



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

***A Resolution Entitled, "Adoption of the Three Affiliated Tribes Fire Protection Code"***

**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,** The Constitution of the Three Affiliated Tribes 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 of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Three Affiliated Tribes Tribal Business Council recognizes that the available means for protection of lives and properties against fire, vehicle accidents and other emergency incidents is inadequate within the Ft. Berthold Indian Reservation; and

**WHEREAS,** A Fire Protection Code for the Ft. Berthold Indian Reservation is necessary in order to establish, organize and govern the Fire Protection District Boards and Volunteer Fire Departments in those communities which do not currently have a Fire Department on the Ft. Berthold Indian Reservation; and

**NOW THEREFORE BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation hereby adopts the attached Three Affiliated Tribes – Fire Protection Code for such purposes.

# Three Affiliated Tribes Fire Protection Code



September 27, 2012  
Marle Baker



## Three Affiliated Tribes – Fire Protection Code

### A. Purpose of Reservation Fire Protection Districts

- a. Fire Protection Districts are created for the protection of life and property from the occurrence of structure fires, wildfires, vehicle accidents and other incidents which threaten the loss of life and or property.
- b. Fire Protection Districts are to be created in those areas of the Ft. Berthold Reservation that do not have a previously established Fire Protection District.
- c. Fire Protection Districts include an area, in square miles to be included therein, and a complete description according to government survey, where possible, of boundaries of the real properties intended to be embraced in the proposed rural fire protection district. Also to be included will be a plat or map showing the suggested boundaries of the proposed Fire Protection District.

### B. Establishment of Fire Protection Districts

- a. Upon approval of the Three Affiliated Tribes Fire Protection Code by Tribal Resolution and BIA Agency Superintendent – Ft. Berthold Agency, Fire Protection Districts will be established in those areas that are currently not included in previously established Fire Protection Districts.
- b. Upon establishment of the Fire Protection Districts, a community meeting will be held to establish a Board of Directors for each Fire Protection District.
  1. Board of Directors
    - a. At the community meeting, community members who are residing within the boundaries of the district may decide by majority vote of those present whether the organization of the district may be established.
    - b. Permanent organization must be effected by election of a Fire Protection District Board of Directors consisting of not less than five residents of the district.

### C. Board of Directors shall meet as soon after the organizational meeting as possible to elect a President, Vice President and Secretary-Treasurer. Except as otherwise provided in this subsection, all directors and officers must be elected for two years and hold office until their successors have been elected and qualified, except at the first election the Vice President must be elected as provided in this section for a one-year term, and one-half, or as close to one-half as possible, depending upon the total number of directors, of the directors elected at the first election must be selected by lot in the presence of a majority of such directors, to serve one year terms. Upon approval of a resolution by the Board of Directors, the office of Secretary-Treasurer may be filled by appointment rather than by election.

D. Regular meetings

- a. A regular meeting of the Board of Directors will be held in the first quarter of each calendar year, and special meetings may be called by the board of directors at any time. Notice of meeting must be given by the Secretary-Treasurer by one publication in a newspaper of general circulation in each county in the district. Meeting must be held not less than 7 days nor more than 14 days after the publication of such notice.

E. Powers of Board of Directors

- a. The Board of Directors has the following general powers:
  1. Determine a general fire protection program for the district.
  2. Make an annual estimate of the probable expense for carrying out such program.
  3. To annually certify such estimate to the Tribal Business Council in the manner provided by Section E.
  4. To manage and conduct the business affairs of the Fire Protection District.
  5. To make and execute contracts in the name of and on behalf of the Fire Protection District.
  6. To purchase, procure or lease such firefighting equipment or other emergency vehicles, supplies and other real or personal property as is necessary and proper to carry out the general fire protection program of the district.
  7. To incur indebtedness on behalf of the Fire Protection District in accordance with this Fire Protection Code, within the limits prescribed by Section F, and to pledge any real or personal property owned or acquired by the Fire Protection District, except Tribally Owned Equipment or Real Property, as security for the same.
  8. To organize, establish, equip, maintain and supervise a fire department or company to serve the Fire Protection District.
  9. Generally to perform all acts necessary to fully carry out the purposes of this Fire Protection Code.

F. Fire Protection Policy to be Determined

- a. Board of Directors shall determine a general fire protection policy for the district and shall annually estimate the probable expense for carrying out the contemplated program. The annual estimate of probable expense may include an amount determined by the board of directors to be necessary to be carried over to a future year for purchase of firefighting equipment, ambulance or other emergency vehicles. The estimate must be certified by the President and Secretary-Treasurer to the Tribal Business Council, on or before June thirtieth of each year, who shall determine, based upon the general fire protection policy

budget, a monetary amount for the maintenance of the fire protection district for the fiscal year.

Funds for use by the Fire Protection District must be:

1. Turned over to the Secretary-Treasurer of the Fire Protection District.
  2. Placed to the credit of the Fire Protection District so authorizing the same by its Secretary-Treasurer in a state or national bank, except amounts to be carried over to a future year or purchase of firefighting equipment, ambulances or other emergency vehicles may be invested to earn the maximum return available.
  3. Paid out upon warrants drawn upon the fund by authority of the Board of Directors of the Fire Protection District, bearing the signature of the Secretary-Treasurer and the countersignature of the President of the Fire Protection District.
- b. The amount of funding may not exceed the amount of funds required to defray the expenses of the Fire Protection District for a period of one year as embraced in the annual estimate of expense, including the amount of principal and interest upon the indebtedness of the district for the ensuing year and including any amount determined by the Board of Directors to be necessary to be carried over to a future year for purchase of firefighting equipment, ambulances or other emergency vehicles.

G. Indebtedness of Fire Protection District limited

- a. No Fire Protection District may become indebted for an amount that may not be payable from ninety percent of twenty times the current annual budgeted operating costs. Within the limits herein authorized the Fire Protection District has power to borrow money and to issue appropriate evidence of indebtedness thereof.

H. Funds Collected to be Deposited

The following must be deposited in a state or national bank to the credit of the Fire Protection District fund and may be drawn out only by persons authorized by the Board of Directors:

- a. All funds collected on behalf of the district.
- b. All donations, contributions, bequests or annuities received by or on behalf of the Fire Protection District
- c. All borrowed money received by or on behalf of the Fire Protection District

All purchases must be authorized by the Board of Directors and must bear the signature of the Secretary-Treasurer and the President of the fire district. The Secretary-Treasurer of the district shall, at each annual public meeting of the district, present a financial report concerning the affairs of the district. The books and accounts of the Secretary-Treasurer must be audited and annual reports must be filed with the board of directors.

- I. Fire Protection District may enter into contract-Power of State and Local Government Agencies to make contract-Reimbursement.
  - a. Fire Protection Districts may elect to enter into a contract with another rural fire protection district to consolidate or cooperate for mutual fire protection and prevention purposes, including ambulance or emergency vehicle services. Any Fire Protection District operating in conjunction pursuant to this section, may enter into a contract with any federal, state or local government agency for fire protection service or fire protection cooperation including ambulance or emergency vehicle services. State and local government agencies have the power to contract for fire protection service or fire protection cooperation. Federal state and local government agencies shall reimburse the Fire Protection District for fire protection services provided on real property owned by such agencies. Reimbursement must be on a reasonable annual fee based on the agencies acreage or square foot of real property within the Fire Protection District.
- J. Boundaries of Fire Protection District
  - a. The boundaries of a Fire Protection District organized under this Fire Protection Code may be changed in the manner prescribed in section B, but the changes of boundaries of any such Fire Protection District may not impair or affect its organization or its right in or to property; nor may it impair, affect or discharge any contract, obligation, lien or change for or upon which might be liable had such change of boundaries not been made.
- K. Date for hearing on Organization of Fire Protection District
  - a. The Community Board Chair of each Fire Protection District to be organized under the provisions of this Fire Protection Code, shall forthwith designate a time and place for a hearing before the Community Board of such district and give notice thereof in the manner prescribed by section C of this Fire Protection Code. At the time and place so fixed the Community Board shall meet and all persons interested shall have opportunity to be heard. Thereupon the Community Board shall consider the general fire protection policy for the community as a whole and shall determine the boundaries of said districts or districts. A written order of determination shall be filed with the Tribal Business Council. Thereafter, such Fire Protection Districts must be deemed organized and operating under the provisions of this Fire Protection Code. Nothing herein contained may impair, affect or discharge any previously existing contract, obligation, lien or change of said Fire Protection Districts.
- L. Payment by Certain Organizations and Industries
  - a. Any company engaged in the oil and gas industry, club, lodge, chapter, charitable home, dormitory, state or county fair association or like organization located within a rural fire protection district and outside the boundaries of any city shall pay to the Board of Directors of the Fire Protection District annually for fire

protection such amount as may be agreed upon. Funds derived from such payments must be expended by the district for firefighting supplies and equipment and the training of fire department personnel. The Board of Directors shall file an annual statement with the state fire marshal's office showing the names of persons or organizations making payments and the amounts of payments made under agreement.

M. Rural Fire Protection District – Civil Immunity

- a. No Fire Protection District, nor any personnel of the Fire Protection District, acting within the scope of its authority is liable for any claim resulting from the failure to provide or maintain sufficient personnel, equipment or other fire protection facilities; or doing any extinguishment or fire prevention work, rescue, resuscitation, or first aid; or any other official acts within the scope of official duties; provided, however, this section does not provide immunity for damages resulting from acts of gross negligence.





**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 27<sup>th</sup> day of September, 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 27<sup>th</sup> day of September, 2012.

**ATTEST:**

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

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