

**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 the enrolled members thereof; and
- WHEREAS** Article I of the Constitution of the Three Affiliated Tribes expressly Provides that the jurisdiction of the Three Affiliated Tribes shall extend to all persons and all lands, including lands held in fee, within the exterior boundaries of the Fort Berthold Reservation; 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,** Article VI, Section 5(l) of the Constitution of the Three Affiliated Tribes specifically authorizes the Tribal Business Council to adopt resolutions regulating the procedure of the Tribal Business Council and other tribal agencies and tribal officials of the Reservation; and
- WHEREAS,** The Tribal Business Council enacted a Tribal Tax Code in 1990 wherein a tribal possessory interest tax became effective for tax year 1991; and
- WHEREAS,** The telephone cooperatives that service the Fort Berthold Reservation filed suit in the U.S. District Court challenging the applicability of the tax to their rights-of way on the Reservation; and
- WHEREAS,** The U.S. District Court held that the Cooperatives must first exhaust their tribal remedies which was subsequently affirmed by the 8<sup>th</sup> Circuit Court of Appeals, the case is presently before the Fort Berthold District Court; and
- WHEREAS,** It is the considered judgment of the Tribal Business Council that both parties are desirous of an amicable settlement agreement that will prove beneficial to both parties; and

**WHEREAS,** The Rural Telephone Cooperative (RTC) has placed \$188,500 into escrow which represents the taxes, penalties, and interest owed for tax years 1992 through 1996; and

**NOW, THEREFORE, BE IT RESOLVED,** The Tribal Business Council hereby authorizes the Tax Commission to negotiate a settlement agreement with the telephone cooperatives provided that such settlement agreement meets with the approval of the Tribal Business Council.

### 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 12<sup>th</sup> day of March, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 12<sup>th</sup> day of March, 1998.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council