



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

A Resolution entitled: “Essential Services Related to Delivery of Safe Drinking Water and Manual Delivery of Water to Residents of and Patrons Within the Exterior Boundaries of the Fort Berthold Reservation of North Dakota.”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws under said Act; and

WHEREAS, The Constitution and By-laws of the Three Affiliated Tribes (or “Tribes”) was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; and

WHEREAS, Pursuant to Article III, Section 1 of the Constitution and By-Laws of the Three Affiliated Tribes, 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, The Three Affiliated Tribes entered into two P.L. 93-638 contracts with the Bureau of Reclamation, Department of the Interior, for the construction and operation, maintenance and replacement (OM&R) of the Fort Berthold Rural Water System (FBRWS) on the Fort Berthold Reservation; and

WHEREAS, The Three Affiliated Tribes thereby assumed responsibility for the construction and operation, maintenance and replacement (OM&R) of the Fort Berthold Rural Water System (FBRWS) in accordance with the Safe Drinking Water Act as administered by the Environmental Protection Agency (EPA); and

WHEREAS, The Tribal Business Council has been diligent in its effort to consistently provide reliable and safe drinking water to Fort Berthold residents and patrons, 365 or 366 days a year, whichever is applicable, 7 days a week, 24 hours per day, with as little interruption in delivery of services, as possible; and



WHEREAS, The Tribal Business Council has continued in its effort to provide manually delivered water services to Fort Berthold Reservation residents and patrons, 365 or 366 days a year, whichever may be applicable, 7 days a week, 24 hours per day, with as little interruption in services, as possible; and

WHEREAS, The Tribal Business Council has been diligent in its effort to provide reliable, safe drinking water and in its effort to provide manual delivery of water to residents and patrons of the Fort Berthold Reservation during any and all period of circumstances impacting community access; access management and restrictions; social distancing, closure orders and directives; and

WHEREAS, Because of the diligence with which the Tribal Business Council has sought to provide reliable, safe drinking water to its residents and patrons, workers and staff of the Fort Berthold Rural Water department and those workers and staff associated with and/or participate in the manual delivery of water to residents and patrons of the Fort Berthold Reservation, and because of the nature of such services, they are deemed by the Council as the provision of “essential” services; and

WHEREAS, Although the Tribal Business Council adamantly affirms its support of the delivery of “essential” services, the Council is also firm that designation of “essential” workers and staff does not, in and of itself, automatically equate to overtime compensation nor does it automatically equate to prioritization of reasonable, personal accommodations; and

WHEREAS, The Three Affiliated Tribes Personnel Policies and Procedures apply in all aspects of employment with the Three Affiliated Tribes including, but not limited to, the amount and manner of compensation for work and services performed above and beyond the normal 40-hour work week.

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes does deem the Tribes’ provision for delivery of reliable, safe drinking water to the residents and patrons of the Fort Berthold Reservation (in accordance with the Safe Drinking Water Act, as regulated by the Environmental Protection Agency) as “essential” services and the Tribes’ provision for manually delivered water to residents and patrons as “essential” services; and

BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes affirms that the designation of “essential” services involving delivery of safe drinking water and the manual delivery of water to residents and patrons, does not, in and of itself, automatically equate to an amount or manner of compensation such as overtime for services performed above and beyond the normal 40-hour work week, nor does it automatically equate to any manner of prioritization for reasonable, personal accommodations; and



BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes does affirm that the Tribes' Personnel Policies and Procedures shall prevail in determining the amount and manner in which qualifying workers and staff dedicated to the delivery of safe drinking water, and to the manual delivery of water, will be compensated for work and services performed above and beyond the normal 40-hour work week; and

BE IT FINALLY RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the Chairman to execute documents necessary to carry out the 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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 6th day of October, 2021, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

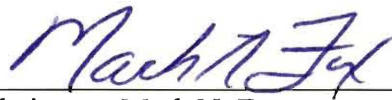
Chairman Voting. Not Voting.

Dated this 6th day of October, 2021.

ATTEST:



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



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