



**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



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

06. Social Service Budget will not be released until July or August remaining 40% Welfare Assistance dollars pretty much budgeted for and already spent. They want to use tribe's quarterly Reports/ projection costs take off reports. Bureau can hold 40% back every tribe accountability. There is an issue on 750.103.14 provision for carry over dollars are at hand to use, and Federal Contracts Officer Bonnie will provide a report to the Council.

Off Reservation Gaming

On March 24, 2005, the National Indian Gaming Association will meet with the National Congress of American Indians regarding this issue.

**07. RESOLUTION NO. 05-50-NH NATIONAL INDIAN EDUCATION CONFERENCE:**

Councilmen moved for approval to direct the Legal Department to draft a Resolution opposing the 2007 Budget Resolution No. 05-50-NH National Indian Education and Budget. Councilman Hale seconded the motion.

**DISCUSSION:** Councilman Hale will present the written testimony. Also, the Fort Berthold Indian School Board Association and each school went on record opposing Element 10.

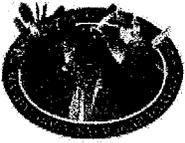
VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

- NIGA: April 10- 13, 2005 NIGA 13 at 1 is off reservation gaming topic
- San Diego, California Convention Center Contract Review Meeting: Review Master Comprehensive Contract
- Operation Maintenance: No way can the schools use their O&M funding.
- Sakakawea Casino Update
- State Legislative Report
- White House NCAI Briefing
- Conference on Aging
- BIA Reorganization Trust Officer Resolution

RECESSED MEETING AT 1:15 P.M. TBC PICTURES TAKEN  
RECONVENED at 2:00 p.m.

08. **JESSE TAKEN ALIVE - COUTEAU PRESENTATION:**  
Councilman Hale moved for approval to authorize Councilman Wolf to work with the Standing Rock Sioux Territories dispute and Coteau Mining. Councilman Packineau seconded the motion.

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



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.

Secretary, Nathan Hale  
Tribal Business Council

ATTEST:

Chairman, Tex G. Hall  
Tribal Business Council