

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 the public purposes of the Tribes; and
- WHEREAS, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedures of the Tribal Business Council and other Tribal instrumentalities and officials; and
- WHEREAS, Article IV, Section 5 of the Constitution of the Three Affiliated Tribes specifically provides that all Tribal Business Council elections shall be held under the supervision of the Council or an Election Board appointed by the Council and that the Council or the Election Board shall make rules and regulations governing all such elections; and
- WHEREAS, On the 13th day of August, 1986, the Credit Committee of the Tribal Business Council took formal action wherein it authorized all enrolled members of the Three Affiliated Tribes, whose wage assignment-secured Tribal Short-Term Small Loans are in a delinquent status, to refinance such loan with another Short-Term Small Loan; and
- WHEREAS, The Superintendent of the Fort Berthold Agency of the Bureau of Indian Affairs, being familiar with the provisions set forth in the Declaration of Policies and Plan of Operation of the Tribal Small Loan Program administered by the Tribes at the Agency, raised the issue as to legal validity of such action taken by the Credit Committee, having identified his position that (1) such action was, in effect, a modification of or amendment to Section 19(1) of the Program Policies and Plan which expressly prohibits the refinancing of a Short-Term Small Loan secured by a wage assignment and (2) the

exclusive authority to modify or amend the Policies and Plan lies with the Tribal Business Council with the approval by the Superintendent of the Fort Berthold Agency; and

WHEREAS, The Agency Superintendent has further informed the Tribal Business Council that two (2) of the candidates in the 1986 Tribal Business Council Election have made application at the Credit Office of the Fort Berthold Agency to refinance their respective delinquent Short-Term Small Loans, each of which are secured by wage assignments and that the Credit Office personnel have been directed not to continue processing such applications, due to the position maintained by the Agency Superintendent that the attempted action taken by the Credit Committee, on August 13, 1986, to modify Section 19(1) of the Declaration of Policies and Plan of Operation of the Tribal Small Loan Program was without legal validity; and

WHEREAS, The Agency Superintendent has requested that the Tribal Business Council discuss and make a determination on the issue of the validity of the Credit Committee action at issue, so as to enable him to make a decision as to whether to deny or approve the respective applications to refinance made by the two (2) candidates in the 1986 Tribal Business Council Election, whose loans are each secured by a wage assignment; and

WHEREAS, The Tribal Business Council has considered and discussed the issue herein and has determined that the attempted action taken by the Credit Committee, on April 13, 1986, to modify or amend Section 19(1) of the Policies and Plan of the Tribal Small Loan Program was devoid of legal validity, on the ground that only the Tribal Business Council, with the approval of the Superintendent of the Fort Berthold Agency, is possessed of the authority to modify or amend said Policies and Plan; and

WHEREAS, Based upon the determination made herein and in view of the fact that a number of candidates have been held in abeyance with respect to clearing up their respective delinquent outstanding indebtedness during the three (3)-day period in which this issue has remained pending and unresolved, it is the considered judgment of the Tribal Business Council that each candidate in the 1986 Tribal Business Council Election, whose eligibility for candidacy has been formally challenged, should be granted by the Tribal Election Board an additional three (3) days during which he or she must submit to the Election Board proof of his or her eligibility for candidacy in response to the formal challenge made thereof; and

WHEREAS, As a consequence of the proposed grant of such three (3)-day extension to each of the challenged candidates, it will be necessary to concomitantly extend the current August 22, 1986 deadline for the publication of the official list of certified eligible candidates to August 29, 1986;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby determines that the attempted action taken by the Credit Committee of the Council, on August 13, 1986, to modify or amend Section 19(1) of the Declaration of Policies and Plan of Operation of the Tribal Small Loan Program, was without legal validity and effect, that said provision has not modified or amended thereby, and that said provision continues to read as follows:

"Refinancing Short-Term loans may be refinanced by another short-term loan, provided that the repayment terms of the refinanced portion of the loan are not extended, except in the case of wage assignments, which cannot be refinanced."
(emphasis added).

BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes, pursuant to its Constitutional authority and for the purpose exclusively of the 1986 Tribal Business Council Election, hereby directs that the Tribal Election Board grant to each Election candidate, whose eligibility for candidacy has been formally challenged and who has not, to date, submitted his or her proof of eligibility to the Election Board pursuant to Subsection D of Section 3 of Part III or to Subsection B of Section 2 of Part V of the Election Ordinance of the Three Affiliated Tribes, an additional three (3) days during which he or she must submit to the Election Board his or her proof of eligibility for candidacy in response to the respective challenge made thereof.

BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes, pursuant to its Constitutional authority and for the purpose exclusively of the 1986 Tribal Business Council Election, hereby mandates that the date of the deadline for the publication of the official list of the certified eligible candidates be extended from August 22, 1986 to August 29, 1986.

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 constitute a quorum, 8 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 19th day of August, 1986; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 8 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 the 19th day of August, 1986.

John Chargin
Secretary, Tribal Business Council

ATTEST:

Alvyn Spotted Bear
Chairman, Tribal Business Council