



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

A Resolution Entitled: “Amendment to Resolution No. 08-056-VJB,” the Mandan Hidatsa and Arikara Nation Ethics in Government Ordinance.”

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 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 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 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 Tribal officials on the Reservation; and

WHEREAS, Article VI, Section VI, Section 3 of the Constitution grants the Tribal Business Council all necessary sovereign authority, both legislative and judicial for the purpose of exercising the jurisdiction granted by Article I of the Constitution; and

WHEREAS, pursuant to Article V, Section 3 of the Constitution and By-laws of the Three Affiliated Tribes, the Tribal Business Council is required to enact an ordinance setting forth what constitutes cause for removal of a Tribal Business Council member pursuant to Section 2 of Article V; and

WHEREAS, Pursuant to such powers the on August 22nd 2005 and subsequently amended since that date, Tribal Business Council adopted the Mandan, Hidatsa and Arikara Nation Ethics in Government Ordinance to provide rules of ethics for Tribal Council members as well as other tribal officials and employees; and

WHEREAS, Section D of said Ordinance places restrictions on public officials regarding incompatible interests; and



WHEREAS The Tribal Business Council has determined that Section II.D.1.d of the Ethics in Government should be amended to specifically prohibit public officials and employees from having contracts, and interests therein with companies for the exploration and production of oil and gas on the reservation and has determined that Section D of the Mandan, Hidatsa and Arikara Nation Ethics Ordinance to so provide.

NOW THERE FOR IT BE RESOLVED, that in accordance with Article V, Section 3 and Article VI, Section 5 (1) of the Constitution of the Three Affiliated Tribes, the Tribal Business Council hereby amends the Mandan, Hidatsa & Arikara Nation Ethics in Government Ordinance as follows:

1. New Section II.D.2. *Specifically having an ownership and/or pecuniary interest including leasehold interests, in any company that contracts and/or subcontracts for goods and/or services with an oil & gas producing company on the Fort Berthold Indian Reservation. Subcontracts shall include any and all subcontracts directly originating from the initial master contract with the oil & gas producer. The prohibition on financial and/or pecuniary interests in any such company shall be specifically limited to MHA Nation Tribal Business Council only.*
2. **(existing) Section II.D.2-4: Renumber beginning at:**
 - a. *previous Sec. II.D.2 now Sec. II.D.3,*
 - b. *previous Sec. II.D.3 now Section II.D.4; and*
 - c. *previous Sec. II.D.4 now Sec. II.D.5.*
3. Section III.M. – Special Prosecutors
 - a. Section III.M.1. Notwithstanding any provision in this Ordinance, any Special Prosecutor
 - b. **New Section III.M.1.d.:** *To exercise subpoena powers for the purposes of investigating any complaints and alleged violations of this Ordinance upon all persons and entities under the jurisdiction of the Three Affiliated Tribes.*

BE IT FURTHER RESOLVED, that the Tribal Business Council finds that an emergency exists and therefore waives the reading, public notice and comment period required by Resolution #08-56-MP (April 8, 2008) and this amendment shall take effect immediately upon adoption of this resolution




CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 31st day of January 2014; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

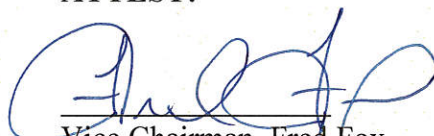
Chairman [] voting. [**X**] not voting.

Dated this 31ST day of January, 2014



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

ATTEST:



Vice Chairman, Fred Fox
Tribal Business Council
Three Affiliated Tribes