



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

A Resolution Entitled: *“Three Affiliated Tribes Request to the Secretary of Health and Human Services to Enter into a P.L. 93-638 Self Determination Contract with the Indian Health Service for the Purpose of Administering all Programs, Functions, Services and Activities of the Indian Health Service, Fort Berthold Service Unit”*

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

WHEREAS, The Indian Self Determination and Education Assistance Act (ISDEAA), codified at 25 U.S.C. § 450 (f), provides that Indian Tribes may request by tribal resolution to enter into self-determination contracts with the Secretary of Interior or the Secretary of Health and Human Services to administer programs, or portions thereof, which the Secretary is authorized to administer for the benefit of Indians under the Act of November 2, 1921 (25 U.S.C § 13) and provided by the Secretary of Health and Human Services under the Act of August 5th, 1954, as amended 24 USC 2001 et. seq; and any Act subsequent thereto or the Act of April 16, 1934 (25 U.S.C. § 452) or for the benefit of Indians because of their status as Indians without regard to the agency of the Department of Interior within which the service is performed; and;



- WHEREAS**, the ISDEAA was passed by Congress to assure maximum participation in the direction, planning, conduct and administration of federal programs and services to Indian communities so as to render such programs and services more responsive to the needs and desires of those communities; and
- WHEREAS**, the Indian Health Service acting by and through the Fort Berthold Service Unit is the primary provider of health care services to tribal members and other Native Americans on the Fort Berthold Indian Reservation; and
- WHEREAS**, Pursuant to the Indian Self Determination and Education Assistance Act, the Tribes have entered into a Self Determination Contract with the Indian Health service, Contract # HHS-I-241-2005-00010 to administer various portions of certain Indian Health Services programs, including physician services, janitorial, health administration, renal dialysis services, hospitals and clinics, Community Health Representative, alcoholism, and facility repair, improvement and maintenance; and
- WHEREAS**, The Indian Health Service, Fort Berthold Service Unit currently administers and provides various health services and programs to the Tribes, its members and other Native Americans on the Fort Berthold Indian Reservation including the following programs which have not been fully contracted by the Tribes: hospitals and clinics; diabetes program; dental program; mental health program; alcohol program; public health nursing; health education; contract health services and facility support; and
- WHEREAS**, Contracts under the Indian Self-Determination and Education Assistance Act are governed by 25 CFR Part 900; and
- WHEREAS**, 25 CFR Part 900.8 requires that an Indian Tribe desiring to enter into 93-638 Contract submit a contract proposal that meets the requirements of part 900.8 and sets forth the requirements for a contract proposal; and
- WHEREAS**, 25 CFR Part 900.7 provides that the Secretary shall upon request of an Indian Tribe provide technical assistance on a non-reimbursable basis to such Indian Tribe to develop a new contract proposal; or to provide for the assumption by the Indian Tribe of any program, service, function or activity; and
- WHEREAS**, The Tribal Business Council elects to pursue its tribal share of funds at each level of responsibility required to be performed by the federal government in its delivery of services regarding healthcare; and
- WHEREAS**, Consistent with the goals and objectives of the ISDEAA the Tribal Business Council believes that the services provided to the Fort Berthold Indian Reservation by the Indian Health Service, Fort Berthold Service Unit would be



more adequately, efficiently and effectively provided by the Tribes pursuant to a self-determination contract with the Indian Health Service and

WHEREAS, The Tribal Business Council has determined that it would be in the best interests of the Tribes and its members to contract those remaining programs, functions services and activities from the Indian Health Service which have not been contracted by the Tribes and are currently performed by the Fort Berthold Service Unit pursuant to the Indian Self Determination and Education Assistance Act and administer and provide such programs, functions, services and activities for the benefit of the Tribes and its members and other eligible Native Americans.

NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes Tribal Business Council pursuant to the authority granted by the Constitution and By-laws of the Tribes and the Indian Self Determination and Education Assistance Act, hereby requests that the Secretary of Health and Human Services, acting through its duly authorized representative, enter into a self determination contract pursuant to 25 U.S.C. § 450 (f) with the Three Affiliated Tribes for the purpose of administering all of the remaining programs, functions, services and activities of the Indian Health Service, Fort Berthold Service Unit that heretofore have not been contracted by the Three Affiliated Tribes, including but not limited to the following:

1. Hospitals and clinics;
2. Diabetes
3. Dental
4. Mental Health;
5. Alcohol;
6. Public Health Nursing;
7. Health Education;
8. Contract Health Services;
9. Facility Support; and
10. Any other programs, functions services and activities that are not herein specifically mentioned that are administered by the Fort Berthold Service Unit.

BE IT FURTHER RESOLVED, that the Tribes hereby request that all facilities, equipment furnishings and other real or personal property used by the Indian Health Service in providing health care services to the Tribes and the eligible residents of the Fort Berthold Indian Reservation be transferred to the Tribe in accordance with 25 CFR 900.11 to be used in performing the programs, functions, services and activities herein requested to be contracted; and



BE IT FURTHER RESOLVED, that the Tribal Business Council hereby requests that the Indian Health Service provide technical assistance to the Tribe in accordance with 25 CFR Part 900.7 in order to develop a contract proposal and to provide for the assumption of the programs services, functions and activities herein resolved to be contracted upon receipt of this resolution and a letter of intent to contract; and

BE IT FURTHER RESOLVED, that upon adoption of this Resolution the Tribe's Health Department with assistance of the Legal Department and technical assistance from the Indian Health Service shall begin developing a contract proposal that meets the requirements of 25 CFR Part 900.8; and

BE IT FURTHER RESOLVED, that the Tribal Business Council further elects to receive tribal shares of funding as provided by P.L. 93-638, as amended, used by the Central Offices of the Indian Health Service and by the Aberdeen Area Office, Indian Health Service, in carrying out the programs, services, functions and activities in the delivery of health care on the Fort Berthold Indian Reservation; and

BE IT FURTHER RESOLVED, that the Tribal Business Council requests the identification of its tribal share of Indian Health Service funding used to carry out the programs, services, functions and activities in the delivery of health care on the Fort Berthold Indian Reservation; and

BE IT FURTHER RESOLVED, that the Tribal Business Council requests the disclosure and availability of the financial information of the Indian Health Service available to programs, services, functions and activities provided by Central and Area Offices of the Indian Health Service, and by the Aberdeen Area Office, Indian Health Service, in the delivery of health care to Tribes, be made available to the Tribal Business Council.

BE IT FINALLY RESOLVED, that the Tribal Business Council hereby authorizes Tribal Chairman Marcus Wells, Jr. and Tribal Secretary V. Judy Brugh to sign and execute all contracts, documents, proposals, assurances and other documents necessary to contract the services authorized to be contracted by this Resolution.

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, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 16 day of October 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.



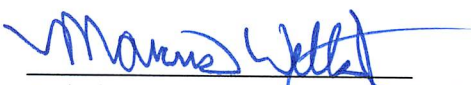
Chairman [] voting. [] not voting.

Dated this 16 day of October 2007.

ATTEST:



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



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