

RESOLUTION NUMBER **TMBC917-09-14** OF THE DULY ELECTED AND  
CERTIFIED  
GOVENING BODY OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA

WHEREAS, The Turtle Mountain Band of Chippewa Indians, herein after referred to as the tribe, is an unincorporated Band of Indians acting under a revised Constitution and Bylaws approved by the Secretary of the Interior of June 16, 1959, and amendments thereto approved; and

WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and by-laws empowers the Tribal Council with the authority to represent the Band and to negotiate with federal, state, and local government and with private persons; and

WHEREAS, Article IX (a) Section 14 of the Turtle Mountain Constitution and By-laws empowers the Tribal Council with the authority to make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this Constitution and By-laws, provided that any contract shall be subject to the approval of the Secretary, or his authorized representative; and

WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and Bylaws requires a 30-day comment period prior to the adoption of any ordinances or amendments to the Tribal Code, whether proposed by resolution or otherwise. Adoption must occur through a roll call vote of the Tribal Council at a publicly held meeting; and

WHEREAS, the Tribe engages in various business and governmental endeavors which require various contracts and agreements to be executed; and

WHEREAS, many of the contracts and agreements request that the Tribe waive its sovereign immunity; and

WHEREAS, many of the contracts and agreement request that the Tribe agree to binding arbitration clause; and

WHEREAS, the Tribe, by Resolution No. TMBC853-07-14 placed the following proposed amendments out for a thirty day (30) comment period to Title 7. Contracts to include the following language; now

**THEREFORE BE IT RESOLVED** that the Tribe is approving amendments to Title 7, effective immediately as follows: "that no elected official, including but not limited to the Chairman, the Vice Chairman, the Treasurer, and Secretary, appointed official, employee of the Tribe, or an employee of any enterprise owned by the Tribe shall not execute a

contract or agreement that has a sovereign immunity waiver without a separate resolution authorizing the waiver of the Tribe's sovereign immunity; and that no elected official, including but not limited to the Chairman, the Vice Chairman, the Treasurer, and Secretary, appointed official, employee of the Tribe, or an employee of any enterprise owned by the Tribe shall not execute a contract or agreement that has an arbitration clause without a separate resolution authorizing the arbitration clause.

CERTIFICATION

I, the undersigned Tribal Secretary of the Turtle Mountain Band of Chippewa Indians, do hereby certify that the Tribal Council is composed of nine (9) members of whom *nine (9)* constituting a quorum were present at a meeting duly called, convened and held on the *18<sup>th</sup> day of September, 2014* that the foregoing resolution was adopted by an affirmative vote of *eight (8) in favor* - Representatives Patrick J. Marcellais, Cindy Malaterre, Zelma Peltier, Carson Belgarde, Edward Falcon, Jim Baker, Elmer Davis Jr. and Troy DeCoteau; with the Chairman not voting.

  
Jolean A. Morin Tribal Secretary *9/24/14*

SIGNED INTO LAW/Dated this *24<sup>th</sup>* day of *September*, 2014  
 VETOED/Dated this \_\_\_\_ day of \_\_\_\_\_, 2014

  
Richard W. McCloud, Tribal Chairman

Received in Administration

OCT 03 2014

BIA, Turtle Mountain Agency