

**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(1) 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, Via Resolution #83-122-S, dated the 13th day of May, 1983, whereby the Tribal Business Council formally approved and adopted the Tribal Employment Rights Ordinance, the Council delegated to the Tribal Employment Rights Office and Commission its authority to implement the federally recognized policy of granting preference in employment, training, and contracting to Indian individuals and Indian-owned businesses in an effort to secure employment, training, and contracting opportunities for enrolled members of the Three Affiliated Tribes; and

WHEREAS, Such delegation of authority to the Tribal Employment Rights Office was granted in the following language set forth in Chapter 7 of the Tribal Employment Rights Ordinance:

"The Tribal Employment Rights Office shall be vested with the general authority to implement the policy of Indian preference in employment and in contracting as established and espoused by the Tribal Business Council. The Office shall have the specific duty and responsibility of engaging in the daily implementation of the provisions set forth in this Ordinance, in any and all supplementary ordinances, and in any and all rules, regulations, and/or guidelines promulgated by the TERO Commission."; and

WHEREAS, Such delegation of authority to the Tribal Employment Rights Commission was granted in the following language set forth in Chapter 8 of said Ordinance:

"As the governing body of the Three Affiliated Tribes, the Tribal Business Council hereby delegates to the Tribal Employment Rights Commission all of its constitutional authority and power to implement the federally recognized policy of Indian preference in employment and in contracting."; and

WHEREAS, Via Resolution #83-95-S, dated the 25th day of April, 1983, the Tribal Business Council formally approved and adopted the Indian Preference Policies and Procedures in Mineral Development on the Fort Berthold Indian Reservation, which legislative provisions generally provide, in part, that each employer engaged in mineral development within the exterior boundaries of the Fort Berthold Reservation shall grant preference to qualified and available Indian-owned firms in contracting and subcontracting; and

WHEREAS, Section 3 of Chapter III of said Policies and Procedures specifically prescribes that (1) each such mineral development employer shall work in conjunction exclusively with the Tribal Employment Rights Office in the development of a contracting and subcontracting plan wherein, to the extent feasible, contracts and subcontracts will be entered into with qualified and available Indian-owned firms and (2) the Tribal Employment Rights Office (in conjunction with the Tribal Employment Rights Commission, as prescribed by Section 1 of Chapter VI of said Policies and Procedures) shall have the authority and responsibility of ensuring that each such employer fully complies with the approved contracting and subcontracting plan; and

WHEREAS, At its Special Meeting held on September 29, 1986, the Tribal Business Council, via Motion No. 1 and at the behest of an enrolled member of the Three Affiliated Tribes, granted its support to such enrolled member for the purpose of negotiating directly with a certain employer engaged in mineral development on the Reservation trust land of such enrolled member, in which negotiations such enrolled member would be authorized to propose that such employer enter into contracts with firms unilaterally selected by the enrolled member; and

WHEREAS, Upon having been apprised of said action taken by the Tribal Business Council, officials with the Tribal Employment Rights Office have informed the Council that such action is inconsistent with the previous legislative grant of exclusive authority to the Tribal Employment Rights Office to negotiate with all mineral development employers for the purpose of developing a contracting and subcontracting plan wherein, to the extent feasible,

contracts and subcontracts will be entered into with qualified and available Indian-owned firms; and

WHEREAS, Having thoroughly considered and discussed the policies and procedures inherent in the Tribal employment rights legislation identified hereinabove, the Tribal Business Council has deemed it advisable to continue to pursue and implement such policies and to adhere to such procedures in the interest of promoting the economic well-being of the resident enrolled members of the Three Affiliated Tribes;


NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council hereby rescinds Motion No. 1 approved at its Special Meeting held on September 29, 1986.

BE IT FURTHER RESOLVED, That the Tribal Business Council hereby reaffirms the previous legislative grants of exclusive authority to the Tribal Employment Rights Office and Commission to implement all policies and procedures inherent in the Tribal Employment Rights Ordinance and the Indian Preference Policies and Procedures in Mineral Development on the Fort Berthold Indian Reservation.

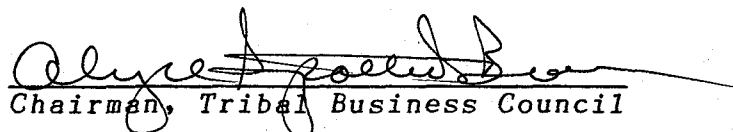
C E R T I F I C A T I O N

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 constitute a quorum, 7 were present at a REGULAR Meeting thereof duly called, noticed, convened, and held on the 14 day of NOVEMBER, 1986; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 2 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 14th day of NOVEMBER, 1986.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council