



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

*A Resolution entitled, "Retrocession of program functions, services and activities related directly and indirectly to Janitorial/Custodial Services component of Consolidated Tribal Government Programs Contract No. A12AV00161"*

**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,** 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,** Article VI, Section 5 (c) of the Constitution of the Three Affiliated Tribes empowers the Tribal Business Council to negotiate with Federal, State, and local Governments on behalf of the Tribe

**WHEREAS,** Public Law 93-638, titled the Indian Self-Determination and Education Assistance Act, as amended, provides for contracting mechanisms whereby the Tribes may elect to assume governmental programs, functions, services or activities which are otherwise performed by the Federal Government; and

**WHEREAS,** Section 105(e) of the Indian Self-Determination and Education Assistance Act, as amended, provides for retrocession of any contract or portion of a contract entered into pursuant to this Act; and

**WHEREAS,** Regulatory provisions implementing Public Law 93-638, titled the Indian Self-Determination and Education Assistance Act, as amended, sets forth the mechanism by which contracted program functions, services and activities may be retroceded to the Secretary in whole or in part, for any reason, before the expiration of the contract; and

**WHEREAS,** Under provisions of 25 CFR, Chapter V, Part 900, Subpart P, a Tribe is authorized to retrocede to the Secretary, in part, and for any reason, a contracted program function, without adverse or negative effect to the Tribe, the Tribal Business Council chooses to retrocede that portion of the Consolidated Tribal Government Programs Contract No. A12V00161, directly related to Janitorial/Custodial Services; and



**WHEREAS,** The Tribal Business Council prefers that retrocession of the program function take effect immediately,

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation elects to exercise provisions of Section 105(e) of the Indian Self-Determination and Education Assistance Act, in retroceding to the Secretary that part and portion of its Consolidated Tribal Government Programs Contract with the Bureau of Indian Affairs, set forth as Janitorial/Custodial Services;

**FURTHER BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation elects to exercise the statutory privilege of retrocession without adverse impact or negative effect to the Tribe, and


**FINALLY BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation elects the effective date of retrocession to be an immediate return of Janitorial/Custodial duties and responsibilities to the Federal Government.

### 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, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9 day of May, 2013 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.

Dated this 9 day of May, 2013

ATTEST:

  
Secretary V. Judy Brugh  
Tribal Business Council

  
Chairman, Tex G. Hall  
Tribal Business Council