



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

*A Resolution Entitled “Resolution Superseding Resolution 18-145-FWF and Amending the Enrollment Ordinance of the Three Affiliated Tribes to Set the Standards for an Enrollment Committee.”*

- 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- WHEREAS,** The Enrollment Ordinance was originally enacted on December 2, 2015; and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, setting the standards of an Enrollment Committee, as Chapter 8 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 the proposed amendment to the Enrollment Ordinance, setting the standards of the Enrollment Committee; 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:*

**Chapter 8**  
**Enrollment Committee of the Three Affiliated Tribes**

**Section 11-8-1: Establishment** – There is hereby established an Enrollment Committee for the Three Affiliated Tribes, also known as the MHA Nation, of the Fort Berthold Reservation in North Dakota.

**Section 11-8-2: Purpose** – The purposes of the Enrollment Committee of the Three Affiliated Tribes are to:

1. Preserve the viability and integrity of the Three Affiliated Tribes membership.
2. Strengthen the independence and sovereignty of the Three Affiliated Tribes.
3. Provide for an efficient and non-biased determination of the enrollment eligibility of any person.
4. Ensure that the Three Affiliated Tribes preserves and protects the rights of the past, present, and future members.

**Section 11-8-3: Authority** - The Enrollment Committee of the Three Affiliated Tribes is authorized to:

1. Review applications for content and completeness.
2. Meet with the Office of Tribal Enrollment staff and make recommendations for approval/ disapproval of enrollment applications.
3. Record all actions taken regarding the recommendation for approval/disapproval of any applicant.
4. Protect the privacy of Tribal members and applicants.
5. Act pursuant to the Three Affiliated Tribes Constitution and By-Laws and the Enrollment Ordinance of the Three Affiliated Tribes.
6. Perform other duties necessary to fulfill the purposes of the Enrollment Ordinance or which may be assigned by the Tribal Business Council.

**Section 11-8-4: Enrollment Committee Members** – The Tribal Business Council Representative of each Segment shall have the authority to appoint one (1) member. The Chairperson of the Tribal Business Council shall have the authority to appoint one (1) member at large. The term of an Enrollment Committee member shall run concurrently with the Tribal Business Council Representative by whom the member was appointed.



**Section 11-8-5: Qualifications of Committee Members** – The Qualifications for each Enrollment Committee member shall be:

1. The Committee member must be a duly enrolled member of the Three Affiliated Tribes.
2. The Committee member must know and understand the membership criteria according to the Constitution and By-Laws and the Enrollment Ordinance of the Three Affiliated Tribes.
3. The Committee member must have a good understanding of how to accurately and efficiently calculate blood degree.
4. The Committee member must be no less than 18 years of age.

Each committee member shall sign a confidentiality form and abide by strict confidentiality and privacy of all content relating to each Tribal member and/or applicant. This includes any birth information, parentage, adoptions, legal orders, blood degrees, and any other personal identifying information.

**Section 11-8-6: Enrollment Committee Officers** – At the first meeting after the approval of this Chapter and the appointment of the initial Enrollment Committee members, the Enrollment Committee shall elect a Chairperson, Vice-Chairperson and Secretary.

1. Chairperson – The Chairperson shall preside at all meetings of the Committee and direct the work of the officers. The Chairperson shall ensure all meetings are held in a timely and organized manner. The Chairperson shall only vote in the case of a tie.
2. Vice-Chairperson – In the absence of the Chairperson from any regular or special meeting, the Vice-Chairperson shall preside in his/her place, and shall have all the privileges, duties and responsibilities of the Chairperson in his/her absence.
3. Secretary – The Secretary shall conduct all correspondence of the committee, and shall keep records and minutes of meetings. The Secretary shall promptly submit the final recommendations of each applicant to the Office of Tribal Enrollment staff. The Secretary shall also perform such other clerical duties relating to the business of the Committee as it may direct.
4. In the absence of both the Chairperson and Vice-Chairperson from any regular or special meeting, the Secretary shall preside in his/her place, and shall have all the privileges, duties and responsibilities of the Chairperson in his/her absence.



**Section 11-8-7: Salaries/Stipends –**

1. The Enrollment Committee shall not receive any financial compensation /salary/ stipends/expenses, etc. from the Office of Tribal Enrollment.
2. A Committee member may be compensated by the Segment by which he/she is appointed. This is at the discretion of each respective Segment office. Any and all monetary compensation received by an Enrollment Committee member for performing duties as an Enrollment Committee member shall be public information and shall be made publicly available no more than seven (7) calendar days after any form of compensation is made.

**Section 11-8-8: Meetings of the Committee –**

1. The regular meetings of the Enrollment Committee shall be held on the first business day of each month at the MHA Nation Office Complex in New Town, North Dakota beginning promptly at 10:00 A.M. CST and ending no later than 4:30 P.M CST. If the Committee has not been able to complete recommendations on all applicants brought before the Committee at that meeting, the meeting shall be continued on the following business day until a recommendation for each applicant is made. Each continuation meeting shall also be held at the MHA Nation Office Complex and begin promptly at 10:00 A.M. CST and ending no later than 4:30 P.M CST.
2. All recommendations shall be taken by a roll call vote and be documented by the Secretary of the Enrollment Committee.
3. A quorum shall be established with no less than 5 Enrollment Committee members present at any meeting.
4. Special Meeting – A Special Meeting may be called by any 3 Committee members or the Office of Tribal Enrollment Director who shall notify all members no less than 24 hours in advance of such meeting, by phone.
5. Vacancy/Removal for Cause – If a vacancy on the Enrollment Committee occurs, the Tribal Business Council Representative of the Segment for which the vacancy occurs shall have full authority to appoint a qualified individual from said Segment pursuant to Section 11-8-5 of this Ordinance to serve the remainder of the term of said vacant position.
6. An Enrollment Committee member may be removed for cause. Cause for removal shall include the following:
  - a. Absence from 3 regular or continuation committee meetings, without a justifiable, verified reason such as sickness.
  - b. Intentional failure to disclose a conflict of interest in making a



recommendation of an applicant's eligibility. A conflict of interest includes, but is not limited to, if the applicant is biologically related to the Committee member to the fourth degree of consanguinity or is or has been related by marriage to the Committee member.

- c. Violation of Privacy/Confidentiality of any Tribal member/applicant.
- d. Failure to meet any of the qualifications set forth in Section 11-8-5 of this Ordinance.

**Section 11-8-9: Final Determination of Applicant's Eligibility** – The Enrollment Committee shall give a recommendation on each applicant's membership eligibility; however, the final determination shall be made by the Office of Tribal Enrollment Director.

**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 18-145-FWF; and

**BE IT FINALLY RESOLVED**, that the amendment set forth above shall be codified as Chapter 8 of the Enrollment Ordinance of the Three Affiliated Tribes and becomes effective immediately upon its approval by the Tribal Business Council of the Three Affiliated Tribes.



**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:**

Tribal Secretary, Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

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