



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

A Resolution Entitled, “*Authority and Duty to Enforce Weight Limits Applicable to All Roads Within the Jurisdiction of MHA Nation.*”

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 (or “MHA Nation”) 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 I of the Constitution of the Three Affiliated Tribes provides that the jurisdiction of the Three Affiliated Tribes of the Fort Berthold Indian Reservation shall extend to the Reservation lands therein; 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 5(c) of the Constitution of the Three Affiliated Tribes authorizes the Tribal Business Council to administer funds within the exclusive control of the Tribes and to make expenditures from Available Tribal funds for public purposes of the Tribes; and

WHEREAS, Pursuant to Resolution No. 12-120-VJB, the Tribal Business Council recognized the high importance of making roadways of the Fort Berthold Reservation more safe and adopted weight limits on roads under the jurisdiction within the MHA Nation by incorporating the weight limits set forth in the North Dakota Century Code (“NDCC”) §13-12-05, as amended from time to time, on an interim basis until the MHA Nation adopted its own traffic safety code; the Council recognized that the counties of Dunn, McKenzie, McLean, Mercer, and Mountrail had placed further restrictions on certain county roads within their respective jurisdictions pursuant to NDCC §39-12-03; and the Council adopted a weight limits table which was incorporated by reference into said Resolution; and



WHEREAS, The Tribal Business Council of the Three Affiliated pursuant to Resolution No. 12-120-VJB further authorized the MHA Nation Department of Transportation (“DOT”) to enforce the weight limits and to recommend to the Council different limits on a road by road basis based on the design of the road and the road’s ability to bear the interim weight limits: and

WHEREAS, Pursuant to Resolution No. 12-120-VJB the MHA Nation DOT Highway Patrol Division was specifically given the responsibility to enforce the weight limits by inspection or other necessary means; and

WHEREAS, MHA Nation Highway Patrol Division was removed from under MHA Nation DOT and is now under MHA Nation Law Enforcement; and

WHEREAS, The Tribal Business Council has carefully reconsidered who should have the authority and duty to enforce the aforementioned weight limits on roads under the jurisdiction within the MHA Nation, by inspection or other means necessary.

NOW THEREFORE BE IT RESOLVED, that the MHA Nation DOT Motor Carrier Division and the MHA Nation Law Enforcement Highway Patrol Division shall forthwith have the authority and duty to enforce the aforementioned weight limits on roads under the jurisdiction within the MHA Nation by inspection or other means necessary.

(SIGNATURE PAGE TO FOLLOW)



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 15th day of August, 2018, 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 15th day of August, 2018.

ATTEST:

Tribal Secretary Fred W. Fox
Tribal Business Council
Three Affiliated Tribes

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

