

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 and Bylaws of the Three Affiliated Tribes authorize and empower the Tribal Business Council to present and prosecute any claims of the Three Affiliated Tribes before any court, and to employ attorneys of record for such services, and to determine their fees; and
- WHEREAS, In March, 1980, the Three Affiliated Tribes instituted a civil action, in the District Court of Ward County, Northwest Judicial District, against Wold Engineering, wherein said Tribes sought monetary damages on a claim that said Wold Engineering had negligently designed the water intake system for the Four Bears Village, situated within the exterior boundaries of the Fort Berthold Reservation; and
- WHEREAS, In an Opinion filed July 1, 1982, the Supreme Court of North Dakota, on appeal, affirmed the Judgment of the District Court dismissing the Complaint of the Three Affiliated Tribes for lack of subject matter jurisdiction over a civil action instituted by an Indian tribe as plaintiff against non-Indians as defendants, wherein the cause of action arose within the exterior boundaries of an Indian reservation; and
- WHEREAS, It is the considered opinion of the Tribal Business Council of the Three Affiliated Tribes that the decision of the Supreme Court of North Dakota is extremely adverse to the interests and welfare of the Three Affiliated Tribes and their individual enrolled members in the context of their ability to secure adequate legal relief in any judicial forum for damages caused by non-Indians resulting from transactions occurring within the exterior boundaries of the Fort Berthold Reservation; and
- WHEREAS, Upon their respective review and analysis of the decision of the Supreme Court of North Dakota and of the merits of the case in general, various attorneys and law firms have unanimously recommended that such decision be brought by the Three Affiliated Tribes before the Supreme Court of the United States for review, such attorneys and law firms including John O. Holm (Attorney of Record for the Three Affiliated Tribes in Wold Engineering), Vance Gillette, Christopher Quale, the Native American Rights Fund, and Wilkinson, Cragun & Baker;
- NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes continue to retain John O. Holm of Beyer & Holm Law Offices, Dickinson, North Dakota, for the purpose of continuing his representation of the Three Affiliated Tribes in the capacity of Attorney of Record therefor in the case of Three Affiliated Tribes vs. Wold Engineering and of bringing the decision of the Supreme Court of North Dakota before the Supreme Court of the United States for review; and

BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes negotiate a reasonable professional fee arrangement with said John O. Holm in consideration for the legal services to be rendered by Mr. Holm in his capacity as Attorney of Record for the Three Affiliated Tribes in the appeal of the decision of the Supreme Court of North Dakota in Wold Engineering.

C E R T I F I C A T I O N

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 11 members of whom 7 constitutes a quorum, 9 were present at a Special Meeting, thereof duly called, noticed, convened and held on the 6th day of August, 1982; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 8 members, 0 members opposed, 0 members abstained, 1 members not voting and that said resolution has not been rescinded or amended in any way.

Chairman (Voting) (~~Not Voting~~).

DATED THIS 6th DAY OF AUGUST, 1982.

  
SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:

  
CHAIRMAN, TRIBAL BUSINESS COUNCIL