



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

A Resolution Entitled: *“Three Affiliated Tribes Tribal Business Council Petition to the Secretary of Interior or His Authorized Representative Pursuant to Article X Amendments of the Three Affiliated Tribes Constitution and By-laws and 25 CFR Part 82 To Call a Secretarial Election on a Proposed Amendment to Article III-Governing Body, Section 2 and 5 and Article III, Sections 2 and 3 of the By-laws of the Constitution”*.

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

**WHEREAS**, Article III of the Constitution of the Three Affiliated Tribes provides that 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**, Article VI, Section 5 (1) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

**WHEREAS**, The Constitution and By-laws of the Three Affiliated Tribes was adopted by the membership of the Tribes on May 15<sup>th</sup>, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; and

**WHEREAS**, Article X- Amendments of the Constitution provides that the Constitution and By-laws may be amended by a majority vote of the qualified voters of the Tribes voting at an election called for that purpose by the Secretary of Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; and

**WHEREAS**, Article X further provides that it shall be the duty of the Secretary of Interior to call an election on any proposed amendment to the Constitution when requested by a two-thirds (2/3) vote of the Tribal Business Council; and



**WHEREAS,** 25 CFR Part 82 provides federal regulations for petitioning the Secretary of Interior to call secretarial elections to amend tribal constitutions; and

**WHEREAS,** Article III- Governing Body, Section 2 of the Constitution provides for a seven member Tribal Business Council with the Chairman of the Tribe being the only member of the Tribal Business Council elected at large; and

**WHEREAS,** Article III-Governing Body, Section 5 of the Constitution provides that the Vice Chairman, Secretary and Treasurer of the Tribe will be elected from within the Tribal Business Council by the members of the Tribal Business Council; and

**WHEREAS,** Article III-Meetings of Council, Section 3 of the By-laws of the Constitution provides that five members of the Council shall constitute a legal quorum of the Tribal Council and Article III, Section 2 of the By-laws provides that Special meetings of the Council may be called by any three Councilmen; and

**WHEREAS,** Because Article III, Section 5 requires that certain officers including the Secretary and Treasurer be elected from within the Tribal Business Council membership, these Council members are required to perform two duties, one as an officer of the Tribal Council and one as a representative to the member's Segment and this makes it difficult to perform both responsibilities and these officer positions should be therefore separated and elected at-large; and

**WHEREAS,** The Tribal Business Council believes that the nature and duties of the positions of the Secretary and Treasurer of the Tribes require and demand that these positions be separated from the duties and responsibilities of the individual Tribal Council Segment representatives and therefore the Council believes that Article III of the Constitution should be amended to have the Secretary and Treasurer elected at-large along with the Chairman of the Tribe; and

**WHEREAS,** If Article III, Sections 2 and 5 are amended so that the Secretary and Treasurer are elected at-large, the Tribal Council membership will be expanded to nine members and Article III, Sections 2 and 3 of the By-laws will also need to be amended to increase the quorum requirements and to increase the number of members necessary to call a special meeting of the Tribal Council.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes pursuant to Article X of the Constitution and 25 CFR Part 82 hereby petitions the Secretary of Interior or his authorized representative to call a secretarial election on the following proposed amendments to Article III, Section 2 and 5 of the Constitution of the Three Affiliated Tribes and Article III, Sections 2 and 3 of the By-laws of the Constitution:



Article III, Section 2 shall be amended by changing the term “seven “7” to the term “nine “9” and by adding the language “Secretary and Treasurer” immediately after the term “Chairman” in the second sentence of Section 2.

The language “*This Amendment if approved by a Secretarial Election and the Secretary of Interior shall not go into effect until 2010*” shall be added to Section 2.

Article III, Section 5 shall be amended by deleting the terms “Secretary and a Treasurer.”

Article III, Section 2 of the By-laws shall be amended by changing the term “three Councilmen” to the term “five Councilmen” in the first sentence of Section 2.

Article III, Section 3 of the By-laws shall be amended by changing the term “Five (5)” to the term “Seven (7)” in the first sentence of Section 3.

**BE IT FINALLY RESOLVED**, that if the proposed Amendment is approved by a secretarial election called by the Secretary of Interior or his authorized representative by a majority vote of the qualified voters with at least thirty percent of those entitled to vote voting in such election, the new Article III, Sections 2 and 5 of the Constitution and the new Article III, Sections 2 and 3 of the By-laws shall read as follows:

Article III of the Constitution:

Section 2. The Tribal Business Council shall consist of nine (9) members. The Chairman, Secretary and Treasurer shall be elected at large by a majority of all votes cast for the office of Chairman, Secretary and Treasurer. The six (6) other Council members shall be elected from segments, one Council member to be elected from each of the following segments by a majority of all votes cast for the office of Council representative from that segment.

Section 5. Within three (3) days after installation of the successful candidates for Council positions elected at the general election, the newly constituted Tribal Business Council shall meet and organize by electing a Vice Chairman from among its own members, it may elect or appoint a Sergeant-at-Arms and such other officers and committees as it may find necessary.

Article III of the By-laws of the Constitution:

Section 2. Special meetings may be called by the Chairman or by any five councilmen who shall notify all members of the Council at least twenty-four (24) hours before the time of convening such meeting unless a majority of the Council approves a shorter call in an emergency.



Section 3. Five member (5) members shall constitute a legal quorum of the Tribal Business Council.

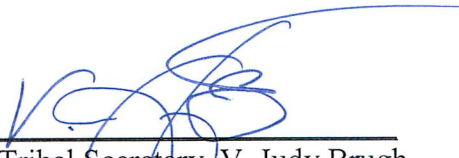
**CERTIFICATION**

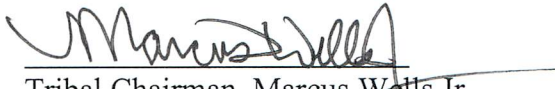
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 16th day of May 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 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 16th day of May 2007.

**ATTEST:**

  
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Tribal Secretary, V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
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Tribal Chairman, Marcus Wells Jr.  
Tribal Business Council  
Three Affiliated Tribes