS).**

01. MOTION to Set a Limit of \$500 for Financial Requests from Church Organizations; AMENDED to Include Approval of \$500 for Twin Buttes Church Camp Meeting (Lois Benson). Motion to set a limit of \$500 on financial requests from church organizations made by Mr. Gillette, seconded by Mr. Hall. Motion AMENDED to include approval of \$500 for Lois Benson Church Camp Meeting scheduled for August 16-18, 1996. Vote: 4 in favor, 1 opposed, 1 abstained, 1 absent. Carried.

02. Teresa Danks' Request for Financial Assistance to Attend Tekakwitha Catholic Conference as Church Representative. Discussion that this would fall into church organization category; since Chairman and Treasurer have council's authority to approve up to \$500, this request will be referred to them to act on.

03. DISCUSSION on Funeral Fund Request from Candy Knight and MOTION for Enrollment Office to Prepare a Resolution on this "Special Circumstances" Case. MOTION by Mr. Gillette to have Tribal Enrollment Office prepare a resolution, listing the special circumstances of this request, for council action at the next council meeting. Motion seconded by Mr. Spotted Bear. Vote: 6 in favor, 1 absent. Carried.

H. **UNFINISHED BUSINESS FROM JULY 11 REGULAR MEETING.**

Note: Mr. Gillette requested White Shield School/LCM/TERO Fee issue be deferred to next meeting.

01. Legal Update on Status of Potential Claim of Candidate Phyllis Howard in the ND State Primary Election. Staff Attorney Thomas Disselhorst informed council that Ms. Howard has decided not to pursue an election dispute, as claim could not be established. Letter from Chairman to be sent to county election officials about having adequate ballots on hand.

02. Legal Update on Congressional Legislation. Mr. Disselhorst updated council on recent activities in congress involving various issues such as BIA trust lands, welfare reform, tribal sovereignty, ICWA, BIA reorganization and Senator Gorton's proposal that BIA develop a formula for distribution of bureau monies to all Tribes.

03. Legal Update on the 1996 Tribal Business Council Election. Supervising Attorney Christopher D. Quale advised the filing deadline for council representative candidates from Mandaree, New Town, and White Shield is August 8. S/A Quale requested a Special Meeting be held on August 9 to select/appoint election board members. Council decided to meet at 9:00 a.m. on Friday, August 9, only for the purpose of selecting election board members.

04. MOTION to Authorize Chairman and Treasurer to Work Out Compensation Levels of Election Board Members and Others Involved in 1996 Election Process. Mr. Fox made the following motion: that authority be given (to himself and Chairman Mason) to develop and approve of the compensation levels with indications of total amounts, ceiling amounts, for the whole process for election year 1996; that we come back with that information subsequent for the council to review, but that we have that authority during the time period to develop that. Motion seconded by Mr. Hall. Vote: 5 in favor, 1 opposed, 1 absent. Carried.

Note: The Regular Council Meeting scheduled for Thursday, August 8, was changed by council to Wednesday, August 7.
(Ten-minute break taken from 12:15 p.m. to 12:25 p.m.)

I. OTHER BUSINESS (Cont'd).

04. Closed Session with Gaming Attorneys. Henry Buffalo and Joseph Halloran visited with the council on a plan of action to follow on the casino management contract. Motion follows.

05. MOTION to Direct Gaming Attorneys to Respond to Terms Set up by Casino Management on Contract. Motion by Mr. Gillette to direct the (gaming) attorneys to respond (to the management company) with a proposal outlining the Tribes' position regarding settlement of the dispute between the management company and the Tribe as discussed today. Further, that the 30% consideration be applied to the company's initial capital investment. Discussion that all councilmen present at meeting today are in favor of the plan of action presented thus far, acknowledging that they are one, full council united on this issue. Vote: 6 in favor, 1 absent. Carried.

Note: Meeting recessed for lunch at 2:30 p.m. and reconvened at 3:25 p.m. (Mr. Spotted Bear not present.)

J. UNFINISHED BUSINESS (Cont'd).

05. R#96-163-DSB to approve Grant of \$3,000 to Fort Berthold Coalition Against Domestic Violence. Motion to approve, Mr. Fast Dog; second, Mr. Fox. Discussion that Domestic Violence look at all other options for additional financing. Vote: 4 in favor, 1 opposed, 2 absent. Carried.

K. ITEMS ADDED TO AGENDA.

01. MOTION to Appoint Kenny Stevenson to FBDC BOD. Motion by Mr. Fox to appoint Kenny Stevenson to Fort Berthold Development Corporation Board of Directors; seconded by Mr. Hall. Discussion by Mr. Fox that if a resolution is necessary under the FBDC Charter, he will present it at the next meeting. Vote: 3 in favor, 2 opposed, 2 absent. Carried.

02. R#96-164-DSB to Approve Non-Profit Corporate Charter for the Fort Berthold Unity Riders. Motion to approve by Mr. Fast Dog, second by Mr. Fox. Question by Mr. Fox if Legal had reviewed the charter, answer is "yes" by Mr. Fast Dog. Vote: 5 in favor, 2 absent. Carried.

03. R#96-165-DSB to Approve IHS/BIA 638 Master Contracts. Motion to approve, Mr. Fox; second, Mr. Hall. Discussion. Vote: 5 in favor, 2 absent. Carried.

Note: Mr. Spotted Bear rejoined meeting at 3:45 p.m.

04. Tax Department RTC Case Update. Tax Attorney Thomas Bird Bear reported that the companies will not be filing a petition before the U. S. Supreme Court. Terms of the escrow agreement are being negotiated, and they will be going before tribal court to determine taxation issues. Mr. Bird Bear will send a written summary to the council members on this and other tax issues.

05. R#96-166-DSB to Approve Grant of \$25,000 to the Parshall-Lucky Mound Segment to Construct Arbor and Develop Grounds to Conduct a Traditional Celebration. Resolution presented by Councilman Fox. Motion to approve, Mr. Gillette; second by Mr. Fast Dog. Discussion that future attention needs to be given to other segments, as well, to help them further develop their arbors and grounds. Vote: 6 in favor, 1 absent. Carried.

06. MOTION for TAT Financial Consultant to Check Out Tribal Financial Partnership with Dakota Wizards. Mr. David Mauer revisited with council on whether the Tribe wished to become a financial partner or a corporate sponsor of the Dakota Wizards. Motion by Mr. Fast Dog to have the TAT Financial Consultant check out a financial partnership with the Dakota Wizards. Motion seconded by Mr. Fox for discussion purposes. Discussion on potential yields and returns on Tribes' investment, kinds of involvement of tribal members in the organization, and other ancillary activities, should the Tribe decide to do this. Vote on Motion: 3 in favor, 2 abstained, Mr. Fast Dog not present for vote, 1 absent. Carried.

07. R#96-167-DSB to Appoint Temporary District Court Magistrate for Tribal Court. Discussion on qualifications of three individuals recommended for this temporary appointment by Tribal Court. Motion made by Mr. Fast Dog to appoint Elton Spotted Horse as temporary magistrate, second by Mr. Gillette. Vote: 3 in favor, 1 opposed, 2 abstained, 1 absent. Additional motion made by Mr. Gillette to appoint Pliga Bordeaux as Alternate, in case Mr. Spotted Horse is unable to accept. Discussion. Vote: 3 in favor, 2 opposed, 1 abstained, 1 absent. Carried.

Note: At this time, Mr. Fast Dog stated he was going to ask for some money for the Unity Riders; but, since they were only asking for \$500, he felt the Chairman and Treasurer could take care of this, to which the Chairman agreed.

08. R#96-168-DSB to Approve Construction of New Community Facility for Four Bears Segment, Designated as Activity #2\95, under FY 1995 CDBG. Motion to approve made by Mr. Gillette, seconded by Mr. Fox. Discussion that this project will be administered by TAT Comprehensive Management Office. Vote: 6 in favor, 1 absent. Carried.

09. MOTIONS on New Town Public School District Request for Waiver of TERO Fees on Gymn Floor & Track Remodeling. Motion #1 to approve request made by Mr. Hall, seconded by Mr. Fox for discussion purposes. Discussion on project costs, TERO fee amounts, city fees, and other issues. Vote on first motion: 2 in favor, 2 opposed, 2 abstained, 1 absent. Motion #1 Denied. New motion #2 by Mr. Fox for waiver of one-half of the TERO fees, seconded by Mr. Gillette. Discussion. Vote: 3 in favor, 2 opposed, 1 abstained, 1 absent. Motion #2 Carried.

L. PERSONNEL.

01. MOTION to Approve David White Bear in Temporary Finance Position of Bank Records Clerk. Motion by Mr. Fox for Mr. David White Bear to be the temporary appointment to the Finance Department, retroactive to when Mr. White Bear came on board. Motion seconded by Mr. Hall. Vote: 5 in favor, 1 not present during vote, 1 absent. Carried.

Note: Kyle Baker and Ron Rabbithead were removed from agenda at this time by Mr. Gillette and Mr. Fast Dog, respectively.

02. MOTION to Remove Dialysis Administrator. Sensitive files and documentation relating to the recommendation for this action were reviewed and discussed by council members with the Tribal Programs Manager. Motion for approval of the action was made by Mr. Fox, seconded by Mr. Spotted Bear, for further discussion. The Tribal Health Consultant; and Sharon Hanson, Dialysis Administrator serving Fort Peck, Browning, and Wind River dialysis units, were requested by

council to visit with them on this matter. Supplemental information was provided by Ms. Hanson in regards to the operation of the TAT Dialysis Unit under the direction of the present administrator, after which, vote was called for. Vote follows: 6 in favor, 0 opposed, 0 abstained, 1 absent. Motion Carried.

M. ITEMS ADDED TO AGENDA (Cont'd).

10. MOTION to Add to Agenda. Motion was made by Mr. Fox, Seconded by Mr. Fast Dog, to add a resolution from the Legal Department to the agenda. Vote: 6 in favor, 1 absent. Carried.

Note: Mr. Fast Dog left to attend another meeting at 5:42 p.m.

11. R#96-169-DSB on Digging and Sale of the Roots of the Purple Coneflower within the Boundaries of the Reservation. Diane J. Avery, Staff Attorney, presented this resolution, which had been requested by the Chairman. Discussion. Motion to approve by Mr. Fox, seconded by Mr. Hall. Vote: 5 in favor, 2 absent. Carried.

N. NEXT MEETING. Regular Meeting, Wednesday, August 8, 1996.


O. MOTION TO ADJOURN. Motion for adjournment by Mr. Spotted Bear, seconded by Mr. Hall. Vote: All in favor. Adjourned at 6:05 p.m.

CERTIFICATION OF MINUTES

As Executive Secretary of the Tribal Business Council of the Mandan Hidatsa & Arikara Nation, Three Affiliated Tribes of the Fort Berthold Reservation, I hereby certify that the Tribal Business Council is composed of seven members, of whom five members constitute a quorum. Seven members were present at a **Regular Meeting** thereof duly called, noticed, convened, and held on the 07th day of August 1996, whereupon the Special Council Meeting Minutes of July 23, 1996, were presented for approval by the Three Affiliated Tribes' Recording Secretary. Said Minutes were duly approved by the affirmative vote of 5 members, 0 members opposed, 1 member abstained, 1 member absent during vote; and that these minutes have not been amended in any way, except as noted by council when approved. JULY 23, 1996, MINUTES HEREBY APPROVED this 07th day of August 1996.

Marian Spotted Bear, Recording Secretary
for Daylon Spotted Bear, Executive Secretary
Three Affiliated Tribes' Tribal Council

ATTEST:



Russell D. Mason, Sr., Chairman