

**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 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(1) 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 lawsuit is presently before the Fort Berthold District Court with the discovery stage of the litigation nearing completion; and
- WHEREAS,** The Tribal Business Council formed a negotiating team to effectuate a settlement agreement that will prove beneficial to all parties; and

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WHEREAS, The Tribe's negotiating team, on June 1st, 1998, met with Reservation Telephone Cooperative (RTC), West River Telecommunications Cooperative (WRTC), and Consolidated Telephone Cooperative (CTC), in the hopes of entering into a settlement agreement; and

WHEREAS, The settlement negotiations proved futile with Reservation Telephone Cooperative (RTC) and West River Telecommunications Cooperative (WRTC) in their refusal to accept the terms of the settlement offer; and

WHEREAS, Consolidated Telephone Cooperative informed the Tribe's negotiating team that it was still desirous of settling the lawsuit with the Tribe; and

NOW, THEREFORE, BE IT RESOLVED, The Tribal Business Council of the Three Affiliated Tribes hereby authorizes its legal counsel to prepare the settlement documents for acceptance by Consolidated Telephone Cooperative.

BE IT FURTHER RESOLVED, The Tribal Business Council authorizes that the terms of the settlement agreement shall reflect the same terms that was previously offered to all three (3) telephone cooperatives.

BE IT FURTHER RESOLVED, The Tribal Business Council hereby authorizes the Chairman of the Three Affiliated Tribes to execute the settlement agreement on behalf of the Tribe.

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 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 18th day of June, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 0 members abstained, 1 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 18th day of June, 1998.

Dayton Spotted Bear
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council