

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 welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS, the Three Affiliated Tribes has a fiduciary responsibility to its membership, granting agencies of the state and federal governments, vendors, and others; and
- WHEREAS, on February 7, 1995, Mr. Joseph Eve of Joseph Eve & Company, Certified Public Accountants, conducted an exit audit briefing on the fiscal year 1993 audit for Tribal Business Council members and tribal staff; and
- WHEREAS, in this briefing, Mr. Eve disclosed several alarming deficiencies and practices, some of which date back to the fiscal year 1992 audit which have not been corrected; and
- WHEREAS, due to these reprehensible acts the Tribe is unable to meet the deadline to negotiate with the Office of Inspector General on the Indirect Cost Rate; and
- WHEREAS, Mr. Eve has issued a disclaimer in his audit on fiscal year 1993 which will jeopardize all funding the Tribe receives to operate its programs as well as the Tribe's ability and reputation to secure loans; and
- WHEREAS, one of the most significant and detrimental outcomes of a disclaimer is that it could very easily place the tribe into federal receivership; and
- WHEREAS, federal receivership would strip the Tribe of its authority to manage its own affairs; and
- WHEREAS, the Tribe faces a number of lawsuits due to financial mismanagement and many other problems related to financial malfeasance; and
- WHEREAS, the Tribal Comptroller has the duty and responsibility for providing direction on sound financial management and subscribing to proficient accounting principles; and



# MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

TRIBAL BUSINESS COUNCIL  
Office (701) 627-4781  
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*File  
important  
B.*

May 11, 1995

Mr. Marcus Wells, Sr.  
P.O. Box 524  
New Town, ND 58763

Dear Mr. Wells:

Please be advised that the Tribal Business Council took action by Resolution #95-111-DSB, on May 10, 1995, to terminate your employment in the position of Comptroller effective immediately. (A photostatic copy of said Resolution is attached hereto for your reference.)

You are requested to return your keys and any other property belonging to the Three Affiliated Tribes to the Property and Supply Office as soon as possible.

In accordance with Section X D (9) of the Three Affiliated Tribes Personnel Policies and Procedures (as amended June 1987), you have the right to appeal this personnel action. A written request for a hearing before the Grievance Committee must be filed with the Personnel Director within a period of twenty-four (24) hours from the time of your receipt of this notice. Your written hearing request must set forth the specific ground(s) for your grievance and the relief you seek.

Please acknowledge your receipt of this notice by signing the acknowledgement set forth on the photostatic copy hereof.

Chairman, Tribal Business Council

*Attachment to 95-111-DSB*

WHEREAS, there are numerous audit deficiencies in the 1992 audit and in the draft audit report for 1993; and

WHEREAS, the Tribal Business Council must restore its financial operations to a credible level recognized by financial institutions and the business world; now

THEREFORE BE IT RESOLVED the Three Affiliated Tribes Tribal Business Council hereby terminates the employment of Mr. Marcus Wells, Sr. in the position of Tribal Comptroller, effective May 10, 1995; and

BE IT FURTHER RESOLVED that the Tribal Business Council authorizes the Personnel Department to advertise and recruit for the position of Tribal Comptroller; and

BE IT FURTHER RESOLVED due to the immediate vacancy of the Tribal Comptroller's position, the Tribal Business Council approves the hiring of an interim individual to perform the duties and responsibilities of the Tribal Comptroller.

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, 6 werepresent at a Regular meeting thereof duly called, noticed, convened, and held on the 10<sup>th</sup> day of May, 1995; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rscinded or amended in any way.

Dated the 10<sup>th</sup> day of May, 1995.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

  
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Chairman, Tribal Business Council