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**MINUTES OF THE TRIBAL BUSINESS COUNCIL
CONSTITUTIONALLY MANDATED ORGANIZATIONAL MEETING
NOVEMBER 6, 1998
COUNCIL CHAMBERS**

PRESENT: Council Chambers filled with Assembly of Tribal Members.

(Meeting called to order at approximately 10:00 o'clock a.m.)

Roll call taken by Chairman Hall.

Council Members by roll call: Daylon Spotted Bear, Twin Buttes Representative, Marcus Wells, Jr., Four Bears Representative, Thomas Bird Bear, North Segment Representative, Austin Gillette, White Shield Representative.

Chairman present, quorum established.

Representative Gillette remarks that Daylon Spotted Bear should take the roll call. Chairman Hall responds that this will be taken care of today.

Prayer given by Tribal member.

Chairman welcomes everyone present at the meeting and the newly elected and re-elected council members.

ITEM 4.

Comments given by present council members, newly elected and re-elected members.

Austin indicates that this item needs to have all six members present and that Mr. Fox is not present because of the Parshall recount. He also indicates that he looks forward to working with the new Chairman and not against him.

Chairman Hall inquires as to the status of Mr. Fox. Indication is that Mr. Fox will not be available until after the recount.

Mr. Bird Bear indicates that this is a Constitutionally mandated meeting and that new officers be elected at this meeting.

Chairman Hall asks Tom Fredericks to read into the record the portion of the Constitution regarding election of new officers. Article III, Section 5 is read into the record.

Further discussion is had regarding the Constitution.

Hazel Blake recites Marcus Wells, Jr., and Ed Hall's challenge and the organizational meeting still went ahead.

Judy Young Bear addresses meeting concerning the power given to the Chairman.

Chairman Hall indicates the necessity of electing new officers to ensure proper signatures for Tribal Council actions.

Chairman Hall indicates that Mark Fox has returned and asks for status of recount. The recount indicates the same results of the original election for Parshall.

Tom Bird Bear moves to approve resolution for the appointment of Pete Hale to fill the Council seat in the West Segment.

Second by Marcus.

Discussion: Mark addresses the necessity to appoint someone versus the option and opportunity for the Mandaree area to elect someone by majority vote.

Further discussion is had and Chairman Hall indicates that the strength of the Mandaree vote indicates their support of the Chairmanship and for the Council to appoint.

Representative Wells asks for a clarification from the Legal Department.

Representative Bird Bear gives clarification on the historical impact this meeting has in that a Councilman was elected Chairman.

Mark Fox reiterates that the Constitution allows for both appointment and election.

Chairman Hall informs the Council that the voting record of Mandaree indicated 220 to 72 and he publicly stated that he would make an appointment and request the Council to concur.

Austin indicates his support of an election.

Tom Bird Bear reads from the Election Ordinance, Part III, Section 2, Subsection C. Tom repeats his support of continuing the meeting and abiding on existing law.

Chairman indicates that he wholeheartedly supports the appointment of Pete Hale and that the people want the Council to move forward.

Tom Fredericks gives further interpretation of the Constitution.

Mark Fox reiterates his position to have an election.

Chairman Hall restates the voting record of the Mandaree District and that he is the only Council member from Mandaree and that he publicly ran on that platform.

Vote is taken by "in favor" "opposed" "abstain".

Glenda Baker addresses Council on Mr. Fox's council record. (Applause.)

Further support is stated for Chairman Hall's actions.

Further discussion follows between Mark Fox and Chairman. Chairman addresses the need for meeting the needs of the people.

Tom Bird Bear inquires as to the status of Marcus Well's stand. Marcus states that he still needs the opinion from the Legal Department and until he has that clarification he will not vote.

Further discussion is given by Tom Bird Bear on the appointment issue and the fact the Tribe has never had a sitting Councilman elected as Chairman and that the Election Ordinance is law.

Attorney Kipp Quale indicates that the Constitution clearly authorizes the full Tribal Business Council to appoint a member of this segment to replace that person. He recites Article V.

Again the uniqueness of the present situation is explained.

Kipp reads Article V, Section 1 into the record. Part III, Section 2C of the Election Ordinance is also read into the record.

The position of Larry Rush is discussed.

Hazel explains her resignation when Austin was put in as Chairman in place of Tom Mandan and the Council put Roy Bird Bear in her place. Ed Hall's investiture is also discussed.

Kipp further clarifies the Election Ordinance.

Tom Bird Bear again makes a motion to approve the resolution appointing Pete Hale as the Mandaree representation. Second by Marcus. On discussion, Austin explains that the Tribal Court and Court Appeals decided his position.

Judy again reiterates the position of the Mandaree electorate. (Applause.)

Vote is taken by raising of their right hands. There is a three/three deadlock. Chairman Hall distributes a legal opinion regarding the procedure, which allows the Chairman to vote in case of a tie.

Chairman Hall votes as the Chairman of the Tribe to break the tie and votes "yes" in favor of the appointment. Motion is carried. (Applause.)

Attorney Fredericks gives references for the breaking of ties.

Assembly indicates their support by applause.

Swearing in of Pete Hale by Jerry Nagel.

Councilman Hale is sworn in as West Segment Councilman by reciting the oath of office.

(Applause.)

(Austin, Daylon and Mark leave meeting.)

Irene Hale expresses her appreciation to the assembly.

Pete expresses his appreciation.

Irene presents Jerry Nagel with a gift for the swearing in of her son.

Judy Young Bear addresses the Council and indicates that she, too, comes from a big family from Mandaree and that she is glad that they are being given this opportunity. She gives a prayer in Hidatsa and is translated as follows by the transcriber:

"Father Great Spirit from above. You are looking this way. The poor people have met and have voted and have voted for whom they feel are the right young men to fill these positions. Father Great Spirit today I pray to you. You alone have placed this young man in this position. You felt that this is the right young man to fill this position. I pray to you that he (Pete) have pity for his people and will do right for them and work for them. I pray that there be no bad language. We want to go forward with our children and walk forward. Hidatsa medicine keepers we pray to you. May your

Handwritten notes:
H.A. Moore
M. J. ...
to ...
✓

Handwritten notes:
OK
for
review

homes be bright with light. I pray to you sacred Water Buster bundle. I pray that all Water Busters will pray for these young men and ask that of them. All my relatives"

Phyllis Cross, Constitutional Revision Committee, addresses the Council and indicates that this is historical and the Council is changing and responding to the people. Phyllis indicates she has seen meetings where elders were barred from meetings for voicing their opinions. She encourages Tex to continue. (Applause.)

Tom Bird Bear express his concern that the quorum is being stopped and objected to by three Council Members who do not agree with the only fair rendition of our Tribal Law. Tom further explains the Constitution's provision to have an organizational meeting to elect executive officers. He further explains that the Council will have to take under advisement their next official action, but they do have the support of the people, the Constitution and Election Ordinance and that they can proceed. Payroll needs to happen for the people.

Chairman addresses the Council and assembly and that he would not vote against the consensus or vote against the Constitution. (Applause.)

Tom Bird Bear addresses the Council and Assembly and questions the future roles and authority of the Council Members who have left the meeting. He requests a legal opinion from Tom Fredericks and Kipp Quale.

Chairman concurs with the request for a legal opinion.

Further discussion is had on matters of the quorum. Tom Fredericks indicates that there was a quorum established and that the three walked out and that even though they walked out the Council should proceed.

Tom indicates that these three were executive members and they are disapproving the new elections. Tom strongly feels that the Council should move forward.

Marcus expresses his concerns.

Chairman Hall explains the electorate of 1115 voters voted the Chairman in reservation-wide and that's what the people want.

Hazel indicates that the Council is not hindered or at a standstill and the Council should move forward. Hazel indicates that Marcus can come to his community for advice. Methods for recall is discussed. Hazel strongly urges the Executive Board to move forward. (Applause.)

Further legal opinion is requested.

Tom Bird Bear, under advisement from legal counsel, makes a motion to approve the resolution recognizing the Executive Officers. (Resolution read as follows: Marcus Wells, Jr., as Vice-Chairman, Pete Hale, as Secretary and Thomas Bird Bear as Treasurer.) Tom indicates he would be comfortable of leaving the Sergeant-At-Arms to be appointed by the Chairman at a later time.

Second by Pete Hale.

Discussion. Marcus asks if the Council is in Executive session. Chairman Hall explains that the meeting is continuing based on the Constitution's three-day deadline.

Jerry Nagel indicates that the Council followed the Constitution to a "t". (Applause.)

Judy Young Bear again expresses support for the actions of Tom Bird Bear and urges the Council to move ahead.

Chairman Hall calls for vote on motion to approve resolution, second by Pete Hale, to approve Executive Officers. Motion carried three, one.

Chairman Hall indicates that the Council will defer the Transition Team appointments, Item No. 7.

Tom Bird Bear ensures the Assembly that the Executive Committee is going to do everything they need to do to continue Tribal operations. Also, in discussions with John and Tom Fredericks that they will be in contact with the Bureau on how to best proceed.

Marcus restates the basis for his voting position.

Tom Bird Bear that the Government cannot stop.

Tom Fredericks again states for the record that there was a quorum and that they chose to walk out.

Chairman Hall indicates that the Council will not adjourn but will recess as a quorum was established prior to the walkout and that business had been accomplished.

Hazel goes over Tex' tie-breaking vote and that this is a new history-making decision.

Tom Fredericks that there is law supporting Tex' actions and that there is precedent for this even though it be borrowed law.

Marcus makes a motion to add agenda Item 8a. Four Bears Segment Board. Second by Pete Hale.

Marliene Gillette indicates that technically the record will indicate there was a roll call vote. When she counts the vote for a motion, such as the motion for Executive Officers, that technically the vote is three in favor, one abstained and three is absent. Therefore the motion failed. That this has to be clarified by Legal.

Vote passes unanimously by raising of right hands to add agenda item.

Resolution read.

Marcus moves for passage of motion, second by Pete Hall. Vote: unanimous, motion carried.

Marcus would like to reopen discussion on Election of Executive Officers and makes a new motion to approve Executive Officers as previously read as stated in the record. Second by Pete Hale. Vote: Unanimous by raising of right hands.

(Meeting recessed at approximately 12:00 o'clock p.m.)

Minutes transcribed and Hidatsa translations made by Cletus Medicine Crow.

CERTIFICATION OF MINUTES

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 the Regular Meeting held on the 6th day of November, 1998, whereupon the Organizational Meeting Minutes of November 6, 1998, were presented for approval by the Three Affiliated Tribes Recorder. Said minutes were duly approved by the affirmative vote of _____ members.

James Peter Hale, Executive Secretary
Three Affiliated Tribes

ATTEST:

Tex G. Hall, Chairman
Three Affiliated Tribes