



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

Resolution

93-36-JJR

TRIBAL BUSINESS COUNCIL

(701) 627-4781

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In Reply Refer To:

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 authority under said Act; and
- WHEREAS, The Constitution and Bylaws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefits of the Tribes and Tribal members, and
- WHEREAS, Public Law 95-608, the Indian Child Welfare Act, under Title II authorizes the Secretary of Interior to make grants available to Indian Tribes for the purpose of improving child welfare services to Indian children and families; and
- WHEREAS, The Three Affiliated Tribes received an Indian Child Welfare Act/ Title II Multi-year 1989 - 1991 Grant Award to implement a new concept in providing child protection services on the Fort Berthold Reservation; and
- WHEREAS, The Social Services Program has noted improvement of the delivery of services and the continuation of such a system/concept would be in the best interests of the children of the Reservation; and
- WHEREAS, The Bureau of Indian Affairs has announced the availability of Title II Fiscal Year 1993 Indian Child Welfare Act grant funds and provide applicable regulations/requirements for same; and
- WHEREAS, The Application must contain a current request from the Tribal Governing Body.
- THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and directs the Tribal Social Services Program to execute and submit a Fiscal Year 1993 Application for Financial Assistance under Public Law 95-608 to the Bureau of Indian Affairs for providing "Child Protection Services" on the Fort Berthold Reservation.
- FURTHER RESOLVED, that the desired time period for the proposed project will be September 1, 1993 through August 31, 1994.

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RESO/PRESERVATION OF LANGUAGE & CULTURE (CON'T):
Vote: 7 for, 0 opposed. Motion carried.

ITEM 11: RESOLUTION/COMBAT SUBSTANCE ABUSE #93-35-JJR
Resolution read by Secretary Rabbithead.
This resolution pertains to the combating of substance abuse on the reservation. The project grants-writer and contact person will be Wilma A. Nelson of the Tribal Education Department. If this application is approved, the project will be housed under the Human Services Department.

Chairman Wilkinson stated that as a gesture of commitment, on this resolution it be added, that all Tribal Council members shall be subjected to an alcohol and drug test.

Councilman Gillette motioned to approve, seconded by Councilman Fast Dog.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 12: RESOLUTION/CHILD PROTECTION SERVICES: #93-36-JJR
Resolution read by Secretary Rabbithead.
This resolution pertains to the authorization for Tribal Social Services to submit an application for funding to provide Child Protection Services on the Fort Berthold Reservation.

Councilman Gillette suggested Mrs. Gunderson, Social Services Director, let the BIA know that the Tribe does commit annual funds.

Chairman Wilkinson entertained a motion to approve.

Councilman Gillette motioned to approve, seconded by Secretary Rabbithead.

Vote: 5 for, 0 opposed. Motion carried.

ITEM 13: RESOLUTION/CONKLIN VS FREEMAN:
Resolution read by Secretary Rabbithead.
This resolution pertains to the authorization for the Legal Department to file an amicus curiae brief to the court arguing that this case is moot, and in the event that it is not, the Tribal Chairman has the power to appoint an Associate Judge on an interim basis.

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RESO/CONKLIN VS FREEMAN (CON'T):
Tribal Attorney, Urban Bear Don't Walk, stated the issue here is, if the appointment of LeRoy Baird as Associate Judge by memorandum, was valid. Mr. Baird did sit in on this case. North Dakota Legal Services moved that he disqualify himself. He did not. He didn't rule on the case, on the merits, he just continued the case and allowed the appeal to be taken to the appellate level.

Chairman Wilkinson entertained a motion to approve.

Secretary Rabbithead motioned to approve. Motion failed due to lack of second.

Councilman Gillette made a motion for disapproval, and that the Tribal Council shall appoint all judges.

Mr. Bear Don't Walk replied that this is not the issue. The issue is that the Council could not become involved in this and the Court could rule that the Chairman indeed has that power. What Mr. Bear Don't Walk is asking for, is direction on how to argue this case, or if he should argue this at all.

Treasurer Bird Bear seconded Councilman Gillette's motion.

Chairman Wilkinson stated that he will still exercise the power granted him by the Constitution.

Secretary Rabbithead mentioned that this is something that the Constitution already provides for. The Chairman has the authority to appoint a temporary judge.

Vote: 4 for, 3 opposed. Motion carried.

Chairman Wilkinson stated that the motion passed does not preempt the authority granted to the Chairman.

ITEM 14: RESOLUTION/CROSS DEPUTIZATION: #93-37-JJR
Resolution read by Secretary Rabbithead.
This resolution pertains to the cross-deputization agreement as amended by the Council with the city of New Town and the United States of America.

RESOLUTION 93-36JR (Continued)

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

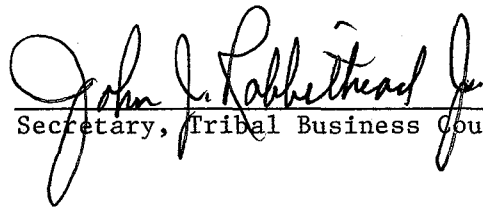
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitutes a quorum, 7 were present at a Regular meeting, thereof duly called, noticed convened, and held on the 11th day of March, 1993; that the forgoing resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said resolution has not been rescinded or amended in any way.

Chairman

(Voting)

(Not Voting)

Dated this 11th day of March, 1993.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council