

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 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 members thereof; and
- WHEREAS, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedures of the Tribal Business Council and those of instrumentalities of the Tribes; and
- WHEREAS, The Tribal Business Council of the Three Affiliated Tribes granted a nonprofit corporate charter to the Fort Berthold Communication Enterprise, which corporate entity oversees the operation of the Tribal newspaper, known as the "Ahead of the Herd," and of the Tribal FM radio station, known as "KMHA;" and
- WHEREAS, Article I, Section E of the Charter of the Fort Berthold Communications Enterprise provides that "(t)his Enterprise is established in accordance with and under the authority of Article V, Section 5(a), (b), (c), (i), and (j) of the Constitution and By-Laws of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, approved by the Commissioner of Indian Affairs on June 29, 1936, as amended;" and
- WHEREAS, Article II, Section A of the Charter of the Fort Berthold Communications Enterprise provides, in part, that the Fort Berthold Communications Enterprise "shall be responsible for the planning operation and management of . . . (the) print media known as 'Ahead of the Herd'" and that "(i)t shall establish overall operating policies for the Enterprise and shall enforce strict adherence to such policies and this Charter;" and
- WHEREAS, Article IV, Section A of the Charter of the Fort Berthold Communications Enterprise provides that "(t)he general policies, scope, and procedures of Fort Berthold Communications Enterprise shall be determined by a Board of Trustees, to be appointed by the Tribal Business Council of the Three Affiliated Tribes;" and
- WHEREAS, Article IV, Section B of the Charter of the Fort Berthold Communications Enterprise provides that "(t)he Board of Trustees shall be responsible for providing management and overall responsibility for the Fort Berthold Communications Enterprise;" and

- WHEREAS, Article IV, Section B of the Charter of the Fort Berthold Communications Enterprise provides, in part, that "(t)he Board shall not enter into any litigation without specific authorization of the (Tribal Business) Council nor may the Board waive immunity from suit without specific authorization;" and
- WHEREAS, On July 10, 1986, at the conclusion of the Regular Meeting of the Tribal Business Council, the former Editor and staff members of the "Ahead of the Herd" newspaper verbally presented to the Tribal Business Council a proposed nonprofit corporate charter, which charter would place a Tribal newspaper staff under the authority of the Board of the proposed corporation and remove such newspaper from the authority of the Board of Trustees of the Fort Berthold Communications Enterprise, thereby making the newspaper independent of the Communications Enterprise; and
- WHEREAS, Subsequent to the preliminary presentation made by the former staff of the "Ahead of the Herd" and while a quorum of the Tribal Business Council continued to be present at the Regular Meeting, a motion to grant the proposed corporate charter to the former newspaper staff was made by Gordon Blake, Vice-Chairman of the Council, and was seconded by Dennis Huber, a general member of the Council; and
- WHEREAS, Shortly subsequent to the commencement of the discussion on the motion, a general member of the Council departed from the meeting, thereby leaving a number of Council members present at the meeting which failed to constitute a quorum; and
- WHEREAS, The Chairperson of the Tribal Business Council, thereupon realizing that a quorum was no longer present at the meeting to conduct business, adjourned the meeting in the precise manner in which meetings of the Tribal Business Council have been consistently adjourned; and
- WHEREAS, Subsequent to the adjournment of the Regular Meeting, the remaining five (5) members of the Tribal Business Council present in the Council Chambers voted in favor of granting to the former newspaper staff the proposed corporate charter, notwithstanding the fact that a quorum of the Council was not present in the Council Chambers to convene a subsequent meeting of the Council and to conduct valid and legal Council business; and
- WHEREAS, Based upon the foregoing facts and circumstances surrounding the attempted action taken by such five (5) Council members to grant the proposed corporate charter to the former newspaper staff, it is the considered judgment of the Tribal Business Council that such attempted action was without legal and procedural validity;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby reaffirms that express authority of the Board of Trustees of the Fort Berthold Communications Enterprise, as originally granted thereto by the Charter of the Communications Enterprise, to maintain general management and oversight responsibility over the operation and publication of the "Ahead of the Herd" newspaper.

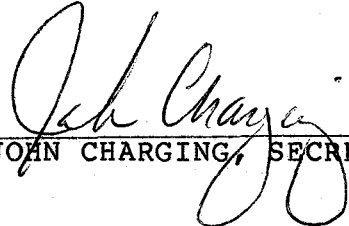
BE IT FURTHER RESOLVED, That the Tribal Business Council hereby reaffirms the immunity from suit enjoyed by the Board of Trustees of the Fort Berthold Communications Enterprise, as originally recognized in the Charter of the Communications Enterprise, and further affirms that the Board of Trustees is devoid of any authority whatsoever to waive its immunity from suit without the specific authorization of the Tribal Business Council of the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, That the Tribal Business Council hereby deems the attempted action taken by the five (5) Council members, on July 10, 1986, to grant the proposed corporate charter to the former newspaper staff members, to have been wholly without legal and procedural validity and, therefore, the legal relationship between the "Ahead of the Herd" newspaper and the Fort Berthold Communications Enterprise remains intact.

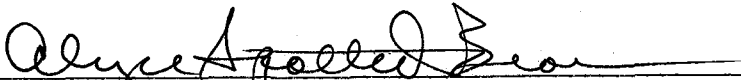
C E R T I F I C A T I O N

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, 10 were present at a Special meeting, thereof duly called, noticed, convened, and held on the 15th day of July, 1986; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 6 members, 3 members opposed, 1 members abstained 0 members not voting, and that the said resolution has not been rescinded or amended in any way.

Dated this 15th day of July, 1986.


JOHN CHARGING, SECRETARY

ATTEST:


ALYCE SPOTTED BEAR, CHAIRPERSON
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES
FORT BERTHOLD RESERVATION