

**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 (the "Tribe") 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 Tribe has enacted a Tribal Employment Rights Ordinance (TERO), pursuant to Resolutions No. 83-122-S and No. 93-40-JJR, which requires that Indian people, and particularly members of the Three Affiliated Tribes, be preferred in employment opportunities and contracting projects that occur within the Fort Berthold Indian Reservation; and
- WHEREAS,** The Tribal Employment Rights Ordinance also imposes a TERO tax on contracting activities which occur within the Fort Berthold Indian Reservation, without exception, which is used, in part, for funding of the TERO office; and
- WHEREAS,** The tax has an adverse impact on contracting projects which involve school construction and Tribal buildings, including buildings constructed for Tribal community use, as no allowance is made by the funding sources for such projects for TERO taxes, and imposing such a tax reduces what can be constructed with the funds available; and
- WHEREAS,** The Tribe does not want to impose unnecessary burdens on education of its youth or on the completion of Tribal buildings, including buildings constructed for Tribal community use; and
- WHEREAS,** The Tribe can, if needed, provide funding to the TERO office to support its activities from sources other than TERO taxes on school construction and Tribal buildings; now

THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby amends the TERO ordinance to add a subsection E. to Chapter 11, Section II -- Prime Contractors/Operators to read as follows:

"E. This Section shall not apply to construction contracts on the Fort Berthold Indian Reservation involving any public school."

BE IT FURTHER RESOLVED, That the TERO fee shall not be imposed against either of the respective contracts under which the Four Bears Community Center and the Mandaree Community Center are currently being constructed.

CERTIFICATION

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 15th day of May, 1997; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 3 members, 2 members opposed, 2 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 15th day of May, 1997.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council