

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 Tribe and Tribal members; and
- WHEREAS, During the week of May 12-16, 1986, the Tribal Alcoholism Program and the Growth & Development Program will be conducting workshops relating to the prevention of alcoholism on the Reservation; and
- WHEREAS, These workshops will be held in the communities of White Shield, Twin Buttes, and Mandaree; and
- WHEREAS, In conjunction with the workshops, a Memorial Run (Third Annual) will be held on May 16, 1986, dedicated to those who have lost loved ones due to alcohol related illnesses or incidents; and
- WHEREAS, In order to improve the quality of life and help tribal members increase their awareness of the impacts of alcoholism, the above-mentioned programs hereby request that May 12-16, 1986, be declared as "Alcohol and Drug Awareness Week" for Fort Berthold Reservation.

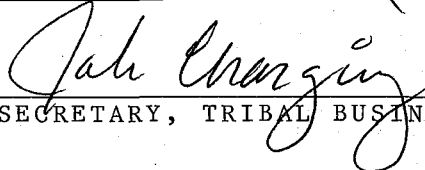
NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby declares May 12-16, 1986, as "Alcohol and Drug Awareness Week" for Fort Berthold Reservation.

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 constitutes a quorum, 10 were present at a REGULAR meeting, hereof duly called, noticed, convened and held on the 11<sup>th</sup> day of APRIL, 1986; 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vote of 10 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said resolution has not been rescinded or amended in any way.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 11<sup>th</sup> DAY OF April, 1986.

  
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SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:

  
\_\_\_\_\_  
CHAIRMAN, TRIBAL BUSINESS COUNCIL

GOVERNING BODY RESOLUTION

Whereas in Section 1102 (a) of Public Law 95-561 the Secretary of the Interior is instructed to develop alternative methods for the equitable distribution of Johnson-O'Malley program supplemental funds; and,

Whereas, in Section 1102 (b) of Public Law 95-561 the Secretary of the Interior is instructed to conduct a vote by tribes and Alaskan villages on a formula which the majority of the tribes determine through their vote to be the most equitable; and

Whereas, the tribes voted on seven formula options (December 3, 1985 through January 31, 1986) and no formula received a majority vote, there will be a run-off vote between Formulas 1 and 4, the two options receiving the most votes.

Now therefore be it resolved that on the 11th day of April, 1986

Three Affiliated Tribes (tribe or Alaskan village) governing body chose

Formula Option #4 by a vote of 10 for and 0 against.

I hereby certify that the above written resolution was duly passed by the governing body as an official act.

Signed John Charging  
John Charging, Secretary

Title: Tribal Business Council Secretary

Tribe (Alaska village) Three Affiliated Tribes Date April 11, 1986

ATTEST:

Witnessed Alyce Spotted Bear  
Alyce Spotted Bear

Title: Tribal Chairperson



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

MAR 12 1986

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THREE AFFILIATED TRIBES

Dear Tribal Leader:

This is to inform you that the vote on the Johnson-O'Malley (JOM) program distribution formula did not result in any formula receiving a majority vote. Since Public Law 95-561 Sec. 1102(b) requires a majority vote, we are conducting a run-off vote between Formulas 1 and 4, the two options receiving the most votes.

Although the President's budget for FY 1987 proposes to consolidate JOM with the Title IV program at the U.S. Department of Education, we are continuing with the vote process.

There were 162 votes cast during the sixty (60) day vote period. Formula 1, the current formula, received 51 votes or 31 percent of the 162 votes cast. Formula 4, which provides for equal distribution of funds for all eligible students, received 65 votes or 40 percent of the votes. Seventeen (17) votes were declared invalid - mostly because they were not accompanied by a tribal resolution.

The voting period on the two formulas will be open for sixty days, as shown on the attached ballot. The ballot, to be valid, must be accompanied by a resolution and dated no later than the closing date. The procedures used in the first vote will be followed in the run-off vote.

Enclosed for your information and use are:

1. Federal Register notice on the run-off vote
2. Vote ballot
3. Sample resolution form
4. Distribution tables for Formulas 1 and 4, using current figures
5. Voting procedures
6. Self-addressed return envelope

For further information, please contact Maribel Printup at telephone number (202) 343-6364.

Sincerely,

Assistant Secretary - Indian Affairs

Enclosures

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## PROCEDURES FOR TRIBAL VOTE

### Johnson-O'Malley Program Distribution Formula Options.

1. A master list of tribes and Alaskan villages eligible to vote is updated from the list published in the Federal Register on February 13, 1985 (Vol. 50, No. 30). Each tribe and village shall be listed with a different ballot number.
2. Official ballots will list the formula options available for vote. Each ballot shall be numbered.
3. The ballot shall be mailed with a return envelope marked with the ballot number. The mailout shall be made five days prior to the beginning of the vote period and sent certified mail with a return receipt requested. Ballots will be mailed to each eligible tribe in the lower 48 states. Alaskan village ballots shall be sent by Federal Express Mail to the Anchorage, Alaska, Field Office for distribution.
4. Area/Agency education line officers shall notify contractors and Indian education committees that ballots have been mailed to the tribes/villages and send the JOM program directors copies of the options and distribution tables.
5. Returned ballots in the self-addressed, numbered envelopes will be logged in the office of the Director, Office of Indian Education Programs. These envelopes shall remain sealed until fourteen (14) days after the end of the vote period.
6. The opening of the sealed envelopes shall be conducted in the presence of an independent Certified Public Accountant. The opening shall be conducted no later than 2:30 p.m. fourteen (14) days after the end of the official vote period.
7. The ballot number and name shall be verified against the master list. The ballot shall be checked for completeness, including: completion of a resolution from the governing body, appropriate signatures and a vote marked for only one of the options.
8. The valid ballots shall be recorded, in order by ballot number, on a master tally sheet. Voided (incomplete or ineligible) ballots shall also be recorded with the reason listed for declaring the ballot void. Final determination of valid ballots shall be made by the independent Certified Public Accountant.
9. The vote count shall be tabulated to determine if any formula received the majority of the valid votes. If no formula receives a majority, another ballot shall be prepared listing the two formulas receiving the most votes. The second ballot shall be conducted in the same manner as listed herein.
10. Results of the first ballot vote will be published in the Federal Register.
11. If a second ballot is necessary, results will be published in the Federal Register.
12. All ballots cast will be kept for inspection for a period of not less than two years.

JOHNSON-O'MALLEY PROGRAM: ILLUSTRATION  
 DISTRIBUTION TABLE SHOWING PER PUPIL AMOUNT FOR EACH OPTION TO BE VOTED UPON

The table reflects the FY 1986 distribution, by State, under the current formula (Formula 1). There are 177,576 students being served, \$19,618,000 in program funds, updated State per pupil costs with a national average per pupil cost of \$3,086.

The distribution table used in the earlier vote reflected 1984 figures.

STATE	FORMULA OPTION 1			FORMULA OPTION 4
	State P/P Costs	(Current Formula) Wght. Factor	State JOM P/P Amt.	Equal Per Pupil Distribution (\$19,618,000 ÷ 177,576)
ALASKA	\$8,486	2.75	\$241.56	\$110.48
NEW YORK	5,001	1.62	142.30	110.48
WYOMING	4,468	1.45	127.37	110.48
RHODE ISLAND	3,812	1.24	108.92	110.48
OREGON	3,594	1.17	102.77	110.48
MONTANA	3,543	1.15	101.02	110.48
MICHIGAN	3,521	1.14	100.14	110.48
WISCONSIN	3,448	1.12	98.38	110.48
WASHINGTON	3,392	1.10	96.62	110.48
MINNESOTA	3,338	1.08	94.87	110.48
COLORADO	3,316	1.07	93.99	110.48
KANSAS	3,227	1.05	92.23	110.48
IOWA	3,210	1.04	91.35	110.48
NEBRASKA	3,152	1.02	89.60	110.48
NORTH DAKOTA	2,956	1.00	87.84	110.48
CALIFORNIA	2,884	1.00	87.84	110.48
FLORIDA	2,836	1.00	87.84	110.48
NEW MEXICO	2,824	1.00	87.84	110.48
OKLAHOMA	2,822	1.00	87.84	110.48
ARIZONA	2,669	1.00	87.84	110.48
NEVADA	2,642	1.00	87.84	110.48
MAINE	2,625	1.00	87.84	110.48
SOUTH DAKOTA	2,584	1.00	87.84	110.48
LOUISIANA	2,564	1.00	87.84	110.48
IDAHO	2,129	1.00	87.84	110.48
UTAH	2,020	1.00	87.84	110.48
MISSISSIPPI	1,921	1.00	87.84	110.48

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Wednesday  
March 19, 1986

25  
CFR  
Part  
273

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**Part VI**

**Department of the  
Interior**

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**Bureau of Indian Affairs**

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**25 CFR Part 273**

**Education Contracts Under Johnson-  
O'Malley Act; Run-Off Vote on  
Distribution Formula; Proposed Rules**

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****25 CFR Part 273****Education Contracts Under Johnson-O'Malley Act; Run-Off Vote on Distribution Formula**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Run-off vote on distribution formula under the Johnson-O'Malley Act.

**SUMMARY:** This notice advises tribes recognized by the Secretary of Interior that the recent tribal vote on the Johnson-O'Malley program formula options did not result in any formula receiving a majority vote as required by Pub. L. 95-561. Therefore, the Bureau will conduct a run-off vote on the two formulas receiving the most votes for distribution of supplemental funds under the Johnson-O'Malley Act.

**FOR FURTHER INFORMATION CONTACT:** Maribel W. Printup, Office of Indian Education Programs, Bureau of Indian Affairs, Department of the Interior, 18th and "C" Streets, NW., Washington, DC 20240, telephone number (202) 343-6364.

**SUPPLEMENTARY INFORMATION:** On August 23, 1984, a notice was published in the *Federal Register* (49 FR 33585) advising tribes recognized by the Secretary of the Interior that the Bureau intended to amend the Johnson-O'Malley program distribution formula. Tribes were invited to comment on the four formula options included in the notice or to recommend additional formulas for prescribing equitable

distribution of the Snyder Act funds to contractors.

Following the publication and during the sixty (60) day comment period, consultation meetings with tribes and tribal organizations were arranged and conducted by the Bureau's Area Education Program Administrators and/or Agency Superintendents for Education. The opportunity to comment and/or submit additional alternatives was provided. Sixty-seven (67) comments were received on the four formulas along with five additional alternatives. Two of the alternatives could not be used. One could not be utilized in a national formula format and the other could not accommodate a pro-rata procedure based on the actual appropriated funds. The seven formula options presented for tribal vote included the four published options and three of the additional options. The sixty (60) day vote period was from December 3, 1985 through January 31, 1986.

Pub. L. 95-561, section 1102(b) requires that the formula receiving a majority of tribal votes, as evidenced by a vote count certified to the Secretary, will be adopted for distribution of funds.

Tribes, recognized by the Secretary of Interior, had one vote each. The votes were counted on February 14, 1986 and the results were certified by an independent Certified Public Accountant. No formula received over 50 percent of the vote. The two formulas receiving the most votes are as follows: Formula 1 received 51 votes (31 percent of the 162 votes cast); Formula 4 received 65 votes (40 percent of the votes); and 17 votes were declared invalid.

A run-off vote on Formulas 1 and 4 will be open for a sixty (60) day period.

The formula which receives more than 50 percent of the vote of the eligible voting tribes will be adopted for distribution of funds and published in the *Federal Register*.

**List of Subjects in 25 CFR Part 273**

Government Contracts, Indians—  
Education, Indian-Self Determination.

**Distribution Formulas**

The distribution formulas to be voted upon by tribes are as follows:

Formula 1 is the current formula used in the distribution of funds. This is based on the number of eligible Indian students to be served, the national average per pupil expenditure and a weighting factor which is intended to take into account the differences in education costs among the States. The weighting factor is the quotient obtained by dividing the State's cost of delivering educational services by the national average; except that for every State whose cost is at or below the national average, that State's cost will be based on the national average.

Formula 4 is the equal distribution of funds for all eligible students. The per pupil amount is the quotient obtained by dividing the appropriated amount by the total number of students served. (There is no weight factor).

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs under 209 DM8.

Hazel E. Elbert,

*Acting Deputy Assistant Secretary, Indian Affairs.*

[FR Doc. 86-6115 Filed 3-18-86; 8:45 am]

BILLING CODE 4310-02-M

OFFICIAL VOTE BALLOT

Name of Tribe (Alaskan Village):

Ballot No. 05

Three Affiliated Tribes

VOTING PERIOD:

Beginning: April 2, 1986

Ending: May 31, 1986

INSTRUCTIONS:

1. Vote Period: The vote period is for 60 days beginning and ending on the dates shown above. Resolutions and ballots must be dated no later than the ending date in order to be valid.
2. Tribal resolution: A signed and witnessed resolution must accompany the completed ballot when it is mailed to the Office of Indian Education Programs in Washington, D.C. Governing bodies may use their own resolution and attach it to this ballot, or they may use the attached Resolution form.
3. Ballot return: Return your completed ballot in the enclosed self-addressed envelope. If the envelope gets lost, send the completed ballot and tribal resolution to:

Code 524, Room 3515  
 Office of Indian Education Programs  
 Bureau of Indian Affairs  
 18th and C Streets, N.W.  
 Washington, D.C. 20240

Write your ballot number in the lower right hand corner of the envelope.

FORMULA OPTION SELECTION: Check one formula only. If more than one option is checked, the ballot will be invalidated. Only the formulas listed below are eligible for vote. Any changes or additions will result in the ballot being invalidated. (See Federal Register notice and attached Table for detailed information).

       Formula 1 Current funding formula.

XX Formula 4 Equal distribution of funds for all eligible students.

I hereby certify that the above checked JOM formula option does accurately reflect the decision of the governing body of the tribe (Alaskan village).

Signed *Alyce Spotted Bear* Title Tribal Chairperson  
 Alyce Spotted Bear

Tribe (Alaska village) Three Affiliated Tribes Date April 11, 1986

Witnessed *John Charging* Title Tribal Business Council Secretary  
 John Charging