

**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 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedures and policies of the Tribal Business Council; and
- WHEREAS,** The Tribal Business Council, via Resolution #94-031-MW, adopted on December 5, 1994, established a vehicle (known as the "segment employment program") for the provision of Tribal Government assistance directly to the respective segments of the Fort Berthold Reservation through the retention of Tribal members selected by, and at the discretion of, the respective segment representatives of the Tribal Business Council, subject to formal appointment by the full Council; and
- WHEREAS,** At a Special Meeting held on November 22, 1995, the Tribal Business Council determined that such so-called "segment workers" would be deemed permanent employees (as opposed to temporary employees) of the Tribal Government and would be entitled to receive the fringe benefits prescribed by the Three Affiliated Tribes Personnel Policies and Procedures, effective December 4, 1995; and
- WHEREAS,** It has become necessary and advisable to clarify the character of the special employment status maintained by the segment workers selected by, and at the discretion of, the respective segment representatives of the Tribal Business Council, based on the general rule of law applicable to public offices created to be filled by discretionary appointment for an indeterminate or indefinite term;
- NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business of the Three Affiliated Tribes hereby clarifies and expressly declares its intent that each person appointed, **subsequent to the date of this Resolution,** to a segment

worker position, created under the general authority of Resolution #94-031-MW and the total compensation for which position is paid exclusively from funds available under the segment employment program, shall serve in such capacity for an indeterminate term at the pleasure of the Tribal Business Council and may be removed at the pleasure of the Tribal Business Council at any time, with or without cause, and without notice, hearing, or recourse to the remedies afforded by the Grievance Procedure of the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, That the Tribal Business Council shall ensure that any person offered an appointment to such a segment worker position shall acknowledge both his or her receipt of a copy of this Resolution and his or her understanding of the character of such special employment status, as clarified in this Resolution.

BE IT FURTHER RESOLVED, That the policies and procedures set forth in the operative clauses of this Resolution shall supersede, set aside, and replace any conflicting policy or procedure set forth in the Three Affiliated Tribes Personnel Policies and Procedures or in any other statutory, regulatory, or administrative law of the Three Affiliated Tribes.

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 31st day of October, 1996; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 31st day of October, 1996.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council