



The Resolution Process

Three Affiliated Tribes - Records Office

1. What is a Resolution?

- Legislative bodies have various options available for taking legislative action, including the passage, adoption, or approval of Bills, Ordinances, Resolutions, Rules, Regulations, Motions, and Executive Orders. The Three Affiliated Tribes uses four of the options: 1) Ordinances; 2) Resolutions, 3) Executive Orders and 4) Motions.
- **When is a resolution required?** Examples of use: Tribal Code, Ordinances, Fiscal Budgets, Expenditure of Tribal Funds (Over a certain amount), Policy Approval, Contracts & Agreements, Settlements, Rights-of-Way, Agricultural Leases, Grants, Land Purchases or Exchanges, Home purchases, Enrollment, Statements of Support or Position, and more.

2. Parts of a Resolution?

- **Resolution Number:** ##-###-### (Year-Ascending No.; Executive Secretary Initials)
- **Heading**
 - Title
- **Body:** The body of a resolution is divided into two parts: preambulatory clauses and operative clauses.
 - **Preambulatory Clauses** (Whereas Statement) - These clauses are substantive, begin a resolution and cannot be amended.: Preambulatory clauses provide an overview of the problem and remind readers of past actions taken on the issue.
 - **Operative Clauses** (Be It Further Resolved & Be It Finally Resolved): These clauses contain the real content and action of a resolution, begin with a verb, conclude a resolution, and can be amended. Operative clauses contain the real content and action of a resolution. These clauses are meant to achieve the main policy goals of the signatories and are organized by logical progression. Each clause has only one idea, and sub-clauses are used to further detail the main action of the operatives.
- **Appendix:** Supporting documents such as budgets, maps, other.
- **Certification Page:** Contains meeting information, voting details, dated live signatures of the Chairman & Executive Secretary. Resolutions require a live signature and may not be stamped.

3. Drafting Your Resolution

- Before you start writing, do a little homework, review similar types of approved resolutions from the Records Office website to provide yourself with back ground and examples of language to use in your draft resolution.
- If you are amending or superseding a previously approved resolution reference the resolution number in your resolution language.
- Ready to start writing? The TAT Legal Dept has the template for resolutions & it is also available on the Records Office web site.
- As you develop your draft make sure the resolution clearly shows the intention of the resolution.
- Submit your draft to the TAT Legal Dept or your legal representation for initial Legal review.
- Your draft needs to be consistent with Tribal Laws and Policies and in the appropriate, accepted TAT format for Tribal resolutions.

2. Legal Review

- Upon completion of the draft resolution, you will need to formally submit it to the TAT Legal Dept for review.
- The Legal Dept. will email the reviewed resolution to you verifying that it has been deemed Legally sufficient for approval.
- Please Do Not expect the Legal Dept. to review your draft resolution the week of your meeting. It is highly recommended that drafts be submitted to Legal Dept. 3 or more weeks before the next TBC meeting.

4. Committee Review

- After TAT Legal Dept. review contact the Chairperson of the appropriate Committee and request to be

placed on the agenda with an action item to present the resolution.

- Once on the agenda, verify the time/date of the meeting and present your item and request a motion to forward the resolution to TBC.
- If the Committee makes a motion to forward to the next TBC, you will contact the TAT Legal Dept and ask them to send the resolution to the TAT Records Office.
- If the Committee has recommended changes to the resolution, make the changes and resubmit to the Legal Dept. for review.
- Under certain circumstance the Committee may forward to Executive Committee for additional discussion & review.

4. Tribal Business Council

- It is highly recommended that resolutions be submitted at least 2-weeks before the TBC meeting for final review to insure the certification of the resolution can take place at the meeting. In situations of short deadlines this is critical.
- If your resolution is not received from the Legal Dept. or TBC Legal Representation before the TBC meeting the approved resolution will be considered under Subject to Legal review and could add up to a month additional time to getting your resolution certified.
- When presenting your resolution bring 10 copies of the resolution and the email from the TAT Legal Dept. which verifies Legal Dept. Review. (One copy for each Council member, one copy for the TAT CEO, one copy for the TAT Records Office and one copy for yourself). A copy will be included in the TBC meeting binder for the Council if one was presented in committee.
- The Legal Dept. and TBC Legal Representation will provide the Records Office staff with a digital reviewed copy of the resolution for presentation & TBC review.
- Once the Tribal Business Council makes a motion to approve the resolution it will be assigned the appropriate resolution number. This number will help you find your resolution when it is published. Tribal Code resolutions receive a resolution number on approval of the 3rd Reading.
- If changes to the resolution are made during the TBC meeting it may be approved *Subject to Legal Review* or *Tabled* for additional work and or continued TBC & Legal review.

5. Certification

- Verifies the Date of the meeting, voting details, and contain the dated live signatures of the Chairman & Executive Secretary.
- Only resolutions reviewed by TAT Legal Dept. & TBC Legal representation will be certified by the Records Office.

6. Publication

- Certified resolutions are published within 1-2 days of signature to the Records Office Web Site at: <https://www.mhanation.com/tat-records-office>

For further inquiries, please contact:

- TAT Legal Dept: Phone: (701) 627-8261
- Records Office: Phone (701) 627- 8111