



RESOLUTION NO. 15- 068 -LKH

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

A Resolution entitled, "Anti-Retribution Policy for MHA TERO Enforcement"

- 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 under said Act; and
- WHEREAS,** pursuant to Article III, Section 1 of the Constitution and By Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** pursuant to Article VI, Section 5 (l) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and
- WHEREAS,** The Three Affiliated Tribes has adopted a Tribal Employment Rights Ordinance to create economic opportunities and protections for individual tribal members and tribal member owned companies on the Fort Berthold Indian Reservation; and
- WHEREAS,** The recent oil & gas activity has created multiple positive and negative issues for individual Indians and tribal member owned companies as they pursue those business opportunities; and
- WHEREAS,** Under the MHA TERO Ordinance, a complaint may be filed by a Tribal Member or TERO Licensee for a violation of the Ordinance; and
- WHEREAS,** Tribal Member owned companies are often fearful from pursuing complaints or violations of TERO due to a pattern of retribution or "blackballing" that occurs where the complaining party is often "pushed out" of current and future work from that violating company; and
- WHEREAS,** This formal or informal system of retribution against Tribal Member Owned companies from enforcing their rights has created additional opportunities for Oil & Gas Producers and other non-Indian contractors to violate the Ordinance and the jurisdiction of the Three Affiliated Tribes with regard to the lawful enforcement of their laws; and
- WHEREAS,** The Fort Berthold Native Contractors Association, an informal trade organization of Three Affiliated Tribes Tribal member owned companies, has endorsed and



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recommends the MHA TERO office adopt “whistleblower” type protections to prevent unlawful retribution against tribal member owned companies and individual tribal members who attempt to enforce their rights under the Ordinance.

NOW, THEREFORE BE IT RESOLVED, The Three Affiliated Tribes Tribal Business Council hereby supports and directs the adoption of an Anti-Retribution Policy by the MHA TERO Office and its Director to protect the rights of TERO Licensees and tribal member owned companies; and

BE IT FURTHER RESOLVED, the to-be-drafted Anti-Retribution Policy should contain due process and just cause provisions to ensure any TERO Licensed Tribal Member owned company who files a complaint against any potential violator of the TERO Ordinance is not unjustly denied existing and future contracts and/or subcontracts without sufficient cause; and

BE IT FINALLY RESOLVED, the MHA TERO Office and its Director shall bring forth a drafted policy for Tribal Council review at the next Tribal Business Council meeting after adoption of this Resolution.



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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 16th day of April, 2015 that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 1 members opposed, 1 members abstained, members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [] Not voting.

Dated this 16th day of April 2015.

ATTEST:



Tribal Secretary, L. Kenneth Hall
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes