

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,** The Bureau of Indian Affairs, at the direction of the Congress of the United States, has for several months been meeting with an Ad Hoc Advisory Committee composed of the 37 tribes whose trust funds will be included in Phase I of a national effort to reconcile and audit the funds held in trust for Indian tribes and individuals by the Bureau of Indian Affairs; and
- WHEREAS,** The Three Affiliated Tribes is one of those 37 tribes; and
- WHEREAS,** The Three Affiliated Tribes, as well as other tribes involved in the Ad Hoc Advisory Committee, has invested considerable staff time and money and has incurred significant other expenses in the work of the committee in monitoring and assisting the work of the Bureau of Indian Affairs in this endeavor; and
- WHEREAS,** As a result of this commitment and these investments, the Ad Hoc Advisory Committee has developed the single greatest body of institutional knowledge and level of insight into the Bureau's trust funds programs that exists in the tribal community; and
- WHEREAS,** The Bureau has indicated that it considers that the Ad Hoc Committee's work will have been accomplished when a RPF is issued for a contractor to perform the Phase I account reconciliation of these 37 tribes; and
- WHEREAS,** The Bureau has indicated that it intends to replace the Ad Hoc Committee with a subsequent committee to be formed under the National Advisory Committee Act to advise the Bureau on "all aspects of the trust funds management process including cash management, investment of funds, accounting for funds, and systems development," as well as to provide recommendations on Phase II of the reconciliation and audit project; and

WHEREAS, The Three Affiliated Tribes believes that a committee selected by the Secretary and formed under the National Advisory Committee Act for these purposes would not best serve the interests of either the Bureau or the beneficial owners of Indian trust funds for the following reasons, among others:

1. Such a committee's activities would be totally under the control of, and totally subject to the call of the Department or the Bureau of Indian Affairs;

2. Such a committee would very likely not enjoy the fruits of the collective knowledge and insights that have been developed at great cost by the tribes presently comprising the Ad Hoc committee;

3. The experiences of tribes with Interior Department National Advisory Committees has been that such committees are convened only to react to Departmental initiatives and not to offer initiatives or insights of their own; and

4. The promising relationship that has been developed among the Ad Hoc Committee and the Congress, the office of the Comptroller General of the United States, and the Bureau to address these important issues would be forfeit;

5. Any efforts of an Advisory Committee such as the Bureau proposes would be beyond the committee's authority unless specifically requested or sanctioned by the Bureau; and, as a result,

6. An Advisory Committee such as the Bureau proposes is more likely to serve the institutional interests of the Bureau itself than to serve the legal, governmental, and economic interests of the Indian tribes and individuals whose property is a stake; and

WHEREAS, The Council of Energy Resource Tribes has offered temporarily to served as fiscal agent for, and to provide administrative support to, the continuing work of the Ad Hoc Committee whose membership is open to all whose accounts or whose members' accounts are affected by the Bureau's administration of Indian trust funds; and

WHEREAS, The Council of Energy Resource Tribes is under the direct control of its member tribes, and its books and records are audited annually by an international accounting firm,

Regular Meeting
May 9, 1991
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PHYSICIAN RECRUITMENT (CON'T):

Councilman Rabbithead made a motion to approve the resolution, seconded by Councilman Hall.

Vote: 7 for, 0 opposed. Motion Carried.

- ITEM 18: RESOLUTION/VETERAN'S SUBMITTAL OF APPLICATION: #91-99.
This resolution was presented by Secretary Rabbithead which would authorize submittal of an application.

Councilman Mossett made a motion to approve this resolution, seconded by Councilman Rabbithead.

Vote: 7 for, 0 opposed. Motion Carried.

- ITEM 19: RESOLUTION/HOUSING AUTHORITY: #91-101.
This resolution was presented by Secretary Rabbithead for support of application for planning funds for FY'91 Indian Housing.

Discussion: Wording needs to be changed on Roads.

Councilman Lone Fight made a motion to approve Resolution, seconded by Councilman Rabbithead.

Vote: 7 for, 0 opposed. Motion Carried.

- ITEM 20: RESOLUTION/BIA TRUST FUND: #91-102.
This resolution was presented by Councilman Bird Bear. It is support for an adhoc advisory committee.

Discussion: RPM change to RFP.

Councilman Rabbithead made a motion to approve fund resolution, seconded by Councilman Hall.

Vote: 7 for, 0 opposed. Motion Carried.

- ITEM 21: SCOUT CEMETARY FLAG POLE LIGHT REQUEST:
Councilman Gillette stated he did some research on the Flag pole light and came up with a solar light installation that would be less than the amount requested prior to.

Councilman Gillette made a motion to approve \$700.00 payable to Delores White, Chairman of Ladies Auxiliary for a solar light to be installed at the Scout Cemetery, seconded by Councilman Mossett.

Vote: 5 for, 0 opposed. Motion Carried.

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby requests the Secretary of the Interior to direct the Bureau of Indian Affairs not to form the National Advisory Committee as announced by Assistant Secretary Brown's letter of November 14, 1990, but, instead, to continue to work with the 37-member intertribal committee formed by the tribes' own initiative, with the understanding that this Intertribal Monitoring Group on Indian Trust Funds is open to the participation of all federally recognized tribes who, or whose members, are affected by the Bureau's administration of Indian trust funds.

BE IT ALSO RESOLVED, That the Secretary of the Interior is hereby requested and urged to provide financial assistance available through the Council of Energy Resource Tribes for the continued work of the Intertribal Monitoring Group on Indian Trust Funds; and

BE IT FURTHER RESOLVED, That the Congress of the United States and the Comptroller General of the United States are hereby urged to communicate their concurrence with the soundness of this approach to the Secretary of the Interior.

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 9th day of May, 1991; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 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 9th day of May, 1991.

John J. Rabbithead Jr.
Secretary, Tribal Business Council

ATTEST:

Wallace D. Washburn
Chairman, Tribal Business Council