

PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL

RESOLUTION 09-06

WHEREAS: The Ponca Tribe of Nebraska is a federally recognized Indian Tribe (P.L. 101-484) whose business affairs are conducted by the Ponca Tribal Council as defined in the Constitution approved July 22, 1994 by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS: Pursuant to the Constitution of the Ponca Tribe of Nebraska, the Ponca Tribal Council shall exercise legislative powers to enact and promulgate resolutions and ordinances subject to all expenses restrictions upon such powers contained in constitution; and

WHEREAS: The Intertribal Bison Cooperative (ITBC) was formally organized in 1992 by Tribes for the purpose of restoring buffalo to Indian lands; and

WHEREAS: The Ponca Tribe of Nebraska has been a member of ITBC since 1995 and has participated in the growth of ITBC and discussion regarding the benefits of an organizational structure change; and

WHEREAS: ITBC is currently incorporated under the laws of Colorado as a state not-for profit corporation, and has Section 501(c)(3) tax exempt status from the Internal Revenue Service (IRS); and

WHEREAS: ITBC's incorporation under state law is problematic by: subjecting ITBC to potential litigation in Colorado, and all courts of competent jurisdiction where ITBC conducts business, resulting in potential loss of assets; placing ITBC at increased risk of scrutiny from the IRS regarding its 501(c)(3) status, resulting in potential revocation of ITBC's tax exempt status and imposition of federal tax penalties; requiring ITBC to expend a considerable amount of effort to maintain annual funding from Congress and preventing ITBC from fully participating in state and federal working groups in a government-to-government manner; and

WHEREAS: Section 17 of the Indian Reorganization Act of 1934 ("IRA") allows tribes to incorporate themselves under a federal charter for commercial purposes, regardless of whether the tribal entity is organized as a for-profit or non-profit organization; and

WHEREAS: ITBC, through utilization of its member tribes as sponsors or incorporators, can petition the Secretary of Interior to approve its reorganization as a federally chartered organization under Section 17 of the IRA.

WHEREAS: As a federally chartered organization under Section 17 of the IRA, ITBC would gain the benefits of a tribal government, to wit, ITBC could assert sovereign immunity, and shield itself from federal taxation and accompanying IRS scrutiny; and

WHEREAS: As a federally chartered organization under Section 17 of the IRA, ITBC would gain leverage to secure permanent funding in the Bureau of Indian Affairs budget, rather than existing at the whim of Congress annually; and

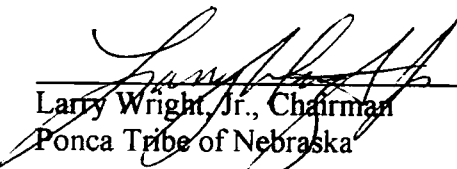
WHEREAS: As a federally chartered organization under Section 17 of the IRA, recognized by the Secretary of Interior, ITBC's ability to assert government to government relationships with federal and state entities would be greatly enhanced.

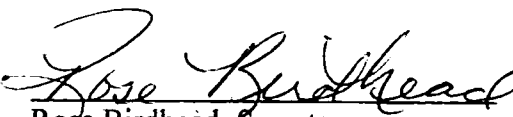
THEREFORE, BE IT RESOLVED that the Ponca Tribe of Nebraska, as a member of ITBC, hereby supports ITBC's efforts to petition the Secretary of Interior for approval of ITBC as a federally chartered organization under Section 17 of the IRA.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and foregoing resolution was duly authorized and passed by the Tribal Council of the Ponca Tribe of Nebraska at a duly called meeting in Lincoln, Nebraska on the 2 day of February 2008 by a vote of 8 Ayes; 0 Nays; 0 Abstained; 0 Absent. Chairperson \_\_\_\_\_ voting ✓ not voting. A Quorum of 9 was present.

ATTEST

  
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Larry Wright, Jr., Chairman  
Ponca Tribe of Nebraska

  
\_\_\_\_\_  
Rose Birdhead, Secretary  
Ponca Tribe of Nebraska