



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

A Resolution entitled, "Request to Secretary of Health and Human Service to modify PL 93-638 Contract No. HHS-I- 241-2005-00010 Between the Secretary of the Department of Health and Human Services and the Three Affiliated Tribes"

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

WHEREAS, pursuant to Article III, Section 1 of the Constitution and By laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribe; 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 best interest of the welfare and the benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, the Tribal Business Council has the power pursuant to Article VI, Section 5 (d) of the Three Affiliated Tribes Constitution and By-laws to negotiate with the federal government on behalf of the Tribes; and

WHEREAS, the Tribes, acting through the Tribal Business Council, pursuant to those powers and the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450 et seq., have entered into a P.L. 93-638 contract, Contract No. HHS-I-241-2005-00010, with the Secretary of the Department of Health and Human Services for the purpose of providing and administering certain health care related services, including physician services, to tribal members and other eligible Native Americans residing on the Fort Berthold Indian Reservation; and

WHEREAS, the Tribes, acting through the Tribal Business Council, pursuant to powers granted by the Tribal Constitution and 25 U.S.C. 450 et. seq., have also entered into a P.L. 93-638 contract, Contract No. CTA 04T30166, with the Secretary of the Interior for the purpose of administering and providing juvenile and adult correctional operations on the Fort Berthold Reservation; and

WHEREAS, pursuant to the Tribes' 93-638 Contract for detention operations and federal and tribal law, the Tribe is required to provide routine and emergency medical, mental, and dental health services to individuals detained in the Tribes' Detention Center; and



WHEREAS, routine medical services for inmates are currently being providing by transporting inmates to the Minne Tohe Health Center which creates security risks for the public and which requires correctional officers to be absent from their duty posts for long periods while they transport inmates and wait for them to be seen by the providers; and

WHEREAS, the Tribal Business Council has determined that the most cost effective, reasonable and safe way to provide routine medical services to inmates is by providing those services on site in the Detention Center through use of the physicians and medical staff employed under the Physicians Services component of Contract No. HHS-I- 241-2005-00010; and

WHEREAS, the Indian Health Service, Aberdeen Area, has advised the Tribe that in order to ensure coverage under the Federal Tort Claims Act for providing such services, Contract No.HHS-I- 241-2005-00010 needs to be modified to specifically include providing services at the Detention Center; and

WHEREAS, the Tribal Business Council finds that in addition to ensuring Federal Tort Claims Act coverage, a modification to the contract will guarantee that the Fort Berthold Service Unit will cooperate with the Tribe and the Detention Center to ensure that eligible inmates receive the full scale of services available to them, including pharmacy, laboratory services, contract health, mental and dental services, when they are referred by the Tribes' physicians.

NOW THEREFORE BE IT RESOLVED that the Tribal Business Council hereby requests that Section (C) (3) of P.L. 93-638 Contract No. HHS-I- 241-2005-00010 between the Secretary of Health and Human Services be modified as follows:

(C) Program Description/Contractor's Proposal:

The Three Affiliated Tribes will administer the following program and staff:

3. The Physicians Services program with 6 employees will operate out Indian Health Services Clinic facilities in New Town, Twin Buttes and Mandaree, and Tribal facilities in Parshall and White Shield, North Dakota *and the Gerald "Tex" Fox Justice Center in New Town, North Dakota.*

CERTIFICATION

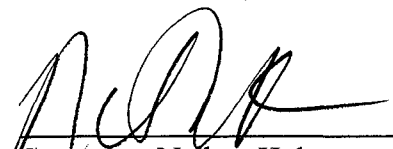
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed



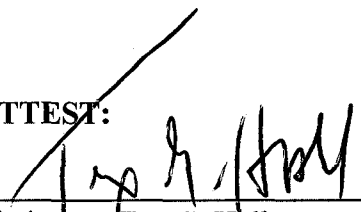
of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 22 day of November, 2004, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. [] Not Voting.

Dated this 22 day of November, 2004.



Secretary, Nathan Hale
Tribal Business Council

ATTEST:


Chairman, Tex G. Hall
Tribal Business Council