

**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 of the Constitution of the Three Affiliated Tribes specifically grants to the Tribal Business Council all necessary sovereign authority - legislative and judicial - for the purpose of exercising the jurisdiction granted by the people of the Three Affiliated Tribes in Article I of the Constitution; and

WHEREAS, The Fort Berthold Coalition Against Domestic Violence, a nonprofit corporation incorporated under the laws of the State of North Dakota, was awarded grant funds in the amount of \$19,200 by the North Dakota Governor's "STOP" Violence Against Women Committee for the purpose of retaining an attorney to serve as Special Prosecutor to provide supplemental outside services to the Fort Berthold District Court in prosecuting domestic violence cases; and

WHEREAS, On the 23rd day of June, 1997, one week prior to the commencement of the grant period (i.e., July 1), the Tribal Business Council, via Resolution No. 97-153-DSB, acknowledged the procedure for selecting the Special Prosecutor as specifically prescribed in the State grant document and authorized the attorney so selected to provide assistance in the prosecution of domestic violence cases on behalf of the Coalition Against Domestic Violence; and

WHEREAS, On the 8th day of July, 1997, the Fort Berthold District Court issued an Order, wherein it took the position that the Special Prosecutor funded under the State grant was to assume a position within the District Court and, therefore, should have been selected pursuant to the Three Affiliated Tribes Personnel Policies and Procedures; and

WHEREAS, On the 10th day of July, 1997, the Tribal Business Council, via Resolution #97-159-EH, clarified its intent in adopting its prior Resolution No. 97-153-DSB by stating that (1) the Special Prosecutor position funded by the State grant is not a position to be

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maintained within the Tribal Government structure per se, (2) the employment selection procedures of the Three Affiliated Tribes have no application to the selection of the Special Prosecutor under the Grant Agreement between the State of North Dakota and the Fort Berthold Coalition Against Domestic Violence, and (3) the selection for the position must be governed by the special procedure approved by the State of North Dakota as prescribed in the grant document; and

WHEREAS, On the 18th day of September, 1997, the Coalition Against Domestic Violence directed a letter to the Tribal Business Council requesting that the Council achieve a final resolution of the issue of the governing procedure for the selection of the Special Prosecutor under the State grant, stating that the Fort Berthold District Court “is not recognizing the (State grant) hiring practice and (the Special Prosecutor actually selected) is prohibited from prosecuting criminal cases involving domestic violence, the primary objective of the grant”; and

WHEREAS, On the 22nd day of September, 1997, the Fort Berthold Agency of the Bureau of Indian Affairs directed a letter to the District Court in response to the request of the Court for a position on the issue at hand, in which letter the Agency indicated that both the Aberdeen Area Office of the Bureau of Indian Affairs and the Office of the United States Solicitor had informed the Fort Berthold Agency that the Court “should contact the Tribal Business Council and resolve this dispute ‘in-house’ ”; and

WHEREAS, On the 23rd day of September, 1997, the Associate District Court Judge of the Fort Berthold District Court issued an Order, wherein it was mandated that the issue as to the governing procedure for the selection of the Special Prosecutor “be referred to the Tribal Council or Coalition Hiring Committee for resolution”; and

WHEREAS, On the 24th day of September, 1997, the District Court directed a Memorandum to the Tribal Business Council reiterating its position on the issue at hand, alleging, among other things, that the matter had previously been “rushed through the Council without a decent review”; and

WHEREAS, The same matter is now before the Tribal Business Council for the third time over a period of three and one-half months, i.e., the matter of the governing procedure for the selection of the Special Prosecutor under the “STOP” Violence Against Women Grant Agreement between the State of North Dakota and the Fort Berthold Coalition Against Domestic Violence; and

WHEREAS, The Tribal Business Council has, in fact, performed “a decent review” of this matter, having addressed the matter for the third time, having reviewed certain relevant documentation, and having conducted a comprehensive discussion of the issue, and the Council has determined that its previous position on the matter is the correct and proper position;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby once again acknowledges that the appropriate and governing procedure for the selection of the Special Prosecutor under the “STOP” Violence Against Women Grant Agreement between the State of North Dakota and the Fort Berthold Coalition Against Domestic Violence is that procedure specifically prescribed in the Grant Agreement, and that the employment selection procedures of the Three Affiliated Tribes have no application to the selection of such Special Prosecutor.

BE IT FURTHER RESOLVED, That the Tribal Business Council further acknowledges that William E. Woods, Jr. was selected as Special Prosecutor under the procedure prescribed by the “STOP” Violence Against Women Grant Agreement and authorizes William E. Woods, Jr. to serve in the capacity of Special Prosecutor to assist the Fort Berthold District Court in prosecuting domestic violence cases.

BE IT FURTHER RESOLVED, That the Special Prosecutor position is funded exclusively by the “STOP” Violence Against Women Grant Agreement between the State of North Dakota and the Fort Berthold Coalition Against Violence and that William E. Woods, Jr., therefore, is neither an employee of nor an independent contractor for the Three Affiliated Tribes, and shall maintain his own office outside of the Fort Berthold District Court and assume exclusive responsibility for his expenses, as contemplated by the requirements of the State grant.

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 9th day of October, 1997; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 2 members opposed, 0

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members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 9th day of October, 1997.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council