



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

A Resolution Entitled: "Amending Resolution 20-156-FWF, and Updating EOC Scope of Work."

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 of the Three Affiliated Tribes, also known as the Mandan, Hidatsa, and Arikara Nation ("Tribes" or "MHA") generally 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 III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article IV, Section 5(1) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation.

WHEREAS, On August 13, 2020, in order to establish effective and efficient overall infrastructure-wide control and coordination of the Tribes' Covid-19 Pandemic Response as a capable Emergency Management and Incident Management Program of the Three Affiliated Tribes, the Tribal Business Council created the MHA Emergency Operations Center (or "EOC") by Resolution 20-156-FWF; and

WHEREAS, The EOC has since August 2020 effectively directed the response and recovery of the Tribes' pandemic operations and has also responded appropriately to all other manner of types of hazards and emergencies in the capacity as the Tribes' primary Emergency Management and Incident Management Program/Department; and

WHEREAS, The EOC is tasked with creating the framework that will reduce the overall vulnerability of communities and infrastructure on the Ft. Berthold Indian Reservation by coordinating and integrating all activities necessary to build, sustain, and improve the Tribe's capability to mitigate against, prepare for, respond to, and recover from threatened or actual natural disasters, acts of terrorism, or other man-made disasters; and



WHEREAS, The Tribal Business Council acknowledges and supports that the EOC fulfills its required tasks and responsibilities as the primary Emergency Management and Incident Management function and program of the Three Affiliated Tribes and that there is a necessity to update the EOC’s Scope of Work in order to reflect the current comprehensive and progressive mitigation, preparedness, response, and recovery capabilities provided in service to the lands and people of the Fort Berthold Indian Reservation.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes finds it appropriate to authorize and approve amending Resolution 20-156-FWF to update the MHA Emergency Operations Center’s Scope of Work as provided in the attached document:

- 1. MHA Emergency Operations Center Scope of Work Updated 10/31/22 (Appendix A.)

BE IT FINALLY RESOLVED, That the Chairman is hereby authorized to execute such documents and take such further actions as are 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 15th day of December, 2022, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 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 December, 2022.

ATTEST:


Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes


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



Appendix A

MHA Emergency Operations Center

Three Affiliated Tribes/Mandan Hidatsa Arikara Nation

Emergency Management, Homeland Security, & Incident Management Division

Scope of Work

Authorization of Scope of Work and Statement of Duties: The MHA Emergency Operations Center (EOC) Department Scope of Work and Statement of Duties is authorized by the Tribal Business Council, the primary governing body of the Three Affiliated Tribes/Mandan Hidatsa Arikara Nation (Tribe), to be applied to the jurisdictional area within the exterior boundaries of the Fort Berthold Indian Reservation (FBIR) and documented in Resolution No. 22-253-FWF.

Purpose: The EOC will administer a comprehensive and progressive Program to create and maintain the framework that will reduce the overall vulnerability of communities and government infrastructure on the FBIR by coordinating and integrating all activities necessary to build, sustain, and improve the capability to mitigate against, prepare for, respond to, and recover from threatened or actual natural disasters, acts of terrorism, or other man-made disasters.

This framework for the necessary MHA Emergency Management/Homeland Security/and Incident Management function will be built using the widely successful FEMA National Preparedness Whole Community Approach Strategy.

The Whole Community Approach Strategy is a means by which residents, emergency management, emergency services, organizational and community leaders, and government officials can collectively understand and assess the needs of their respective communities and determine the best ways to organize and strengthen their assets, capacities, and interests. By fully engaging the entire societal capacity of FBIR, a more effective path to societal security and resilience is built.

The goal is that the EOC on behalf of the Tribal government will meet or exceed Federal Emergency Management Agency (FEMA) and Department of Homeland Security (DHS) standards and guidelines. The EOC shall also utilize, to the extent possible, resources available on the FBIR.

Scope of Authorization: The scope of the authorization will encompass all coordination activities necessary to provide comprehensive and collaborative Emergency Management, Homeland Security, and Incident Management Disaster and Hazard Mitigation, Preparedness, Response, and Recovery services for the FBIR involving Tribal, local, county, state, and federal agencies.

Statement of Work: The EOC will fulfill all assigned tasks and responsibilities outlined in the Scope of Work so as to meet the purposes outlined above for the benefit of the people and lands of the FBIR. Specifically, the Tribal Business Council has directed the EOC to:

A. Hire a qualified EOC Director in accordance with FEMA guidelines to administer the Emergency Management/Homeland Security essential function program for the Three Affiliated Tribes/Mandan Hidatsa Arikara Nation with qualified staff that will be professional and upstanding representatives of the Tribal government and the EOC on all incident responses, trainings, meetings, interactions with the public, and daily operations. The EOC Director shall also serve in the capacity and function with the designated authority and dual position title, tasks and responsibilities as the 'Emergency Manager' for the Tribal government.



B. The EOC will develop and maintain a qualified Incident Management Team for field responses. The EOC Director shall qualify as a Type V, VI, and III Incident Commander for the Incident Management Team. The EOC Director and EOC Staff as the Incident Management Team shall respond appropriately, effectively, and efficiently to all complex and various level emergencies in the field that require Emergency Management, Homeland Security function response and will provide other Emergency Services and CISA Departments when required or requested with resource, planning, communication, and command and coordination support.

C. It is an inherent responsibility of the MHA Nation's Tribal Chairman and Tribal Business Council as a Leading Government Entity of the Fort Berthold Indian Reservation to help ensure the preservation of life and property within its jurisdictional boundaries through solid support of the EOC's Emergency Management, Homeland Security, and Incident Management tasks and responsibilities. The EOC of the Tribal government is responsible for coordinating the execution of that responsibility by acting in the position of an advisory role to the Tribal Chairman and Tribal Business Council on matters of Homeland Security when required.

D. Execute the overall responsibility and authority to assign temporary appointments of assigned positions in the EOC when necessary to meet operational objectives and demobilize those temporary assigned appointments in accordance with Incident Command System (ICS)/EOC Interface guidelines.

E. Procure and maintain necessary resources in the form of equipment, personnel, and other supplies capable of being safely and efficiently utilized during Emergency Incident Responses and Training and Exercise Scenarios in accordance with FEMA Resource Typing guidelines.

F. Promptly obtain and implement an efficient EOC location, program/platform, organizational structure, and operations that will reliably establish timely critical communications, reporting abilities, resource sharing, policy and protocol guidance, and incident planning among all Emergency Services and Cybersecurity Infrastructure Security Agency (CISA) or Departments on the FBIR, strengthening a coordinated emergency response to all such incidents in a more efficient and safe manner.

G. Hire a qualified Disaster Recovery Grants Specialist to apply for, obtain, and manage Grants and other sources of funding for the EOC, Emergency Services, Public Safety-related community projects and other assigned duties as given by the EOC Director.

H. Hire a qualified Emergency Planning Specialist to maintain coordination of communications and project tasks among involved stakeholders in line with the ICS Resource Typing Definition of Planning Section Chief and other assigned duties as given by the EOC Director.

I. Hire a qualified Administrative Assistant to maintain efficient routine clerical and administrative duties in support of the EOC Director and oversee daily office operations as an office manager and other assigned duties as given by the EOC Director.

J. Hire qualified Emergency Logistics Specialists to maintain EOC day to day and field operations with logistics support of ordering, maintaining, moving, and inventory of critical resources, and other assigned duties as given by the EOC Director.

K. Hire a qualified Training Officer to support the FBIR Emergency Services Yearly Training and Exercise Plan with focus on ensuring that all Emergency Services Branches' training needs are being met and those needs based on priority are applied when identifying, acquiring, and scheduling training and other assigned duties as given by the EOC Director.

L. Hire other qualified EOC positions as may be needed in the future according to the Three Affiliated Tribes/Mandan Hidatsa Arikara Nation's disaster and emergency response and recovery needs.

M. Identify and obtain adequate and sanctioned training pertaining to Emergency Management, ICS, National Incident Management System (NIMS) from the Federal Emergency Management Agency (FEMA), U.S Department of Homeland Security (DHS), Bureau of Indian Affairs (BIA), Centers for Disease



Control and Prevention (CDC), North Dakota Department of Emergency Services (NDDDES), and other government agencies.

N. Generate and oversee the implementation of the Tribes' Command and Coordination Standard Operating Protocols when required in response to all complex and various level scale emergencies and disasters and with cooperation by all Emergency Services and CISA Departments within the Tribal government infrastructure, including a NIMS Training Plan for Tribal employees.

O. For the purpose of providing first responder training needs and capability improvement among Emergency Services Agencies, Local Infrastructure, the Public, and other Stakeholders, a progressive Training and Exercise Plan will be organized, facilitated, and maintained by the EOC on a Yearly Schedule consisting of Orientation Seminars, Drills, Tabletop Exercises, Functional Exercises and Full-Scale Exercises. In order to ensure that Tribal Nation Preparedness Goals are met in a responsible and collaborative manner in alignment with the Command and Coordination Standard Operating Procedures (SOP), Full-Scale Exercises involving multiple agencies and/or jurisdictions must have an Exercise Design Team with thorough planning and participation from the EOC and other affected Stakeholders.

P. Develop an All-Hazards Emergency Operations Plan addressing all potential hazards for the FBIR jurisdictional area and update, review, and submit that plan every 5 years to FEMA in order to comply with guidelines under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), The National Flood Insurance Act of 1968, and Title 44 Code of Federal Regulations, all as amended. The All-Hazards Emergency Operations Plan for the FBIR will also be submitted to, approved, and adopted by the Tribal Government to implement when criteria are met for that specific Hazard Annex.

Q. Develop standing Memoranda of Agreement and Memoranda of Understanding as needed with other affected stakeholders such as other Emergency Managers, Emergency Operations Centers, leaders of local infrastructure companies, institutions of education, local municipalities, counties, state and federal governments to provide safe, efficient Emergency Management and Homeland Security services for all residents of the FBIR.

R. Establish and maintain methods of transparency, accountability, and preparedness advocacy among the public, MHA Nation Tribal Business Council, local Emergency Services, and all other stakeholders by providing timely and responsible situational awareness reports and educational information through different forms of media when appropriate and through the EOC. The EOC Director will be responsible for developing the EOC into a reliable source of critical and accurate "common operating picture" information pertaining to hazard mitigation, preparedness, response, and recovery and will have the authority for disseminating that information in a timely manner via approved media methods as the Emergency Management, Homeland Security, and Incident Management function of the Three Affiliated Tribes.

S. Create, maintain, and manage a comprehensive Search and Rescue (SAR) Program, Policy, and Protocols on the FBIR in order to provide for proficiently trained and organized local SAR Volunteers to ensure efficient, safe, and effective SAR incident responses. The EOC Incident Management Team shall provide overall command and coordination for SAR Responses on the FBIR with cooperation from other Emergency Services, CISA Departments, and other Tribal infrastructure entities.

T. The EOC as a Tribal, Local, State, and Federally Recognized Emergency Services Branch shall integrate into the MHA Nation and FBIR Emergency Services 9-1-1 Telecommunications Network System administered through the Three Affiliated Tribes Law Enforcement Services and have interoperability access to the North Dakota Statewide Interoperable Radio Network (SIRN) which includes the State Radio Communications System, Statewide Paging System, and all relevant Tribal, local, county, and state radio frequencies as needed by the EOC to respond appropriately to complex and various scale emergencies, and ensure all necessary resources are dispatched or notified when coordinating and supporting response and recovery operations.

U. The EOC Director shall maintain a direct line of communication with Senior Officials and provide accurate and timely situational briefings in regards to potential and impending emergencies and disasters when it affects overall health and public safety of the residents of the FBIR.



V. The EOC Director shall obtain and maintain a Memorandum of Agreement with FEMA to implement the Integrated Public Alert Warning System (IPAWS) for the FBIR. The EOC Director and Emergency Planning Specialist will accept the duties of Alert Administrators.

W. The EOC shall function as the primary and sole Emergency Management/Homeland Security/Incident Management Function and Department of the Tribal government and the EOC Director shall be designated as primary Emergency Management/Homeland Security/Incident Management point of contact on behalf of the Three Affiliated Tribes/Mandan Hidatsa Arikara Nation for contact with all other such tribal, local, county, state, and federal agencies.

X. The EOC Director shall serve as designated Public Information Officer for Tribal Emergency Services (Law Enforcement, Emergency Medical Services, Fire/Rescue, Wildland Fire Management, Emergency Management/Homeland Security/Incident Management) related to emergency disaster response and recovery and may issue Press Releases, Public Service Announcements and Advisories, and coordinate media interviews and press conferences upon request.

Y. The EOC will remain a designated Public Health Authority, secondary to the Primary designated Public Health Authority, on behalf of the primary jurisdiction of the FBIR, the Three Affiliated Tribes/Mandan Hidatsa Arikara Nation, and shall coordinate overall emergency responses to potential or impending public health emergencies at the directive of the Tribal Business Council.

Z. At the directive of the Tribal Chairman and/or the Tribe' Chief Executive Officer (CEO) and with support of the Tribes' Chief Financial Officer (CFO), when a forecasted large-scale disaster is imminent or does occur, the EOC shall be authorized on an Emergency Basis to procure and expedite without delay any amount and type of resources that are deemed necessary to preserve life and property on the FBIR.