



**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 II, Section 1 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 membership of the Tribes on May 15th, 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 81 provides federal regulations for petitioning the Secretary of Interior to call secretarial elections to amend tribal constitutions; and
- WHEREAS,** Article II-Membership of the Tribal Constitution establishes criteria for membership into the Three Affiliated Tribes; and
- WHEREAS,** On November 6th, 2007 the Tribal Business Council adopted Resolution 07-209-VJB requesting that the Secretary of the Interior call a Secretarial Election to vote on amending Article II of the Constitution to change the tribal enrollment criteria from 1/4th Mandan Hidatsa and Arikara Blood degree to Lineal descent; and
- WHEREAS,** on April 14th, 2008 a secretarial election was conducted and the lineal descent enrollment eligibility criteria was adopted as an amendment to the Tribal Constitution; and
- WHEREAS,** of the 7,573 tribal members eligible to register to vote in said secretarial election only 1,565 actually registered to vote and only 967 actually voted in the secretarial election with 517 in favor of the amendment and 447 against it with 3 spoiled ballots which amounts to approximately thirteen percent (13%) of the eligible voters actually voting in the secretarial election and approximately seven percent (7%) voting in favor of the amendment; and
- WHEREAS,** Due to the low number of tribal members voting on the amendment to Article II adopting the lineal descent requirement the Tribal Business Council made a determination that the amendment should be reconsidered by the tribal membership through a referendum vote and adopted Resolution 08-VJB on October; and
- WHEREAS,** Resolution 08-168 VJB approved the referendum ballot vote on the question of whether the Tribal Business Council should adopt a resolution requesting that a new secretarial election be held to vote on amending Article II to provide for membership based on a minimum blood degree requirement of 1/8th Mandan Hidatsa or Arikara blood degree rather than lineal descent; and
- WHEREAS,** A referendum vote of the eligible voters was held on November 4th, 2008 during the tribal general election and the majority of tribal members voting on the referendum voted in favor of the referendum question with 1306 voting yes and 593 voting no; and
- WHEREAS,** The Tribal Business Council believes that in order to ensure that the will of the eligible voters of the Tribes is pursued on an issue of such importance as tribal enrollment criteria and to preserve the heritage of the Three Tribes and expand the enrollment opportunities for individuals who are of Mandan, Hidatsa and/or Arikara blood, Article II, Section 1 (c) regarding membership should be



considered for further amendment to adopt a 1/8th minimum Indian blood degree requirement of the Hidatsa, Mandan and/or Arikara Tribes and thereby eliminate lineal descent criteria that was adopted as Article II, Section 1v (b) of the Constitution; and

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 amendment to Article II, Section 1 (c) of the Constitution of the Three Affiliated Tribes:

Article II, Section 1 (c) shall be amended as follows:

(c) All persons of at least 1/8th degree blood of the Hidatsa, Mandan and Arikara Tribes.

BE IT FURTHER RESOLVED, that if said proposed amendment is passed pursuant to a secretarial election, Article II of the Constitution shall also be amended by eliminating Section 1(b) in its entirety.

BE IT FINALLY RESOLVED that if 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 II, section 1 (c) shall read as follows:


(c) All persons of at least 1/8 Indian blood of the Hidatsa, Mandan and/or Arikara Tribes.

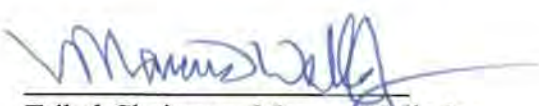
CERTIFICATION

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, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 4th day of December 2008; 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 [] voting. [] not voting. Dated this 4th day of December 2008.

ATTEST:


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


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