

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

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally 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 the enrolled members thereof; and
- WHEREAS,** The Tribal Business Council of the Three Affiliated Tribes, in its capacity as governing body of the Tribes, granted a nonprofit corporate Charter to the Twin Buttes Community Association in 1983, via Resolution No. 83-265-S; and
- WHEREAS,** The Twin Buttes Community Association Charter was granted by the Tribal Business Council for the benefit of the Community of Twin Buttes in general and specifically for the benefit of the membership of the Association, which is comprised of any enrolled member of the Three Affiliated Tribes who has been a resident of the Twin Buttes Community for at least six (6) months; and
- WHEREAS,** The Association has adopted Bylaws in conformity with the requirement prescribed by Article XI of the Charter of the Association, which Bylaws provide, in Article V, Section I, that the members of the Board of Directors of the Association are elected by the Association membership; and
- WHEREAS,** In March 2000, the Tribal Business Council was informed by members of the Twin Buttes Community Association that the Board of Directors of the Association had failed to hold elections by the Association membership to fill four (4) seats on the Board, as clearly required by the Bylaws of the Association; and
- WHEREAS,** The Council was informed that, in the case of two (2) of the four (4) seats currently subject to election, the Board of Directors, pursuant to Article VI, Section 4 of the Bylaws, previously filled two (2) vacancies on the Board the respective terms of which seats expired, thereby rendering such two (2) positions subject to election by the Association membership; and

- WHEREAS,** The Council was further informed that the respective terms of the other two (2) seats at issue have likewise expired, thereby similarly rendering those two (2) positions subject to election by the Association membership; and
- WHEREAS,** The Tribal Business Council was finally informed by members of the Association that the Board of Directors had been requested by Association members to comply with the requirements of the Association Bylaws and hold an election for the four (4) seats at issue; numerous such requests had been made by the Association members throughout the past year, none of which requests, however, having been met with a positive response; and
- WHEREAS,** Having been so informed, the Tribal Business Council was significantly concerned about the failure of the Board of Directors to comply with the clear requirements prescribed by the Bylaws of the Association and to hold elections as clearly mandated in the Bylaws, thereby preventing the voting members of the Association from exercising their individual right to elect representatives of their choice to the governing entity of their Community; and
- WHEREAS,** The Tribal Business Council additionally recognized that, in addition to having granted the corporate entity the privilege of being chartered by the government of the Three Affiliated Tribes, the Tribal government provides annual financial assistance to the Twin Buttes Community Association for the expenditure by its Board of Directors on behalf of and for the benefit of all members of the Association, such financial assistance constituted by monies of the Three Affiliated Tribes as a whole, derived from certain judgment funds; and
- WHEREAS,** It was the considered judgment of the Tribal Business Council of the Three Affiliated Tribes that the Board of Directors of the Twin Buttes Community Association hold a special election at the earliest practicable opportunity so as to afford the voting members of the Association the opportunity to exercise their individual legal right to elect representatives of their respective choice to the governing entity of their Community; and
- WHEREAS,** In Resolution No. 00-95-DSB, the Tribal Council, in the absence of the imposition at that time of any legally justifiable sanction against the Twin Buttes Community Association, strongly encouraged the Board of Directors of the Association to call a Special Meeting of the membership of the Association for the purpose of electing qualified individuals to fill the four (4) vacancies on the Board of Directors, and further strongly

encouraged that such Special Meeting be held within thirty (30) days from the date of Resolution No. 00-95-DSB which was dated March 10, 2000; and

**WHEREAS,** The Tribal Business Council further resolved that if there was a failure by the Board of Directors to hold the Special Meeting identified above within thirty (30) days of Resolution No. 00-95-DSB without reasonable justification presented by the Board, the Council on the earliest practicable date subsequent to the expiration of the thirty (30) day period, would consider the imposition of a reasonable and appropriate sanction against the Twin Buttes Community Association; and

**WHEREAS,** In response to the failure of the Board of Directors to call the Special Meeting in accordance with Resolution No. 00-95-DSB, Daylon Spotted Bear, Secretary of the Tribal Business Council, in a Memorandum dated April 28, 2000 and personally served on each member of the Twin Buttes Community Association's Board of Directors, notified the Board of Directors that the Tribal Business Council had previously encouraged them by Resolution No. 00-95-DSB to hold a Special Meeting for the purpose of filling four (4) vacant Board positions; and Secretary Spotted Bear further notified the Board that such a Meeting be held within thirty (30) days of the Memorandum, on or before May 28, 2000 and that if the Board failed to hold such a Meeting on or before May 28, 2000 without presenting an explanation for the failure to do so at the first Tribal Business Council Meeting after May 28, 2000, the available sanctions against the Association were the withholding of Tribal funds from the Association and revocation of the Charter of the Association; and

**WHEREAS,** The Board of Directors of the Twin Buttes Community Association failed to hold a Special Meeting to fill the vacant positions on the Board of Directors on or before May 28, 2000, as further encouraged to do by Secretary Spotted Bear, and the four positions continue to be vacant as of this day; and

**WHEREAS,** It is the considered judgment of the Tribal Business Council that the failure of the Board of Directors of the Twin Buttes Community Association to hold a Special Meeting to fill four (4) vacancies on the Board of Directors on or before May 28, 2000, in contravention of the respective actions taken by the Tribal Business Council and by Secretary Spotted Bear, is without reasonable justification, and the continued vacancy of these positions is a detriment to the membership of the Association; and

**WHEREAS,** It is also the considered judgment of the Tribal Business Council that the reasonable and appropriate sanction to be imposed against the Twin Buttes Community Association in this instance is revocation of its Charter;

**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes does hereby rescind Resolution 83-265-S, which granted the nonprofit corporate Charter to the Twin Buttes Community Association in 1983, thereby revoking the Charter of the Twin Buttes Community Association and dissolving the Association.

### 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 constitutes a quorum, 7 were present at a Regular Meeting thereof, duly called, noticed, convened, and held on the 10<sup>th</sup> day of August, 2000; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 1 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 10<sup>th</sup> day of August, 2000.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

Tyler R. Hall  
Chairman, Tribal Business Council