



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

A Resolution Entitled: “Amending Resolution Nos. 12-120-VJB and 18-211-FWF as to Cited Weight Limit Provisions Adopted and Applicable on All Roads Within the Jurisdiction of MHA Nation.”

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, also known as the Mandan, Hidatsa, and Arikara Nation (“Tribes” or “MHA Nation”), 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 Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article I of the Constitution of the Three Affiliated Tribes provides that the jurisdiction of the Three Affiliated Tribes of the Fort Berthold Indian Reservation shall extend to the Reservation lands therein; 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, Article VI, Section 5 (c) of the Constitution of the Three Affiliated Tribes authorizes the Tribal Business Council to administer funds within the exclusive control of the Tribes and to make expenditures from Available Tribal funds for public purposes of the Tribes; and



WHEREAS, Pursuant to Resolution Nos. 12-120-VJB and 18-211-FWF, the Tribal Business Council recognized the high importance of making roadways of the Fort Berthold Reservation more safe and “adopted weight limits on roads under the jurisdiction within the MHA Nation by incorporating the weight limits set forth in the North Dakota Century Code (“NDCC”) §13-12-05, as amended from time to time, on an interim basis until the MHA Nation adopted its own traffic safety code; the Council recognized that the counties of Dunn, McKenzie, McLean, Mercer, and Mountrail had placed further restrictions on certain county roads within their respective jurisdictions pursuant to NDCC §39-12-03 and the Council adopted a weight limits table which was incorporated by reference into said Resolution;” and

WHEREAS, It has been brought to the Tribal Business Council’s attention that the applicable weight limits to be adopted are at NDCC §39-12-05, not NDCC §13-12-05 as provided in said Resolutions. The clause with the citation to NDCC §39-12-03 is correct; and

WHEREAS, The Tribal Business Council of the Three Affiliated Tribes pursuant to Resolution No. 12-120-VJB further authorized the MHA Nation Department of Transportation (“DOT”) to enforce weight limits and to recommend to the Tribal Business Council different limits on a road by road basis based on the design of the road and the road’s ability to bear interim weight limits; and

WHEREAS, Resolution No. 18-211-FWF further provided that the MHA Nation Highway Patrol Division was removed from under MHA Nation DOT and put under MHA Nation Law Enforcement; and

WHEREAS, The Tribal Business Council also carefully considered who should have the authority and duty to enforce the aforementioned weight limits on roads under the jurisdiction of the MHA Nation, by inspection or other means necessary and provided by Resolution 18-211-FWF that that would be the MHA Nation DOT Motor Carrier Division and MHA Nation Law Enforcement; and

WHEREAS, The aforementioned Resolutions need to be amended for the proper weight limit citation to NDCC §39-12-05 in place of NDCC §13-12-05.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes amends Resolutions 12-120-VJB and 18-211-FWF to read



that the MHA Nation is incorporating “the weight limits set forth in the North Dakota Century Code (“NDCC”) §39-12-05, as amended from time to time, on an interim basis;” and

BE IT FINALLY RESOLVED, that the MHA Nation DOT Motor Carrier Division and the MHA Nation Law Enforcement Highway Patrol Division shall at this time continue to have the authority and duty to enforce the aforementioned weight limits on roads under the jurisdiction within the MHA Nation by inspection or other means necessary.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8th day of April, 2021, 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 [X] Voting. [] Not Voting.

Dated this 8th day of April, 2021.

ATTEST:

Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes

Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes