

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 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, Article IV, Section 3(a) of the Constitution and Bylaws of the Three Affiliated Tribes provides, in part, that in the case of a tie vote for any general membership position on the Tribal Business Council in a regular election, a special run-off election shall be held between the tied candidates for such position; and
- WHEREAS, Article III, Section 2(c) of the Constitution and Bylaws of the Three Affiliated Tribes provides, in part, that, if no candidate for the Office of Chairman receives a majority of the votes cast for such Office in a general election, a special run-off election shall be held between the two (2) candidates who received the highest number of votes in such general election; and
- WHEREAS, Article III, Section 6 of the Constitution and Bylaws of the Three Affiliated Tribes provides that "(t)he members of the Tribal Business Council shall hold office until the next regular election and until their successors are elected or appointed and qualified;" and whereas further, the reasonable interpretation and logical intent of such Constitutional provision, in its practical application in the context of the conduct of a special run-off election to fill any position on the Tribal Business Council, would mandate that the incumbent member holding office in any such position for which a special run-off election is necessary to elect a successor thereto, shall continue to hold office in such position subsequent to the regular election, until such time as his or her successor has been duly elected in such special run-off election; and
- WHEREAS, Notwithstanding the clarity inherent in the language set forth in such Constitutional provision and the logical intent thereof, in certain previous Tribal Business Council elections wherein the conduct of special run-off elections was necessary to elect successors to positions on the Council, certain incumbent members holding office in such positions for which special run-off elections were necessary to elect successors thereto, failed to fulfill their respective obligations to continue to hold office and to assume the duties and responsibilities thereof subsequent to the respective regular elections, until such time as their respective successors were duly elected in such special run-off elections; and

WHEREAS, In view of such past experience and in the event that, in the conduct of the 1982 Tribal Business Council Election, it should become necessary to hold a special run-off election to elect a successor to any position on the Council, it is the considered position of the Tribal Business Council that the logical intent of Article III, Section 6 of the Constitution and Bylaws of the Three Affiliated Tribes should be clearly identified via resolution in the application of such Constitutional provision in the context of the conduct of any such special run-off election, in the interest of assuring that the government of the Three Affiliated Tribes continues to function in an orderly and efficient manner throughout the interim period between the Regular Election and any such special run-off election;

NOW, THEREFORE, BE IT RESOLVED, that, in the event that it should become necessary, in the conduct of the 1982 Tribal Business Council Election, to hold a special run-off election to elect a successor to any position on the Tribal Business Council, the incumbent member currently holding office in any such position for which a special run-off election should become necessary to elect a successor to his or her position, shall continue to hold office and to assume the duties and responsibilities inherent in such position subsequent to the September 28, 1982 Regular Election, until such time as his or her successor has been duly elected in such special run-off election.

C E R T I F I C A T I O N

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, 8 were present at Special Meeting, thereof duly called, noticed, convened and held on the 23 day of September, 1982; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 7 members, 1 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 23 DAY OF SEPTEMBER, 1982.

  
SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:

  
CHAIRMAN, TRIBAL BUSINESS COUNCIL