

SEP 28 1994

CLB

COURT OF THE  
SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY

COUNTY OF SCOTT

STATE OF MINNESOTA

In Re: the Matter of Amendments to the  
Shakopee Mdewakanton Sioux (Dakota)  
Community Corporation Ordinance  
Passed on July 27, 1994

Court File No. 044-94

MEMORANDUM AND ORDER

On September 12, 1994, oral argument was heard on the record in this matter. At its conclusion, in a unanimous opinion the Court ruled from the bench that the requirements of section 63.0 of the Corporation Ordinance of the Shakopee Mdewakanton Sioux Community, Ordinance No. 2-27-91-004 ("the Corporation Ordinance") had been met, when amendments to the Corporation Ordinance had been passed by the General Council of the Shakopee Mdewakanton Sioux Community ("the General Council") on July 27, 1994. Specifically, in a unanimous opinion the Court held that, the July 27, 1994 amendments ("the Amendments") were "in the best interest of the Community", as that phrase is used in section 63.0 of the Corporation Ordinance, and as that phrase has been interpreted by this Court. See generally, Shakopee Mdewakanton Sioux Community, No. 025-92 (Shak. Mdw. Ct., June 3, 1993).

In arriving at this holding, the Court reviewed the pleadings in this matter, the transcript of the July 27, 1994 General Council meeting, the arguments of counsel, and also considered comments provided to the Court in an August 3, 1994 letter from the Vice Chair of the Board of Directors of Little Six, Incorporated ("LSI"), a corporation wholly owned by the Shakopee Mdewakanton Sioux (Dakota) Community and chartered under the Corporation Ordinance. Under the holding of Shakopee Mdewakanton Sioux Community, supra, the scope of the Court's review is very narrow:

We will review amendments or repealers to ensure that no fraud, overreaching, or coercion was evident in the proceedings which led to their adoption; that all appropriate procedures were observed during the consideration and adoption of the provisions; and that all persons and entities who legitimately can claim an interest in the deliberations were given a fair chance to be heard in the Community's deliberations. If we are satisfied as to those matters, we will declare that an action of the General Council is in the Community's best interests.

Id., at 3

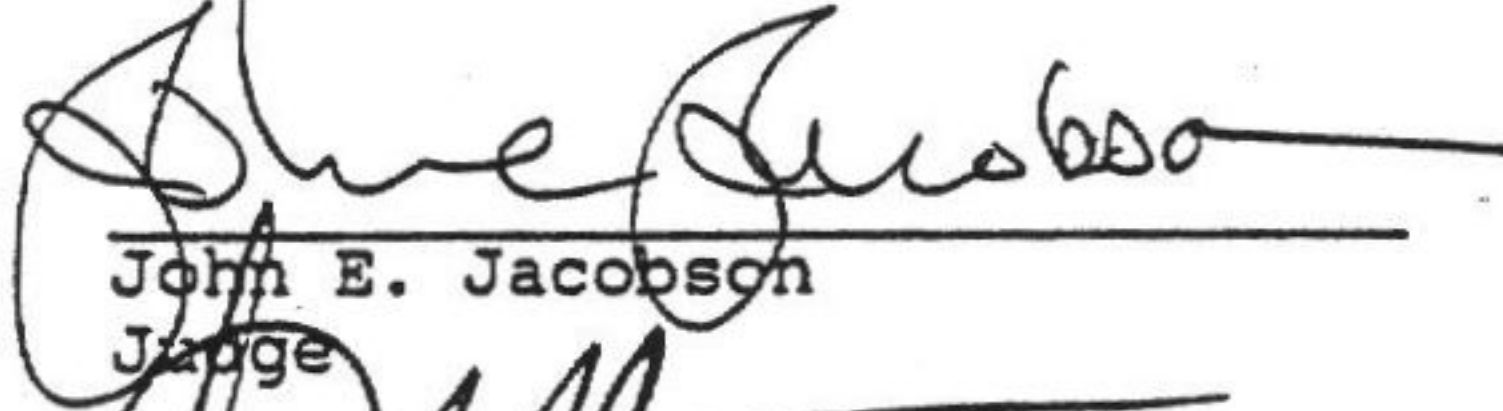
In the view of the Court, nothing in the record indicates that under this narrow standard of review, the Court should hold that the amendments are void. The meeting of the General Council was well attended, and discussion of the proposed amendments during the General Council meeting was extensive. The Vice Chair of LSI was present during the discussion. There was no suggestion during the discussion that the proceedings were inappropriate or coercive. And the vote approving the amendments was nearly unanimous (thirty-seven votes to approve, no votes to disapprove, and one absentention).

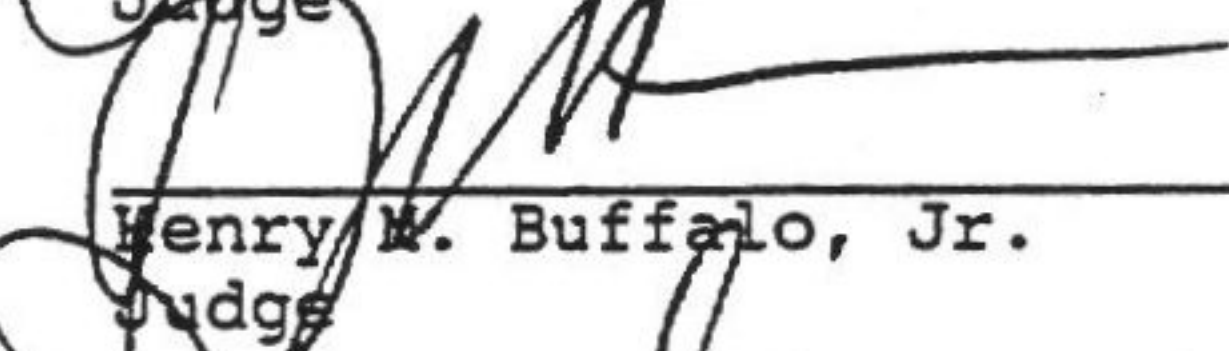
Under these circumstances, it would be wholly inappropriate for this Court to insert itself into the proceedings, or substitute, even temporarily, its judgment for that of the General Council.

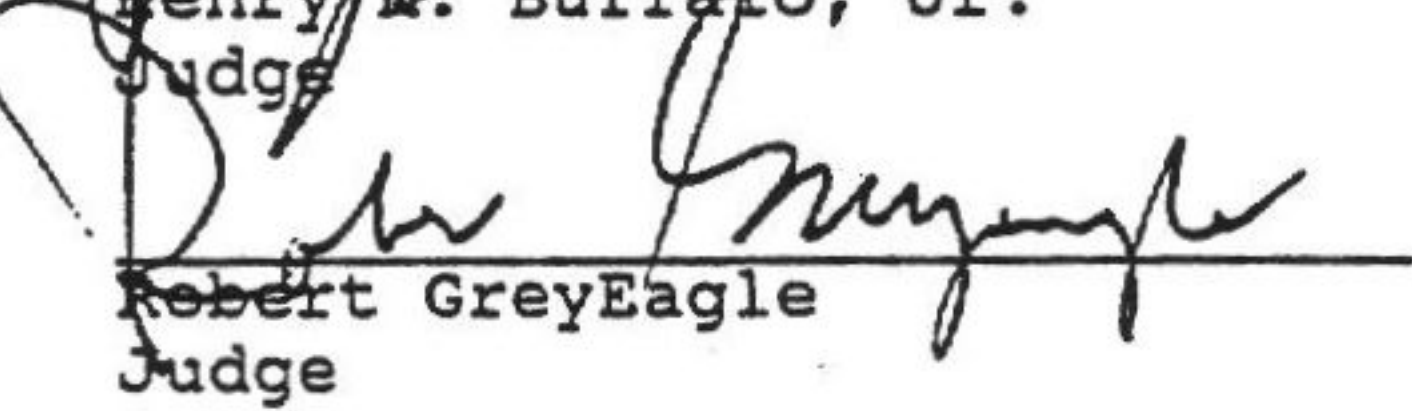
ORDER

For the foregoing reasons, the July 27, 1994 Amendments to the Corporation Ordinance shall be deemed approved by this Court effective September 12, 1994.

September 28, 1994

  
\_\_\_\_\_  
John E. Jacobson  
Judge

  
\_\_\_\_\_  
Henry M. Buffalo, Jr.  
Judge

  
\_\_\_\_\_  
Robert GreyEagle  
Judge