

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 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 Three Affiliated Tribes and of the enrolled members thereof; and
- WHEREAS, Article VI, Section 3(a) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to employ attorneys to represent the interests of the Tribes; and
- WHEREAS, Article VI, Section 3(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to levy taxes or license fees on nonmembers of the Tribes doing business on the Reservation; and
- WHEREAS, Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with the federal, state and local governments on behalf of the Tribes; and
- WHEREAS, Article X of the Constitution of the Three Affiliated Tribes specifically authorizes the amendment of the Constitution by a majority vote of the qualified voters of the Tribes in a special election called for such purpose by the Secretary of the Interior; and
- WHEREAS, The Three Affiliated Tribes have established an in-house Legal Department for the purpose of providing ongoing legal assistance to the Tribes and to the instrumentalities thereof and formal legal representation of the interests of the Tribes; and
- WHEREAS, The Tribal Business Council has directed that the Legal Department provide assistance to the Tribes in amending certain provisions set forth in the present Constitution, so as to (1) unambiguously extend the legislative and judicial power and authority of the Tribal government over all persons, including non-Indians, residing and/or doing business and over all lands, including fee patent lands, situated within the exterior boundaries of the Fort Berthold Reservation and (2) change the formal legal identity of the Tribes by changing their name from the "Three Affiliated Tribes" to the "Mandan, Hidatsa, and Arikara Nation of the Fort Berthold Reservation;" and
- WHEREAS, The Tribal Business Council has, in addition, directed that the Legal Department provide assistance in (1) negotiating tax revenue sharing agreements with the State of North Dakota and negotiating claims of the Three Affiliated Tribes of exemption from the current imposition by the State of certain excise and ad valorem property taxes and (2) drafting

- WHEREAS, It is the considered judgment of the Tribal Business Council that it is not only advisable, but also mandatory, that the Tribes seriously pursue such legal objectives, so as to enhance and protect the inherent sovereignty of the Tribes and to clearly establish and maintain their sovereign authority to promote and protect the political integrity, health, and economic welfare and self-sufficiency of the Tribes; and
- WHEREAS, The Tribal Business Council has been informed by officials of the Fort Berthold Agency of the Bureau of Indian Affairs that certain Aid to Tribal Government funds are available for the purpose of supporting a Public Law 93-638 contract between the Three Affiliated Tribes and the Bureau of Indian Affairs, wherein the Legal Department would provide the necessary legal assistance to the Tribes in pursuing the mandated Constitutional amendments and negotiation and legislation in the area of taxation; and
- WHEREAS, The Tribal Business Council proposes that the Legal Department, on behalf of the Three Affiliated Tribes, apply for the award of a Public Law 93-638 contract for such purpose in the amount of Thirty Thousand and 00/100 Dollars (\$30,000.00), the term of which shall commence on October 1, 1984, and terminate on September 30, 1985; and
- WHEREAS, The Tribal Business Council requests that the Bureau direct any and all contract documents and correspondence to the Chairman of the Tribal Business Council; and
- WHEREAS, The Tribal Business Council represents that it will formally review any contract awarded and any and all amendments thereto prior to execution thereof by the Chairman of the Council;
- NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and directs the Legal Department of the Three Affiliated Tribes to apply for and negotiate a Public Law 93-638 contract with the Bureau of Indian Affairs, supported by Aid to Tribal Government funds in the amount of Thirty Thousand and 00/100 Dollars (\$30,000.00), wherein the Legal Department would provide legal assistance to the Tribes in pursuing the Constitutional amendments and negotiation and legislation in the area of taxation identified hereinabove.
- BE IT FURTHER RESOLVED, That Resolution #84-246-S is hereby forthwith rescinded.

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 11 members of whom 7 constitutes a quorum, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 14 day of December, 1984; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not