

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 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedure of Tribal agencies; and
- WHEREAS, On the 30th day of June, 1986, the Tribal Business Council took formal action to amend the Election Ordinance of the Three Affiliated Tribes, whereby the Office of Chief Judge of the Fort Berthold Tribal Court would no longer be subject to election by the qualified voters of the Three Affiliated Tribes, but would be subject to appointment by the Tribal Business Council; and
- WHEREAS, On 2nd day of July, 1986, the Tribal Business Council, via Resolution #86-127-C, adopted a concomitant amendment to Section 1a of Subchapter 3 of Chapter 1 of the Code of Laws of the Three Affiliated Tribes, so as to likewise provide for the appointment by the Tribal Business Council of the Chief Judge of the Fort Berthold Tribal Court, in lieu of the election of such Judge; and
- WHEREAS, Due to severe time constraints, the Tribal Business Council, in the process of amending the above-cited provision of the Code of Laws, did not have the opportunity to address the matter of the qualification criteria to be prescribed for the Office of Chief Judge; and
- WHEREAS, The Tribal Business Council has thoroughly considered certain proposed qualification criteria for such Office and has deemed necessary the further amendment to Section 1a of Subchapter 3 of Chapter 1 of the Code of Laws, so as to include therein certain prescribed qualification criteria for the Office of Chief Judge;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council hereby rescinds Resolution #86-127-C, dated the 2nd day of July, 1986.

BE IT FURTHER RESOLVED, That the Tribal Business Council hereby amends the language set forth in Section 1a of Subchapter 3 of Chapter 1 of the Code of Laws of the Three Affiliated Tribes to read as follows:

"Chief Judge

The Chief Judge of the Fort Berthold Tribal Court shall be appointed by the Tribal Business Council of the Three Affiliated Tribes for a term of five (5) years and shall have the right to be considered for successive appointments.

In order to be considered for appointment to the Office of Chief Judge, an applicant therefor shall satisfy each of the following minimum qualification criteria:

- 1) he/she shall be an enrolled member of the Three Affiliated Tribes of the Fort Berthold Reservation;
- 2) he/she shall be thirty (30) years of age or older;
- 3) he/she shall be a graduate of an accredited law school or shall have knowledge of the laws and customs of the Three Affiliated Tribes and of judicial procedures derived from three (3) or more years of practical involvement with the administration of the laws of the Three Affiliated Tribes;
- 4) he/she has not been found guilty by a court of competent jurisdiction of a felony;
- 5) he/she has not received a discharge other than an honorable discharge from any branch of the Armed Forces of the United States;
- 6) he/she has not been removed for cause from the Office of Tribal Business Council member, as provided in Article V, Section 2 of the Constitution of the Three Affiliated Tribes, or from the Office of Chief Judge of the Fort Berthold Tribal Court, as provided in Chapter 1, Subchapter 3, Section 3 of the Code of Laws of the Three Affiliated Tribes; and
- 7) he/she is not delinquent in the payment of any financial obligation in favor of the Three Affiliated Tribes, which financial obligations shall include, but not be limited to, (a) rental and mutual self-help

payments to the Fort Berthold Housing Authority, (b) fines and court costs due and owing to the Fort Berthold Tribal Court, (c) loan payments, including payments on Tribal emergency loans and loans for which the Tribes cosigned, (d) lease payments, including payments on farming, grazing, commercial, residential, and personal property leases, (e) proper reimbursement of travel and per diem advances, and (f) payments due and owing to any Tribal business venture."

BE IT FURTHER RESOLVED, That the above-cited amendment to Section 1a of Subchapter 3 of Chapter 1 of the Code of Laws of the Three Affiliated Tribes shall become effective immediately.

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 constitute a quorum, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 29<sup>th</sup> day of September, 1986; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 0 members opposed, 2 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 29<sup>th</sup> day of September, 1986.

John Cray  
Secretary, Tribal Business Council

ATTEST:

Gordon J. Blah  
Vice-Chairman, Tribal Business Council