

**RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN 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 the enrolled members thereof; and,

WHEREAS, Article X, Amendments, of the Three Affiliated Tribes' Constitution states the constitution and bylaws may be amended by a majority vote of the qualified voters of the Tribes voting at an election called for that purpose by the Secretary of the Interior; and,

WHEREAS, Article I, Section 1, of the Bylaws of the Three Affiliated Tribes states the Chairman of the Tribal Business Council shall appoint, subject to the approval of the council, such standing committees and special committees, and other officers as the business may require; and,

WHEREAS, The Tribal Business Council of the Three Affiliated Tribes did establish, by resolution of July 13, 1995, a Constitution Revision Committee to execute the amendment process of the Constitution of the Three Affiliated Tribes regarding specific concerns and issues with the governmental structure of the Three Affiliated Tribes; and this committee commenced operations on December 4, 1997.

WHEREAS, The Constitution Revision Committee developed a vision statement, a plan of action, and held hearings in the six (6) tribal communities regarding the constitutional amendment process; and,

WHEREAS, The Constitution Revision Committee's original assignment of a complete, proposed revision of the Constitution of the Three Affiliated Tribes was changed to considering three (3) amendments, referred to as "The People's Amendments", which include: Recall, Referendum, and the establishment of a Civil Service Commission for tribal employees; and,

WHEREAS, The Tribal Business Council instructed the committee to submit a resolution for each proposed amendment to the tribal constitution of the Three Affiliated Tribes; and,

WHEREAS, The Constitution Revision Committee proposes, because of significant defects in the existing Article VIII, Referendum, that it be struck and a new Article VIII, Referendum, be substituted as follows:

“The People of the Three Affiliated Tribes of the Fort Berthold Reservation may review and disapprove any Tribal Business Council action by referendum vote, except that Tribal Business Council action that is demonstrably necessary for the preservation of the peace, health, and safety of the residents of the Fort Berthold Indian Reservation. A referendum shall be commenced by the delivery to the Executive Secretary of the Tribal Business Council of a petition that is signed by at least twenty (20) percent of the number of qualified voters that voted in the last general election.

“The Executive Secretary shall have thirty (30) days in which to review and to certify said petition to determine that the requisite number of qualified voters have signed the petition. Upon the Executive Secretary’s certification of the said petition, the Executive Secretary shall set a referendum election to be held within sixty (60) days of such certification, and the affected tribal action shall be suspended pending the referendum election. The referendum election shall be administered by a five-(5)member Tribal Election Board.

“Two (2) members of this Tribal Election Board shall be appointed by the Tribal Business Council; two (2) members of this board shall be appointed by representatives of the petitioners; and one (1) member of this board shall be elected by a majority vote of the other four members of the board. If no candidate receives a majority vote after three attempts, then the fifth member of this board shall be selected by a drawing from among no more than two candidates proposed by the other members of the board.

“A referendum election shall be held not later than ninety (90) days from the date of certification of any recall petition by the Executive Secretary. The affected tribal action shall be rescinded upon a simple majority vote of those qualified tribal voters that choose to participate in such a referendum election. If such a referendum election is not held within the 90-day specified time period, the affected tribal action shall be deemed rescinded.”

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, acting pursuant to Article X, Amendments, of the tribal constitution, hereby approves, as set forth above, the proposed referendum amendment that would strike the existing Article VIII, Referendum, of the tribal constitution, and replace it with a new Article VIII, Referendum, as stated above; and hereby requests the Secretary of the Interior to hold a special election on or about November 7, 1998, whereby the qualified tribal voters of the Three Affiliated Tribes may vote upon this proposed amendment to the Constitution of the Three Affiliated Tribes.

CERTIFICATION

I, the undersigned, as Executive 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 seven (7) members, of whom five (5) members constitute a quorum. 6 members were present at a Regular Meeting thereof duly called, noticed, convened and held on the 18th day of June 1998; and, that the foregoing resolution was duly adopted as such meeting by the affirmative vote of 4 members, with 2 members opposed, 0 members abstained, 0 members not voting, and that said resolution has not been rescinded or amended in any way.

Dated this 18th day of June 1998.

Daylon Spotted Bear
Executive Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council