



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

A Resolution entitled, "Amendment of the Civil Exclusion and Removal 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 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,** 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, Section 5 (l) 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
- WHEREAS,** The Tribal Business Council passed the Civil Exclusion and Removal Code ("Exclusion Code") on June 16, 2011; and
- WHEREAS,** The Exclusion Ordinance allows for the exclusion of individuals from the Fort Berthold Indian Reservation who threaten the health, safety, and welfare of the Tribes or its members; and
- WHEREAS,** The Exclusion Ordinance should be amended to retain the Tribal Business Council's authority to immediately ban and exclude non-members in certain emergency situations; and
- WHEREAS,** The Tribal Business Council requires the ability to issue Emergency Writs of Exclusion in order to uphold its duty to protect the welfare of its people under the Tribal Constitution.



NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council amends the Civil Removal and Exclusion Ordinance, section 2A-1-7(f) as follows:

(A) In cases involving immediate danger to the health, safety, welfare, life or property of the Tribes or any enrolled tribal member, and where delay is likely to result in irreparable damage, the Fort Berthold District Court may, upon its own initiative or upon request by the Tribal Prosecutor, issue an Emergency Writ of Exclusion.

(B) Notwithstanding anything in this Ordinance to the contrary, in cases involving non-members who are known drug dealers, or non-members with a warrant(s) out for their arrest in another jurisdiction, the Tribal Business Council shall have the power to issue an Emergency Writ of Exclusion without notice and without a hearing; provided, that the person excluded may petition the Tribal Council to have the Writ of Exclusion dissolved, which the Tribal Business Council may grant or deny in its discretion. In cases where there is an outstanding warrant(s), the Emergency Writ may order the delivery of the person to the appropriate authorities.

(C) An Emergency Writ of Exclusion shall order any tribal law enforcement officer to remove the non-member and any of his/her property from the Reservation:

(1) The law enforcement officer executing the Emergency Writ of Exclusion shall use only so much force as is necessary to effect the removal;

(2) If the service of the notice has not already been made on the non-member, the District Court or Tribal Business Council shall cause the law enforcement officer to serve the notice upon the non-member at the time of removal or as soon after the removal as possible. An Emergency Writ of Exclusion issued under subsection (A) shall remain in force until the hearing provided for in subsection 2A-1-7(c) has been held.

BE IT FINALLY RESOLVED, that this amendment is effective immediately.




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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 24th day of January, 2013, 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.

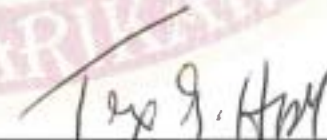
Chairman [] Voting. [] Not Voting.

Dated this 24th day of January, 2013.

ATTEST:



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



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