

Resolution # 95-81-EH

**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 of the Three Affiliated Tribes Constitution empowers the Tribal Business Council of the Three Affiliated Tribes to establish and operate a Tribal Court; and

WHEREAS, Chapter I Subchapter 3 of the Tribal Code of the Three Affiliated Tribes authorizes the Tribal Business Council to appoint an Associate Judge; and

WHEREAS, An Associate Judge must be law trained with at least three (3) years of trial experience; and

WHEREAS, **Diane Avery**, enrolled member of the Three Affiliated Tribes, was appointed as Associate Judge on the 10th day of February, 1993 for a term of twenty-four (24) months; and

WHEREAS, **Diane Avery's** term expired on the 10th day of February, 1995; and

WHEREAS, **William McLees** was appointed as Alternate Associate Judge on the 8th day of April, 1993; and

WHEREAS, **William McLees'** term expired on the 8th day of April, 1995.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby reappoints **Diane Avery**, as Associate Judge of the Three Affiliated Tribes and hereby also reappoints **William McLees** as Alternate Associate Judge, both to serve a term of twenty-four (24) months effective immediately; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the jurisdictional authority regarding the attached cases presided over by Judge Avery during the interim from February 10, 1995 to April 12, 1995 shall be granted retroactively.

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BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes directs P. Diane Avery to negotiate an appropriate contract with the Alternative Associate Judge.

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 7 members of whom 5 constitute a quorum, 6 members were present at a Special meeting thereof duly called, noticed, convened, and held on the 12th day of April, 1995; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 12th day of April, 1995.

Edna Hall

ATTEST:

[Signature]
Tribal Business Council