

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 Tribes and of the enrolled members thereof; and
- WHEREAS, Article VI, Section 5(c) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to administer any funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes of the Tribes; and
- WHEREAS, In October, 1983, the Food and Nutrition Service of the United States Department of Agriculture filed a formal claim against the Commodity Program of the Three Affiliated Tribes in the amount of Eighteen Thousand, Eighty-One, and 61/100 Dollars (\$18,081.61), which claim was based upon the monetary value of inventory unaccounted for, due to alleged inventory loss, spoilage, and over issuance and inadequate record keeping performed by former Commodity Program staff, during the period commencing on May 1, 1982 and terminating on June 31, 1983; and
- WHEREAS, Representatives of the Commodity Program and the Legal Department of the Three Affiliated Tribes have informed the Tribal Business Council that, as a result of negotiation and claim adjustment, the initial claim in the amount of Eighteen Thousand, Eighty-One, and 61/100 Dollars (\$18,081.61) has been reduced to Two Thousand, Four Hundred, Forty and 20/100 Dollars (\$2,440.20); and
- WHEREAS, Food and Nutrition Service Instruction 494-3 provides that the U.S.D.A. Regional Administrator may determine that an inventory claim be waived upon a showing, supported by full documentation submitted by the distributing agency, that the improper action, upon which the claim is based, was not caused by negligence or impropriety on the part of the distributing agency, but resulted from a cause outside the area of responsibility of the agency; and
- WHEREAS, Representatives of the Commodity Program and Legal Department recently conducted an extensive analysis of the claim as reduced and have objectively and reasonably concluded that the claim is based exclusively upon the negligence of former Commodity Program staff, thereby rendering any filing with the Regional Administrator of a request for waiver of the claim, pursuant to FNS Instruction 494-3, an exercise in futility; and
- WHEREAS, The Tribal Business Council has been further informed that, in the event that the Three Affiliated Tribes should fail to make payment to the U.S.D.A. of the claim in the principal amount of Two Thousand, Four Hundred, Forty and 20/100 Dollars (\$2,440.20), together with current accrued interest (at the rate of 9% per annum) in the amount of Thirty-Six and 60/100 Dollars (\$36.60), on or before April 30, 1985, the U.S.D.A. will pursue

repayment of the claim, together with interest, by means of withholding certain periodic payments from the remaining FY 1985 Commodity Program grant monies, until such time as the principal amount of the claim and accrued interest have been recovered; and

WHEREAS, Based upon the information received surrounding the U.S.D.A. claim against the Commodity Program, it is the considered judgment of the Tribal Business Council that the Three Affiliated Tribes are undisputedly liable to the U.S.D.A. for repayment of the claim as substantially reduced and that, in an effort to avoid jeopardizing the continued level of essential services provided by the Commodity Program to eligible resident enrolled members of the Tribes, the principal amount of the claim, together with the appropriate accrued interest, should be paid to the U.S.D.A. at the earliest practicable time; and


WHEREAS, In its proposed FY 1985 Revenue Sharing Budget, the Tribal Business Council has allocated a sufficient portion of such funds available to make full payment of the U.S.D.A. Commodity Program inventory claim;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council hereby authorizes payment to the United States Department of Agriculture of its principal claim in the amount of Two Thousand, Four Hundred, Forty, and 20/100 Dollars, together with the appropriate interest accrued thereon at the rate of nine percent (9%) per annum, upon formal approval of the proposed FY 1985 Revenue Sharing Budget by the Council, subsequent to the public hearing to be held on the proposed Budget.

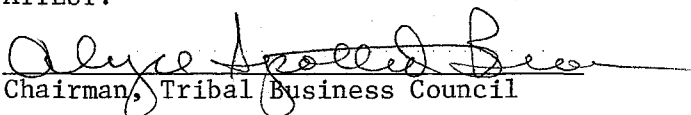
CERTIFICATION

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, 10 were present at a SPECIAL Meeting thereof duly called, noticed, convened, and held on the 29 day of APRIL, 1985; 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.

Dated this 30th day of April, 1985


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council