



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

**A Resolution Entitled: "Powers and Status of the Emergency Operations Center and
Emergency Management"**

WHEREAS, The Mandan Hidatsa and Arikara Nation, also known as the Three Affiliated Tribes ("MHA Nation" or "Tribes"), 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, Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and

WHEREAS, The Constitution 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 MHA Nation and of the enrolled members thereof; and

WHEREAS, Pursuant to Article IV, Section 5(l) of the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business Council, its agencies and officials; and

WHEREAS, The Tribal Business Council passed Resolution No. 20-049-FWF which established the COVID-19 Outbreak Committee, which is also known as the COVID Task Force (the "COVID Task Force"); and

WHEREAS, It is now necessary to establish the MHA Nation Emergency Operations Center (MHA Nation EOC) and clarify Resolution No. 20-049-FWF regarding the powers and status of the MHA Nation EOC and the MHA Nation Emergency Management; and

WHEREAS, The MHA Nation EOC along with the current MHA Nation Emergency Management program is being established and tasked to continue development of emergency proclamations and directives and is responsible for emergency operations and related public health matters as part of its official mandate, which is to direct how the MHA Nation will respond to public health emergencies in order to lessen effects while assuring the long-term health and welfare of Fort Berthold Reservation's citizens; and

WHEREAS, The Health Insurance Portability and Accountability Act (HIPAA) regulates the use and disclosure of Protected Health Information (PHI) pursuant to 45 C.F.R. Part 164; and



WHEREAS, The HIPAA regulations at 45 C.F.R. §164.512(b)(1)(i) allows a Public Health Authority to collect and receive PHI for the purpose of preventing or controlling disease; and

NOW, THEREFORE BE IT RESOLVED, That the Tribal Business Council identifies the MHA Nation Emergency Operations Center and MHA Nation Emergency Management authority as follows:

- (1) Pursuant to the grant of authority from the MHA Nation, the MHA Nation Emergency Operations Center and the MHA Nation Emergency Management program each exists as a Public Health Authority within the meaning of section 21-1-1 of Chapter 1 of Title XXI of the Tribal Code of Laws of the MHA Nation, and
- (2) As Public Health Authorities, the MHA Nation Emergency Operations Center and MHA Nation Emergency Management can collect, receive and use PHI, and
- (3) Receipt of PHI is necessary for the MHA Nation Emergency Operations Center and MHA Nation Emergency Management to respond to Public Health Emergencies; and

BE IT FURTHER RESOLVED, The Tribal Business Council authorizes all government agencies and public or private health providers, including the Elbowoods Memorial Health Center, to release all necessary PHI related information, in accordance with HIPAA at 45 C.F.R. Part 164, to the MHA Nation Emergency Operations Center and MHA Nation Emergency Management during the event of a Public Health Emergency; and

BE IT FURTHER RESOLVED, That the MHA Nation Emergency Operations Center and MHA Nation Emergency Management shall comply with all requirements, regulations and directives of HIPAA at 45 C.F.R. Part 164 in receiving, collecting, using, storing and, if necessary, distributing the PHI received; and

BE IT FINALLY RESOLVED, That the Tribal Chairman is authorized to take such action as is necessary to carry out the terms and intent of this Resolution.

<SIGNATURE PAGE TO FOLLOW>



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, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 13th day of August, 2020; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] voting. [] not voting.

Dated this 13th day of August, 2020.

ATTEST:

Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes

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