



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

*A Resolution Entitled "Resolution Superseding Resolution 18-146-FWF and Amending the Enrollment Ordinance of the Three Affiliated Tribes with Regard to Appeals."*

- 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 (or "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 (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- WHEREAS,** The Enrollment Ordinance was originally enacted on December 2, 2015; and
- WHEREAS,** Pursuant to Section 11-1-8 of the Enrollment Ordinance, the Tribal Business Council shall have the authority to amend the Enrollment Ordinance; and
- WHEREAS,** Section 11-1-8 of the Enrollment Ordinance also gives staff of the Office of Tribal Enrollment the authority to propose amendments to the Enrollment Ordinance to the Tribal Business Council for action; and
- WHEREAS,** The Office of Tribal Enrollment has proposed an amendment to the Tribal Business Council, which would amend Section 11-6-4 of the Enrollment Ordinance; and
- WHEREAS,** The Office of Tribal Enrollment has presented the first and second reading as well as the public comment period for a proposed amendment to Section 11-6-4 of the Enrollment Ordinance; and



**WHEREAS,** The Tribal Business Council has done a final reading of the following proposed amendment, adding its amendments pursuant to the *Tribal Business Council Adoption of Policy and Procedure for Enacting Tribal Codes:*

**Section 11-6-4: Appeal Consideration and Decision-making:**

1. Upon receipt of a notice of appeal, the Office of Tribal Enrollment shall prepare and submit the appellant's file and the notice of appeal with the statement of reasons to the Enrollment Committee of the Three Affiliated Tribes within 10 days of receipt of the notice of appeal.
2. The Enrollment Committee shall have the discretion to either review the record before it or to set a date to conduct an administrative hearing on the appeal.
  - a. If the Enrollment Committee elects to conduct a hearing, it shall send a written notice of the date and time for the hearing to the appellant no later than five (5) days after its receipt of the appellant's file. The hearing shall be scheduled within thirty (30) days of receipt of the appellant's file.
  - b. If the Enrollment Committee elects to review the record and issue a decision without a hearing, the Committee shall set a date to meet, review the file and render a decision within thirty (30) days of receipt of the appellant's file.
  - c. The Enrollment Committee shall issue a written decision within thirty (30) days of the hearing or review of the record.
  - d. In matters involving disenrollment, the Tribal Business Council will make the final decision, pursuant to Section 11-5-5 of this Ordinance.

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby approves and enacts the amendment as set forth above to the Enrollment Ordinance of the Three Affiliated Tribes, and this Resolution supersedes Resolution 18-146-FWF; and

**BE IT FINALLY RESOLVED,** that the amendment set forth above shall be codified as Section 11-6-4 of the Election Ordinance of the Three Affiliated Tribes and shall become effective immediately upon its approval by the Tribal Business Council of the Three Affiliated Tribes.

**(The remainder of this page is intentionally left blank)**





**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 26<sup>th</sup> day of November, 2019; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] voting. [ ] not voting.

Dated this 26<sup>th</sup> day of November, 2019.

**ATTEST:**

A handwritten signature in black ink, appearing to read 'Fred Fox', written over a horizontal line.

Tribal Secretary, Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

A handwritten signature in black ink, appearing to read 'Mark N. Fox', written over a horizontal line.

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