



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

A Resolution entitled, Establishment of the Mandan Hidatsa Arikara Health Authority and Adoption of Charter for the MHA Health Authority.

- WHEREAS,** The Mandan Hidatsa and Arikara Nation ("Nation" or "Tribes") having accepted the Indian Reorganization Act of June 18, 1934 ("IRA"), and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and
- WHEREAS,** The Constitution of the Nation 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 III, Section 1 of the Constitution of the Nation provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Article VI, Section 5(1) of the Constitution of the Nation 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,** Article VI, 5(c) of the Constitution of the Nation specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes for the Tribes; and
- WHEREAS,** The Tribes fund and operate a comprehensive health care program pursuant to PL 93-638 Contracts with the Indian Health Service; and
- WHEREAS,** The Tribal Business Council elected to contract health care services so that the Tribes would have a role in delivering health care services on the Reservation with the goal of developing a comprehensive Tribal health care system to provide the greatest level of health care services to its members; and
- WHEREAS,** The Tribal Business Council believes that it would be in the best interest of the Tribes and its members to establish a Tribal Health Board (the "Mandan Hidatsa Arikara Health Authority" or "MHA Health Authority") as a tribally chartered corporation to oversee the management and operation of the Tribal Health Care Programs that is separate from the Tribal Business Council and their staff. The MHA Health Authority is to ensure that the Tribes' Health Care Programs are operated professionally and in a financially responsible manner consistent with applicable laws and regulations.





NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby establishes the MHA Health Authority as a tribally chartered corporation which shall have authority to oversee the management and operation of the Tribes' Health Care Programs in accordance with the MHA Health Authority's Charter which is herewith attached and adopted pursuant to this Resolution; and

BE IT FURTHER RESOLVED, the MHA Health Authority Board of Directors shall be composed of the following:

1. At least two (2) but no more than three (3) individuals with a background and education in the medical profession (including Registered Nurses and Physician's Assistants) with preference given to medical doctors.
2. At least one (1) but no more than two (2) individuals with a background in administration as evidenced by a Masters Degree or at least five (5) years of experience working in an administrative capacity.
3. One (1) individual with background and experience in the area of self determination contracting specific to Indian Health care.
4. The Chief Medical Officer of the Health Clinic.
5. Two (2) at large members, who shall be representatives of the tribal community; and shall be selected according to their expertise in community affairs, local government, finance and/or banking, legal affairs, and other commercial and industrial concerns, or social service agencies within the community.
6. The Chief Executive Officer of Tribal Health Clinic, who shall be a non-voting member. The Tribal Business Council reserves the right to appoint an *Ex-Officio* to serve on the Board of Directors at any time. The *Ex-Officio* or non-voting member shall serve a three (3) year term at the discretion of the Tribal Business Council.

No Tribal Business Council Members shall serve on this Board; and

BE IT FURTHER RESOLVED, that the following qualification requirements shall apply to the MHA Health Authority Board Members:

1. MHA Health Authority Board of Directors shall have the duty of care to oversee the operations of all of the existing MHA Health Programs.
2. Members of the MHA Health Authority Board of Directors are prohibited from participating in the selection, award or administration of Tribal Contracts in which Federal funds are used; and which members of their immediate family or partners have a financial interest; or with whom they are negotiating, or have any arrangement concerning prospective employment. Furthermore, Members of the MHA Health Authority Board of Directors must disclose in writing to the Board's Chairman, Vice-Chairman, and the Executive Director of any and all business and/or family relationships which are likely to elicit a conflict of interest. The MHA Health Authority Board of Directors are strictly prohibited from voting on any matter(s) that may directly or indirectly result in their personal financial gain,





or that which may involve a grievance procedure directly related to a family member; and

BE IT FURTHER RESOLVED, that the Tribal Business Council Chairman is hereby authorized to solicit Members of the initial MHA Health Authority Board of Directors who meet said composition and qualification requirements for the subsequent approval and appointment of the Tribal Business Council; and

BE IT FINALLY RESOLVED, that all prior inconsistent resolutions or actions of the Tribal Business Council related to the subject matter of this Resolution are hereby rescinded, superceded, and of no further force or effect.

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, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of June, 2011, 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 June, 2011

ATTEST:


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


Tribal Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes

