



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

A Resolution Entitled: *“Prohibition Forbidding Convicted Felons From Serving on School Boards 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,** In 1988 the U.S. Congress passed P.L. 100-297, the Tribally Controlled School Grants Act, codified at 25 U.S.C. 2501 et seq., which authorizes grants to Indian Tribes and tribal organizations for the purpose of defraying costs of education related activities of tribally controlled schools; and

**WHEREAS,** 25 U.S.C. 2504 (d) requires the submission of grant applications to receive funding under the Tribally Controlled School Grants Act and further requires that submitted applications be accompanied by a document indicating the action taken by the tribal governing body in authorizing such applications; and

**WHEREAS,** In 1988, the Tribal Business Council passed Resolution #88-236 which authorized the White Shield, Mandaree and Twin Buttes School Boards to individually apply for and be the recipient of tribal funds under the Tribally Controlled School Grants Act as authorized by 25 U.S.C. 2504 (d) to operate their respective local educational programs; and



**WHEREAS,** Several of the public schools on the Fort Berthold Indian Reservation also receive federal funding under the Indian School Equalization Program (ISEP), codified at 25 U.S.C. § 2006, which is intended to provide base funding for each school program parallel to funding that local school districts receive and also funding for special programs such as gifted and talented programs, bilingual education needs and intense residential guidance programs; and

**WHEREAS,** The Public Schools on the Fort Berthold Indian Reservation, including the tribally controlled schools are organized under North Dakota State law as public school districts with School Boards elected pursuant to North Dakota law; and

**WHEREAS,** North Dakota law provides that school board members can be impeached from office or removed by the Governor when the board member has been guilty of misconduct or crime in office; and

**WHEREAS,** The Tribal Business Council has the authority and responsibility to the public to ensure that federal funds received for the education of the children of the Mandan, Hidatsa and Arikara Nation are expended appropriately and in accordance with the law; and

**WHEREAS,** The Tribe has no provision, law or regulation prohibiting convicted felons from serving on school boards and due to recent criminal activity occurring at a public school on the Reservation the Tribal Business Council finds that in order to protect to the integrity of the public school systems on the Reservation and to instill the public's confidence in the educational systems on the Reservation, the Tribal Business Council should adopt a resolution prohibiting convicted felons from serving on school boards on the Fort Berthold Indian Reservation.

**NOW, THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes, pursuant to its constitutional authority and authority under federal law, hereby adopts a prohibition that forbids any convicted felon from serving on a school board on 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 Regular Meeting thereof duly called, noticed, convened, and held on the 14 day of June 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.

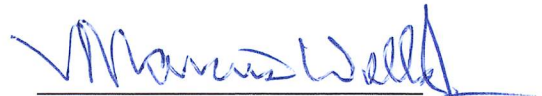
Chairman [] voting. [  ] not voting.



Dated this 14 day of June 2007.

**ATTEST:**

  
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Tribal Secretary, V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

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