



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

A Resolution Entitled: “A Resolution Authorizing Reimbursement of Reasonable Attorney’s Fees and Costs Incurred By Any Tribal Member or Tribal-Member-Owned Business That Successfully Obtains Equitable Relief Against The Tribal Business Council, an Agency or Arm of the Tribe, a Tribal Official, or Tribal Employee To Enforce the Constitution, Laws, Policies, or Governing Documents of the Three Affiliated Tribes.”

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 tribal 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 and tribal-member-owned businesses should be able to enforce our Constitution & Bylaws, tribal laws, duly adopted policies, and governing documents without being responsible for reasonable attorney's fees and costs incurred for doing so if they are successful in obtaining equitable relief; and

WHEREAS, Tribal members desire to have the Tribal Business Council reimburse any successful Tribal member or tribal-member-owned business for reasonable attorney's fees and costs incurred in successful efforts to enforce our Constitution & Bylaws, tribal laws, duly adopted policies, or governing documents that apply to the Tribal Business Council; and

THEREFORE, BE IT RESOLVED, the Tribal Business Council of the MHA Nation shall reimburse any Tribal member, group of Tribal members, or tribal-member-owned business for all reasonable attorney's 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 declaratory, injunctive, mandamus, prohibition, or other equitable relief seeking to compel compliance with the Three Affiliated Tribes Constitution & Bylaws, tribal laws, duly adopted policies, or other binding governing documents.

BE IT FURTHER RESOLVED, a plaintiff is "successful" for purposes of this Resolution when the Tribal Court enters a temporary restraining order, preliminary injunction, permanent injunction, declaratory judgment, writ of mandamus, writ of prohibition, or other equitable order that materially grants the relief sought or materially requires compliance with the Constitution & Bylaws, tribal laws, duly adopted policies, or other binding governing documents.

BE IT FURTHER RESOLVED, reimbursement under this Resolution is limited to reasonable and documented attorney's fees and costs actually incurred in obtaining equitable relief and is not an award of money damages, punitive damages, compensatory damages, consequential damages, restitution, disgorgement, repayment, lost profits, interest, or any other form of damages or retrospective monetary relief.

BE IT FURTHER RESOLVED, this Resolution is intended to constitute the separate written enactment authorizing reimbursement of reasonable attorney's fees and costs referenced in the Limited Waiver of Sovereign Immunity for Equitable Actions to Enforce the Constitution, Laws, and Policies of the Tribe. The two resolutions shall be read together so that the waiver resolution bars money damages and general monetary relief, while this Resolution separately authorizes



reimbursement of reasonable attorney's fees and costs to a successful plaintiff as provided herein.

BE IT FURTHER RESOLVED, the Tribal Business Council shall reimburse approved reasonable attorney's fees and costs within thirty (30) days after the successful plaintiff submits a written claim for reimbursement, together with reasonable documentation of the fees and costs incurred, to the Three Affiliated Tribes.

BE IT FINALLY RESOLVED, the Tribal Business Council may not claim sovereign immunity from suit in Tribal Court in any action seeking enforcement of this Resolution and reimbursement of reasonable attorney's fees and costs authorized by this Resolution. Any reasonable attorney's fees and costs incurred in a successful action to enforce 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 _____, 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