



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

A Resolution Entitled: “A Resolution Declaring that TERO Qualified Indian Contractors Take Preference in Work and Equipment in all Contracts and Subcontracts on or near 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, 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, The Tribal Council has adopted and implemented a Tribal Employment Rights Ordinance (TERO) in order to promote employment and contracting opportunities for Tribal members and other Native Americans on and near the Fort Berthold Indian Reservation; and

WHEREAS, The Tribal Business Council desires to adopt laws and regulations that encourage true ownership and management of businesses by Tribal members; and

WHEREAS, It has come to the attention of the Tribal Council that non-Native companies and equipment are operating (i.e. contracting and subcontracting) under companies the TERO Commission has certified as “Qualified Indian Contractors”:

WHEREAS, The Tribal Business Council recognizes that non-Native Companies and equipment are working under a Qualified Indian Contractor has resulted in non-Native Companies getting contracts and subcontracts at the expense of other Qualified Indian Contractors and equipment; and

WHEREAS, The Tribal Business Council also recognizes that this result is contrary to the purpose and intent of the TERO Ordinance and Indian Preference in allowing non-Indian companies and their equipment to circumvent established rules and procedures in how business activities are regulated on the Fort Berthold Indian Reservation under the exclusive jurisdiction of the Three Affiliated Tribes; and



Resolution 15-022-LKH

WHEREAS, the Tribal Business Council desires to rectify this matter so that all Qualified Indian Contractors as provided under the TERO ordinance are given preference for all work including equipment whether under contract or subcontract, over all non-Native Companies and their equipment operating within the jurisdiction of the Three Affiliated Tribes.

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council hereby declares that it is the purpose and intent of the TERO Ordinance that Qualified Indian Contractors shall have exclusive preference in all contracting and/or subcontracting including equipment over all Non-Indian Companies and equipment; and

BE IT FURTHER RESOLVED, The exclusive Indian Preference in contracting and/or subcontracting shall also be applied to those non-Indian Companies and equipment operating under Qualified Indian Contractors on or near the Fort Berthold Indian Reservation; and

BE IT FURTHER RESOLVED, it shall be an actionable violation of the TERO Ordinance for non-Indian owned contractors and equipment working underneath a Qualified Indian Contractor to work and contract with entities of the Fort Berthold Indian Reservation at the expense of a Qualified Indian Contractor; and

BE IF FINALLY RESOLVED, the Tribal Business Council hereby directs the TERO Commission to amend its regulations to reflect the declarations of this Resolution and to rigorously enforce violations of this policy.

(The remainder of this page is intentionally left blank)

(Certification page to follow)



Resolution 15-022-LKH

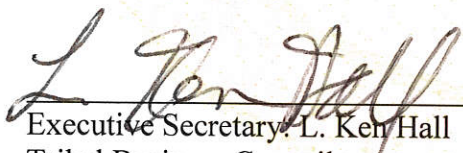
CERTIFICATION

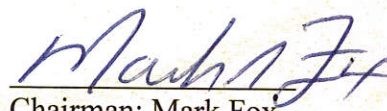
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 13th day of March, 2015, 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 13th day of March, 2015.

ATTEST:


Executive Secretary: L. Ken Hall
Tribal Business Council
Three Affiliated Tribes


Chairman: Mark Fox
Tribal Business Council
Three Affiliated Tribes