



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

**A Resolution Entitled: *“Three Affiliated Tribes Tribal Business Council Intent to Contract A & E Services pursuant to Public Law 93-638 for Construction of the Proposed Elbowoods Memorial Health Care Facility on the Fort Berthold Indian Reservation.”***

**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 the representatives of the Interior Department on all activities that may affect the Fort Berthold Reservation; and

**WHEREAS,** In 1949 the United States of America took more than 150,000 acres of prime land on the Fort Berthold Reservation for the construction of the Garrison Dam and Reservoir which flooded and destroyed vital infrastructure on the Reservation including the Indian Health Service Hospital, formally known as Elbowoods Hospital; and



- WHEREAS,** On May 10, 1985, the Secretary of the Interior established the Garrison Unit Joint Tribal Advisory Committee to examine the effects of the Garrison Dam on the Reservation; and
- WHEREAS,** The Final Report of the JTAC Committee which was issued on May 23, 1986, acknowledged the obligation of the United States to replace the infrastructure lost as a result of the Garrison Dam including the Elbowoods Hospital; and
- WHEREAS,** The United States Senate Committee on Indian Affairs acknowledged the recommendations of the JTAC Committee's final report in its 1991 Senate Report No. 102-250 and stated that every effort should be made by the Administration and Congress to provide additional federal funding to replace lost infrastructure on the Reservation; and
- WHEREAS,** In order to fulfill this commitment, in 2005 Congress enacted Public Law 108-437, entitled "Three Affiliated Tribes Health Facility Compensation Act" which authorizes the appropriation to the Secretary of Health and Human Services of \$20 million for the construction of, and such other sums as are deemed necessary for the other expenses related to, a rural health care facility on the Fort Berthold Indian Reservation, however to date funds have not yet been appropriated; and
- WHEREAS,** The U.S. Department of Health and Human Services, acting through the Indian Health Service, completed the initial planning for the new Health care facility through a Project Leadership Team under the direction of Vice-Chairman Nathan Hale and James D. Foote, IPA Consultant, which was responsible for the preliminary planning and cost estimates and which consists of both tribal and I.H.S. representatives; and
- WHEREAS,** The preliminary planning and cost estimates for the new health care facility determined that the architectural, design and engineering phase will cost approximately \$2.8 million; and
- WHEREAS,** The North Dakota Congressional delegation is proposing to obtain Congressional approval for funding in the FY 08 Energy and Water Appropriations Act to the Corps of Engineers for phase one funding of the new health care facility for architectural and engineering design services and initial site preparation costs;
- WHEREAS,** The Tribal Business Council intends to enter into a Public Law 93-638 Self-Determination Contract to conduct phase I architecture and engineering services for the construction of the new health care facility once funds are appropriated for that purpose.



**NOW THEREFORE BE IT RESOLVED**, that the Three Affiliated Tribes Tribal Business Council hereby goes on record that it intends to enter into a self-determination contract to perform phase I- architecture and engineering services for construction of the new health care facility pursuant to Public Law 93-638.

**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, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 11 day of April 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 11 day of April 2007.

**ATTEST:**

V. Judy Brugh  
Executive Secretary,  
Tribal Business Council

Marcus Wells, Jr.  
Chairman  
Tribal Business Council