

6-0-0-1

**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, "Hiring Jay Leitch as an expert in the case of 'Three Affiliated Tribes v. Norton'"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity 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(c) of the Three Affiliated Tribes Constitution specifically authorizes and empowers the Tribal Business Council to administer any funds within the exclusive control of the Tribe and to make expenditures from available Tribal funds for the public purposes of the Tribe, including payment of salaries and other compensation to Tribal officials and employees, which includes consultants and legal counsel; and

WHEREAS, the Tribal Business Council has engaged the firm of Conlon, Frantz, Phelan and Pires of Washington, D.C., to represent the Three Affiliated Tribes in a Federal lawsuit being brought against the Department of Interior for failure to properly manage the trust funds and other assets of the Tribe held in trust for the Tribe by the United States; and

WHEREAS, counsel for the Tribe has recommended that an expert be hired in the case who could properly assess damages to the Tribe caused by the mismanagement of tribal resources by the Federal government, and has recommended that Jay Leitch, Dean of the University of North Dakota School of Law, be hired for this purpose, and has requested that the Tribe pay for the cost of hiring Mr. Leitch; and

WHEREAS, the hourly rate for Mr. Leitch is \$165 per hour in state and \$220 out of state plus reasonable expenses, and it is not yet clear how many hours Mr. Leitch will be needed in this matter;

not to exceed \$20,000

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MEMORANDUM

TO: Tex Hall
 Tom Disselhorst

FROM: Alexander J. Pires, Jr. *ASP*
 Rick Gladstone *RG*
 Ingrid Hutto *IA*

RE: Three Affiliated Tribes v. Norton

DATE: October 17, 2002

1. We have discussed with Jay Leitch, Dean of the University of North Dakota School of Business, the possibility of him working on the case as an expert. His role would be to provide an assessment of damages. Enclosed is a copy of his c.v.
2. We do not yet have a contract with Dean Leitch. The tribe would have to pay his fees and expenses. We would like to bring him to Washington, DC, so that we can meet him. What do you need in order for the tribe to authorize payment of his fees and expenses? (Dean Leitch's hourly rate is \$165 in-state, \$220 out-of-state).
3. The government has proposed that we attend a seminar with accountants from the firm of Chavarría, Dunne, and Lamey to explain the Arthur Andersen Reconciliation Report. The seminar will take place in Washington, DC. Dean Leitch would like to attend. Perhaps you both would like to attend the seminar, and we could all meet Dean Leitch at that time. We tentatively scheduled the seminar for October 21, 2002, but need to reschedule because time has run short. We are working on a new date. Please let us know if you would like to attend, and when you would be available.
4. In sum, the case is moving forward. There will be expenses that the tribe will have to cover. The sooner we learn from you how that process works, the better we can provide you what you need.

Enclosure

June 2001

**VITA (short)
JAY A. LEITCH**

Business Address: College of Business Administration
North Dakota State University
Fargo, ND 58105-5137
701-231-7577 (voice) 701-231-7508 (fax)
Jay.Leitch@ndsu.nodak.edu

Home Address: 1313 40th Avenue N
Moorhead, MN 56560
218-236-1596

Education: Doctor of Philosophy, Agricultural and Applied Economics, University of Minnesota, St. Paul,, May 1981; Master of Science, Natural Resources Management, North Dakota State University, Fargo, December 1976; Bachelor of Arts (magna cum laude), Political Science and Geography, Moorhead State College, Moorhead, Minnesota, May 1974

Present Positions: Distinguished Professor of Agricultural Economics and Dean, College of Business Administration.

Selected Previous Positions: Professor, asst., & assoc. professor of agricultural economics, NDSU; Director, Tri-College University Center for Environmental Studies; Special Assistant, Office of the Assistant Secretary of the Army; Senior Economist, Office of Policy Analysis, U.S. Dept. of the Interior; Assoc. Director, North Dakota Water Resources Research Institute
Chair, natural resources management program (NDSU).

Professional Certification: Professional Wetland Scientist (#163) by Society of Wetland Scientists

Selected Honors and Awards: Faculty Lectureship Award, North Dakota State University, 1996; Fargo Chamber of Commerce, NDSU Distinguished Professorship, 1996; Mortar Board Honor Society, NDSU Outstanding Advisor; Excellence in Research, Senior Faculty (Ag), Commendation, 1994, 1995; Published Communication Award, Honorable Mention, American Agricultural Economics Association, 1995; Honorary fraternities: Gamma Sigma Delta, Gamma Theta Upsilon, Pi Sigma Alpha, and Past President of the Society of Wetland Scientists.

Subject Matter Expertise: Natural resources and environmental economics and policy, public finance, regional economics, benefit/cost analysis, government structure, national security.

Jay A. Leitch, short vita, June 2001

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Funded

Research: About 60 separate grants/contracts totaling nearly \$4 million.

Consulting:

World Bank, U.S. AID, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Dept of the Interior, U.S. Congress-Office of Technology Assessment, Office of the Sec. of Defense, Office of the Assistant Secretary of the Army, Minnesota Water Planning Board, Minnesota Pollution Control Agency, South Dakota Department of Water and Natural Resources, North Dakota Parks and Recreation Department, North Dakota State Water Commission, North Dakota Game and Fish Department, Ducks Unlimited-Canada, The Audubon Society, The Wildlife Society, Alberta Agriculture, The Environmental Centre (Alberta), University of Natal (S. Africa), South African Sugar Assn., Canadian Environmental Assessment Research Council, and many others.

Current

Professional Service:

International Joint Commission Task Force on the Red River (one of five U.S. members of a ten-person task force); Greater North Dakota Association Board of Directors, chair-elect; Fargo Moorhead Chamber of Commerce Business-Education Committee, member; River Keepers, Past President of the Board of Directors (member of finance and river trails committees); referee for numerous professional journals.

Teaching

experience:

18 years university teaching (undergraduate courses: public finance, consumer economics, application of analytical techniques, natural resource economics, skills for academic success, orientation to agriculture; graduate courses: natural resource economics and policy, research philosophy, research methodology, seminars, independent studies, thesis research) and numerous off-campus workshops and short courses from one hour to 40 hours long.

Publications: Over 400 books, book chapters, journal articles, monographs, bulletins, and articles in the popular media.

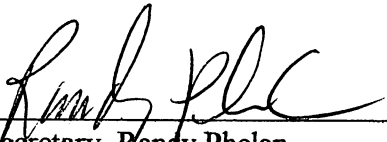
NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby formally approves the hiring of Mr. Leitch by the law firm of Conlon, Frantz, Phelan and Pires of Washington, D.C. for the purpose of providing expert assistance on the issues of assessing damages, with the understanding that the Conlon, Frantz law firm will send to the Tribe periodic invoices itemizing Mr. Leitch's services and expenses and that the Tribe shall pay those invoices in a timely manner.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, _____ were present at _____ meeting thereof duly called, noticed, convened and held on the ____ day of _____, 2002, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of _____ members, ____ members opposed, ____ members abstained, ____ members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [] Not Voting.

Dated this ____ day of _____, 2002.



Secretary, Randy Phelan
Tribal Business Council

ATTEST:

Chairman, Tex G. Hall
Tribal Business Council