

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, Article VI, Section 3(a) of the Constitution of the Three Affiliated Tribes authorizes and empowers 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
- WHEREAS, In March 1980, the Three Affiliated Tribes instituted a court action (entitled Three Affiliated Tribes v. Wold Engineering) 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, On the 6th day of August, 1982, the Tribal Business Council, via Resolution #82-131, formally acted to continue the retention of John O. Holm, Esq., Dickinson, North Dakota, as Attorney of Record for the Three Affiliated Tribes in said Wold Engineering and to appeal the decision of the Supreme Court of North Dakota to the United States Supreme Court on a petition for writ of certiorari; and
- WHEREAS, On the 25th day of April, 1983, the United States Supreme Court did grant review on writ of certiorari; and
- WHEREAS, It continues to be the considered position of the Tribal Business Council of the Three Affiliated Tribes that the decision of the Supreme Court of North Dakota, in Wold Engineering, is erroneous and extremely adverse to the interests and welfare of the 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, The Native American Rights Fund, Boulder, Colorado, is currently under a three (3) year consultant contract with the Three Affiliated Tribes for the purpose of rendering both particular and general legal assistance to the Tribes and has expressed a substantial interest in the appeal of Wold Engineering to the United States Supreme Court and has, in fact, previously drafted and submitted to the Tribal Business Council a legal memorandum supportive of the position of the Tribes in said civil action; and

WHEREAS, The Tribal Business Council recognizes the expertise possessed by the respective staff attorneys employed with the Native American Rights Fund in the area of federal Indian law and in the area of practice before the United States Supreme Court; and

WHEREAS, The Tribal Business Council acknowledges the critical importance to the Three Affiliated Tribes and their enrolled members of a favorable determination by the United States Supreme Court upon its review of the State Court decision in Wold Engineering and, in light thereof, has deemed it exceedingly advisable to secure the expertise and legal assistance of the Native American Rights Fund in pursuing the appeal to the United States Supreme Court, and

WHEREAS, The Legal Department of the Three Affiliated Tribes has agreed with both the Native American Rights Fund and John O. Holm that said attorneys shall serve in an "of counsel" capacity in providing assistance to the Legal Department in preparation of the Tribes' brief in Wold Engineering and in the appearance before the United States Supreme Court;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes, pursuant to its Constitutional power and authority and pursuant to its rights under the above-identified consultant contract, hereby requests that the Native American Rights Fund and John O. Holm forthwith serve in the capacity of "of counsel" in conjunction with the Legal Department of the Three Affiliated Tribes in the court action entitled Three Affiliated Tribes vs. Wold Engineering.

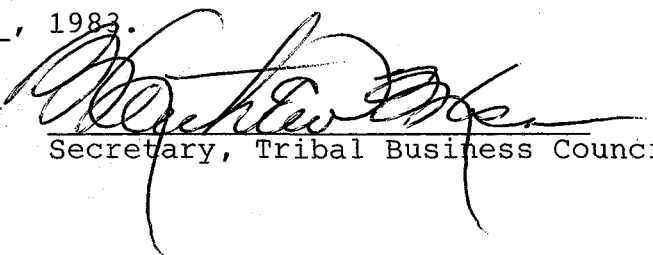
#### CERTIFICATION

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 11

members, of whom 7 constitutes a quorum, 9 were present at a Regular meeting thereof duly called, noticed, convened and held on the 9/13 day of MAY, 1983; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 8 members, — members opposed, — 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 13 day of MAY, 1983.

  
Secretary, Tribal Business Council

ATTEST:

  
Chairman, Tribal Business Council