

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, Sections 5 (b) and 5 (c) of the Constitution of the Three Affiliated Tribes specifically authorize and empower the Tribal Business Council to solicit and receive grants and other forms of funding from agencies of the State of North Dakota and of the United States and to administer any funds within the exclusive control of the Tribes and make expenditures from available Tribal funds for the public purposes and general benefit of the Three Affiliated Tribes; and

WHEREAS, Article VI, Section 5 (d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with agencies of the United States and of the State of North Dakota, including the political subdivisions thereof, on behalf of the Tribes and to advise and consult with representatives of the Department of the Interior relative to any and all actions taken by any instrumentality of said Department which impact and affect the Fort Berthold Reservation; and

WHEREAS, Article VI, Section 5 (1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to establish procedures governing the functioning of the governmental instrumentalities of the Three Affiliated Tribes; and

WHEREAS, The Tribal Business Council has granted high priority to its governmental policy directed toward the enhancement and maintenance of quality educational opportunities for the youth of the Three Affiliated Tribes resident on the Fort Berthold Reservation and, for the purpose and with the intent of achieving such objective, has determined necessary and advisable its assumption of a direct and affirmative role in the development and coordination of the various public educational programs operating within the Reservation; and

- WHEREAS, The evolution of such direct and affirmative role has involved the establishment of the Education Committee of the Tribal Business Council and contemplates the creation and maintenance of a Tribal Education Department as a novel instrumentality of Tribal government, the principal purpose of which agency will be to integrate and perfect a unification of the philosophies and goals of the currently independent education programs functioning within the Reservation; and
- WHEREAS, Such direct and affirmative role has been further evidenced in the actions taken by the Tribal Business Council via Resolution No. 87-19-TL, dated the 9th day of April, 1987, wherein the Council granted authority to the Mandaree and Twin Buttes Public School Boards to negotiate and enter into P.L. 93-638 contracts with the Bureau of Indian Affairs over a period of three (3) years, in addition to prescribing for inclusion in such contracts express conditions and requirements with which the respective administrations of said schools must comply in the performance of such contracts; and
- WHEREAS, Among such conditions and requirements, said Resolution No. 87-19-TL generally provided that the Mandaree and Twin Buttes School Boards would continue to oversee the operation of the respective schools in conformity with past practices with funding from both federal and State sources, until such time as "the Tribal Business Council has established rules governing (school board) elections, operation, personnel and other education standards"; and
- WHEREAS, It is reasonably anticipated that certain funding from the State of North Dakota, historically enjoyed by the Mandaree School in its capacity as a public school district, will become unavailable to said school subsequent to the 1988-89 school year, unless the Tribal Business Council, as the governing body of the Three Affiliated Tribes, is able to successfully negotiate, litigate, and/or lobby in support of the continuation of such State funding; and
- WHEREAS, Any success with which the Tribal Business Council will meet in its prospective efforts to ensure the uninterrupted continuation of the allocation of such State funds to the Mandaree School will assuredly depend, in part, on a clear demonstration that the school administration and board have been operating and functioning with fiscal responsibility, restraint, and integrity in the expenditure of both State and federal funds in the provision of adequate educational programs for the youth of the Three Affiliated Tribes; and

WHEREAS, Such fiscal responsibility, restraint, and integrity in the context of the Mandaree School was recently subject to question as identified in the audit report for the year ended June 30, 1987, which report, among other things, revealed certain inadequacies in the maintenance of accounting records, failure to comply with certain requirements of generally accepted accounting principles, and excessive and disproportionate administrative expenditures as compared to the respective levels of expenditure in the identified areas of administration found in other public school districts within the State of North Dakota; and

WHEREAS, Upon the basis of its review and analysis of said audit report, together with supporting documentation, it was the considered judgment of the Tribal Business Council that such questionable fiscal practices and policies engaged in and pursued by the Mandaree School administration and board could substantially jeopardize the prospective efforts of the Council to ensure continued adequate funding for the operation of the Mandaree School and the concomitant provision of quality educational opportunities to its students; and

WHEREAS, Such judgment compelled the adoption by the Tribal Business Council of Resolution No. 87-211-TL, dated the 10th day of December, 1987, wherein the Council amended its previous Resolution No. 87-19-TL, so as to reduce from three (3) years to one (1) year the period over which the Mandaree School District would be authorized to negotiate and enter into an annual P.L. 93-638 contract with the Bureau of Indian Affairs, which reduction of period of contracting authorization would grant to the Tribal Business Council sufficient time and opportunity to develop an alternative plan for or a rectification of the fiscal administration of the educational program being implemented in the Mandaree School; and

WHEREAS, Certain members of the Mandaree School Board have recently apprised the Tribal Business Council that such reduction of the period of contracting authorization has resulted in uncertainty among board members as to the status of prospective funding under a P.L. 93-638 contract for the 1988-89 school year, which uncertainty may necessitate the nonrenewal of personnel contracts currently supported by P.L. 93-638 contract funds; and

WHEREAS, In reducing the period of contracting authorization granted to the Mandaree School, the Tribal Business Council assuredly did not intend to jeopardize or terminate absolutely continued funding under P.L. 93-638 in subsequent school years and, for the purpose and with the intent of eliminating any further uncertainty arising out of the action previously taken via Resolution No. 87-211-TL, the Tribal Business Council has deemed it advisable, at this time, to clarify its formal position relative to the pursuit of continued undiminished funding from the State of North Dakota and from the Bureau of Indian Affairs under P.L. 93-638 for the provision of adequate educational opportunities to the youth of the Three Affiliated Tribes on the Fort Berthold Reservation;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council hereby formally rescinds Resolution No. 87-211-TL, which rescission shall effect the restoration of the full force and effect of Resolution No. 87-19-TL in its entirety.

BE IT FURTHER RESOLVED, That, in an effort to ensure continued funding under P.L. 93-638 for the 1988-89 school year and to further realize its direct and affirmative role in the development and maintenance of quality educational opportunities for Tribal youth on the Reservation, the Tribal Business Council hereby declares its intent to apply for, negotiate, and enter into P.L. 93-638 contracts with the Bureau of Indian Affairs to secure continued federal funding for the respective operation of the Mandaree and the Twin Buttes Public Schools during the 1988-89 school year.

BE IT FURTHER RESOLVED, That the Tribal Business Council, in conjunction with the respective governing bodies of the other affected North Dakota tribes, shall pursue the actions necessary to ensure uninterrupted continued undiminished funding from the State of North Dakota for the benefit of the various Indian education programs being operated on the respective reservations within the State, which actions may include negotiation with the appropriate officials and agencies of the State of North Dakota, drafting and lobbying in support of requisite amendments to the relevant laws of the State of North Dakota during the next succeeding Legislative Assembly, and/or litigation.

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 7 members of whom 5 constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 23 day of February, 1988; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 1 members opposed, 0 members not voting, 0 members abstained and that said Resolution has not been rescinded or amended in any way.

Chairman (voting) (not voting)

Dated this 23 day of February, 1988.

Ted Lou Felt  
Secretary, Tribal Business Council

ATTEST:

Edward Lou Felt  
Chairman, Tribal Business Council