



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

A Resolution entitled; "Request of the Secretary of Interior to Formal Approve the 90 Day Requirement to Public Law 93-638 of Law Enforcement pursuant to the Good Faith negotiations of the Three Affiliated Tribes of 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

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 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 duly approved the letter of intent and tribal resolution to public law 638 the Law Enforcement of the Bureau of Indian Affairs supervised by the Department of Justice on January 11, 2007; and

WHEREAS, The Tribal Business Council duly notified the Secretary of the Interior on January 18, 2007 via formal correspondence via letter of intent to Public Law 93-638 the Law Enforcement of the Bureau of Indian Affairs to the Superintendent of the Fort Berthold Agency and formal meeting on January 23, 2007 with the Acting Agency Superintendent; and

WHEREAS, The Tribal Business Council duly notified the Aberdeen Area Office and the Central Office in Washington D.C. officials with facsimile copies in February 2007; and

BE IT RESOLVED, The Tribal Chairman Marcus D. Wells, Jr., confirmed several meetings with the Department of Justice of the Aberdeen Area Office during the months of January thru April 2007 without any attendance with only cancellations and/or no shows; and

BE IT RESOLVED, That the only two meetings duly held with the Tribal Chairman Marcus D. Wells, Jr., was with the Bureau of Indian Affairs officials namely Lorraine Brocke on February 9, 2007 via teleconference and Mr. Norman Ford on April 5, 2007and;

BE IT RESOLVED, The Three Affiliated Tribes experienced an unannounced visit on April 17, 2007 by Mr. Elmer Four Dance of the Department of Justice of the Aberdeen Area Office with a hand delivered rejection letter to Vice Chairman Nathan Hale; and

BE IT FURTHER RESOLVED, That the Tribal Business Council have acted in good faith pursuant to the 25 Code of Federal Regulations in regards to the Public Law 93-638 process duly passed on January 11, 2007 pursuant to Tribal Resolution #07-15-VJB; and

BE IT FURTHER RESOLVED, That the Tribal Business Council have experienced no technical assistance and/or cooperation and experienced a failure of the Department of Justice to

assist Three Affiliated Tribes assess the start-up and completion contract proposal of the Public Law 93-638 of the Law Enforcement Services of the Bureau of Indian Affairs and the Department of Justice both of the Department of Interior; and

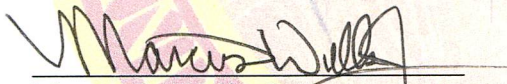
BE IT FINALLY RESOLVED, That the Secretary of Interior of the Bureau of Indian Affairs have a responsibility and mandate pursuant to the Public Law 93-638 regulations to honor conclusion and ratification of the 90 day time frame and complete the Public Law 93-638 contract process that was to be concluded on or about April 18th, 2007 for the Best Interest of the 12,000 duly enrolled members of Three Affiliated Tribes of the Fort Berthold Indian Reservation.

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 Special Meeting thereof duly called, noticed, convened, and held on the 24th day of April, 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, opposed 0, members abstained 0, members not voting 0, and that said Resolution has not been rescinded or amended in anyway.

Dated this 24th day of April, 2007.

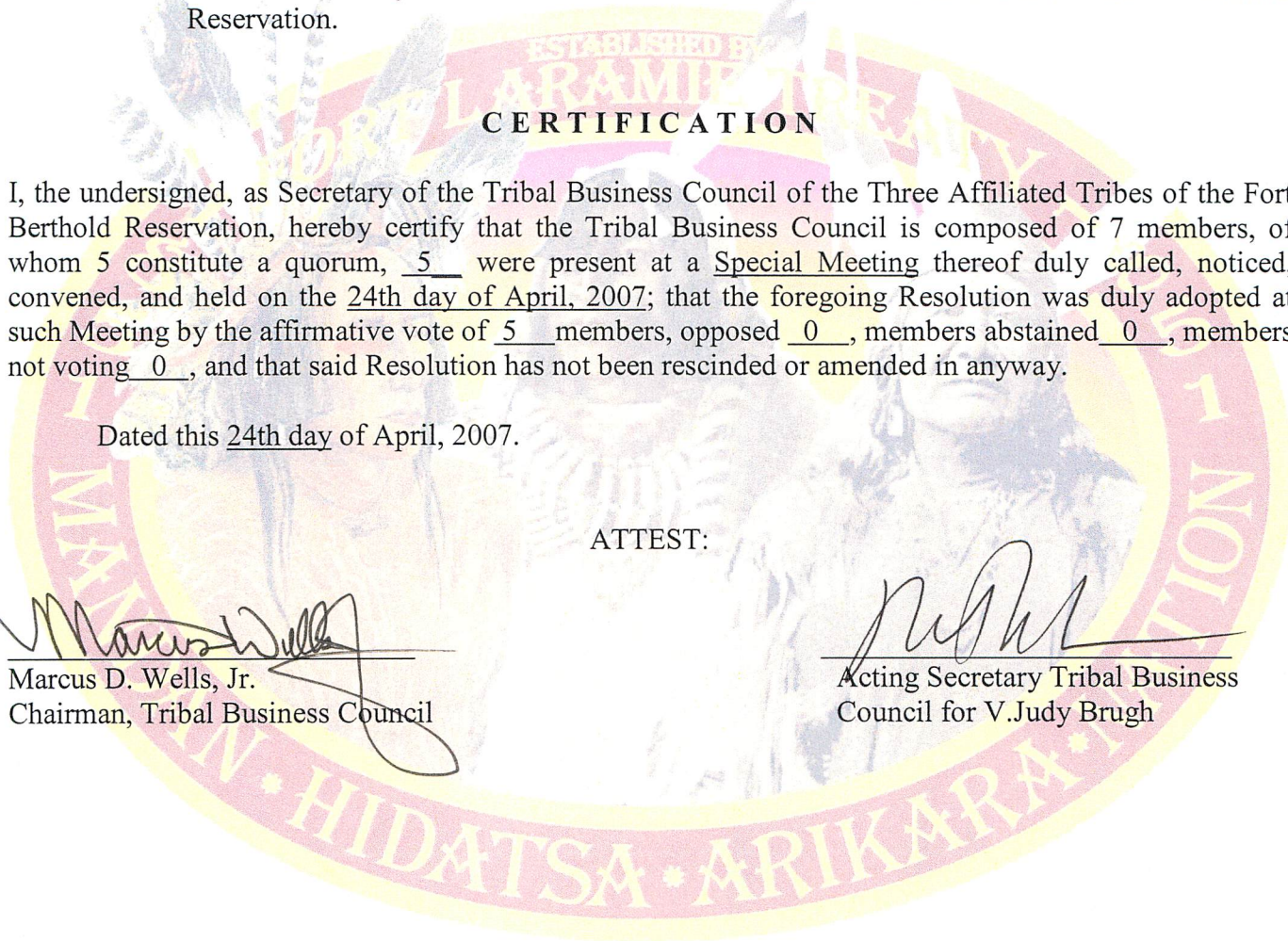
ATTEST:



Marcus D. Wells, Jr.
Chairman, Tribal Business Council



Acting Secretary Tribal Business
Council for V.Judy Brugh



THREE AFFILIATED TRIBES

Mandan, Hidatsa & Arikara · Fort Berthold Reservation
404 Frontage Road · New Town, North Dakota 58763-9402
Phone: (701) 627-4781 Fax: (701) 627-3503

18 April 2007



Mr. Patrick Hemmy, Superintendent
Fort Berthold Agency
PO Box 370
New Town, ND 58763

Re: Law Enforcement Contract

Dear Superintendent:

The Three Affiliated Tribes hereby request that the Tribes' efforts to contract law enforcement on the Fort Berthold Indian Reservation be deemed approved and that the Secretary award a contract for law enforcement with the Three Affiliated Tribes. The following outlines the Tribes' position to justify this approval and award.

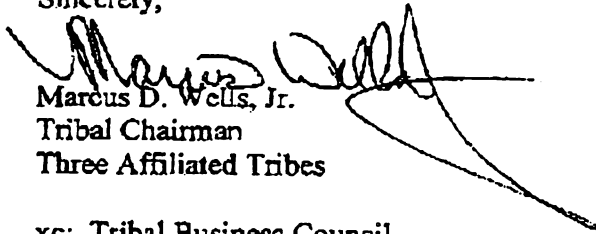
The Three Affiliated Tribes, on January 18, 2007 submitted a written request to contract law enforcement on the Fort Berthold Indian Reservation. Under 25 CFR § 900.7, the Secretary shall provide technical assistance to develop a new contract proposal of any program, service, function, or activity (or portion thereof) that is contractible under the Act. The Bureau of Indian Affairs' Office of Justice Services District 1 in Aberdeen did not provide any technical assistance within the mandatory schedules (25 CFR § 900.7 & 10) that would have enabled the Tribes to proceed. The Office of Justice Services' failure to provide technical assistance as required under 25 CFR § 900.8.

Although the Bureau acknowledged receipt of the Tribes' request, the missives did not respond by providing technical assistance as required under 25 CFR § 900.8. Notwithstanding the apparent failure, the Office of Justice Services has declined the Tribes' efforts to proceed by informing the Tribes' letter as a proposal rather than a request to contract. The Office's declination is groundless because the Office is responsible, at the outset, to provide technical assistance within regulatory schedules, which would have enabled the Tribes to proceed with a contract proposal. Since the Office did not provide the appropriate technical assistance or decline any proposal in compliance with § 102 of the Act. Therefore, the Tribes proposed by the Office of Justice Services. The lack of contract proposal information, which the Office cites to justify the Office's action, is awarded due to breaches in the process by the Office of Justice Services. The lack of

contract proposal information, which the Office cites to justify the Office's action, is entirely the responsibility of the Office itself because the Office did not provide technical assistance within the regulatory schedules which are mandatory (25 CFR § 900.10).

As a corollary, the Tribes' efforts to contract law enforcement should be deemed approved and awarded because the Office of Justice Services is entirely responsible for any tribal omissions that may or may not have contributed to any concerns of performing any programs, functions, services, or activities authorized by the Act. Your sincerest attention to this matter of mutual concern will be greatly appreciated. The Tribes look forward in resolving this matter, and should you have questions, please contact our office, Roger Birdbear, or Pat Wilkinson at (701) 627-4781.

Sincerely,


Marcus D. Wells, Jr.
Tribal Chairman
Three Affiliated Tribes

xc: Tribal Business Council



IN REPLY REFER TO:
Administration
Telephone: (701) 627-4707

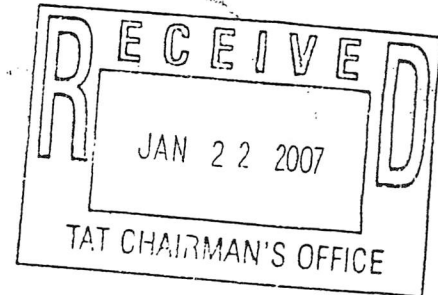
United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Fort Berthold Agency
PO Box 370
New Town, North Dakota 58763



JAN 19 2007

Mr. Marcus Wells Jr., Chairman
Three Affiliated Tribes - Tribal Business Council
404 Frontage Road
New Town, ND 58763



Dear Chairman Wells:

This is to acknowledge receipt of your request to contract all program functions, services and activities related directly and indirectly to Law Enforcement and Dispatch Services. Faxed correspondence was received at this agency January 18, 2007.

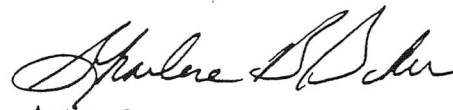
The following documents were received:

1. Letter of Intent to Contract under Public Law 93-638
2. Resolution No. 97-15-NH(VJB)

The above were forwarded and faxed to the attention of Ms. Lorraine Brockie, Senior Awarding Official and Mr. Elmer Four Dance, District I Commander, Aberdeen, South Dakota.

We will be expecting your or your staff's call on Monday, January 22, 2007 to set up a meeting as affirmed in your letter of intent. If we can be of assistance, please contact this agency at (701) 627-4707.

Sincerely,


Acting Superintendent

cc: Great Plains Region;
Ms. Lorraine Brockie, Senior Awarding Official
District I;
Mr. Elmer Four Dance, Commander



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

404 Frontage Road • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

February 22, 2007

Ms. Lorraine Brockie, Self-Determination Officer
Great Plains Regional Office
Bureau of Indian Affairs
115 Fourth Avenue SE
Aberdeen, SD 57401

Dear Ms. Brockie:

Pursuant to Section 106(a) of the Indian Self-Determination and Education Assistance Act, the Tribe requests pre-award costs associated with the Tribes' effort to contract all program functions, services and activities related directly and indirectly to law enforcement and dispatch services on the Fort Berthold Reservation. Pre-award costs designated for Tribes' planning, contract preparation and implementation, amounts to an estimated \$172,375 for which a budget is attached.

We have submitted our formal letter of intent to contract and have also forwarded a copy of our Resolution to contract the program functions, services and activities. Once we have completed our planning and preparation phase, we will be submitting estimates for start-up costs, which will, in all probability, be included in our contract proposal.

If you have a preference in the manner in which we are requesting pre-award costs and the manner in which we will be submitting our request for start-up costs, please let us know as soon as possible.

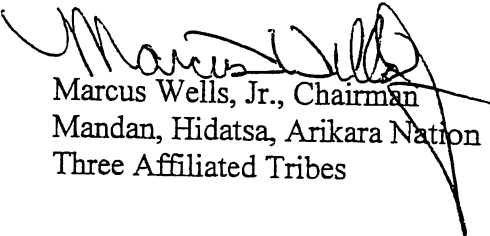
We have not yet received any information from Mr. Elmer Four Dance regarding staffing pattern, established FTE's, salary range, inventory, GSA contracted services, expenditures for the past three fiscal years. However, we trust that the information, including funding levels at local, regional and central offices, will be made available to us within the next two to three days. We are also requesting any other appropriate information and documentation which may be determined beneficial to the Tribes' efforts.

Clearly, this is an extremely critical task that the Tribe is planning to undertake and we believe that with your help and that of the District Law Enforcement Office, we can successfully undertake the program functions, services and activities on the Fort Berthold Reservation.

Further, expediting the contracting process in a manner that is most advantageous to our efforts is vital. We would appreciate any assistance that you and your staff can provide.

If there are any questions or if further information or documentation is needed, please contact Mr. Roger Birdbear, Tribal Attorney, at 701-627-4781.

Sincerely,



Marcus Wells, Jr., Chairman
Mandan, Hidatsa, Arikara Nation
Three Affiliated Tribes

cc
District Law Enforcement Office, Aberdeen, SD
Brent LaRock, SW Region Law Enforcement Office
Laurie Alberts, Federal Programs Executive Officer

PRE-AWARD COSTS

Proposed Contracting of Law Enforcement and Dispatch Services
Three Affiliated Tribes

Personnel

Salary - Tribal Attorney 520 Hours @ \$75.00	\$ 39,000.00
Salary - Federal Program Administrator 520 Hours @ 34.00	17,680.00
Support Staff - 520 Hours @ \$20	<u>10,400.00</u>
Subtotal	\$ 67,080.00
Fringe Benefits/Employer Taxes @ 31%	<u>20,795.00</u>
Total Personnel; Fringe Benefits/Taxes	\$ 87,875.00

Supplies

Office Supplies/ Materials	\$ 1,500.00
----------------------------	-------------

Travel

Costs for staff, Tribal Business Council Members, consultants to attend meetings And negotiations on preparation for program Assumption.	\$ 20,500.00
---	--------------

Equipment

Costs to support the administrative unit Of the Tribe: Office Space, Phone Service; Data Systems	\$ 5,000.00
Costs of administrative equipment to allow The Tribe to plan, prepare for and assume Operation of the Program: Computer; Software; Laptop; copier; telefax.	\$ 5,000.00

Consultant

\$ 50,000.00

Management Systems Development; Training;
AFA Development; negotiations; planning,
Preparation of proposal.

Other

\$ 2,500.00

Other costs necessary to support activities required
For planning, proposal preparation and implementation
Of the contracting process.

Total Pre-award request

\$ 172,375.00



MANDAN, HIDATSA, & ARIKARA NATION
THREE AFFILIATED TRIBES

Fort Berthold Indian Reservation
404 Frontage Road New Town, North Dakota 58763
Telephone 701.627.4781 Ext. 8203 Facsimile 701.627.3503

From the Office of:
Marcus Wells, Jr. "E-Ba-Da-Gishi"
Chairman
Tribal Business Council

January 18, 2007

FILE COPY

Acting Superintendent Rod Cavanaugh
PO Box 370
Bureau of Indian Affairs
Fort Berthold Indian Agency
New Town, ND 58763

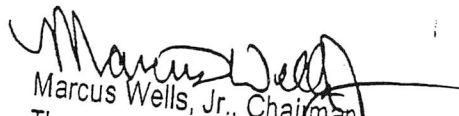
Re: Letter of Intent to Contract under Public Law 93-638

Dear Mr. Cavanaugh:

Please accept this letter and the attached Tribal Resolution No. 07-15-NH duly adopted during a Regular Meeting of the Tribal Business Council on January 11, 2007 as formal notice that the Three Affiliated Tribes of the Mandan, Hidatsa and Arikara Nation intends to contract all program functions, services and activities related directly and indirectly to Law Enforcement and Dispatch Services.

Please note that the Tribal Resolution authorizes me, as Tribal Chairman, to finalize the negotiation process to enable assumption of administration and services and execute all necessary documents. Because we wish to complete the transition as soon as possible, I or a member of my staff will be contacting your office on Monday, January 22nd, 2007 to set up a meeting with you and the appropriate BIA staff required to expedite the process. I thank you in advance for your assistance in this matter. Should you have any questions, please feel free to contact me at any time.

Sincerely,


Marcus Wells, Jr., Chairman
Three Affiliated Tribes Tribal Business Council

cc: Vice-Chairman Nathan Hale
Secretary V. Judy Brugh
Treasurer Frank White Calfe
Councilman Barry Benson
Councilman Mervin Packineau
Councilman Malcolm Wolf



RESOLUTION NO. 07-15-NH
(VJB)
RESOLUTION OF THE GOVERNING BODY
OF THE THREE AFFILIATED TRIBES
OF THE FORT BERTHOLD INDIAN RESERVATION

A Resolution entitled, "Intent to Contract Under Public Law 93-638 the United States Department of Interior, Bureau of Indian Affairs, Fort Berthold Indian Agency, LAW ENFORCEMENT"

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 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 Three Affiliated Tribes places enormous value on the welfare, and well being of its membership; and

WHEREAS, Proper law enforcement is critical to such interests; and

WHEREAS, The Three Affiliated Tribes Tribal Business Council feels that dramatic improvements must be made for said law enforcement services to properly protect the tribal membership; and

WHEREAS, The Tribal Business Council is convinced that the people would be better served by law enforcement if it was administered and managed by the Three Affiliated Tribes and encourages and promotes tribal efforts to directly manage its own services;

WHEREAS, On April 29, 2006, during a conference with Mr. W. Patrick Ragsdale, Director of the Bureau of Indian Affairs, Mr. Ragsdale personally recommended contracting Law Enforcement to alleviate ongoing disputes between tribal and Bureau of Indian Affairs Law Enforcement; and so

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council hereby affirms its intent to contract Law Enforcement under P.L. 93-638 to include but not be limited to:

- All program funding,
- All related equipment,
- Direct Contract Support Costs,
- Start-up Costs,
- Indirect Costs,
- The authority to utilize these funds as matching funds when authorized under applicable policy, regulation and law,
- Technical Assistance when requested,
- All other eligible costs, and

BE IT FURTHER AND FINALLY RESOLVED, That the Tribal Business Council hereby authorizes the Executive and Judicial Committees along with the appropriate tribal staff to work with the Bureau of Indian Affairs to take whatever steps are necessary to ensure that Law Enforcement is duly contracted under P.L. 93-638 at the earliest possible opportunity.

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, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th of January 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 12th day of January, 2007.

ATTEST:

Tribal Vice Chairman, Nathan Hale for
Secretary V. Judy Brugh
Tribal Business Council

Tribal Chairman, Marcus Wells Jr.
Tribal Business Council
Three Affiliated Tribes