

**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 or Group That Successfully Brings A Petition For A Referendum Vote or Secretarial Election.”

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, Article VIII of the Constitution of the Three Affiliated Tribes provides a referendum process that requires the Tribal Business Council to call an election upon being presented with a petition signed by at least 10 percent of the qualified voters of each community demanding a referendum on any proposed or enacted ordinance or resolution of the Tribal Business Council; and

WHEREAS, Article X of the Constitution of the Three Affiliated Tribes provides the Secretary of the Interior must call an election on any proposed amendment to the Constitution and Bylaws upon presentation of a petition signed by one-third (1/3) of the qualified voters; and

WHEREAS, the expenses associated with bringing a petition for a referendum vote under Article VIII or a petition for Secretarial Election to amend the Constitution and Bylaws are a substantial burden on any person or group bringing such petitions; and

WHEREAS, Tribal membership recognizes that people or groups bringing such petitions are doing the work of the people; and

WHEREAS, Tribal membership believes that any Tribal member or group that successfully brings such a petition should be reimbursed for all reasonable and documented costs associated with bringing the petition; and

THEREFORE, BE IT RESOLVED, the Tribal Business Council of the MHA Nation shall reimburse any Tribal member or group that successfully brings a petition for a referendum vote or a Secretarial Election for all reasonable documented fees and costs, including reasonable legal fees, mileage and per diem, labor and contract costs, mailing costs, copying costs, signature-gathering costs, and other reasonable costs normally incurred in bringing such a petition.

BE IT FURTHER RESOLVED, the Tribal Business Council shall reimburse said fees and costs within thirty (30) days after the successful person or group submits a written claim for reimbursement with reasonable supporting documentation to the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, a petition shall be deemed successful once the Tribal Business Council calls for a referendum vote based on the petition, or the Secretary of the Interior calls for a Secretarial Election based on the petition.

BE IT FURTHER RESOLVED, this Resolution is a separate written enactment authorizing reimbursement of reasonable documented fees and costs within the meaning of the Tribe's Limited Waiver of Sovereign Immunity for Equitable Actions to Enforce the Constitution, Laws, and Policies of the Three Affiliated Tribes, and shall be construed consistently with that limited waiver.

BE IT FURTHER RESOLVED, the Tribal Business Council may not assert sovereign immunity as a defense in any Tribal Court action brought by an eligible person or group seeking declaratory, injunctive, mandamus, or other equitable relief to enforce this Resolution, including an order requiring the Tribal Business Council to process, approve, and pay a reimbursement claim authorized by this Resolution. This limited enforcement authority shall not be construed as a waiver for damages, punitive damages, interest, lost profits, or any monetary relief other than the reimbursement expressly authorized by this Resolution.

BE IT FINALLY RESOLVED, this Resolution shall apply to any fees and costs associated with a petition for a referendum vote or Secretarial Election brought in 2026 forward.

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 _____, 2026, 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 _____, 2026.

ATTEST:

Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes

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