



Resolution # 01- 231 -MWJR

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD 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 generally 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(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with the federal government on behalf of the Tribes; and

WHEREAS, The Three Affiliated Tribes entered into P.L. 93-638 Contract No. A002500212 with the Bureau of Indian Affairs (hereinafter "Bureau") for the project denominated as the Mandaree Housing Street Project, which project included construction involving the so-called Mandaree Hill Road (BIA Route 12); and

WHEREAS, The Bureau failed to secure all necessary rights-of-way and easements for the Mandaree Hill Road construction prior to entry into the P.L. 93-638 Contract and the final offer recently made by the Bureau as consideration for the respective rights-of-way and temporary construction easements traversing the remaining four (4) tracts was not accepted by the landowners by the deadline established for acceptance of the offer (to-wit: 5:00 p.m., Monday, September 10th); and

WHEREAS, In view of the continued inability to proceed with the Mandaree Hill Road portion of the Contract in the absence of having secured all necessary rights-of-way and easements **in a timely manner**, it is the intent of the Tribal Business Council to negotiate with the Bureau for the purpose of foregoing the further pursuit of the Mandaree Hill Road construction under the Contract and substituting therefor an alternative project involving the improvement of BIA Route 30, commonly known as the Figure 4 Road, **in addition to the improvement of the roads in the proximity of Red Butte Community Hall and the Mandaree powwow grounds, to the extent allowed by the remaining Contract funds;**

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and directs the Chairman of the Council and/or

his representative(s) to initiate negotiations with the Bureau of Indian Affairs for the purpose of formally modifying P.L. 93-638 Contract No. A002500212 to delete therefrom the Mandaree Hill Road (BIA Route 12) project and substitute therefor an alternative project involving the improvement of BIA Route 30, commonly known as the Figure 4 Road, in addition to the improvement of the roads in the proximity of Red Butte Community Hall and the Mandaree powwow grounds, to the extent allowed by the remaining Contract funds .

BE IT FURTHER RESOLVED, That the Tribal Business Council hereby authorizes and directs the Chairman of the Council to execute any and all documents necessary to perfect the proposed modification of Contract No. A002500212.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort 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 19th day of September, 2001; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 19th day of September, 2001.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council