



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

***A Resolution entitled, "Approval of the Requirements for MHA Tero Commissioner"***

**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 and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15<sup>th</sup>, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; 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,** Mandan Hidatsa and Arikara Nation, Tero Ordinance which governs the Tero Commission and the execution of the Commissions duties and responsibilities. The Commission shall report directly to the Chairman of the MHA Nation Tribal Council.

**WHEREAS,** The Commission shall be composed of seven members, one from each Segment nominated by the Council member from that Segment and one nominated by the Chairman, all of whom shall be approved by the Tribal Council. The individuals nominated and approved shall meet the ethical and prior history requirements established for Judges in the MHA court system.

**WHEREAS,** Commissioners shall be appointed for a term of two years; provided that, the appointments to the Commission shall be made in such a manner that their terms shall be staggered, so that the terms of no more than two Commissioners shall terminate in any year. Per the Tribal Chairman no person owning a business or having interest, engaged in Construction or Oil Field Business or a Vendor or Consultant shall be appointed to this Commission.

**WHEREAS,** The Tribal Council may remove a member of the Commission for inefficiency, neglect of Duty, Malfeasance, Misfeasance or Nonfeasance in office.

**WHEREAS,** The Tero Commission shall appoint a Chairman, Vice Chairman and Secretary/Treasurer from within the body of Tero Commissioners; for two year terms on even calendar years. The Tero Commissioners shall serve until replaced.



The Tero Director shall notify the MHA Chairman of any vacancies within ten days after he becomes aware of such vacancy.

**WHEREAS,** Members of the Commission shall be entitled to receive, upon presentation of proper vouchers, such as mileage and per diem payments as are in effect for Commissioners of the MHA Nation or Committee Members of the Council.

**WHEREAS,** A majority of the Commission shall constitute a Quorum to transact business. When a vacancy occurs in the Commission, the remaining members may exercise all the powers of the Commission until the vacancy is filled.

**WHEREAS,** Recusal of Commission members; for the purposes of this section, Immediate Family; means Brother, Sister, Son, Daughter, Mother, Father, Husband, Wife, Step-Brother, Step-Sister, Half-Brother, Half-Sister, or Brother, Sister, Son, Daughter, Mother or Father by Adoption.

**WHEREAS,** No Member of the Commission shall participate in any action or decision by the Commission directly involving him/her, or a member of his/her immediate family, or any person, or other entity of which he/she or member of his/her immediate family has a substantial ownership interest, or with which he/she or a member of his immediate family has a substantial contractual relationship.

**WHEREAS,** Nothing in this section shall preclude a Commissioner from participating in any action of decision by the Commission which, Generally affects a class of persons, regardless of whether the Commissioner or a member of his/her immediate family is a member of the affected class, affects the MHA Nation or Nation Enterprise, or a person or entity in a contractual relationship with the Nation or a Nation Enterprise, regardless of whether the Commissioner is a member of the MHA Nation.

**WHEREAS,** The Commissioner may Voluntarily recuse him/herself and decline to participate in any action or decision by the Commission when the Commissioner, in his/her discretion believes, that he/she cannot act fairly or without bias, or that there would be an appearance that he/she could not act fairly and without bias.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby stipulates the qualifications for the appointment to the MHA Tero Commission, shall be that the candidate shall meet the Judicial Standards set forth for MHA Judges, the candidate shall be of high moral standards and shall not have committed a felony of violence against any person or larceny, felony acts may be resolved on a case by case bases after the Department of Corrections has released the person, five years has passed, and the MHA Tribal Council must approve, must be a high school graduate or higher learning, must possess a valid drivers license, shall be an enrolled member of the MHA Nation. Any person or lawyer who is currently in Litigation or has been in Litigation against TERO shall not be eligible for the Commission. The person cannot be a business owner of/or have interest in a construction company or an oil field



related company including vendors, consultants, or any business regulated or monitored by TERO shall not be eligible to be a Commissioner.


**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, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 2<sup>nd</sup> day of September, 2015, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 2<sup>nd</sup> day of September, 2015.

ATTEST:

  
Tribal Secretary, L. Kenneth Hall  
Tribal Business Council

  
Chairman, Mark N. Fox  
Tribal Business Council