

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 begun research for the development of appropriate business regulation ordinances and the structuring of an enforcement capacity; and
- WHEREAS, there will be a need to develop training for such enforcement and also additional research; and
- WHEREAS, a majority of the new Reservation businesses have been created to address the service needs of energy development in the area; and
- WHEREAS, the Department of Energy's Office of Minority Economic Impact has funding available to address minority needs in employment and business development; and
- WHEREAS, the Fort Berthold Community College has worked with Tribal staff to develop a proposal which will provide research and recommendations in the following areas: Training/educational needs, small business development needs, other Tribe's regulation efforts, financial support for enforcement capacity, and market opportunities for business expansion.

THEREFORE BE IT RESOLVED, that the Tribal Business Council supports the submission of this Fort Berthold Community College proposal to the Department of Energy's Office of Minority Economic Impact, and the Community College will be allowed to designate a portion of Tribal staff and attorney time as an In-Kind commitment to the Project.

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 11 members of whom 7 constituting a quorum, 10 were present at a Regular Meeting, thereof duly called, noticed, convened, and held on the 18 day of February, 1982: that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 3 members not voting, and that said resolution has not been rescinded or amended in any way.

Dated this 18 day of February, 1982



Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council

A PROPOSAL TO STUDY THE IMPACT OF
DEVELOPING A TRIBAL BUSINESS REGULATIONS

Submitted by
FORT BERTHOLD COMMUNITY COLLEGE

February 11, 1982

PROPOSAL SUMMARY

The Fort Berthold Community College is requesting \$30,000 from the Dept. of Energy and a \$ in-kind contribution from the Three Affiliated Tribes to establish a reservation research group to examine the relationships between energy development and tribal economic development via an examination of the implementation of an as yet unidentified tribal regulations/ordinances for business activities.

The Fort Berthold Reservation is the home of the Mandan, Hidatsa and Arikara tribes who have united together as the Three Affiliated Tribes. The Tribes joined together under the Indian Re-organization Act of June 18, 1934, with a Federal Corporation Charter ratified on April 23, 1937, with a subsequent amendment established on November 27, 1961. The Three Affiliated Tribes operate under a constitution and by-laws approved on June 28, 1936 with amendments imposed on September 18, 1956 and November 27, 1961. The Tribal Government of the Three Affiliated Tribes is a democratic form of government consisting of a ten-member Business Council and a Tribal Chairperson all of who are elected at-large. There are five main segments representing political sub-divisions -- Mandaree, Shell Creek, Lucky Mound, White Shield and Twin Buttes.

The Fort Berthold Community College has been providing college and vocational level curricula to the residents of the Fort Berthold Indian Reservation since 1973. In addition to college courses, college services has included community-wide workshops, seminars, training programs (short-term) in energy development and training support to both tribal and federal (Bureau of Indian Affairs) personnel.

The Fort Berthold Community College realized that tribal economic development needs are crucial to the continuation of tribal life-styles and that the current lack of economic stability has far-reaching impacts in every aspect of tribal endeavor. With an unemployment rate above 60%, a soaring alcoholism problem and ever limiting federal resources to address tribal problems, the College realized its commitment must go beyond the classroom to the community at-large. As such, our purpose is to lay the ground work for future tribal decisions through the development of a management information system that generates issue papers on current tribal affairs; to provide for the development of curricula that reflects the need of the Tribe to have personnel with a background in public administration; and,

to provide a means though which tribal members might become aware of how they might address their aspirations in a private economy.

The money requested will allow the Community College to support five research groups who will develop research papers and portfolios in five related areas: education and training needs; economic/small business development needs; social/cultural impacts; tribal government impact; and environmental impacts. The Community College believes the community can in this instance, best be served through a coordinated-cooperative effort with the Tribe to develop reservation based capabilities to examine current issues.

I. INTRODUCTION

The Fort Berthold Community College is a private, non-profit Indian Controlled Community College providing academic degrees and vocational educational training certificates to the residents of the Fort Berthold Indian Reservation. The Community College serves a base population of 7,500 people of which 3,200 are American Indian. The Community College is located five miles west of New Town, North Dakota.

The Fort Berthold Community College began operations in 1973 with two classes offered in two of the five communities (segments) located on the reservation. In 1974, the Community College received a tribal charter from the Tribal Business Council of the Three Affiliated Tribes. The college has grown from serving 26 students to capabilities of offering five college degree programs and five vocational education certificate programs serving 180 students per year. The College, from time-to-time sponsors community-wide workshops and seminars on current issues or reflecting a particular community training need.

The annual operating revenue is largely from federal support programs, principally the Indian Controlled Community college Act (PL 95-471). The College is a candidate for accreditation from the North Central Accreditation of Schools and Colleges. The colleges are reviewed annually through the variety of federal contracts (grants) now operated by the College.

II. THE THREE AFFILIATED TRIBES COMPREHENSIVE PLANNING/MANAGEMENT SYSTEM

Administrative Structure

Tribal Administration includes four tribal departments: the Natural Resources Department, the Human Resources Department, the Material Resources Department and the Planning Department. Administrative support is provided by Tribal Personnel, a centralized Tribal Finance, Programs Management, and Building Maintenance. See Figure 3.

Comprehensive Planning/Management Process

The Tribes have adopted a Comprehensive Planning and Management Process which will provide the following benefits:

- * Development of a comprehensive information base for the Fort Berthold Reservation.
- * Maximum consideration of all positive and negative issues/factors affecting the social, economic and legal status of the Reservation.
- * Development of tribal policy as a product of a deliberate process rather than as a reaction to critical events.
- * Implementation of tribal policy in a coordinated manner through the unification of the planning and management processes and the involvement of all concerned organizations and persons.
- * Improved service delivery through improved management.
- * Development of tribal resources determined by tribal need rather than external influence.

The Planning/Management Process is charted in Figure 4.

The Long Range Planning Process

The Tribes' long range planning process is shown at the third column from the left side of Figure 4. The process begins with the development of an information base which includes economic, population, social, and legal data concerning the Three Affiliated Tribes. Additionally, an inventory of resources will be provided.

The SECOND STEP INVOLVES IDENTIFICATION OF THE ISSUES AND PROBLEMS WHICH AFFECT THE RESERVATION STEMMING FROM INTERNAL AND EXTERNAL SOURCES.

Rather than concentrate exclusively on problems, identification of the inherent strengths of the Reservation and it's people will also be made.

THE COMPILED INFORMATION AND IDENTIFIED ISSUES WILL BE CONSIDERED DURING THE ANALYSIS PHASE. This will lead to the development of alternative mission, goals, and objectives. Selection of the most feasible alternatives can then occur.

THIS PROCESS ALSO INCLUDES THE INVOLVEMENT OF OTHER ENTITIES OUTSIDE OF THE TRIBAL GOVERNMENT STRUCTURE SUCH AS CHARTERED ORGANIZATIONS, COMMUNITIES AND THE GENERAL PUBLIC. THE DEVELOPED GOALS AND OBJECTIVES WILL BE QUALITATIVE AND QUANTITATIVE TO ALLOW FOR EVALUATION OF THE PROCESS AT A FUTURE DATE.

The products of the long range planning process will be:

1. A Tribal Policy Plan,
2. a Physical Development Plan, and
3. the Development of Appropriate Regulations and Ordinances

Management

A fourth product of the planning process will be a Management Plan. The goals and objectives will require that activities be carried out by person(s) charged with their implementation. Tribal departments and organizations will be assigned these missions, goals and objectives. Each staff person is then assigned to carry out the required activities. This prior knowledge of the year's activities will allow the allocation of monetary, time, and staff resources as is appropriate.

The process includes a reporting system which allows monitoring performances as to activities completion and also expenditure of financial resources. Monthly reports and a summative annual report are required.

III. PROBLEM STATEMENT

Under the mandate of the Community College's Board of Directors, the Fort Berthold Community College seeks to assist in the remedy of community issues. As such, given that the Fort Berthold Tribal Business Council extended an invitation for the College to assist in its effort to examine the nature of and development of issues related to energy development and tribal economic development needs, the institutional staff met on a variety of occasion to

develop and review a problem statement with Tribal employees. Note that this proposal, in part, chooses to partially develop an implementation strategy to compliment Phase II of the Tribal Long Range Planning Process.

Briefly, the staff of the Tribal Planning Department, its Natural Resources Department, Agri-business Planning Office and TERO staff met with the Community College President and Planner to review tribal needs. In the brief amount of time available and restricted by a ceiling of \$30,000, it was determined that a project would be developed surrounding the following problems:

- A. The development of the Tribes natural resources has been hindered by a felt inability of the Tribe to safeguard the assests of would be investors due to a lack of business regulations.
- B. The Tribe is in need to develop methods of projecting tribal economic develop asperations and to provide a means of regulating the development, oparticularly in the energy resource area.
- C. Should the Tribe develop a comprehensive set of regulations (codes or ordinances), there would exist a need for training in the public administration area that such regulations would be fairly and regularly be applied and administered.
- D. Were the Tribe to continue in its development efforts, the Council would be in need of a reservation based research and development group that would provide informational resources to the Council in support of the tribal decision-making process.

This proposal is aimed at addressing these needs through the development of a college based research group that would, in essence, establish a manageable plan for a plan. It is expected that a short-term project would provide the Tribe with the necessary basic information so that their choices would be more readily apparent.

IV. PROGRAM OBJECTIVES

1. To provide for the development of five (5) research groups reflecting a multi-disciplinary approach to problem identification and option development to consist of one FBCC instructor, one graduate student, three undergraduate students and one high school student.
2. To develop for tribal government use position papers, ten (10) reflecting probable options used in other circumstances by other tribes/ governing bodies in the application of licensing.

3. To provide for the development of five (5) portfolios reflective of tribal development needs in the areas of educational training needs; economic/small business development needs; social/cultural impacts; and tribal government impacts.
4. To provide for the development of a major in the area of Business Administration reflecting the tribes need in the application of business regulations.

V. PROJECT ABSTRACT

The Fort Berthold Community College would coordinate the development of a design and plan of a Business Regulation Code. Through the use of research collection and dissemination, the Tribal Business Regulations would be reflective of individual and tribal economic development needs. THOROUGH THE INVOLVEMENT WITH A DEVELOPMENT AND TRAINING FORMAT, THE PRODUCTS GENERATED WOULD ASSIST THE TRIBE IN EXERCISING ITS POWER TO REGULATE BUSINESS ACTIVITIES ON THE RESERVATION. Such a format would quantify and qualify the economic needs on the reservation; present a series of portfolios reflective of various tribal needs; present a scenerio of program development needs to be acted upon by the tribal government; and assess and provide for training modules to implement a tribal regulatory program reflective of the licensing processes as extensions of an instituted tribal private incorporation code. The DOE project might best be viewed as a RESEARCH PROJECT to be utilized as a plan for a plan. Length of program would be from 5 to 7 months minimum. Finally, it is expected that matching funds will be generated to reflect 35% of total project monetary nneeds.

Major research efforts will be given to considering the effects of regulations for supporting Tribal monitoring office(s) and/or future income generation for tribal operations; and, consideration of problems associated with the development of tribal capabilities to examine the expansion of Business/Market opportunities.

VI. PROGRAM METHODOLOGY

Basically, the research groups would be responsible for the development of option papers to be utilized by the Tribe in the development of the tribal business regulations. Addressing a variety of issues, each research group would be responsible for the collection and dissemination of reports to the

Tribal Business Council Committees, Tribal Administrators and respective Fort Berthold Community College Faculty.

The position papers would include a notion of major opportunities and problems on the reservation and alternatives for dealing with them. To be used as idea generating instruments, these papers would also include planning assumptions, possible data collection instruments, and options for the development of an implementation plan.

Portfolios to the Council Members would include an abstract of the position papers as well as annotated references reflective of the research accomplished in any given area. Options to the development of probable language and its implications would be included where appropriate. In other instances, notions of networking, webbing and tribal programs interface would be included as possible management alternatives.

Curricular design would be included as a final report option wherein the College would be expected to offer courses and internships reflective of public administration needs.

The management of the project would be under the control of the Fort Berthold Community College. An advisory council would be established reflective of tribal management options (Planning, Natural Resources Department, TERO, Legal Department) wherein the direct involvement of the tribal personnel or their matrix illustrating possible management relationships and responsibilities.

VII. PROGRAM EVALUATION

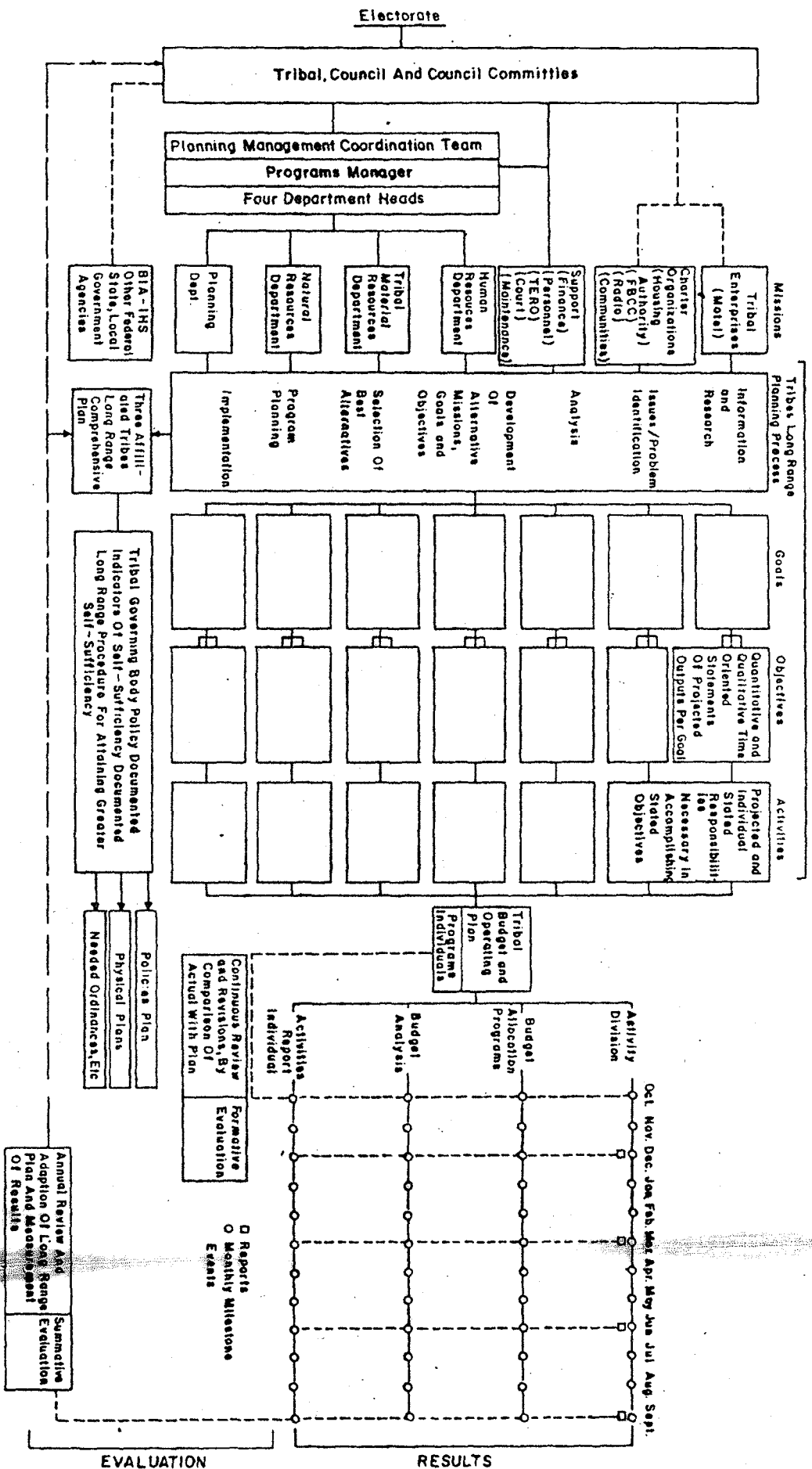
The evaluation process to be utilized will fall into three (3) categories: Formative Evaluation, Summative Evaluation and Follow-up.

- A. Formulative Evaluation. Given the need to continually monitor the development and utilization of project papers establish by the five research groups, it is expected that each group will maintain three systems to measure relative success. The first will be utilization of a monthly planning document that will illustrate program objectives, related activities and personnel evaluation measurements established within the first two weeks of project operation. Based upon continuous review, the Project Director will provide a monthly written report to the Advisory Council on a monthly basis.

- B. Summative Evaluation. The project will be evaluated within thirty days of project completion via questionnaire and one-to-one exit interviews with exiting staff, by the Director. Members of the project review team will be one Tribal Business Council member, one member of the College Board of Directors, two tribal employees and the President of the Community College.
- C. Follow-up. The project will be concluded with a program implementation review of tribal programs interfacing with the research groups. Each program is expected to have inculcated the use of position papers and portfolios in their process of development and review of projected tribal policies impacting business regulatory development related to energy development/impact. Program staff and advisory board members will review and interview program administrators, program staff, and tribal council representatives regarding their impressions on the impact of the policy development program, a two to three month timeframe will be used for follow-up procedures.

PROPOSED THREE AFFILIATED TRIBES LONG RANGE PLANNING/COMPREHENSIVE MANAGEMENT MODEL

PLANNING AND BUDGETING PROCESS



THREE AFFILIATED TRIBES TRIBAL GOVERNMENTAL / ADMINISTRATIVE ORGANIZATION

Figure 3.

