

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution and Bylaws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the tribes and tribal members; and

WHEREAS, the Three Affiliated Tribes has participated in the FY 1980 "Energy Crisis Assistance Program" (ECAP) and tribal members have benefited from that participation; and

WHEREAS, it is required for direct federal funding participation in the FY 1981 Program that the Tribal Business Council of the Three Affiliated Tribes enter into a "Low-Income Energy Assistance Program Administration Agreement" with the State of North Dakota; and

WHEREAS, Title III of Public Law 96-223, the "Crude Oil Windfall Profit Tax Act of 1980," requires that Indians receive benefits that are equivalent to benefits provided to other households in the state which are eligible for the benefits of the Low-Income Energy Assistance Program; and

WHEREAS, regulations promulgated under the direction of Public Law 96-223, at 45 CFR Section 260.106(d), in pertinent part, provide that if "the State and an Indian tribe within that state ... agree that members of the tribe would be better served by a direct grant to the tribe, rather than under the State's plan, the State and the Tribe must notify ... the Social Security Administration of the Department of Health and Human Services of their intent to enter into such an agreement by June 30, 1980, and must finalize the agreement by August 15, 1980"; and

WHEREAS, the Tribal Business Council of the Three Affiliated Tribes and the State of North Dakota have agreed that Indian persons residing within the external boundaries of the Fort Berthold Indian Reservation will be better served through a direct federal grant

for the Low-Income Energy Assistance Program, and have notified the Social Security Administration of such agreement by June 30, 1980;

THEREFORE BE IT RESOLVED, that it is agreed by the Tribal Business Council of the Three Affiliated Tribes and the State of North Dakota that;

I

TRIBAL RESPONSIBILITY

The Three Affiliated Tribes accept all responsibility for fulfilling the requirements for the development and implementation of the Tribal/State plan for the administration of the Low-Income Energy Program.

II

BOUNDARIES

The Three Affiliated Tribes will provide energy assistance to all eligible Indian households residing within the external boundaries of the Fort Berthold Indian Reservation. The Three Affiliated Tribes will refer all non-Indian applicants for benefits under the Low-Income Energy Assistance Program to the appropriate county social service board, and the several county social service boards will refer to the Three Affiliated Tribes those Indian residents of the Fort Berthold Indian Reservation who make application for Low-Income Energy Assistance Program benefits at the county social service board office.

III

POTENTIAL ELIGIBLE HOUSEHOLDS

The estimated number of tribal households eligible to be served by the Three Affiliated Tribes Low-Income Energy Assistance Program is 870. The estimated number of households eligible to be served by the Low-Income Energy Assistance Program in North Dakota is 46,313.

IV

FUNDING ALLOCATION

The allocation of the Three Affiliated Tribes from

the allocation from the State of North Dakota will be 1.88%.

If the Three Affiliated Tribes or the State of North Dakota is permitted to control the disposition of allocated, but unspent funds, it is agreed that each will give first consideration to meeting the needs of the other.

V

EXCHANGE OF INFORMATION

The Three Affiliated Tribes and the State of North Dakota will take whatever steps are reasonably necessary to prevent duplicate payments to eligible households.. Such steps shall include, but are not limited to:

- a. Periodic exchange of information identifying recipient households, including the name and Social Security number of the head of the households, and the amount of assistance, all such information to remain confidential, and to be used only for the purpose of identifying duplicate payments; and
- b. Same day response to inquiries of the Three Affiliated Tribes, addressed to any specific county social service board office, and from any county social service board office to the Three Affiliated Tribes when such inquiries are made to determine if an applicant for Low-Income Energy Assistance Program benefits at the inquiring Tribal or county office is already receiving benefits from the Tribal or county office inquired of. Such inquiries will identify the claimed head of household and any other adult household member who could act as head of household.

VI

TERM

This agreement shall be effective from August 15, 1980, through September 30, 1981, inclusive.

C E R T I F I C A T I O N

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 11 members of whom 7 constituting a quorum, 10 were present at a Special Meeting, thereof duly called, noticed, convened, and held on the 7 day of August, 1980; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 10 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 7 day of August, 1980.

Lilli Nelke
Secretary, Tribal Business Council

ATTEST:

Arvid S. Eriksen
CHAIRMAN, Tribal Business Council

(DATE)

T.N. TANGEDAHL
EXECUTIVE DIRECTOR
SOCIAL SERVICE BOARD OF NORTH DAKOTA

SECTION 5. The Tribal Business Council shall have the following powers, the exercise of which shall be subject to popular referendum as hereinafter provided in this Constitution.

- (a) To manage all economic affairs and enterprises of the Three Affiliated Tribes of the Fort Berthold Reservation in accordance with the terms of a charter to be issued to them by the Secretary of the Interior.
- (b) To create and maintain a Tribal Business Council Fund by accepting grants or donations from any person, State, or the United States, or by income from the tribal enterprises, or by levying assessments of not less than 10 cents and not to exceed \$1 per year per capita on the qualified voters of the Three Affiliated Tribes, and to require the performance of labor in lieu thereof, provided the payment of such per capita levy shall be made before any person shall vote in any election held more than 6 months after the date of said levy.
- (c) To administer any funds or property within the exclusive control of the tribe; to make expenditures from available tribal funds for public purposes of the tribe, including salaries or other remuneration of tribal officials or employees. Such salaries or remuneration shall be paid only for services actually rendered. All expenditures from the Tribal Business Council fund shall be by resolution duly passed by the Council to such effect, and the amounts so paid shall be matters of public record at all times.
- (d) To negotiate with the Federal, State and local governments on behalf of the tribe, and to advise and consult with the representatives of the Interior Department on all activities of that department that may affect the Fort Berthold Reservation.
- (e) Stricken by Amendment No. II, effective December 22, 1961.
- (f) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Three Affiliated Tribes prior to the submission of such estimates or projects to the Bureau of the Budget and to Congress.
- (g) To purchase land of members of the organization under condemnation proceedings in courts of competent jurisdiction.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 11, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation and was on May 15, 1936, duly ratified by a vote of 366 for, and 220 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

GEORGE W. GRINNELL,
Chairman of Election Board.
AUTHUR MANDAN,
Chairman of Business Council.
PETER H. BEAUCHAMP,
Secretary.

W. R. BEYER, Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws are hereby declared inapplicable to the members of the Three Affiliated Tribes.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended June 3, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
(SEAL)

WASHINGTON, D. C., June 29, 1936.

SEC. 5. At the first meeting of a newly elected Tribal Business Council, it shall establish by resolution a regular order of business such as: Roll call, reading of minutes of previous meeting, report of Treasurer, report of committees, unfinished business, new business, etc.

ARTICLE IV - ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and attached Bylaws, when adopted by a majority of the qualified voters of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those qualified shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in effect from the date of his approval.