



RESOLUTION NO. 20-104-FWF

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

A Resolution entitled, “Adoption of New Laws – Public Health Authority, Quarantine, and Other Law.”

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 under said Act; and

WHEREAS, Pursuant to Article III, Section 1 of the Constitution and By Laws of the Three Affiliated Tribes, also known as the Mandan, Hidatsa, and Arikara Nation (“Tribes” or “MHA Nation”) the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article I of the Constitution of the Three Affiliated Tribes expressly provides that the jurisdiction of the Three Affiliated Tribes shall extend to all persons and all lands, including lands held in fee, within the exterior boundaries of the Fort Berthold Reservation; and

WHEREAS, Article VI, Section 3 of the Constitution of the Three Affiliated Tribes specifically grants to the Tribal Business Council all necessary sovereign authority – legislative and judicial – for the purpose of exercising the jurisdiction granted by the people of the Three Affiliated Tribes in Article I of the Constitution; and

WHEREAS, Pursuant to Article VI, Section 5 (l) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, The Tribal Business Council has the power to act in the best interests of the health and welfare, including the public health, of the Tribes and the enrolled members thereof; and

WHEREAS, The world is in the middle of a global pandemic with COVID-19, Coronavirus, a communicable disease; and

WHEREAS, The Tribal Code of the Three Affiliated Tribes currently has very limited provisions regarding communicable disease and no quarantine law; and



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WHEREAS, The Fort Berthold Reservation and the Tribal membership have been affected by COVID-19 and the adoption of quarantine and other law is necessary at this time; and

WHEREAS, The Tribal Business Council has determined that this is an emergency situation and under Section VI(10) of the “Three Affiliated Tribes Procedure for Enacting Tribal Codes,” Resolution 08-56-MP, the provisions of said Procedure shall be waived, including the public comment period; and

WHEREAS, Based on its review and discussion of the attached provisions, it is the considered decision of the Tribal Business Council that such provisions should be approved and adopted and added to the Code of Laws of the Three Affiliated Tribes.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes hereby approves and adopts the attached two chapters designated “Public Health Authority” and “Communicable Disease Confinement Procedure,” which are to be added to the Fort Berthold Tribal Code (the Code of Laws of the Three Affiliated Tribes) as chapters 1 and 2 respectively of Title XXI, entitled “Public Health,” and said provisions are forthwith incorporated into the Code of Laws of the Three Affiliated Tribes and are to be effective immediately; and

BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes also hereby approves and adopts the attached “Curfew During a State of Emergency” provisions, which are to be added to the Fort Berthold Tribal Code (the Code of Laws of the Three Affiliated Tribes) as Chapter 3 of Title XXI and said provisions are forthwith incorporated into the Code of Laws of the Three Affiliated Tribes and are to be effective immediately.

BE IT FINALLY RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes also hereby approves and adopts the attached “Offenses During a State of Emergency” provisions, which are to be added to the Fort Berthold Tribal Code (the Code of Laws of the Three Affiliated Tribes) as Chapter 3 of Title XXI and said provisions are forthwith incorporated into the Code of Laws of the Three Affiliated Tribes and are to be effective immediately.



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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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14th day of May, 2020; 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 14th day of May, 2020.

ATTEST:

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

Tribal Chairman, Mark Fox
Tribal Business Council
Three Affiliated Tribes