



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 AUGUST 09, 1996

TRIBAL BUSINESS COUNCIL

(701) 627-4781

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- A. CALL TO ORDER AND OPENING PRAYER.** A Special Meeting of the Three Affiliated Tribes' Tribal Business Council was held for the purpose of appointing the 1996 Tribal Council Election Board Members. Meeting called to order by Chairman Russell D. Mason, Sr., at 9:20 a.m. in the Tribal Council Chambers. A moment of silent prayer was held.
- B. ROLL CALL.** Secretary Spotted Bear called roll. Six members present, Mr. Ivan Johnson absent. Quorum established.
- C. MOTION TO RESCIND PREVIOUS ACTION ON SCHEDULED PAYMENTS FOR TED LONE FIGHT III.** Chairman Mason advised he had some other information on the issue of Ted III's request for approval of scheduled payments, that he would like to share with the council, and have added to the agenda. He asked council to rescind the motion that was made yesterday (August 7). Mr. Lone Fight withdrew \$10,000 from his retirement and was supposed to pay this off immediately. His actual retirement was \$23,678. A check for \$10,000 was issued to him on 9/30/92. He signed a promissory note, but never paid on it. The purchase order says "Advance from Retirement Plan", and was done on 9/30/92. When the \$23,678 was withdrawn, not one effort was made to pay the loan back. The promissory note was for \$10,000.

Mr. Fast Dog made a motion to have Ted Lone Fight III present in the meeting when this is being discussed. No second to motion. Discussion followed, along with presentation of documents from TAT Finance Department. Mr. Fast Dog withdrew his motion. The documents included a purchase order and a promissory note signed by Ted III to make one lump-sum payment of \$10,000 to the Tribe, upon receipt of his retirement funds.

Mr. Gillette made a motion that the action taken regarding a loan repayment schedule for Ted Lone Fight III on an advance he received from the Tribe be rescinded, as new information has become available to the council. Second to motion was made by Mr. Hall for discussion purposes. Discussion.

Mr. Gillette: "For the record, Mr. Lone Fight on September 30, '92, received a \$10,000 advance, highly questionable, on authority from then Chairman Wilkinson, and he was to repay the tribe when he closed his retirement fund account with Mass Mutual. He did receive \$21,000 (sic) in January of '93 and failed to

(C. Ted Lone Fight III - Continued.)

repay the tribe. It is based on this information that the motion by myself is being made. Apparently he didn't intend to pay the tribe back, but the other day's action, to file for candidacy again he come in and proposed this arrangement to the council and it was approved by a vote, now we're trying to correct our action by not approving a questionable loan as many other loans that we still have to deal with as far as collection."

Vote on motion: 4 in favor, 2 abstained, 1 absent. Motion Carried.

D. APPOINTMENT OF 1996 TRIBAL ELECTION BOARD MEMBERS.

01. Motion for Chairman of Tribal Election Board. Motion was made by Mr. Gillette to appoint Ernestine Perry as Chairman of the Election Board. Second by Mark N. Fox. Vote: 6 in favor, 1 absent. Carried.

02. Motion to Appoint Laurie Kraft as Election Board Member. Motion was made by Mr. Fox, seconded by Mr. Hall, to appoint Laurie Kraft to the Election Board. Vote: 6 in favor, 1 absent. Carried.

03. Motion to Appoint Clarinda Baker as Election Board Clerk. Motion was made by Edwin Hall to appoint Clyde Baker as an election board member from the Four Bears District. Discussion that Lawrence Baker is his nephew. Further discussion on Clarinda Baker having been recommended as the clerk for the election board. The clerk does not vote, and just works for the board. Mr. Hall withdrew his motion, and made a second motion to appoint Clarinda Faye Baker as Election Board Clerk, which was seconded by Mr. Fast Dog. Vote: 6 in favor, 1 absent. Carried.

04. Motion to Appoint Howard Wilkinson as Member of Election Board. Motion was made by Mr. Gillette for the selection of Howard Wilkinson from White Shield, seconded by Mr. Fast Dog. Vote: 6 in favor, 1 absent. Carried.

05. Motion to Appoint Norma Wolf as Member of Election Board. Motion was made by Mr. Fast Dog to appoint Norma Wolf to the Election Board for New Town, seconded by Mr. Gillette. Discussion. Vote: 6 in favor, 1 absent. Carried. (NOTE: During the approval of these minutes at the Regular TBC Meeting on 9-12-96, Mr. Gillette noted that Ms. Wolf had declined serving on the election board, so S/A Kip Quale had obtained a verbal concensus from the TBC to appoint Toni Starr Skibsrud as the New Town representative. It was decided to put this appointment on the agenda of the 9-12-96 meeting for confirmation purposes.)

(D. Election Board Appointments - Continued.)

06. Motion to Appoint Melvina (Mabel) Fredericks as Member of Election Board. Motion was made by Mr. Gillette, seconded by Mr. Fast Dog, to appoint Melvina (Mabel) Fredericks from Mandaree to the Election Board. Discussion. Vote: 6 in favor, 1 absent. Carried.

E. **APPOINTMENT OF TRIBAL CERTIFICATION BOARD MEMBERS.** Motion was made by Mr. Gillette to appoint Chairman Mason, Secretary Spotted Bear, and Treasurer Fox as tribal certification board members. Motion seconded by Mr. Hall. Discussion on ordinance requires that a certification board be appointed constituted by three members of council not running for office for the sole purpose of certifying the results of the election, in the event the election board, for whatever reason, should fail to certify the results within the constitutionally-mandated three-day period. Vote: 6 in favor, 1 abstained, 1 absent. Carried.

F. **CLASS II GAMING (PULL TABS) AT POW WOW.** Discussion by S/A Quale that the Tribe's gaming attorneys had contacted him regarding conducting pull tabs on the pow wow grounds, and IGRA would indicate that pull tabs in absence of simultaneous bingo, would have to be licensed by the Tribal Gaming Commission. The gaming attorneys had proposed that the TBC designate the organization selling pull tabs as an agency or arm of tribal government to recognize them as part of the tribe. It is federal law that bingo must be played at the site also, in order to be completely legal. Motion by Mr. Fast Dog that council do this. Discussion on, if tribe were to make this motion, would they be breaking the law? S/A Quale said, "No, but it would have to be retroactive. The TBC would designate the organization, with some type of documentation, as an agency of tribal government." Concern that this would be "opening the door" for a lot of other organizations. Motion withdrawn. Council agreed that IGRA should be strictly complied with by the Gaming Commission, and the Tribes would adhere to federal law, but would not make any organization an informal extension of the tribe. This matter was referred back to the TAT Gaming Commission, with instructions to adhere to the state compact and federal law.

G. **CASINO PROPOSAL.** After discussion, council agreed they had "pretty much decided at the July 23 meeting" to go with a cap of 8 million in negotiations. No other action necessary at this time.

H. **R#96-180-DSB, DOJ GRANT SUBMITTAL.** Mr. Fast Dog made motion to approve this resolution for a grant application to the Department of Justice, Office of Justice Programs, for "Safe Kids - Safe Streets", with changes in last "Be it further resolved" to indicate Chairman and Treasurer authorized to negotiate consultant agreement for grants writer. Second, Mr. Gillette. Vote: 6 in favor, 1 absent. Carried.

- I. **NEXT MEETING.** Special Council Meeting, Wednesday, August 21, 1996.
- J. **ADJOURNMENT.** Motion to adjourn made by Mr. Gillette, seconded by Mr. Fast Dog. Vote: 6 in favor, 1 absent. Meeting adjourned at 10:12 a.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. Six members were present at a **Regular Meeting** thereof duly called, noticed, convened, and held on the 12th day of September 1996, whereupon the **Special Council Meeting Minutes of August 09, 1996**, were presented for approval by the Three Affiliated Tribes' Recording Secretary.


After review and discussion, said minutes were duly approved by the affirmative vote of 6 members. 01 member absent.

Minutes Approved and Certified, 09/12/96.



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

Attest:



Russell D. Mason, Sr., Chairman
Tribal Business Council