



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

**A Resolution Entitled, “Clarifying Powers And Status Of The COVID Task Force
Established By 29-049-FWF”**

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** The Constitution 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 MHA Nation and of the enrolled members thereof; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business Council, its agencies and officials; and
- WHEREAS,** The Tribal Business Council passed Resolution No. 20-049-FWF which established the COVID-19 Outbreak Committee which is also known as the COVID Task Force (the “COVID Task Force”); and
- WHEREAS,** It is necessary to clarify Resolution No. 20-049-FWF regarding the powers and status of the COVID Task Force; and
- WHEREAS,** The COVID Task Force was established to develop emergency proclamations and directives and is responsible for COVID related public health matters as part of its official mandate, which is to direct how the Tribe will respond to the COVID-19 outbreak in order to lessen its effects while assuring the long-term health of the Fort Berthold Reservation’s citizens; and
- WHEREAS,** The Health Insurance Portability and Accountability Act (“HIPAA”) regulates the use and disclosure of Protected Health Information (“PHI”) pursuant to 45 C.F.R. § 164; and
- WHEREAS,** The HIPAA regulations at 45 C.F.R. § 164.512(b)(1)(i) allows a Public Health Authority to collect and receive PHI for the purpose of preventing or controlling disease; and



NOW THEREFORE BE IT RESOLVED, That the Tribal Business Committee clarifies the COVID Task Force authority as follows:

- (1) Pursuant to the grant of authority from the MHA Nation the COVID Task Force exists as a Public Health Authority,
- (2) As a Public Health Authority, the COVID Task Force can use and receive PHI, and
- (3) Receipt of PHI is necessary for the COVID Task Force to combat the COVID-19 Outbreak.

BE IT FURTHER RESOLVED, The Tribal Business Committee authorizes all government agencies and public or private health providers, including the Elbowoods Memorial Health Center, to release all necessary COVID-19 related information, including PHI, to the COVID Task Force.

BE IT FURTHER RESOLVED, That the COVID Task Force shall comply with all requirements, regulations, and directives of HIPAA in receiving, using, storing, and, if necessary, distributing the PHI received.

BE IT FINALLY RESOLVED, That the Tribal Chairman is authorized to take such action as is necessary to carry out the terms and intent of this Resolution.



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 Special Meeting thereof duly called, noticed, convened and held on the 30th day of March, 2020, 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 30th day of March, 2020.

ATTEST:

A handwritten signature in dark ink, appearing to read "Fred W. Fox", written over a horizontal line.

Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes

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

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