



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

A Resolution Entitled “Resolution Superseding Resolution 18-16-FWF and Amending the Enrollment Ordinance of the Three Affiliated Tribes with Regard to Fraud and Erroneous Enrollments”

- 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 “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- WHEREAS,** The Tribal Enrollment Ordinance was originally enacted on December 2, 2015; and
- WHEREAS,** Pursuant to Section 11-1-8 of the Enrollment Ordinance the Tribal Business Council shall have the authority to amend the Enrollment Ordinance; and
- WHEREAS,** Section 11-1-8 of the Enrollment Ordinance also gives staff of the Office of Tribal Enrollment the authority to propose amendments to the Enrollment Ordinance to the Tribal Business Council for action; and
- WHEREAS,** The Office of Tribal Enrollment has proposed an amendment to the Tribal Business Council to amend section 11-5-5 of the Enrollment Ordinance by adding subsection 5; and
- WHEREAS,** The Office of Tribal Enrollment has presented the first and second reading as well as the public comment period for a proposed amendment to section 11-5-5 of the Enrollment Ordinance; and



WHEREAS, The Tribal Business Council has done a final reading of the following proposed amendment, adding its amendments pursuant to the *Tribal Business Council Adoption of Policy and Procedure for Enacting Tribal Codes:*

Section 11-5-5: Involuntary Disenrollment:

5. If the Office of Tribal Enrollment is provided with or discovers clear and credible evidence that a member of the Three Affiliated Tribes (the affected member) was enrolled fraudulently or through the use of erroneous information, the Office of Tribal Enrollment shall, with the assistance of the Tribal Legal Department, conduct an investigation to determine whether or not the Office of Tribal Enrollment should recommend disenrollment to the Tribal Business Council. Before a member can be recommended for disenrollment, the Office of Tribal Enrollment shall comply with the following requirements:

a) The Office of Tribal Enrollment shall provide written notice to the affected member that describes the reasons for the investigation, along with copies of all the evidence that led to the opening of the investigation. The notice shall also state that the affected member has the right to submit evidence supporting his/her enrollment within thirty (30) days of receipt of the notice to the affected member.

b) After the thirty (30)-day notice period has expired, the Office of Tribal Enrollment shall review all the evidence and, with the concurrence of the Legal Department, determine whether or not the evidence clearly establishes that: (1) the affected member did not meet the constitutional requirements for membership at the time he/she was enrolled, and (2) that the affected member is not eligible for enrollment based on the then current constitutional membership criteria. The facts and legal conclusions supporting the determination shall be in writing.

c) The Office of Tribal Enrollment shall send written notice and a copy of its determination to the affected member which shall include a statement of the affected member's appeal rights in accordance with subsection D.

d) The affected member, or any interested party who is directly affected by the determination to recommend or not recommend disenrollment, may appeal the Office of Tribal Enrollment's determination pursuant to Chapter Six of this Ordinance.

e) Following the expiration of the appeal period or a decision on appeal if an appeal was filed, the Office of Tribal Enrollment shall thereafter present its findings to the Tribal Business Council, who shall then determine whether or not the affected member should be disenrolled.



f) Any notice to an affected member required by this subsection shall be by: (1) certified mail return receipt requested, (2) by courier with proof of delivery, or (3) by personal service if no return receipt or proof of delivery is provided.

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby approves and enacts the amendment as set forth above to the Enrollment Ordinance of the Three Affiliated Tribes, and this Resolution supersedes Resolution 18-16-FWF; and

BE IT FINALLY RESOLVED, The amendment set forth above shall be codified as Section 11-5-5 (5) of the Enrollment Ordinance, and become effective immediately upon its approval by the Tribal Business Council of the Three Affiliated Tribes.


CERTIFICATION

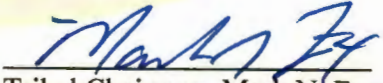
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 26th day of November, 2019; 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 [X] voting. [] not voting.

Dated this 26th day of November, 2019.

ATTEST:


Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes


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