



RESOLUTION No. 04-84-A-RP

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

A Resolution entitled: "P.L. 103-413 Contract for Existing Adult and Juvenile Program Functions, Services and Activities, directly and indirectly related thereto, including but not limited to Equipment, Furnishings, Vehicles, and Direct Contract Support Costs, as well as for the Tribes' Assumption of Contracts and Resources, Financial or Otherwise, for Detention of Adults and Juveniles."

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 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, Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes empowers the Tribal Business Council to negotiate with Federal, State and local governments on behalf of the Tribes; and

WHEREAS, The Tribal Business Council recognized the need for a safe and risk-free environment for detaining adult and juvenile offenders and a more conducive environment for rehabilitation of adult and juvenile offenders; and

WHEREAS, The Tribal Business Council elected to construct a new facility for detention, correction and rehabilitation of adult and juvenile offenders; and

WHEREAS, The Three Affiliated Tribes was awarded a contract with the Bureau of Indian Affairs for administration, operation and maintenance of a newly-constructed facility for detention, correction, and rehabilitation of adults and juveniles; and

WHEREAS, The Tribal Business Council is prepared to provide detention and rehabilitation services for adult offenders and secure placement of juveniles in its facility; and

WHEREAS, The Tribal Business Council seeks to assume those program services, functions, and activities related directly, and indirectly, to Bureau of Indian Affairs services currently dedicated to detention of adult offenders in its presently, leased facility; and

WHEREAS, The Tribal Business Council seeks to include in its assumption of program services, functions and activities any and all contracted services in which the Bureau of Indian Affairs is engaged to provide the delivery of adult and juvenile detention services and/or those resources, financial or otherwise, by which those services are provided; and

WHEREAS, The Tribal Business Council seeks to pursue any and all contract support costs for activities which must be carried out by the Tribe to ensure compliance with the terms of the contract and direct program expenses for the operation of the program and any additional administrative expenses related to overhead; and

WHEREAS, The Tribal Business Council strongly advocates the Secretary's exercise of regulatory provisions whereby proposal review and approval of contractible services, functions and activities, may be expedited,

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes elects to assume those program services, functions and activities related directly and indirectly to the Bureau of Indian Affairs existing operations for adult offenders and secure placement of juveniles that are currently provided in its presently-leased facility;

BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes approves the assumption of any and all contracts in which the Bureau of Indian Affairs is engaged for the delivery of adult detention services and/or any other resource, financial or otherwise and for the provision of secure placement of juveniles, financial or otherwise;

FURTHER, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes elects to include in its assumption of existing and contractible functions, services and activities related to detention of adult and juvenile offenders, any and all equipment, furnishings, and vehicles, as well as direct contract support resources, financial or otherwise;

FURTHER, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes elects to authorize the Chairman of the Tribal Business Council to negotiate and finalize contract provisions for assumption of program services, functions and activities directly and indirectly related to the existing operations for detention of adult offenders currently exercised by the Bureau of Indian Affairs in its presently leased facility and for the secure placement of juveniles presently exercised by the Bureau;

FINALLY, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes sanctions the Secretary's exercise of regulatory provisions for immediate proposal review and approval consideration.

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 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 21 day of May, 2004; 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.

Dated this 21 day of May, 2004.

Randy Ph L
Secretary, Tribal Business Council

ATTEST:
[Signature]
Chairman, Tribal Business Council