



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

REGULAR COUNCIL MEETING MINUTES

NOVEMBER 14 - 15, 1996

TRIBAL BUSINESS COUNCIL
701-627-4781
Fax 701-627-3805

01. **CALL TO ORDER AND OPENING PRAYER.** The Regular Meeting of the Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 10:25 a.m. on Thursday, November 14, 1996, in the Tribal Council Chambers. A moment of silent prayer was asked by Chairman Mason for those families who are in mourning at this time, and those who are less fortunate than we are and who are in need of many things.
02. **ROLL CALL.** Chairman Russell D. Mason, Sr., present; Councilman George Fast Dog, absent; Councilman Mark N. Fox, present; Councilman Austin Gillette, present; Councilman Edwin Hall, present; Councilman Ivan Johnson, absent; Councilman Daylon Spotted Bear, present. Five members present. Quorum established.
03. **CHAIRMAN'S ANNOUNCEMENTS.** Swearing in ceremonies will be held in the lobby, after which the meeting will recess and reconvene tomorrow at 10:00 a.m. After discussion, it was decided to reconvene in the chambers at 1:00 p.m.
04. **RECESS, RECONVENEMENT, RECESS.** Meeting was recessed at 10:30 a.m. to retire to lobby for swearing-in ceremonies of White Shield incumbent Austin Gillette, and the two newly-elected councilmen--Tex G. Hall from Mandaree, and Thomas Bird Bear from New Town/Little Shell. After the swearing-in ceremonies and lunch, the meeting was reconvened at 1:07 p.m., with the newly-sworn councilmen being seated. All members present and official quorum established.

Discussion was held on the reason for continuing the meeting on Friday, rather than finishing the agenda today. After discussion, council agreed to continue the meeting on Friday, and the meeting was recessed at 1:15 p.m.
05. **RECONVENEMENT.** Meeting was reconvened Friday afternoon, November 15, 1996, at 1:30 p.m., with a moment of silent prayer and meditation. All members were present.
06. **NOTICE OF SPECIAL MEETING.** A special meeting will be held Thursday, November 21. (Recorder's Note: Date later changed to Friday, November 22, due to the bridge meeting in Bismarck on November 21.)
07. **SELECTION OF EXECUTIVE COMMITTEE MEMBERS.** Mr. Gillette made a motion to place the selection of the executive committee members as the first item on the agenda. Motion was seconded by Mr. Bird Bear. Vote on motion: 7 in favor. Motion carried.

Motion by Mr. Fox, second by Mr. Tex G. Hall, to approve a resolution for the selection of Mr. Edwin Hall as vice chairman, Mark N. Fox as treasurer, and Daylon Spotted Bear as secretary. Discussion by Mr. Tex G. Hall that he would like to see the officers remain the same because of their past experience. Vote on motion: 3 in favor, 4 opposed. Motion denied.

Motion by Mr. Gillette, second by Mr. Bird Bear, to approve a resolution for the selection of Mr. Gillette as vice chairman, Mr. Spotted Bear as secretary, and Thomas Bird Bear as treasurer. Vote on motion: 4 in favor, 3 opposed. Motion carried. (See Resolution No. 96-226-DSB.)

08. APPROVAL OF OCTOBER MINUTES.

a. Regular Meeting, October 10, 1996. Motion by Mr. Fox, second by Mr. Edwin Hall to approve the minutes of October 10, 1996. Discussion by Mr. Gillette that he would like to change the minutes on page 6, item 9, selection of Cops/Fast positions in White Shield, to have Edmund White Bear Jr. and Howard Wilkinson (in these positions) and that he would like to amend his motion, and request this change in the minutes. (Note: Mr. Gillette was redirected to the minutes of October 31, in which this selection appears.) Vote: 5 in favor, 2 abstained. Carried.

(1) Motion by Mr. Fox, second by Mr. Edwin Hall for Mr. Tex G. Hall to have authority to review with Captain Tex Fox to re-select the second Cops/Fast police officer in Mandaree. Vote on motion: 7 in favor. Carried.

b. Special Meeting, October 31, 1996. Motion by Mr. Gillette, second by Mr. Spotted Bear, to approve the minutes of October 31, 1996, with addition of statement by Mr. Gillette that Edmund White Bear would remain as first Cops/Fast police officer in White Shield, Howard Wilkinson would be the second Cops/Fast police officer, and Charles Wilkinson would be the alternate from White Shield. Vote on approval of October 31 minutes: 5 in favor, 2 abstained. Carried.

09. APPROVAL OF AGENDA. Motion to approve agenda, with additions and deferments, made by Mr. Bird Bear, seconded by Mr. Tex G. Hall. Vote on motion: 5 in favor, 2 abstained. Carried.

10. NEW BUSINESS.

a. Motion to Lay Off SEP Workers who Were Appointed "At-Will" by Previous Councilmen. Motion by Mr. Tex G. Hall for the lay off of all Segment Employment Program workers for NT/LS and Mandaree. Second by Mr. Bird Bear. Discussion: This does not include maintenance workers at this time. Council will get clarification by November 22 from the Legal Department. Vote: 5 in favor, 2 abstained. Carried.

(10. New Business, continued.)

b. Roads.

(1) R#96-227-DSB, to 638 Contract Route 22 (Mossett Bay Road) and Route 10 in Mandaree for Gravel Reconstruction. Motion to approve, Daylon Spotted Bear, second Austin Gillette. Discussion that these two projects are on the 1997 TIP List. Vote: 4 in favor, 3 opposed. Carried.

(2) Four Bears Road. Motion by Edwin Hall to prioritize and finish the outreach in Four Bears for the graveling project that was to take place. Second by Tex G. Hall. Vote: 7 in favor. Carried.

(3) Proposed TAT/RDO Lease-Purchase Agreement for Three Motorgraders. Lease-purchase agreement was reviewed with council by Staff Attorney Diane J. Avery. The \$215,280 lease was previously approved by full council on 10/31/96.

NOTE: A 20-minute break was taken at 2:35 p.m. due to an emergency situation with an elder. Meeting reconvened at 3:00 p.m.

After further discussion, Mr. Bird Bear was asked to work with the Legal Department and Virgil Eagle on this lease and purchase agreement, and council will readdress at next meeting.

c. Motion to Place Tax Case on Agenda. Motion by Mr. Bird Bear to add tax case to agenda. Second by Mr. Gillette. Vote: 7 in favor. Carried.

d. Motion on RTC Tax Litigation Case. Staff Attorney Avery updated the council on the RTC tax litigation case, stating that the Tax Commission needed approval to proceed with this litigation. She stated the TBC did not need a resolution, however, the Tax Commission should have a resolution on this. A motion to authorize the Tax Commission to initiate the proceeding to collect taxes was made by Mr. Bird Bear. Second, Mr. Gillette. Discussion on ad valorem taxes. Vote: 5 in favor, 2 abstained.

11. **LEGAL.**

a. A-1 Contracting Case. Supervising Attorney Christopher D. Quale advised council that the Supreme Court will hear oral arguments in this case presented by NARF on Tuesday, January 7, 1997. He provided a brief procedural history for the benefit of the new councilmen.

b. Motion to Add Associate Judge to the Agenda. Motion by Edwin Hall, second by Mr. Fox. Vote: 6 in favor, Chairman Mason not present during vote. Motion carried.

(11. Legal, continued.)

c. R#96-228-DSB, on Miller Schroeder - Jacobson Buffalo Possible Conflict of Interest. Staff Attorney Thomas H. Disselhorst explained this resolution was requested by the gaming attorneys in order that they may represent the financial firm of Miller Schroeder. Motion to approve resolution was made by Mr. Fox and seconded by Mr. Edwin Hall. Discussion: Acting Chairman Austin Gillette requested Attorney Disselhorst to provide background information on the casino buyout to the two new councilmen, which he did. After further discussion, it was decided that the TAT could build into the contract with Miller Schroeder that Jacobson Buffalo will not represent Miller Schroeder, in the future on this particular transaction, in case any dispute arises in the future. Vote: 6 in favor, 1 opposed. Carried.

12. OTHER BUSINESS.

a. Motion to Move Office. Motion by Edwin Hall, second by Mr. Fox, for Edwin Hall to move into the Tribal Program Manager's Office. After discussion, Mr. Hall withdrew his motion, however, Mr. Fox stated he would not withdraw his second. Mr. Hall said he would let his motion remain then. Vote: 3 in favor, 3 opposed, 1 abstained. Motion tied.

b. Motion for Chairman to Represent the Tribe at Guardianship Hearing in Regards to the 1851 Fort Laramie Treaty. Motion was made by Mr. Fox, seconded by Mr. Tex G. Hall, for Chairman Mason to represent the Tribe and to explain what the Tribe's interest is in the guardianship, which is to ensure the safekeeping of the treaty copy. Vote: 7 in favor. Carried.

c. R#96-229-DSB Motion to Authorize Acting Administrator of Tribal Court to Negotiate Contract with BJ Jones, Grand Forks, ND as Alternate Associate Judge for Tribal Court. Motion to approve made by Mr. Fox, seconded by Mr. Edwin Hall. Contract is for 10/10/96 to 09/30/98. Vote: 7 in favor. Carried.

d. R#96-230-DSB, to Amend R#95-090-DSB, Changing Names on TAT/State Gaming Compact Escrow Account. Motion was made to approve by Mr. Fox with condition that names be stricken from the resolution, and titles only be utilized. Motion seconded by Mr. Edwin Hall. Vote: 7 in favor. Carried.

13. NEXT MEETING. Special Meeting to be held on Friday, November 22, 1996.

14. ADJOURN. Motion to adjourn by Mr. Gillette, Second by Mr. Bird Bear. Vote: 7 in favor. Carried. Meeting adjourned at 4:30 p.m.


CERTIFICATION OF MINUTES

As Executive Secretary of the Tribal Business Council of the Mandan Hidatsa Arikara Nation, Three Affiliated Tribes of 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 held on the 18th day of December 1996, whereupon the Regular Council Meeting Minutes of November 14 and 15, 1996, were presented for approval by the Three Affiliated Tribes' Recorder. Said minutes were duly approved by the affirmative vote of 7 members.

NOVEMBER 14 AND 15, 1996, MINUTES APPROVED AND CERTIFIED.

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

ATTEST:



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