



10/10/02

Resolution No. 02-204 MWJR

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

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A Resolution entitled, "Development of Ethics Code for the Tribal Business Council and Tribal Employees"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, The Tribal Business Council has the authority under its Constitution and By-laws to establish procedures regarding the conduct of members of the Council and other Tribal officials acting in an official capacity on behalf of the Tribe; and

WHEREAS, The members of the Three Affiliated Tribes have requested in the past and at present that a code of ethics and a procedure for enforcement of a code of ethics be developed that would apply to the Tribal Business Council and Tribal officials; and

WHEREAS, The essential components of an ethics code are:

1) Standards for conduct of Tribal Business Council members and Tribal employees, which include, among other things, prohibit actions which would give the appearance of:

- (A) Using public office for private gain;
- (B) Giving preferential treatment to any special interest organization or person;
- (C) Impeding governmental efficiency or economy;
- (D) Losing or compromising complete independence or impartiality of actions;
- (E) Making a government decision outside official channels;
- (F) Adversely affecting the confidence of the Tribal members in the integrity of the government of the Three Affiliated Tribes;
- (G) The official makes, participates in, or uses his or her official position to influence a governmental decision;
- (H) It is foreseeable that the decision will affect the official's economic interest;
- (I) The effect of the decision on the official's economic interest will be material; and



(J) The effect of the decision on the official's economic interest will be distinguishable from its effect on the public generally.

(2) In relation to those standards, providing for the following:

- (a) Prohibition of use of confidential information for private gain.
- (b) Restrictions against incompatible interests or employment.
- (c) Conflict of interest statements for Tribal Business Council members and Tribal officials
- (d) Prohibition of conflict of interest with tribal government contracts
- (e) Restrictions on assisting or representing other interests before governmental bodies for compensation
- (f) Restrictions on assisting or representing subsequent to termination of public office or employment
- (g) Unauthorized compensation or benefit for official acts
- (h) Unauthorized personal use of property or funds of the Tribe
- (i) Prohibition of staff misuse
- (j) Prohibition of nepotism in hiring for non-political appointments
- (k) Restrictions against gifts or loans to influence official acts.

(3) Providing procedures for:

- (a) bringing a complaint of a violation of the ethics code
- (b) investigating claims for violations of the ethics code
- (c) notice to the parties and hearings on claims
- (d) providing for punishment, up to and including removal, of someone who has violated the ethics code

WHEREAS, development of an ethics is seen to be in the best interests of the Three Affiliated Tribes;

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby authorizes and directs its Legal Department to develop an ethics code containing at least the above elements to be presented to the Council for further consideration at its first general meeting in November, 2002.

CERTIFICATION

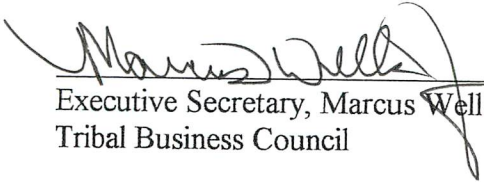
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, _____ were present at a _____ Meeting thereof duly called, noticed, convened and held on the ____ day of _____, 2002, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of _____ members, _____ members opposed, _____ members abstained, _____ members not voting, and that said Resolution has not been rescinded or amended in any way.

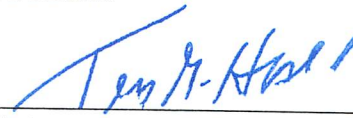


Chairman [] Voting. [] Not Voting.

Dated this ____ day of _____, 2002.

ATTEST:


Executive Secretary, Marcus Wells, Jr.
Tribal Business Council


Chairman, Tex G. Hall
Tribal Business Council