



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

A Resolution entitled, " Assumption of Transportation Functions Under SAFETEA-LU and Issuance of a Notice of Intent to FHWA and BIA "

WHEREAS, The Three Affiliated Tribes have accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; 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 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 finds that transportation infrastructure is vital to the future economic prosperity of Tribal members living on or near the Fort Berthold Reservation; and

WHEREAS, the Tribal Business Council finds that rebuilding roads and bridges on, or which provide access to, the Reservation improves the safety and security of Tribal members and non-members who live or work on the Reservation, and renews the sense of pride that all members have for our Tribe; and

WHEREAS, the Congress passed and the President signed the highway reauthorization bill SAFETEA-LU, the Safe, Affordable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, Public Law No. 109-59, 119 Stat. 1144 (2005); and

WHEREAS, SAFETEA-LU increases Tribal opportunities in the administration and development of Tribal transportation departments and programs and authorizes the Secretary of Transportation to contract directly with Indian Tribes to assume the responsibilities of and the associated funding for the Indian Reservation Roads (IRR) Program serving a Tribe's Reservation; and



WHEREAS, 23 U.S.C. § 202(d)(5), as amended by Section 1119(g)(4) of SAFETEA-LU, provides that an Indian Tribal government may carry out any IRR Program or project through a contract or agreement with the Secretary of Transportation in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and further provides that the Tribal government may assume “all functions and duties that the Secretary of the Interior would have performed” for the benefit of the Tribal government, with the exception of certain inherent federal functions; and

WHEREAS, the Tribe believes that establishing a comprehensive transportation program for the Tribe will further the long-term interests of the Tribe, afford the Tribe greater flexibility and control to prioritize transportation needs for the Tribe, and permit the Tribe to utilize flexible financing arrangements available by law to speed the development of transportation infrastructure on the Reservation; and

WHEREAS, the Tribal Business Council desires to assume the Secretary of the Interior’s duties and functions with respect to the IRR Program serving the Fort Berthold Reservation and such other Tribal transportation programs as may be appropriate under 23 U.S.C. § 202(d)(5), as amended by Section 1119(g)(4) of SAFETEA-LU; and

WHEREAS, the Tribal Transportation Department possesses the financial stability and management capability required by section 1119(g)(4) of SAFETEA-LU, and possesses the expertise and experience to assume the Secretary of the Interior’s responsibilities in the area of transportation planning, design, construction and maintenance;

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council does hereby approve the Three Affiliated Tribes issuing a Notice of Intent to the Secretary of the Interior and the Administrator of the Federal Highways Administration to assume transportation duties of the Secretary of the Interior under the IRR Program, together with transportation-related activities for the Fort Berthold Reservation, and instructs the Chairman, the Tribal Transportation Director and the Tribes’ legal counsel to take all necessary actions to develop with the Federal Highway Administration a mutually acceptable government-to-government agreement to assume the duties of the Secretary of the Interior relating to the IRR Program serving the Reservation; and

BE IT FINALLY RESOLVED, the Tribal Business Council hereby authorizes the Chairman to execute any and all such documents as may be necessary to accomplish the purposes of this resolution; and

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of May, 2008, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 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 14th day of May, 2008.

ATTEST:



V. Judy Brugh, Secretary
Tribal Business Council



Marcus Wells, Jr., Chairman
Tribal Business Council

