



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

A Resolution Entitled: Adoption of an Ordinance Governing the Constructing and/ Operating of Oil Field Worker Camps aka 'Man Camps' on the Fort Berthold Indian Reservation

- 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 I of the Constitution of the Three Affiliated Tribes provides that the Jurisdiction of the Tribes shall extend to all persons and all lands, including lands held in fee, within the exterior boundaries of the Fort Berthold Reservation
- 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,** Article VI of the Three Affiliated Tribes Constitution sets forth the powers of the Tribal Council and Section 3 of Article VI grants the Tribal Business Council all necessary sovereign authority – legislative and judicial for the purpose of exercising the jurisdiction granted by Article I of the Constitution ; and
- WHEREAS,** pursuant to Article VI section 5 (j) of the constitution The Tribal Business Council has the power to protect the Property, wildlife and natural resources of the Tribes; and
- WHEREAS,** The Constitution of the Three Affiliated Tribe 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,** due to the rapid development of oil production and the lack of housing on the there has been an increase in the development and operation of transitional housing commonly referred to as “man Camps” on the Reservation; and
- WHEREAS,** there are currently no tribal or other rules in place that govern the operation of these camps to ensure adequate sewer and sanitation facilities are in place and to ensure protection of the environment and the public; and
- WHEREAS,** Increasing problems of current and proposed Oil Field Worker Camps operating in and around the Fort Berthold Reservation which include increased congestion and traffic, unregulated zoning, law enforcement and public safety concerns, and sanitation and sewage concerns; and

THREE AFFILIATED TRIBES ORDINANCE # 12- 01

**REGULATION GOVERNING THE CONSTRUCTION AND
OPERATION OF OIL FIELD WORKER AKA “MAN CAMPS” ON THE
FOR BERTHOLD INDIAN RESERVATION**

1. Definition of Man Camp Facility: a man camp facility is defined as a temporary housing site with one or more housing units occupied by individuals employed within the area of the reservation and who are in need of temporary housing.
2. Definition of temporary housing unit: a housing unit includes trailers, campers, recreational vehicles and modular, mobile homes.
3. Application of Ordinance: This Ordinance and the regulations set forth herein shall apply to every Man camp Facility constructed or operated within the Boundaries of the Fort Berthold Indian Reservation.
4. Permit Required: No person shall construct or operate a man camp facility on the Fort Berthold Indian Reservation without first having obtained a permit from the Tribal Business Council. Permits shall be processed, reviewed and issued by the Tribal Health Department through the Office of environmental Health. All permits shall have the final approval of the Tribal Business Council and be signed by the Chairman of the Tribe. Any individual operating a man camp facility at the time of the adoption of this ordinance shall be required to apply for a permit to continue to operate the facility.
5. Application for Permits: any person currently operating or intending to construct and operate a man camp facility on the Reservation shall obtain an application for a permit from the Tribal Health Department through the Office of environmental Health. Permits shall be issued for a one year period and shall be subject to renewal on an annual basis. The application shall be accompanied by the plan required by Section 6 and the fee required by Section 7.
6. Application plan: Applications shall be submitted with a written plan which includes the following information: the location of the camp facility, the number of housing units on the site, a description of the plan for sewage disposal, a description of how water and other utilities will be provided, a plan for waste disposal, a plan for providing emergency services and security to the facility. The plan shall include the legal description for the property and a plat for the site.
7. Permit Application Fee: every application for a permit under this Ordinance shall be accompanied by a non- refundable permit fee of Five hundred (\$500) dollars payable to the order of the Three Affiliated Tribes.

8. Conditional Permits: upon application and payment of the fee required by Section 7 herein, the Office of Environmental health may issue a conditional permit for construction and operation of the man camp facility provided that the applicant demonstrates to the satisfaction of the Office of environmental Health that the man camp facility or the plan for the facility meets all of the requirements set out in this ordinance. Conditional permits shall be submitted to the Tribal Council for final approval and upon approval by the Tribal Council shall serve as an annual permit.
9. Requirements for permits: No permit shall be approved by the Office of Environmental Health unless the applicant has submitted a written plan for the facility that demonstrates that the facility site meets all of the requirements of this Ordinance. The Office of environmental Health shall also make a determination that the plans for the facility or the operation of the facility do not in any manner have an effect on the environment and that the facility will not pose any threat to public safety.
10. Sewage: Standards for sewage shall be consistent with standards set by the Indian Health Service until such time as the Tribe adopts a sanitation and sewage code.
11. Water: No Permittee shall be allowed to access water from the Fort Berthold Rural Water System to supply water to a camp Facility without the express written authorization of The Fort Berthold Rural Water Program. If a Permittee receives authorization from Fort Berthold Rural Water to access its water facilities to supply water to the facility site, the Permittee shall be responsible for installation of a water meter and shall be assessed for the cost of the water at a commercial rate set by the Fort Berthold Rural Water Program.
12. Limitation on number of housing units/ Special permits: no individual man camp facility site shall have more than five (5) housing units as that term is defined in Section 2 herein per facility site. Any camp facility in excess of five units shall require a special facility permit. Requirements for special permits for camp facilities in excess of five units shall require additional conditions such as fencing of units and more stringent standards for sewage and a plan for professional security. Man camp facilities permitted to operate by a special permit shall house no more than 350 occupants and shall be operated by professional management pursuant to a management plan and management company approved by the Tribal Business Council.
13. Limitation on the number occupants per Housing unit: no individual housing unit as that term is defined herein shall have more than four (4) occupants per housing unit. No permitted facility site shall have more than twenty (20) occupants per site.
14. Parking: a permitted facility site shall provide parking at a rate of one space per occupant. Parking shall be located away from the housing unit and shall be prohibited between units.

15. Emergency services: the Permittee shall provide for adequate fire suppression and adequate access for emergency vehicles. The Permittee shall be responsible for any costs assessed for emergency services related to the operation of the Facility, including fire and ambulance services. The Tribe will not be responsible for the costs of these services.
16. Requirement to obey all laws: every individual issued a permit for a camp facility under this Ordinance shall abide by all tribal and federal laws in the operation of permitted facilities and shall ensure and require that all tenants residing in such facilities abide by all federal, tribal, state and local laws.
17. Consent to tribal jurisdiction: as a condition of issuing a permit, all tenants residing in any camp facility permitted by this Ordinance shall sign and execute a form consenting to the civil jurisdiction of the Three Affiliated Tribes and its courts. It shall be the responsibility of the Permittee to see that the consent is executed by the tenant. Failure to do so will result in the denial or revocation of the permit.
18. Right to Inspect: as a condition of issuance of a permit, the Permittee shall grant the Office of Environmental health and tribal law enforcement the right to inspect the camp facility premises to ensure compliance with the requirements of this Ordinance. Upon request, the Permittee shall provide the Office of environmental health or tribal law enforcement a list of the names and permanent address of all residents residing in the camp facility. Inspections to ensure compliance with this Ordinance shall take place quarterly or more often if there is probable cause to believe that the facility is operating in violation of the Ordinance.
19. Assumption of Liability: by issuance of a permit pursuant to this Ordinance, neither the Three Affiliated Tribes, the Tribal Business Council nor any of its officers or agents or employees shall assume any liability whatsoever for any injuries, damages or other liabilities arising as a result of the operation of the camp facility. The Permittee shall assume all liability arising from the operation of the camp facility. By issuance of a permit under this Ordinance, neither the Tribe nor the Tribal Business Council waives in any manner the sovereign immunity of the Three Affiliated Tribes or any of its officers, agents or employees and nothing in this Ordinance shall be construed in any manner as a waiver of said immunity.
20. Non-compliance with this Ordinance: Failure to comply with the requirements of this Ordinance or any violation of the requirements of this Ordinance may result in suspension or revocation of a permit. Any individual operating a camp facility without a permit will be subject to a civil penalty up \$1500.00.



WHEREAS, The Tribal Council believes that in order to address these concerns and protect the public as well as the environment regulations must be put in place governing the construction and operation of these camps; and

WHEREAS, pursuant to the above cited provisions of the Constitution and the inherent sovereign authority of the Tribes, The Tribal Business Council as the governing body of the Tribes has the authority and jurisdiction to regulate activities on the Reservation including the construction and operation of Oil Field Worker Camps aka "Man Camps.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes Pursuant to its constitutional authority, hereby adopts Ordinance #12- 01 entitled: Regulations governing the construction and operation of Oil Field Worker Camps- aka "man camps on the Fort Berthold Indian Reservation which is herewith attached

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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 12th day of July, 2012 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 12th day of July, 2012.

ATTEST:

Tribal Secretary V Judy Brugh
Tribal Business Council
Three Affiliated Tribes

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