



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: *“Three Affiliated Tribes’ Opposition to the Bureau of Indian Affairs Realignment of Education Line Officers and Elimination of Element 10 Formula Funding”*

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, Article VI, Section 5 (d) of the Constitution provides that the Tribal Business Council has the power to negotiate with the federal government on behalf of the Tribes and to advise and consult with representatives of the Department of Interior on all activities of the DOI that may affect the Fort Berthold Reservation; and

WHEREAS, The Tribal Business Council has been advised that the Bureau of Indian Affairs, Office of Indian Education Programs (OIEP) has proposed a plan to realign the Education Line Officers within the OIEP that could result in the loss of the Education Line Officer that serves the Fort Berthold Reservation as well as other Tribes in the State of North Dakota; and

WHEREAS, The OIEP has failed to consult with the North Dakota Tribes on this proposal in violation of its Departmental Policies as well as the B.I.A. consultation policies; and

WHEREAS, The Tribal Business Council has also been advised that the OIEP also has proposed a plan to eliminate Element 10 formula funding from its Budget; and

WHEREAS, the North Dakota Education Line Office has been in existence for the North Dakota Tribes since 1978 and the Tribes have supported the Office and the



B.I.A.'s presence in the area of education as the B.I.A. has a treaty and trust responsibility to provide education for the Tribes; and

WHEREAS, The Tribal Business Council finds that the realignment of the Education Line Officers and elimination of Element 10 would have an immediate and detrimental impact on schools on the Fort Berthold Reservation and would further limit said schools ability to comply with the No Child Left Behind Act and is therefore strongly opposed to such OIEP proposals.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby opposes the Bureau of Indian Affairs, Office of Indian Education Programs' proposal to realign the Education Line Officers and to eliminate the Element 10 formula funding from its budget.

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby requests that the OIEP continue funding the Element 10 Program.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10 day of March 2005; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] voting. [] not voting.

Dated this 10 day of March 2005.

Handwritten signature of Nathan Hale in black ink.

Secretary, Nathan Hale
Tribal Business Council

ATTEST:

Handwritten signature of Tex G. Hall in blue ink.

Chairman, Tex G. Hall
Tribal Business Council



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, " Wells Road BIA #27-Out To Bid for Project #27-10(3) ."

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, he Tribal Business Council of the Three Affiliated Tribes have previously duly passed resolutions to have first right of refusal to PL-93-638 and to have sole source projects on or near the Fort Berthold Indian Reservation; and

WHEREAS, The Four Bears Segment Representative Marcus Wells, Jr duly serving as the Tribal Business Council Representative since November 1998 and have duly directed all projects within the Four Bears Segment be duly advertised and bid out with full requirements of the Bureau of Indian Affairs and the TERO ordinances; and

WHEREAS, The Four Bears Segment Representative formally believes that the project will be better served by this Resolution exempting this "Wells Road BIA Project #27-10 (3)" from such PL-93-638 Resolution and Sole Source Resolution; and

NOW, THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby exempts the "Wells Road BIA Project #27-10 (3)" from PL-93-638 and the Sole Source Resolution and directs the Bureau of Indian Affairs to proceed as soon as practical.


CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular meeting thereof duly called, noticed, convened and held on the 10 of March, 2005, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 Members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.



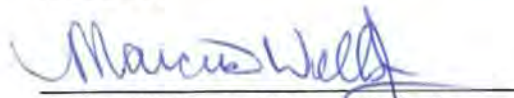
Chairman [] Voting. [] Not Voting.

Dated this 10th day of March, 2005.



Executive Secretary, Nathan Hale
Tribal Business Council

ATTEST:



Acting Chairman Marcus Wells, Jr
Tribal Business Council



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

- WHEREAS, This nation having accepted the Indian Reorganization Act of June 18, 1934 and the authority under said Act; and
- WHEREAS, The Constitution of the Three Affiliated Tribes does authorize and empowers the Tribal Business Council to enact laws on behalf of, and in the interest of the welfare and benefit of the Tribes and the enrolled members thereof; and
- WHEREAS, The Three Affiliated Tribes, a federally recognized Tribe of Native Americans located on the Fort Berthold Indian Reservation, desires to promote and provide for the protection and conservation of its natural resources through proper management, for the use by its members and future generations; and
- WHEREAS, In Fiscal Year 2005, Congress authorized the United States Fish and Wildlife Service (USFWS) to use \$5,916,645 million of the \$69,027,526 million of State Wildlife Grant Program funds for Tribal projects under the Tribal Wildlife Grant Program (TWG).
- WHEREAS, The USFWS will award grants up to a maximum of \$250,000 for a single project; and
- WHEREAS, the Three Affiliated Tribes Fish and Wildlife Division desires to submit a grant proposal to the USFWS in the effort to secure funds to study and assess the status of Mountain Lions on the Fort Berthold Indian Reservation.
- NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes fully supports the efforts of the Three Affiliated Tribes Game and Fish Division to develop and submit a grant proposal to study and assess the status of Mountain Lions in and around the Fort Berthold Reservation to the

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USFWS. Further, the Three Affiliated Tribes supports the implementation of those grant objectives, as presented, once monies are secured and allocated to the Three Affiliated Tribes.

CERTIFICATION


I the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitutes a quorum, 6 were present at a **Regular** Meeting, thereof duly called, noticed, convened, and held on the 10 th day of **March**, 2005; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting and that said Resolution has not been rescinded or amended in any way.

Chairman X (voting) _____ (not voting).

Dated this 10 day of **March**, 2005.


Executive Secretary, Nathan Hale
Tribal Business Council

ATTEST:


Chairman, Tex Hall
Tribal Business Council



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, " Waste Management Project-To Proceed with Memorandum of Agreement Without The PL 93-638"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, The Tribal Business Council of the Three Affiliated Tribes have previously duly passed resolutions to have first right of refusal to PL-93-638 and to have sole source projects on or near the Fort Berthold Indian Reservation; and

WHEREAS, The Four Bears Segment Representative Marcus Wells, Jr duly serving as the Tribal Business Council Representative since November 1998 and have duly directed all projects within the Four Bears Segment be duly advertised and bid out with full requirements of the respective federal procurement regulations and TERO Ordinances; and

WHEREAS, The Four Bears Segment Representative formally believes that the project will be better served by this Resolution exempting this " Waste Management Project-Project AB-04-R25" from such PL-93-638 Resolution and Sole Source Resolution; and

NOW, THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby exempts the "Waste Management Project-Project AB-04-R25" from PL 93-638 and such project should proceed as soon as practical.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a **Regular** Meeting thereof duly called,



21. **RESOLUTION NO. 05-52-NH, GRANT PROPOSAL TO THE UNITED STATES FISH AND WILDLIFE SERVICE:**

Councilman Wolf moved for approval of a Resolution entitled, "Grant Proposal to United States Fish and Wildlife Service up to \$250,000. Councilman Spotted Bear seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

22. **BLACK ROCK RESOURCES LLC PROPOSAL FOR OIL/GAS DEVELOPMENT:**

This matter will be deferred until Monday, March 14, 2005.

23. **RESOLUTION NO. 05-53-NH, WASTE MANAGEMENT:**

Councilman Wells moved for approval of a Memorandum of Agreement between Indian Health Service and the Three Affiliated Tribes Business Council who will assist in providing solid waste equipment and facilities to serve housing on the Fort Berthold Indian Reservation. Councilman Hale seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

24. **OIL REFINERY UPDATE:** Horace Pipe

- Draft Scoping Report send comments back
- MHA Nation Web Site 20-30 pages of letters
- Report - GEO Trans
- Monitoring System

25. **RESOLUTION NO. 05-54-NH, TRIAD CONTRACT:**

Councilman White Calf moved for approval to authorize legal counsel to finalize the contract with Triad, prepare the Resolution to authorize to progress, and to seek funding to pay for the price of the contract. Councilman Wolf seconded the motion.

VOTE: 5 Ayes, 1 Nay, 0 Abstention, 0 Not voting. Motion carried.

26. **OIL REFINERY CHARTER:**

Councilman Wells moved for approval to authorize the Legal Department to seek and select through normal proposal requirements a law firm to get the legal opinion on whether the State excise tax applies and a recommendation on the type of Corporation that should be formed under the Refinery, with payment estimated at \$10,000. Councilman Hale seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

27. **MOTOR TAX SETTLEMENT ND:**

Councilman Wells moved for approval to direct Legal Counsel, Steve Kelly to assist the Tribal Tax Commissioner Marcus Sr. and Treasurer Frank White Calf in resolving the tax settlement with the State of North Dakota; and to execute a consultant Agreement with attorney Vance Gillette to assist them. Councilman White Calf seconded the motion.



noticed, convened and held on the 10 th day of March 2005, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 Members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] Voting. [] Not Voting.

Dated this 10 day of March 2005.



Executive Secretary, Nathan Hale
Tribal Business Council

ATTEST:


Chairman, Tex G. Hall
Tribal Business Council