

RESCINDED

OCT 24 1985

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 **THREE AFFILIATED TRIBES**
- 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, Upon the basis of certain information received from officials of the Bureau of Indian Affairs, the Tribal Business Council, via Resolution #84-76-S, duly adopted on the 22nd day of March, 1984, granted authorization to the Twin Buttes School District #37 to negotiate and enter into Public Law 93-638 contracts with the Bureau of Indian Affairs for the administration of the education program provided by the Twin Buttes Public School, for a three (3)-year period commencing on October 1, 1984 and terminating on September 30, 1987; and
- WHEREAS, Said Resolution expressly provided that the terms of the respective Public Law 93-638 contracts would each be for a period of three (3) years commencing on October 1, 1984 and terminating on September 30, 1987; and
- WHEREAS, The Tribal Business Council has recently been informed by officials of the Bureau of Indian Affairs that the current policy maintained by the Bureau restricts the terms of Public Law 93-638 contracts for the administration of education programs to a period of one (1) year, which policy requires tribal organizations, on an annual basis, to request to recontract such programs with the Bureau of Indian Affairs, pursuant to the procedure prescribed by 25 C.F.R. §271.20; and
- WHEREAS, Said current policy of the Bureau of Indian Affairs is confirmed in the May 28, 1985 Memorandum transmitted by the Bureau Property and Supply Office through the Agency Superintendent to the Three Affiliated Tribes, together with an attachment constituted by Chapter 10 of the Bureau of Indian Affairs Manual (a true and correct photostatic copy of which Memorandum is attached hereto for reference); and
- WHEREAS, In view of patent inconsistency between Resolution #84-76-S, granting authorization to the Twin Buttes School District #37 to enter into Public Law 93-638 contracts for the administration of education programs with the Bureau of Indian Affairs with three (3)-year terms and the current policy maintained by the Bureau of Indian Affairs restricting the terms of all such contracts to periods of one (1) year, the Tribal Business Council has deemed it mandatory to modify Resolution #84-76-S, so as to remedy such inconsistency; and

WHEREAS, The authority of the Tribal Business Council to modify Resolution #84-76-S is recognized in 10 B.I.A.M. II A which provides, in part, that, at the time at which the tribal organization submits its request to recontract through the tribal governing body before it is submitted to the Bureau of Indian Affairs, "the tribal governing body may, if it wishes,... modify its initial authorizing resolution...;"

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes, pursuant to 10 B.I.A.M. II A, hereby modifies Resolution #84-76-S, in part, so that Item 3 set forth in said Resolution is amended to read as follows:

"The terms of the contracts and the resolution are to start on October 1, 1984 and end on September 30, 1985."

BE IT FURTHER RESOLVED, That the modification of Resolution #84-76-S approved hereby shall become effective immediately.

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 REGULAR Meeting thereof duly called, noticed, convened, and held on the 13 day of JUNE, 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 13th day of JUNE, 1985.

John Chang
Secretary, Tribal Business Council

ATTEST:

Alyce Goodson
Chairman, Tribal Business Council

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THREE AFFILIATED TRIBES