

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 welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 3 of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to exercise all necessary sovereign authority - legislative and judicial - for the purpose of exercising the jurisdiction granted in Article I of the Constitution, which jurisdiction expressly extends over all lands, including non-Indian owned fee lands, situated and over all persons, including non-Indians, resident and/or doing business within the exterior boundaries of the Fort Berthold Reservation; and

WHEREAS, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to enact statutory and regulatory laws governing the procedures to be implemented and complied with by the governmental agencies and other instrumentalities of the Three Affiliated Tribes; and

WHEREAS, The Three Affiliated Tribes entered into a P.L. 93-638 Contract (No. A00C14202597) with the Bureau of Indian Affairs for the purpose of performing a comprehensive Tribal transportation planning study for the Fort Berthold Reservation, which study would address various needs of the Three Affiliated Tribes in the proposed assertion of their sovereign authority and jurisdiction over vehicular travel and the system of roads traversing the Reservation; and

WHEREAS, The performance of said transportation planning study has been completed and included in the final study report are numerous factual findings, legal conclusions, and recommendations relating to the the jurisdiction and authority of the Three Affiliated Tribes in the areas of taxation, business regulation, land use planning and zoning, Indian preference in employment and contracting, and traffic and highway regulation; and

WHEREAS, The most sweeping recommendation made in the study report provides for the ultimate ownership by the Tribes of all roads and highways traversing the Reservation, so as to enable the Tribes, among other things, to provide for improved maintenance of the Reservation roads and highways and exclusive control of vehicular access to Lake Sakakawea; and

WHEREAS, In an effort to pursue the realization of this particular recommendation, the study report makes a related, integral recommendation that the Tribes forthwith approve proposed legislation entitled "Three Affiliated Tribes Highway Ordinance," wherein is established a Tribal Highway Department delegated and vested with the authority to exercise jurisdiction and regulatory and ultimate maintenance authority over all roads and highways situated within the exterior boundaries of the Fort Berthold Reservation; and

WHEREAS, It is the considered judgment of the Tribal Business Council, based upon its review and consideration of the substance of the proposed Ordinance, that the Three Affiliated Tribes should further implement the extensive jurisdiction and authority granted in Articles I and VI respectively of the Tribal Constitution, through the effectuation of the specific recommendation that the Tribes adopt such Highway Ordinance;


NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes, pursuant to its constitutional authority, hereby formally adopts and enacts the attached legislation entitled "Three Affiliated Tribes Highway Ordinance."

BE IT FURTHER RESOLVED, That the provisions of said legislation shall become effective immediately and shall be designated as Chapter 28 of and included within the Code of Laws of the Three Affiliated Tribes of the Fort Berthold Reservation.

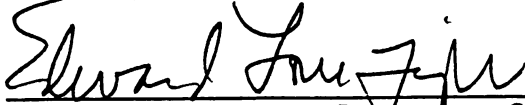
C E R T I F I C A T I O N

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 7 members of whom 5 constitute a quorum, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 29 day of January, 1988; 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.

Dated the 29 day of January, 1988.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council