

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 By-laws of the Three Affiliated Tribes authorize and empower the Tribal Business Council to engage in activities for the welfare benefit of the Tribe and tribal members; and

WHEREAS, The Attorney Contract, A00C14201145, between the Tribe and Wilkinson, Cragun & Barker dated January 1, 1978, as amended, which was assigned to Hobbs, Straus, Dean & Wilder in 1982 and since extended until December 31, 1994; and

WHEREAS, Hobbs, Straus, Dean & Wilder is currently representing the Tribe in Duncan Energy Co. v. Three Affiliated Tribes of the Fort Berthold Reservation and Reservation Tel. Coop. v. Three Affiliated Tribes of the Fort Berthold Reservation; and

WHEREAS, In Duncan Energy Co., the Eighth Circuit Court of Appeals has denied the Tribe's petition for writ of mandamus and dismissed the Tribe's interlocutory appeal as for lack of jurisdiction; and

WHEREAS, It is expected that litigation in both Duncan Energy Co. and Reservation Tel. Coop. will proceed to a trial in the United States District Court for the District of North Dakota; and

WHEREAS, The District Court by order of January 12, 1993 in Reservation Tel. Coop. will now consolidate Duncan Energy Co. with Reservation Tel. Coop.; and

WHEREAS, The trial phase will require the Tribe to present evidence demonstrating that plaintiffs or their activities fall within one or more of the eight enumerated bases for tribal taxation in section 101A of the Tribal Tax Code, including (1) activities which substantially involve or have some direct effect on the lands, air quality, mineral resources or surface or ground waters of the Tribe, (2) plaintiffs benefit from governmental services provided by the Tribe, and (3) plaintiffs benefit from the existence of the civil and/or criminal laws of the Tribe and the administration of those laws; and

Regular Council Meeting
April 8, 1993
Page four

AIHEC (CON'T)

Fort Totten is offering a curriculum for Gaming Management. Councilman Gillette suggested we use this curriculum at our Fort Berthold Community College to train the employees for our Casino. Chairman Wilkinson mentioned that it is planned to utilize FBCC for the training of these employees for the gaming establishment.

- ITEM 10: RESOLUTION/ATTORNEY FEES FOR DUNCAN OIL #93-44-JJR
This resolution is for the authorization of the Legal Department to submit an application for legal fees to defend the litigation in the Duncan Energy Case.

Chairman Wilkinson explained this case and two other cases, the Standish and the RTC case, are trying to take the Northeast Quadrant away from the Tribe. Some of the Councilmen will be meeting with the Justice Department in Washington D.C. to intervene in these cases in support of the Northeast Quadrant being part of the reservation and remaining as part of the reservation. The BIA has litigation money available, we need to prepare a proposal for attorney fees, expert witness fee, and also revisit the 1910 mineral studies. The reason we need this mineral study, is to assert ownership on the oil and gas development in the Northeast Quadrant. The purpose of this resolution, therefore, is to request these monies for said purposes.

Chairman Wilkinson entertained a motion to approve.

Vice Chairman Johnson motioned to approve, seconded by Secretary Rabbithead.

Vote: 6 for, 0 opposed, 1 not voting.

- ITEM 11: RESOLUTION/WAHPETON INDIAN SCHOOL #93-45-JJR
Resolution read by Secretary Rabbithead.
This resolution pertains to the transfer of school and school board control to authority to PL 100-297. This is a resolution in support of this action. This resolution changes the BIA operated

WHEREAS, The Tribe wishes to employ experts, including an hydrologist, experts in air quality and waste disposal, and an expert with background in administration of Indian affairs on the Fort Berthold Reservation, to assist the Tribe in presenting such evidence.

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council, in a duly convened and held meeting, hereby authorizes its legal counsel, Hobbs, Straus, Dean & Wilder, to locate and interview such experts as necessary, draft a proposal outlining the area and scope of testimony for each expert witness, and present the expert witnesses and study proposals to the Tribal Business Council for approval before the expert witnesses begin their studies.

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

I, the undersigned, as Secretary of the Tribal Business Council of Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) constitute a quorum, of whom 7 were present constituting a quorum at a Regular meeting, thereof duly called, noticed, convened and held on the day of April 8th, 1993; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstaining, and 1 member not voting, and that said resolution has not been rescinded or amended in any way.

Dated this 8th day of April, 1993.

John J. Rabbithead Jr.
Secretary, Tribal Business Council

ATTEST:

William A. Welburn
Chairman, Tribal Business Council