



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

A Resolution entitled, “Authorization of Development of an MOU Between the Tribe, NDBCI, and the BIA with regard to Drug and Other Criminal Investigations on the Fort Berthold Reservation.”

WHEREAS, This Mandan, Hidatsa, and Arikara Nation, also known as the Three Affiliated Tribes (“MHA Nation” or “Tribes”), 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, 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, Pursuant to Article VI, Section 5(1) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Council, its Agencies and Officials; and

WHEREAS, The Tribal Business Council believes at this time that sufficient law enforcement resources to safely and adequately combat criminal activity on the Fort Berthold Reservation is lacking; and

WHEREAS, The Tribal Business Council seeks to coordinate with federal, state, and local government justice system officials and agencies to combat drug trafficking and other criminal activity on the Fort Berthold Reservation; and

WHEREAS, The Tribes have been notified that the State of North Dakota plans to increase North Dakota Bureau of Criminal Investigations (“NDBCI”) offices in the areas of Tribal Nations, including in Stanley, North Dakota, to support drug investigations in counties and on Tribal land; and

WHEREAS, Pursuant to the Indian Law Enforcement Reform Act, 25 U.S.C. § 2801, et seq., the Secretary of the Interior, acting through the Bureau of Indian Affairs (“BIA”) is responsible for providing, or assisting in providing, law enforcement in Indian Country; and



WHEREAS, The Secretary of the Interior has delegated this authority to the Assistant Secretary-Indian Affairs and the Assistant Secretary-Indian Affairs has delegated this authority to the Director of the BIA, who has delegated it to the Deputy Bureau Director, BIA Office of Justice Services (“BIA OJS”), and who has delegated it to the Special Agent in Charge, BIA OJS; and

WHEREAS, The Assistant Secretary-Indian Affairs has stated a commitment to working with tribal governments and tribal law enforcement to strengthen law enforcement in Indian country; and

WHEREAS, On February 10, 2004, Assistant Secretary-Indian Affairs articulated policy guidance to the BIA – as published at 69 Fed. Reg. 6,321 – which governs the implementation of Cross Deputation Agreements, Memoranda of Understanding, Memoranda of Agreement, and Special Law Enforcement Commission Deputation Agreements; and

WHEREAS, The aforementioned policy lays out the importance of coordination and communication on behalf of all parties involved in any such agreement.

NOW, THEREFORE, BE IT RESOLVED, that with the purposes of accomplishing the goals and objectives as set forth above, the Tribal Business Council of the Three Affiliated Tribes does authorize the BIA and the Solicitor General’s Office to work on the development of a Memorandum of Understanding (“MOU”), the parties to which would be the BIA – Office of Justice Services, the North Dakota Bureau of Criminal Investigation, and the Tribes. Said MOU would govern the BIA OJS’s issuance of Special Law Enforcement Commissions, pursuant to Assistant Secretary-Indian Affairs’ policy on Cross Deputation Agreements, Memoranda of Understanding, Memoranda of Agreement, and Special Law Enforcement Commission Deputation Agreements, Document Citation 69 Fed. Reg. 6,921, Document Number 04-2842; and

BE IT FURTHER RESOLVED, that once drafted, the MOU will be submitted to the Tribal Business Council for further review, including Tribal legal review; and

BE IT FINALLY RESOLVED, that the Chairman is hereby authorized to take such further actions as are necessary to carry out the terms and intent of this Resolution.

<SIGNATURE PAGE TO FOLLOW>



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 Regular Meeting thereof duly called, noticed, convened and held on the 8th day of February, 2023, 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 [X] Voting. [] Not Voting.

Dated this 8th day of February, 2023.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council

Chairman, Mark N. Fox
Tribal Business Council