



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

*A Resolution entitled, "Sole-Sourcing of Contracts Utilizing Tribal Funds and Other Applicable Contracts"*

**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,** The Tribal Business Council is specifically authorized to manage all economic affairs and enterprises of Three Affiliated Tribes pursuant to Article Section 5(a) of the Tribes' Amended Constitution; and

**WHEREAS,** The Tribal Business Council desires to promote the use of Tribally-owned contracting firms to the fullest extent possible by Tribal programs and entities utilizing Tribal dollars and PL 93-638 funds; and

**WHEREAS,** The Tribal Business Council is concerned that Tribally controlled dollars are funding contracts for non-Tribal and off-Reservation entities; and

**WHEREAS,** The Tribal Council realizes and appreciates the benefits associated with utilizing Tribally-owned contracting firms to do contract work for Tribal programs and entities and finds that it is in the best interest of the Tribe for Tribal programs and entities to utilize Tribally-owned contracting firms to the greatest extent possible.

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Business Council hereby mandates that all Tribal programs and Tribal entities shall give right of first refusal for the work on any project funded by Tribal or Tribal entity dollars and/or PL 93-638 funds to a Tribally-owned contracting firm qualified to perform the work on the project. The Tribal program or entity that is letting the contract on the project shall engage in negotiations with the qualified Tribally-owned contracting firm to negotiate a price and terms of a contract for the work. If good faith negotiations do not result in a contract within thirty days after commencement of negotiations, the Tribal entity letting the contract may put the contract out for competitive bids. Any questions regarding the applicability of this resolution shall be resolved by the Tribes' legal department.

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

12. **A RESOLUTION NO. 03-291-RP; "NORTHERN PLAINS INTERTRIBAL COURT OF APPEAL."**

Councilman Gillette moved for approval of Resolution No. 03-291-RP; "Northern Plains Intertribal Court of Appeals." Councilman Spotted Bear seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not voting. Motion carried.

13. **A RESOLUTION "REQUIRING A SUPER-MAJORITY VOTE OF THE TRIBAL BUSINESS COUNCIL IN ORDER TO AMEND OR WAIVE RESOLUTION NO. 03-205-RP."**

Councilman Packineau moved for approval of Resolution, "Requiring a super-majority vote of the Tribal Business Council in order to amend or waive Resolution No. 03-205-RP, which is, "Sole-sourcing of contracts utilizing tribal funds and other applicable contracts." Councilman Phelan seconded the motion.

VOTE: Councilman Phelan withdrew his second after discussing the issue, and motion failed.

14. **TERO BOARD OF COMMISSIONERS: CLOSED SESSION**

Councilman Phelan moved to request that all members of the TERO Commissioners meet with the full Council at the next scheduled meeting on December 15, 2003 to resolve conflicts. Councilman Gillette seconded the motion.

Councilman Phelan amended his motion, "to direct all TERO Board of Commissioners to meet in the Tribal Chambers prior to the Regular Meeting, in an attempt to resolve issues; and give a report to the Tribal Business Council on December 15, 2003. Councilman Gillette seconded the motion.

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

15. **A RESOLUTION; "REQUIRING A SUPER-MAJORITY VOTE OF THE TRIBAL BUSINESS COUNCIL IN ORDER TO AMEND OR WAIVE RESOLUTION NO. 03-205-RP."**

Councilman Packineau moved for approval of a resolution, "Requiring a super-majority vote of the Tribal Business Council in order to amend or waive Resolution No. 03-205-RP, which is, "Sole-sourcing of contracts utilizing tribal funds and other applicable contracts. Councilman Wells seconded the motion.

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



**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, noticed, convened and held on the 14<sup>th</sup> day of July, 2003, 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  Voting. [ ] Not Voting.

Dated this 14<sup>th</sup> day of July, 2003.

**ATTEST:**

Tex G. Hall  
Chairman, Tex G. Hall  
Tribal Business Council

Randy Phelan  
Executive Secretary, Randy Phelan  
Tribal Business Council