



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

A Resolution entitled, "Personnel Selection Process"

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, Article I, Section 1 of the Constitution and By-laws of the Three Affiliated Tribes specifically authorizes the Tribal Chairman to appoint, subject to the approval of the Tribal Business Council, such standing committees and other officers as the business of the Tribe may require, and

WHEREAS, Resolution #93-033-JJR, passed on March 11, 1993, delegated all members of the Tribal Business Committee to serve as the Personnel Selection Committee; and

WHEREAS, While the intent of Resolution #93-033-JJR was to ensure uniformity in the selection procedures for Tribal employees, the process of personnel selection, discipline and termination of employees has taken up entirely too much time of the Tribal Business Council and the Resolution needs to be repealed and replaced with a better, more efficient system for handling the personnel selection that gives more authority to Tribal Department managers; and

WHEREAS, The Tribe is about to implement a new Personnel Policies and Procedures Handbook that will incorporate due process safeguards for the personnel selection, discipline and termination process, making Resolution #93-033-JJR unnecessary; and

NOW THEREFORE BE IT RESOLVED, that Resolution #93-033-JJR is hereby rescinded in its entirety, but shall remain in effect for a sixty (60) day transition period until such time as the Human Services Commission appointed by this Resolution has certified to the Tribal Business Council that it is ready to assume its duties as prescribed by this Resolution; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council is authorized to appoint a Human Services Commission to have the responsibility of hiring and terminating any and all Tribal employees, other than consultants and attorneys and any others who must be hired directly by the Tribal Business Council or a single Tribal Business Council member and who are otherwise hired or appointed directly by the Tribal Business Council; it being further understood that the Tribal Business Council retains the right to hire, discipline, promote or

RESCINDED

DATE 10-10-02

NEW RES# 02-205-MWJR

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 of the enrolled members thereof; and
- WHEREAS, Article 1, Section 1 of the Constitution and By-Laws of the Three Affiliated Tribes specifically authorizes the Tribal Chairman the power to appoint, subject to the approval of the Tribal Business Council, such standing committees and other officers as the business of the Tribe may require; and
- WHEREAS, It is the intention of the Tribal Business Council to dissolve any power or authority previously vested and delegated to the Executive Committee as the Personnel Selection Committee as reflected in Resolution 90-02-JJR; and
- WHEREAS, The Tribal Business Council has determined that it is in the best interest of the Three Affiliated Tribes and its members that the Personnel Selection Committee shall consist of all members of the Tribal Business Council; and
- WHEREAS, This does not preclude any authority vested to the Tribal Chairman by the Constitution.
- NOW, THEREFORE BE IT RESOLVED, That any power and authority previously vested and delegated to the Executive Committee regarding Selections, Appointments, Terminations and Dismissals of employees is declared null and void; and
- NOW, BE IT FURTHER RESOLVED, That the full membership of the Tribal Business Council shall constitute the Personnel Selection Committee of the Three Affiliated Tribes; and
- BE IT FURTHER RESOLVED, That the full Tribal Business Council shall do the Selection, Appointments, Termination and Dismissal of any and all Employment Positions, whether the positions be Permanent, Temporary, Part-time, Full-time and/or on a contractual basis with the Three Affiliated Tribes; and
- FINALLY BE IT FURTHER RESOLVED, That the Personnel Director and the respective Program Directors shall make ALL applications available to the Tribal Business Council and shall be available for consultation and recommendations on the applicants during the Personnel Selection Committee Meetings and these aforementioned changes shall be effective from this day forward.

RESOLUTION/LIBRARY SERVICES (CON'T):
Services on the Fort Berthold Reservation.

Chairman Wilkinson entertained a motion to approve.

Councilman Mossett motioned to approve, seconded by Secretary Rabbithead.

Vote: 7 for, 0 opposed. Motion carried.

ITEM 09: RESOLUTION/HIRING & FIRING: #93-33-JJR
Resolution read by Secretary Rabbithead.
This resolution pertains to the Full Membership of the Tribal Business Council constitute the Personnel Selection Committee. The full Council will do the selecting of any and all employment positions.

Treasurer Bird Bear requested that the clause "And these aforementioned changes shall be effective from this day forward."

Chairman Wilkinson entertained a motion to approve the resolution as presented.

Treasurer Bird Bear motioned to approve, seconded by Councilman Gillette.

Councilman Mossett mentioned that the Chairman does have some powers of appointment, not mentioned in this resolution, which the Constitution does specify. These are subject to full Council approval.

Vote: 5 for, 0 opposed, 2 not voting. Motion carried.

ITEM 10: RESOLUTION/PRESERVATION OF LANGUAGE & CULTURE:
#93-34-JJR
Resolution read by Secretary Rabbithead.
This resolution pertains to the designation of the Tribal Education Department to develop and submit an application to the Administration for Native Americans which will focus on a Tribal Plan for preservation of the Language, Culture, and Sovereignty of the Three Affiliated Tribes.

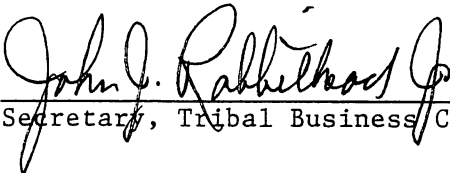
Chairman Wilkinson entertained a motion to approve.

Vice Chairman Johnson motioned to approve, seconded by Councilman Fast Dog.

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, notices, convened, and held on the 11th day of March 1993; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said resolution has not been rescinded or amended in any way.

Dated this 11th day of March 1993.


Secretary, Tribal Business Council

ATTEST:


Chairman



terminate all Program Directors, including the Personnel Director, and the C.E.O.'s of any and all tribally-owned and operated business enterprises and the members of the Human Services Commission as appointed; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Human Services Commission shall be composed of 1) the Chief Executive Officer (C.E.O.) of Tribal programs; 2) the Chief Executive Officer (C.E.O.) of Federal programs administered by the Tribe; 3) the Tribal Human Resources Director; 4) Employee Representative; and 5) the Chief Executive Officer of one of the tribally-owned enterprises; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Human Services Commission shall report directly to the Tribal Business Council; and

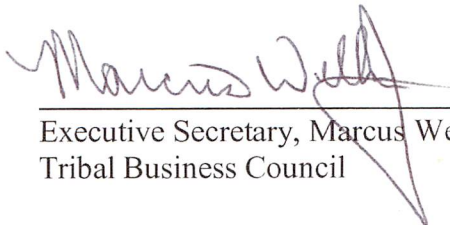
NOW THEREFORE BE IT FINALLY RESOLVED, that, among other things, the Human Services Commission shall establish, consistent with the Personnel Policies and Procedures of the Three Affiliated Tribes, uniform policies and procedures for hiring, promotion, transfer or termination of Tribal employees and such other employee actions as must be taken.

C E R T I F I C A T I O N

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, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of October, 2002, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 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 Voting. [] Not Voting.

Dated this 10th day of October, 2002.



Executive Secretary, Marcus Wells, Jr.
Tribal Business Council

ATTEST:

Chairman, Tex G. Hall
Tribal Business Council