

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, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the Tribes and of the enrolled members thereof; and
- WHEREAS, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedure of Tribal agencies; and
- WHEREAS, On the 13th day of May, 1983, the Tribal Business Council, via Resolution #83-122-S, formally adopted the Tribal Employment Rights Ordinance of the Three Affiliated Tribes of the Fort Berthold Reservation, the second (2nd) paragraph of Chapter 7 of which Ordinance reads, in part, as follows:

"The Director shall have the exclusive authority to select and employ individuals to serve in the various staff positions within the Office, to terminate for cause any individual employed in a staff position within the Office,..;"

and

- WHEREAS, On the 9th day of December, 1976, the Tribal Business Council, via Resolution #76-312, formally adopted the Three Affiliated Tribes Personnel Policies and Procedures, Section II A of which reads as follows: "(The) purposes of the manual are to: (e) establish uniform guidelines governing all Tribal employees." (emphasis added); and
- WHEREAS, The language quoted hereinabove from the second (2nd) paragraph of Chapter 7 of the Tribal Employment Rights Ordinance is in patent conflict with the specific procedures for selection, employment, and termination of employment of Tribal employees as set forth in and prescribed by Section V of the Three Affiliated Tribes Personnel Policies and Procedures, which conflict can, in no manner nor to any extent, be reconciled; and
- WHEREAS, In an effort to ensure the maintenance of consistency within Tribal operations, uniform guidelines governing all Tribal employees, and fair and equitable treatment in employer/employee relations, it is the considered position of the Tribal Business Council that it would be advisable to appropriately amend the language quoted hereinabove from the second(2nd) paragraph of Chapter 7

of the Tribal Employment Rights Ordinance so as to render the selection, employment, and termination of employment procedures to be applied within the Tribal Employment Rights Office consistent with those procedures set forth in and prescribed by Section V of the Three Affiliated Tribes Personnel Policies and Procedures;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby approves the amendment of the second (2nd) paragraph of Chapter 7 of the Tribal Employment Rights Ordinance, which amended paragraph shall read as follows:

"The supervisory authority over the staff of the Office shall be vested in the Tribal Employment Rights Director, who shall be selected and employed by the Tribal Business Council, to which body the Director shall have a direct reporting responsibility. The members of the staff of the Office, including the Director, shall be entitled to all of the rights and be subject to all of the procedures and policies set forth in and prescribed by the Three Affiliated Tribes Personnel Policies and Procedures. The Director shall have the authority to prepare line item budgets based upon any and all sources of funding for the operation of the Office and oversee the expenditures of funds therefrom, and may prosecute, before the Tribal Employment Rights Commission, any and all claims of noncompliance with this Ordinance, with any and all supplementary ordinances, or with any and all rules, regulations, and/or guidelines promulgated by the TERO Commission."

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation certify that the Tribal Business Council is composed of 11 members of whom 7 constitutes a quorum, 7 were present at a Regular meeting, thereof duly called, noticed, convened and held on the 14 day of July, 1983; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, — members opposed, — members abstained, — members not voting and that the said Resolution has not been rescinded or amended in any way.

Chairman (Voting) (~~Not Voting~~)

Dated this 14 day of July, 1983.

Walter Paul Goodwin
Secretary, Tribal Business Council

ATTEST:

Dennis Deben
Acting Chairman Tribal Business Council