

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

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under 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,** Adequate law enforcement on the reservation continues to be a priority for the Tribal Business Council of the Three Affiliated Tribes; and
- WHEREAS,** The City of Parshall, located in Mountrail County in the northeastern part of the Fort Berthold Reservation, in which a growing number of Tribal members reside, has discontinued the Cross-Deputization Agreement it had with the Bureau of Indian Affairs and the Three Affiliated Tribes because, among other things, it determined it no longer had enough funds to pay for a full time law enforcement officer; and
- WHEREAS,** The City of Parshall now expects Mountrail County to provide law enforcement protection for its non-Indian citizens, but this has resulted in inadequate law enforcement protection for all of the residents of Parshall, non-Indian and Indian alike, because BIA and Tribal law enforcement officials are not empowered to make any arrests or take any official action to enforce the law against those who are non-Indians, and Mountrail County law enforcement officials are not empowered to make any arrests or take any official action to enforce the law against those who are Indian; and
- WHEREAS,** In discussions in previous years, the Tribe has developed a cross-deputization agreement with the Mountrail County, similar to that now in effect with the City of New Town, and has gained approval of this agreement from the appropriate County officials in Mountrail County, provided certain legislation, stated below, is enacted by the Tribe; and
- WHEREAS,** New discussions have taken place concerning a cross-deputization agreement between Mountrail County, Tribal and BIA officials, resulting in some suggested changes to the proposed agreement agreed upon by the parties and reflected in the draft agreement attached hereto by underlines and strikeouts; and
- WHEREAS,** The new draft agreement allocates expenses and duties between the parties, preserves the right of the Tribe to control records of arrests of its members made

on the reservation for which an appearance and provides that the County law enforcement officials will be provided BIA cards indicating their special status as BIA law enforcement officials when acting pursuant to the cross-deputization agreement, and preserves the other features of the old agreement, including a description of a cross-deputization commission composed of representatives of the parties to the agreement, a description of the applicability of the Federal Tort Claims Act to the persons acting on behalf of the parties to the Agreement, the nature of the cross-deputization, how supervision will be carried out, and how the agreement may be revoked by a party, among other things laid out in the agreement; and

WHEREAS, In order to satisfy the insurance needs of Mountrail County and its insurance provider, the North Dakota Insurance Reserve Fund, the Tribe must enact into Tribal law a limitation on liability provision, as attached hereto, limiting the liability under Tribal law of any employee of the State or any political subdivision, and limiting the liability of the State of North Dakota or any of its political subdivisions, to a maximum of \$250,000 per occurrence or to a maximum of \$500,000 per occurrence when three or more persons are involved;

WHEREAS, The agreement, along with the Tribal law which must be enacted, represents a significant effort to enhance law enforcement in Mountrail County, and especially the City of Parshall, and is needed immediately in order to curb occasional law enforcement problems in the City of Parshall and elsewhere in Mountrail County;

NOW, THEREFORE, BE IT RESOLVED, that to improve law enforcement within the Fort Berthold Reservation and particularly in Mountrail County, the Tribal Business Council hereby approves the Cross-Deputization Agreement between the Tribe, the Bureau of Indian Affairs and Mountrail County, in substantially the form as attached hereto, subject to such changes as the BIA and Mountrail County may wish to make that will allow those parties to approve the Agreement, so long as any changes do not substantively alter the provisions of the Agreement, and finds that adoption of the attached Agreement is in the best interests of the Three Affiliated Tribes and its members; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes its Chairman or Treasurer to execute the Cross-Deputization Agreement with Mountrail County and the BIA in its final form as approved by the other parties to the Agreement, subject to the above paragraph and subject to final review by the Tribal Legal Department; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Business Council hereby enacts into Tribal law the attached Code Section, which shall be properly encoded by the Tribal Legal Department, in order to limit damages that may be obtained in Tribal court against the State of North Dakota, its political subdivisions and their employees who have exercised their duties under any agreement entered into by the Tribe and the State or its political subdivisions.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 8th day of June, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 2 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 8th day of June, 2000.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Tom R. Hall
Chairman, Tribal Business Council