

**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 enact statutory and regulatory laws governing the procedures to be implemented and complied with by the governmental agencies and other instrumentalities of the Three Affiliated Tribes; and
- WHEREAS,** Section 1 of the Charter of the Three Affiliated Tribes provides that one of the purposes for which the Tribes were chartered pursuant to Section 17 of the Indian Reorganization Act is to provide for the proper exercise by the Tribes of various functions currently performed by the Department of the Interior; and
- WHEREAS,** Section 5(f) of the Charter of the Three Affiliated Tribes provides that the Tribes are empowered to make and perform contracts and agreements of every description with any agency of the United States, with the State of North Dakota, and with any county and municipality; and
- WHEREAS,** The Three Affiliated Tribes entered into a P. L. 93-638 Contract (No. AOOC14202597) with the Bureau of Indian Affairs for the purpose of performing a comprehensive Tribal transportation planning study for the Fort Berthold Reservation, which study would address various needs of the Three Affiliated Tribes in the proposed assertion of their sovereign authority and jurisdiction over vehicular travel and the system of roads traversing the Reservation; and

- WHEREAS,** The performance of said transportation planning study was completed and included in the final study report were numerous factual findings, legal conclusions, and recommendations relating to the jurisdiction and authority of the Three Affiliated Tribes in the areas of taxation, business regulation, land use planning and zoning, Indian preference in employment and contracting, and traffic and highway regulation; and
- WHEREAS,** The Tribal Business Council and its Transportation Committee thoroughly reviewed, considered, and discussed the various factual findings, legal conclusions, and recommendations set forth in that final study report and determined that the best interests of the Three Affiliated Tribes would be subserved by pursuing the specific actions so recommended; and
- WHEREAS,** Under Resolution #87-206-TL, the Tribal Business Council generally approved the Final Report On The Comprehensive Fort Berthold Reservation Transportation Planning Study and specifically accepted its various expressed recommendations; and
- WHEREAS,** Under Resolution #88-37-TL, the Tribal Business Council adopted the legislation entitled "Three Affiliated Tribes Highway Ordinance," wherein was established a Tribal Highway Department delegated and vested with the authority to exercise jurisdiction and regulatory and ultimate maintenance authority over all roads and highways situated within the exterior boundaries of the Fort Berthold Reservation as Chapter 28 of the Code of Laws of the Three Affiliated Tribes; and
- WHEREAS,** Under Resolution #88-39-TL, the Tribal Business Council requested Bureau of Indian Affairs consideration of the Tribe's request to secure exclusive jurisdiction over and ownership of the current Bureau of Indian Affairs road system; and
- WHEREAS** After thorough consideration by the Transportation Committee and the full Tribal Business Council it has been determined that the best means of implementing the above recommendations and resolutions is to contract the functions of the Fort Berthold Agency Roads Department; and

WHEREAS, The Three Affiliated Tribes are a duly constituted recognized tribe of Indian and eligible to apply for contracts with the Bureau of Indian Affairs under the Indian Self-Determination and Education Assistance Act authorized by 25 U.S.C. 13 (P.L. 93-638 (As Amended), 88 Stat. 2203); and

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council hereby approves the contracting of the Roads Department from the Fort Berthold Agency including Maintenance and Construction,

BE IT FURTHER RESOLVED, That the Three Affiliated Tribes Highway Department as established in the Three Affiliated Tribes Highway Ordinance shall implement the Contract,

BE IT FURTHER RESOLVED, That the current employees of the Roads Department shall be offered employment with the Three Affiliated Tribes at their current salary levels and maintaining their current or similar fringe benefits.

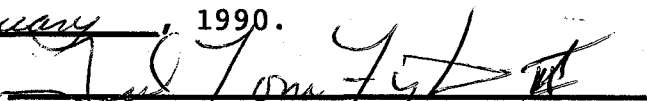
BE IT FURTHER RESOLVED, That the contract include the following: all living quarters currently assigned or occupied by the Roads Department personnel; all equipment and inventory; and retaining office space to be supplied by the Bureau of Indian Affairs for Gene White, Renita Smith, and Wesley Hall.

BE IT FURTHER RESOLVED, That all monies allocated or related to Fort Berthold for any and all aspects of Road Construction, Maintenance, Planning, Engineering, etc. including any and all positions at the Area Office shall be directly distributed to the Three Affiliated Tribes Roads Contract.

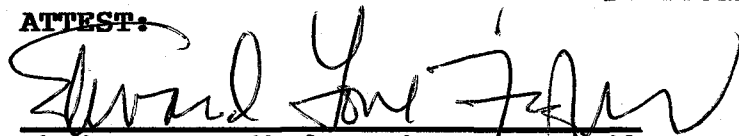
C E R T I F I C A T I O N

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 16th day of February, 1990; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 2 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 16th day of February, 1990.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council