



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

**A Resolution Entitled, “*Directing Tax Department To Impose Per Day Penalty And Fines
Against Non-Complaint Alcohol Retailers, Wholesalers, and Transporters*”**

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under 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 VI, 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,** Article VI, Section 5(c) of the Constitution specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Nation and to make expenditures from available Tribal funds for public purposes for the Nation; and
- WHEREAS,** The Tribe has a series of laws which regulate the retail, wholesale, and transport of alcohol within the Fort Berthold Indian Reservation (the “Alcohol Laws”); and
- WHEREAS,** The Alcohol Laws require each retailer, wholesaler, and transporter operating within or entering into the Reservation to obtain a license from the Tribe’s Tax Department; and
- WHEREAS,** Failure to obtain a license is a violation of the Alcohol Laws; and
- WHEREAS,** The Alcohol Laws empower the Tribal Business Council, sitting as the Tax Commission, to impose penalties, fines, or other punishments for violation of the Alcohol Laws; and
- WHEREAS,** The Tax Department has informed the Tribal Business Council that a number of retailers, wholesalers, and/or transporters have failed to obtain a license; and



WHEREAS, Those retailers, wholesalers, and transporters have been informed by a cease and desist letter of their failure to obtain a license and have been directed to obtain a license or face penalties; and

WHEREAS, Retailers, wholesalers, and transporters continue to refuse to obtain the necessary license; and

WHEREAS, The Alcohol Laws provide a progressive penalty schedule for violation of the law wherein failure to obtain a license is punishable by a \$1,000 fine for the first offense and a \$2,500 fine for the second offense; and

WHEREAS, The Tribal Business Council may impose harsher penalties than those provided by the progressive penalty schedule where aggravating factors exist; and

WHEREAS, The failure to obtain a license and the continued refusal to obtain a license after the cease and desist letter is an aggravating factor; and

WHEREAS, The Tribal Business Council finds it appropriate to impose harsher penalties due to the continued violation of the Alcohol Laws by retailers, wholesalers, and transports.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council hereby directs the Tax Department to impose a **\$500 per day** penalty and fine upon the retailers, wholesalers, and transporters in non-compliance.

BE IT FURTHER RESOLVED, That the penalty and fine shall increase to **\$1,000 per day** for those retailers, wholesalers, and transporters who continue to be in non-compliance 30 days from the date of the letter imposing the fine provided above.

BE IT FURTHER RESOLVED, That the Tribal Business Council reserves the right to enforce other penalties, fines, or other enforcement actions as allowed by the Alcohol Laws at a later date.

BE IT FURTHER RESOLVED, That the enforcement of the penalty and fine is considered an adverse action under the Alcohol Laws and an appeal of this action may be undertaken in accordance with the Alcohol Laws.

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

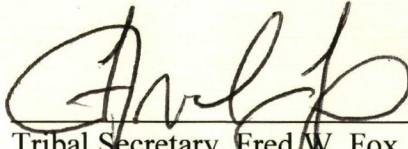


CERTIFICATION

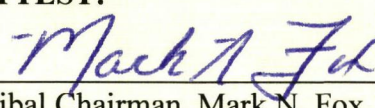
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 13th day of May, 2021, 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 May, 2021.



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

ATTEST:


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