

Resolution No. 91-144-JJR

**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 member thereof; and

WHEREAS, The Three Affiliated Tribes understands that the Bureau of Reclamation; under the direction of the Secretary of Interior, is responsible to the Tribe for the perpetual operation and maintenance and replacement (OM&R) of Municipal, Rural and Industrial (MR&I) Water Supply System which includes the following, but not limited to: the lake intake structures, water treatment facilities, distribution lines, reservoirs, pressure tanks, booster stations; and

WHEREAS The Bureau of Reclamation will consider a request by the Three Affiliated Tribes to enter into a direct P.L. 93-638 contract for the OM&R and has requested that the Tribes indicate their intent to enter into such a contract.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes by this Resolution indicates that it intends to enter into a P.L. 93-638 contract for the OM&R of the MR&I Water Project with the Bureau of Reclamation.

A. BRUER LAND SALE (CON'T):
we're talking about. Mr. Bruer's land is located in the bull pasture. Mr. Bruer gives us a perpetual right of way, contributes to the M, R, & I project by merely providing the right of way for the pipeline and water storage tank. How can you convey ownership on the land to be transferred to the Three Affiliated Tribes, a right of way doesn't transfer title. Felicia apologized that she overlooked this. Mr. Morgan explained he did not see the resolution till this morning.

Councilman Gillette made a motion to refer this resolution back to the Natural Resources Committee to clarify disparity and to clarify waiver of the difference of \$1,650.00 then it can be presented at the next special or regular Council meeting, second by Secretary Rabbithead. The motion to include Natural Resources Department and M, R, & I Project.

There was a question regarding two copies of this resolution which has four provisions and one which has three provisions. (one with bull pasture stipulation and one without). This to be acted on during Natural Resources Committee Meeting.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 07: RESOLUTION/OMR Resolution #91=144.
This resolution explained by Felicia Felix Fox pertaining to/for the Tribes to indicate their intent to contract (638).

Mrs. Felix was questioned if there was a master plan after this has been contracted. Felicia stated yes, I will present that later. If we don't contract it, who will? The Bureau of Reclamation will Is there a possibility we will run out of money? No I will submit a sufficient budget and proposal and that's what I'm working on right now. Do you think we should put a water supply system which includes but not limited to.

There was a question regarding Bureau of Reclamation to have an office here. Response was the organization should be set up and the Tribal Business Council to be directly over the specific office set up underneath our department but as a separate office to stay separate from Utilities so it doesn't get mixed up with duties.

OMR (CON'T):

The OMR will only involve the structures and development. The money that is coming will only be for this specific office. It was mentioned the first priority is to get the system built. Let them operate for at least a year and then develop our 638 contract plans accordingly. We don't know the total cost involved in the operation of it. We should get the system in place first. Felicia stated right now there is Operation Maintenance money coming down. The Bureau of Reclamation will foot the whole bill so we won't have to pay anything. I presented this today to find out if this is the Council's wish to contract today.

Treasurer Bird Bear made a motion to approve the resolution, seconded by Councilman Mossett.

Discussion: Is there a warranty on this construction job? Will you put something together for us to review? Yes.

Vote: 5 for, 0 opposed, 1 not voting. Motion Carried.

ITEM 08: RESOLUTION/HKM: Resolution #91-145.
Felicia Felix Fox explained last Friday we received the final plans and specifications for the water treatment plants. Maynard Demarey, Construction Assistant has been reviewing them and now I want to be able to add a letter also for the Chairman to ask me to review this also. The resolution is for, after final approval, for us to begin bid advertisement. It is similar to the lake intake advertisement. We will not get into construction management until next month.

Concern of wording "preparation of construction" and TERO language. Question raised on appropriated-allocated funds. Is it appropriated and authorized? Felicia explained we're looking at the 1990 appropriations as of next month. We will receive the 1991 appropriations and the following year, the final one will come. It's just that each year, the appropriations will come down.

Treasurer Bird Bear made a motion to approve this resolution, seconded by Councilman Gillette.

Vote: 6 for, 0 opposed. Motion Carried.

BE IT FURTHER RESOLVED, That the MR&I Project Coordinator is authorized to develop the terms and language of such a contract for further consideration of the Tribal Business Council and Bureau of Reclamation.

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 Regular Meeting thereof duly called, noticed, convened, and held on the 11th day of September, 1991; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 11th day of September, 1991.

John J. Ralkeithor Jr.
Secretary, Tribal Business Council

ATTEST

Willy A. Wehman
Chairman, Tribal Business Council