



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: *“Adoption of a” Tribally Owned Vehicle Use and Distribution Policy for the Three Affiliated Tribes Tribal Programs and Employees”*

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes 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, Article VI, Section 5 (c) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to administer all funds or property within the exclusive control of the Tribes and to make expenditures from available tribal funds for public purposes including salaries and other remuneration of tribal officials and employees; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, The Three Affiliated Tribes owns numerous vehicles and regularly provides such vehicles for business and work related use to its employees and programs, however there is no current policy in place governing tribal vehicle use; and

WHEREAS, The Tribal Business Council has determined that a policy should be adopted governing the use, and distribution of tribally owned vehicles by tribal Programs and employees and the Property and Supply Department has drafted such a policy.



NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the following Tribal Vehicle, Distribution and Use Policy for the Programs and employees of the Three Affiliated Tribes:

Three Affiliated Tribes Tribal Vehicle Use Policy

Section I: Purpose and Application: The purpose of this policy is to adopt policies and procedures governing the use, care and maintenance of vehicles owned by the Three Affiliated Tribes and issued to tribal programs or employees for tribal business use. Authorization to use or operate a tribally owned vehicle is a privilege which may be revoked for repeated violations of this Policy. This Policy is intended to prevent and prohibit the abuse and misuse of tribally owned vehicles, to ensure such vehicles are used only for authorized purposes, and to protect such vehicles from unnecessary wear and tear. This Policy applies to all vehicles owned by the Tribe. It does not apply to any GSA Vehicles leased by the Tribe from the federal government. It also applies to all tribal employees and programs.

Section II: Three Affiliated Tribes Tribal Vehicle Responsibilities: The following constitutes the responsibilities of the Three Affiliated Tribes, acting by and through the Tribes Property and supply Department, in relation to vehicles purchased and owned by the Tribe.

- a. The Tribe's Property and supply Department shall assume primary responsibility for the functions set out in this Section.
- b. Providing economical transportation and transportation services to meet the requirements of Tribal Departments and their personnel for official business purposes.
- c. Issuing vehicles to Departments or programs for official business purposes. Vehicles will only be issued to programs or departments and will not be issued by property and supply to individual employees.



Procuring vehicles when necessary and authorized according to program budgets for programs and departments according to the tribes Procurement Policy.

- d. Ensuring that all vehicles have adequate insurance coverage and filing any claims for damages to any vehicles with the Tribe's insurance carrier.
- e. Ensuring that proper identification and licensing of all tribally owned vehicles. All Tribal vehicles will be licensed with the TAT personalized insignia.
- f. Ensuring optimum utilization of tribally owned vehicles.
- g. Providing procedures to ensure economical and safe operation of Tribal vehicles.
- h. Promoting the use of alternative fuels and;
- i. Maintaining emission test records and notifying departments when vehicles are due for emissions testing where applicable.

Section III: Department and Operator Responsibilities: The following constitutes the responsibilities of tribal Programs and Departments and their employees authorized to operate program and departmental vehicles. An operator is any employee authorized by their program director to operate or use a tribally owned vehicle.

- a. Once a vehicle has been issued to a department or programs that department or program and its director assumes full responsibility for the maintenance and care of the vehicle until returned to the property and supply Department.
- b. The Director of each Program or Department is responsible for authorizing their employees to operate department vehicles when necessary for performance of their job duties or for official use within their departments. Directors shall ensure that employees have read and understand this Policy prior to authorizing operation of the vehicle. Employees will not be authorized under any circumstances to operate a vehicle if they do not possess a valid state drivers license or if they have been convicted of a DUI in any jurisdiction within the last three years.
- c. The Operator of a Tribal vehicle assumes full responsibility for the equipment until its return to the department. The vehicle including the keys shall be returned to the department when it is no longer needed for official use, the operators responsibility includes continued possession of a valid state driver's license and personal responsibility for traffic and parking violations. Additionally, operators are responsible for ensuring preventive



- d. Maintenance and as needed repairs and notifying their director when repairs appear necessary. The Program or department is responsible for the cost of such repairs and maintenance.
- e. Employees issued a Tribal – owned vehicle are responsible for exercising reasonable diligence in the care of the vehicle at all times. Failure to observe Tribal policies and State traffic regulations and to take proper care of the vehicle may be considered justification for termination of the right to use the vehicle and denial of further vehicle use by such employee, after reasonable notice to the departmental director concerned has been given.
- f. Any employee who has had a DUI related offense (Tribal or State) in the past 3 years of date of hire will not be authorized to operate a Tribal – owned vehicle. No exceptions.
- g. It is the responsibility of the Department which has been issued the vehicle too ensure the operator is qualified to operate the type of vehicle he/she is assigned to operate and is licensed as required by the State and/or the Department of Transportation (DOT). As prescribed by the Commercial Motor Vehicle Safety Act of 1986, all drivers of commercial motor vehicles must have a commercial drivers license to operate any of the following:
 - (1) A single vehicle having a gross vehicle weight rating (GVWR) in excess of 26,000 pounds;
 - (2) A trailer with a GVWR of more than 10,000 lbs. if the combination weight rating is more than 26,000 pounds;
 - (3) A vehicle is designed to transport more than 15 persons (including the driver) or;
 - (4) Any size vehicle used in the transportation of hazardous materials requiring a vehicle placard under 49 CFR, Part 172, Subpart F (the state may have additional definitions of a CMV)
- h. It is also the responsibility of the Department which has been issued the vehicle to ensure the vehicle is equipped with a log book to record mileage,



charges, and maintenance/repair charges. A copy of the Insurance card and registration will be provided by the Property and Procurement Department and must be kept in the vehicle at all times. It is the responsibility of the departmental director to notify the Property Department of any accidents, damages to the vehicle, or stolen items, and to ensure license renewals and to ensure proper assessments to any changes that may occur. Departments issued a vehicle will be responsible for all costs related to vehicle usage or accidents or damages this includes payment of the costs of all insurance coverage for the vehicle to the Property and Procurement Office.

Section IV: Authorized and prohibited uses of tribally owned vehicles.

- a. When a Tribally owned vehicle is issued to a department it shall be used only for Tribal business and/or for the performance of job duties. This includes transportation between places where the employee's presence is required incidental to tribal business; between such places and places of temporary lodging when public transportation is unavailable or its use is impractical; and between either of the above places and suitable eating places, drug stores, cleaning establishments, etc., and such similar places necessary for the sustenance, comfort, or health of the employee to foster the continued efficient performance of tribal business.
- b. Personal use of vehicles including personal travel while on or off duty is prohibited.
- c. Vehicles will not be used to travel to and from work unless the vehicle is being returned to the department after official business use.
- d. The use of alcohol or illegal drugs while operating a tribal vehicle is strictly prohibited and may result in immediate termination from employment by the 7 member panel.
- e. Smoking or use of tobacco products in tribal vehicles is also prohibited.
- f. Authorization to carry passengers. Only persons traveling on tribal Business are permitted as passengers in tribal vehicles and any passenger must be specifically related to approved departmental – related business. Exemptions apply:
 1. In instances of serious emergency.



2. When transportation of members of the public is in the best interests of the Three Affiliated Tribes and authorized in writing by a Departmental Director or Tribal Council Representative.

Section V: Violations of policy and disciplinary action.

- g. When a violation of the provisions of Section IV of this policy is reported to the Tribal Council or a Departmental director the alleged violation will be referred to a (7) Seven member Panel. The Panel will consist of the Tribal CEO, Federal Programs Mgr., Property Director, Chief Financial Officer, Human Resources Director, Director of Program involved and Council Representative of Segment involved and/or representatives of the above for investigation and appropriate action. The panel will then determine by majority vote if a violation has occurred by processing the facts available to them. The violation must be reported by a written complaint accompanied by a written statement setting for the facts supporting the alleged violation.
- h. If the employee is determined by the panel to have violated this policy, a one-time warning will be issued by the employee's director/supervisor. When the same employee is determined to have violated this policy a second time, he/she will be terminated from employment with the Three Affiliated Tribes by his/her supervisor. The grievance procedures set out in the Employee Handbook shall apply.

Section VI: Storage of vehicles

- i. Storage of Tribal – owned vehicles shall be at the discretion of the departmental director after concurrence with the Tribal CEO/ Federal Programs Director/ Property Director. Tribal vehicles cannot be stored at an employees residence or in his/her garage, except in those cases where a properly authorized director of his/her department has determined such storage to be in the best interest of the Tribe and has given the employee written approval with concurrence of the CEO/ Federal Programs Director/ Property Director.



Section VII: Sale and Disposal of Tribal – owned Vehicles/Heavy Equipment.

- a. All Tribal – owned vehicles/heavy equipment that are deemed no longer necessary for tribal business use shall be deemed excess property and placed for sale provided that any vehicle less than five years old may not be placed for sale without the approval of the Tribal business Council.
- b. Purchase of vehicles placed for sale shall be opened only to tribal employees. (If no employee wishes to purchase the vehicle, it shall than be sold through a bid process to the open public). The following criteria shall be applied when purchasing a Tribal – owned vehicle:
 - (1) The sale price of the vehicle shall be the actual retail price of the vehicle as determined by quotes from at least three licensed dealerships. This is the amount the purchaser must pay
 - (2) The employee must pay at least $\frac{1}{4}$ of the amount of the sale price at purchase as a down payment for the vehicle. No exceptions.
 - (3) The employee then must establish an amount of at least 5% of remaining balance that will be deducted monthly from the employee’s payroll or a minimum of \$100 dollars bi-weekly payroll deduction for the remainder of the cost of the said vehicle.
 - (4) The employee must purchase their own insurance upon acquisition for the vehicle and provide proof of coverage to the Property director. Full coverage will be determined by the Property Director. Liability insurance on the vehicle shall be mandatory while title to the vehicle is in the name of the tribe,
 - (5) If the employee terminates his/her employment with the Tribe, full payment of the balance shall be required to keep the vehicle. No exceptions.
 - (6) Title to the vehicle shall be issued to the purchaser upon full satisfaction of sale price.
 - (7) Failure to pay for the vehicle or otherwise comply with the terns of the sale will result in repossession of the vehicle.



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 Special Meeting thereof duly called, noticed, convened, and held on the 19 day of September 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

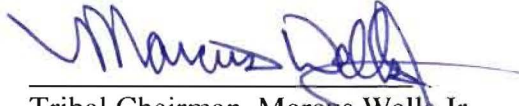
Chairman [] voting. [] not voting.

Dated this 19 day of September 2007.

ATTEST:



Tribal Secretary, V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Marcus Wells Jr.
Tribal Business Council
Three Affiliated Tribes