

**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,** Mildred Berryhill was initially appointed by the Tribal Business Council as Magistrate of the Fort Berthold District Court for a three (3)-month term extending from September 30, 1996 through December 30, 1996, as reflected in Consultant Agreement No. TF-96-36; and
- WHEREAS,** Via Resolution #96-247-DSB, the Council reappointed Mildred Berryhill as Magistrate to serve a term of one (1) year extending from January 1, 1997 through December 31, 1997; and
- WHEREAS,** Via Resolution No. 97-54-DSB, dated February 13, 1997, the Council amended the Fort Berthold Tribal Code to provide, in Title I, Ch. I, Sec. 4.3, that the Council shall appoint the Magistrate for a term of two (2) years, "or as set by resolution" (such as Resolution #96-247-DSB appointing Mildred Berryhill for a one (1)-year term); and
- WHEREAS,** Via Resolution #97-229-DSB, dated October 7, 1997, the Council amended Sec. 4.3 to delete the language "or as set by resolution", so that the amended sentence would provide as follows: "(t)he Council shall appoint the magistrate for a term of two (2) years"; and
- WHEREAS,** Resolution #97-229-DSB, adopted during the one (1)-year term of Mildred Berryhill identified above, effectively superseded the earlier Resolution #96-247-DSB, appointing Mildred Berryhill to the one (1)-year term, by deleting the language "or as set by resolution" from Title I, Ch. I, Sec. 4.3 of the Tribal Code and had the additional effect of extending her one (1)-year term to two (2) years extending from January 1, 1997 through December 31, 1998; and
- WHEREAS,** It is the intent of the Tribal Business Council, through this Resolution, to clarify that the current term of appointment of Mildred Berryhill as Magistrate is a two (2)-year term, as mandated by Title I, Ch. I, Sec. 4.3 of the Fort Berthold Tribal Code;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby expressly recognizes and confirms that the current term of office for which Mildred Berryhill has been appointed as Magistrate of the Fort Berthold District Court extends from January 1, 1997 through December 31, 1998.

BE IT FURTHER RESOLVED, That, in addition, the Tribal Business Council hereby expressly recognizes that all official actions taken by Mildred Berryhill in her capacity as Magistrate of the Fort Berthold Tribal Court throughout the period from January 1, 1997 to date are legally valid in the context of her having been duly appointed to serve in such capacity continuously throughout the period from January 1, 1997 through December 31, 1998.


#### 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 Special Meeting thereof duly called, noticed, convened, and held on the 28<sup>th</sup> day of May, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 28<sup>th</sup> day of May, 1998.

Daylon Spotted Bull  
Secretary, Tribal Business Council

ATTEST:

  
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Chairman, Tribal Business Council