

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

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, Article IV, Section 5 of the Constitution and Bylaws of the Three Affiliated Tribes provides, in part, that the Tribal Business Council of the Three Affiliated Tribes (or an election board appointed by it) shall make rules and regulations governing all elections; and
- WHEREAS, Article VI, Section 5(1) of the Constitution and Bylaws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council of the Three Affiliated Tribes to adopt resolutions regulating the procedure of the Tribal Business Council; and
- WHEREAS, On the 21st day of September, 1982, a Regular Election will be held to fill a number of positions on the Tribal Business Council, including the position of Chairman; and
- WHEREAS, There has recently arisen the issue as to what action must be taken by an incumbent member of the Tribal Business Council with respect to his or her continued membership as a general member thereof in his or her present seat, in the event that such incumbent Council member, who is not up for reelection, but has two (2) years remaining in his or her elected term, should become a candidate for the office of Chairman; and
- WHEREAS, Neither the Constitution and Bylaws of the Three Affiliated Tribes nor the Tribal Election Ordinance (Ordinance 72-1, as revised) addresses this particular issue, and a judicial determination has not been made on this issue by any court in those cases involving tribal elections; and
- WHEREAS, Therefore, in the absence of any guidance from the Tribal Constitution and Bylaws, the Tribal Election Ordinance, or judicial precedent, the Tribal Business Council of the Three Affiliated Tribes, within its discretion and authority, must make a determination for the purpose of resolving this issue;
- NOW, THEREFORE, BE IT RESOLVED, that, in the event that an incumbent general member of the Tribal Business Council, who is not up for reelection, but who has two (2) years remaining in his or her elected term, should become a candidate for the office of Chairman, such member shall continue his or her membership on the Council pending the outcome of the election for the office of Chairman. In the event that such member should be elected as Chairman, he or she must resign as general member of the Council on the date of the installation of the newly-elected and certified Council members, and the newly-constituted Business Council must appoint a qualified Tribal member from the segment in which the vacancy occurs to serve the remaining two (2) years of the unexpired term of such member. On the other hand, in the event that such member should fail to be elected as Chairman, he or she shall continue membership on the Business Council and serve the remaining two (2) years of his or her unexpired term.

BE IT FURTHER RESOLVED, that Subsection g of Section 2 of Part II of the Election Ordinance of the Three Affiliated Tribes (Ordinance 72-1, as revised May 29, 1980) be forthwith amended to read as follows:

"In the event that an incumbent general member of the Tribal Business Council, who is not up for reelection, but who has two (2) years remaining in his or her elected term, should become a candidate for the office of Chairman, such member shall continue his or her membership on the Council pending the outcome of the election for the office of Chairman. In the event that such member should be elected as Chairman, he or she must resign as general member of the Council on the date of the installation of the newly-elected and certified Council members, and the newly-constituted Business Council shall appoint a qualified Tribal member from the segment in which the vacancy occurs to serve the remaining two (2) years of the unexpired term of such member. On the other hand, in the event that such member should fail to be elected as Chairman, he or she shall continue membership on the Business Council and serve the remaining two (2) years of his or her unexpired term.

BE IT FURTHER RESOLVED, that the amendment to the Election Ordinance of the Three Affiliated Tribes, as set forth hereinabove, shall become effective immediately and shall be complied with in the conduct of the General Election to be held on the 21st day of September, 1982.

BE IT FURTHER RESOLVED, that Resolution #82-140, duly adopted by the Tribal Business Council, on the 23rd day of August, 1982, be forthwith rescinded in all respects.

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 11 members of whom 7 constitutes a quorum, 9 were present at a Special Meeting, thereof duly called, noticed, convened, and held on the 2 day of September, 1982; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 5 members, 4 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 2 DAY OF SEPTEMBER, 1982.


SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:

CHAIRMAN, TRIBAL BUSINESS COUNCIL