



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: “A Resolution Authorizing Reimbursement of Legal Fees and Costs Incurred By Any Tribal Member That Successfully Sues The Tribal Council, an Agency or Arm of the Tribe, a Tribal Official, or Tribal Employees For Injunctive Relief In Order To Enforce Our Constitution & Bylaws or Any Other Applicable Law.”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to 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 III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article IV, Section 5(l) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation.

WHEREAS, Article VI, Sec. 3(a) authorizes the Tribal Business Council to “assist members of the Tribes in presenting their claims or grievances before any court or agency of government, and to employ legal counsel”; and

WHEREAS, Article VI, Section 1 of the Constitution of the Three Affiliated Tribes provides “any power exercised through that Council shall be subject to a popular referendum as provided by this Constitution”; and

WHEREAS, the Tribal Business Council has failed to abide by the Constitution & Bylaws of the Three Affiliated Tribes as it refuses to provide financial information to Tribal members and it has also, among other things, failed to provide annual audits mandated by our Constitution & Bylaws; and

WHEREAS, Tribal members are hesitant to seek redress in Tribal Court in order to enforce the Tribe’s Constitution & Bylaws or any other applicable law because there is no separation of powers and tribal members do not want to incur the burden of legal fees; and



WHEREAS, Tribal members should be able to enforce our Constitution & Bylaws without being responsible for legal fees incurred for doing so if they are successful in their efforts; and

WHEREAS, Tribal members desire to have the Tribal Business Council reimburse any Tribal members for their legal fees and all other costs incurred in any successful efforts to enforce our Constitution & Bylaws or any other law that applies to the Tribal Council.

THEREFORE, BE IT RESOLVED, the Tribal Business Council of the MHA Nation shall reimburse any Tribal member(s) for all reasonable legal fees and costs incurred in suing the Tribal Business Council, any agency or arm of the Tribe, any officer thereof or any employee or officer of the Tribe in a suit for injunctive relief seeking to compel compliance with the Three Affiliated Tribes Constitution & Bylaws or any other applicable law.

BE IT FURTHER RESOLVED, the Tribal Business Council shall reimburse said fees and costs within 30 days after the successful plaintiff submits a claim for reimbursement to the Three Affiliated Tribes.

BE IT FINALLY RESOLVED, the Tribal Business Council may not claim sovereign immunity from suit in any suit seeking reimbursement of reasonable legal fees and costs pursuant to this resolution. Any legal fees and costs that may be incurred by bringing suit to seek enforcement of this resolution shall also be reimbursed.



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, ___ were present at a Regular Meeting thereof duly called, noticed, convened and held on the ___ day of _____, 2023, that the foregoing Resolution was duly ☐ adopted ☐ rejected at such meeting by the affirmative vote of ___ members, ___ members opposed, ___ members abstained, ___ members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman ☐ Voting. ☐ Not Voting.

Dated this ___ day of _____, 2023.

ATTEST:

Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes

Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes