



RESOLUTION NO. 11-119-VJB

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

A Resolution entitled; *“Establishment and Authorization of Enforcement Authority of MHA Department of Transportation – MHA Highway Patrol encompassing a Traffic Safety Enforcement Field Operations Division and Motor Carrier Safety and Inspection Division”.*

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 under said Act; and

WHEREAS, pursuant to Article III, Section 1 of the Constitution and By Laws of the Three Affiliated Tribes, 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 I of the Constitution of the Three Affiliated Tribes provides that the Jurisdiction of the Three Affiliated Tribes of the Fort Berthold Indian Reservation shall extend to the Indian trust and tribal lands therein; and

WHEREAS, Pursuant to Article VI, Section 5 (l) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, Article VI, Section 5(c) of the Constitution of the Three Affiliated Tribes authorizes and 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 of the Tribes; and

WHEREAS, Article VI, Section 3 of the Constitution grants the Tribal Business Council all necessary sovereign authority, legislative and judicial for purposes of exercising the jurisdiction granted by the people in Article 1 of the Constitution; and

WHEREAS, The Three Affiliated Tribes Tribal Business Council intends to develop and implement a Tribal Department of Transportation and departmental structure falling under the TAT Executive Committee, that includes an enforcement arm entitled MHA Highway Patrol for the purpose of providing for the public safety





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and enforcement of the traffic laws of the Three Affiliated Tribes; both civil and criminal on the roadways of the Fort Berthold Indian Reservation; and

WHEREAS, The MHA Department of Transportation and MHA Highway Patrol Traffic Safety Enforcement Field Operations and Motor Carrier Division will be established to aid in developing and maintaining traffic safety programs on the Fort Berthold Indian Reservation and to reduce traffic related fatalities and accidents; and

WHEREAS, The Tribal Business Council granted preliminary approval of the MHA Department of Transportation and Traffic Safety Field Operations and Motor Carrier Safety and Inspection Divisions at a budget retreat held in Bismarck, ND ; and

WHEREAS, The MHA Department of Transportation is in its infancy stages and will have other critical divisions created in the near future but the Tribal Council recognizes and has prioritized the need for the current safety and enforcement divisions; and

WHEREAS, All enforcement officers employed under the MHA Department of Transportation Traffic Safety Field Operations Enforcement Division and Motor Carrier Safety and Inspection Division will be certifiable law enforcement officers with the exception of the Motor Carrier Civilian Safety Inspectors; and

WHEREAS, The Traffic Safety Field Operations Enforcement Division and Motor Carrier Safety and Inspection Division will each have their own respective Commander in Chief but will work in tandem with each other and with TAT Law Enforcement as needed on traffic related incidences/situations; and

WHEREAS, The Tribal Business Council recognizes the high importance of making the roadways of the Fort Berthold Reservation more safe; and

WHEREAS, The MHA Planning Department has applied for funding through the Bureau of Indian Affairs, Indian Highway Safety Program, (BIA IHSP) Albuquerque, New Mexico for which the Tribe is eligible, for Traffic Safety Enforcement funding for 2012; and





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WHEREAS, The Department of Transportation's Highway Patrol Division will have primary responsibility to enforce tribal civil and criminal motor vehicle laws and secondary authority to enforce other tribal laws as may be necessary to ensure public safety; and

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby establishes the Mandan, Hidatsa and Arikara Department of Transportation which shall include the MHA Highway patrol Division which shall include the Traffic Safety Enforcement Field Operations Division and Motor Carrier Safety and Inspection Division; and

BE IT FURTHER RESOLVED, The Department of Transportation's Highway Patrol Division will have primary responsibility to enforce tribal civil and criminal motor vehicle laws and secondary authority to enforce other tribal laws as may be necessary; and

BE IT FURTHER RESOLVED, The Tribal Business Council of Three Affiliated Tribes hereby authorizes that the 2012 Bureau of Indian Affairs Indian Highway Traffic Safety program funds from BIA IHSP be utilized for the Traffic Safety Field Operations Enforcement Division of the TAT Highway Patrol for purposes as specified in the grant; and

BE IT FURTHER RESOLVED, The Tribal Business Council recognizes the high importance of making the roadways of the Fort Berthold Reservation more safe; and

BE IT FINALLY RESOLVED, That the Tribal Business Council hereby authorizes Tribal Chairman Tex G. Hall and Tribal Secretary V. Judy Brugh to sign all documents and agreements necessary for the application for said funds and entering into any agreement with the Indian Highway Safety Program.

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CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a **Regular TBC** Meeting thereof duly called, noticed, convened, and held on the 28th, 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 [**X**] Voting. [] Not voting.

Dated this 28th day of November, 2011.

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

ATTEST:

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

