



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

*A Resolution entitled, "Dan Press Contract for Legal Services"*

**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(a) of the Three Affiliated Tribes Constitution authorizes and specifically authorizes and empowers the Tribal Business Council to employ legal counsel; 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 reviewed and considered the proposed attorney contract for 2003 between the Three Affiliated Tribes and the law firm of Van Ness and Feldman located in Washington, D.C., in the maximum amount of \$50,000; which relates to various economic development proposals and representation in Washington, D.C., as contained in the attached proposal, and deems it advisable and beneficial to the interests of the Tribe to enter into an attorney contract with the terms as listed in the attached proposal; and

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council hereby formally approves an attorney services contract with Van Ness and Feldman, consistent with the attached proposal, and authorizes and directs the Tribal Chairman to execute such contract.

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, 5 were present at Regular meeting thereof duly called, noticed, convened and held on the 8<sup>th</sup> day of January, 2003, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting. [ ] Not Voting.

Dated this 8<sup>th</sup> day of January, 2003.

*Randy Phelan*

Secretary, Randy Phelan  
Tribal Business Council

ATTEST:

*Tex G. Hall*

Chairman, Tex G. Hall  
Tribal Business Council

**PROPOSAL TO PROVIDE LEGAL SERVICES  
TO THE MANDAN HIDATSA AND ARIKARA TRIBES  
IN THE AREAS OF  
WASHINGTON REPRESENTATION AND ECONOMIC DEVELOPMENT**

The law firm of Van Ness Feldman (the "firm") respectfully submits this proposal to provide legal services to the Mandan, Hidatsa and Arikara Tribe on two matters -- Washington representation and tribal economic development. In return for a fixed retainer of \$45,000 plus \$5,000 for expenses, the firm will assist the Tribe on all of its Washington representation issues and the firm will serve as economic development counsel for the Tribe and its wholly owned businesses. The firm will commit no less than 250 hours of the time of attorney Daniel Press on these two matters. The specific issues the firm will assist on are described below.

1. **Washington Representation**

The firm will assist the Tribe on all of its matters before Congress and the Federal agencies in Washington, including but not limited to: (a) funding to meet Congress' JTAC commitments to the Tribe to provide a new health care facility, a new education facility, and MR&I funding under the Dakota Water Resources Act; (b) other appropriations issues such as funding for the Interpretative Center, and (c) non-appropriations issue, such as efforts to obtain relief for restrictions the Office of Trust Fund management has imposed on use of JTAC funds. *D. appropriation for Youth Ranch*

2. **Economic Development**

The firm will assist the Tribe on economic development issues, including but not limited to: (a) developing new tribal business opportunities; (b) establishing a holding company; (c) creating an office to assist tribal members in the construction business obtain maximum opportunity from the almost \$200 million in new construction likely to occur on the Reservation over the next 4-6 years; and (d) provide legal advice on 8(a) and related matters to the tribally-owned businesses.

If the Tribe created a holding company, the firm would serve, per this retainer agreement, as counsel to the holding company.

**Fees and Expenses**

Van Ness Feldman partner, Daniel Press, commits to devote no less than one-eighth of his time (250 hours a year) to these matters in return for a fixed annual retainer of:

- Washington Representation \$30,000 in fees and \$2,500 in expenses
- Economic Development \$15,000 in fees and \$2,500 in expenses

The firm will be paid in four quarterly payments of \$12,500, beginning January 31, 2003. The firm will submit monthly reports detailing its activities under this retainer agreement.

15. Contract Authorization of Tribes. This Contract has been duly authorized by the Business Council of the Three Affiliated Tribes as set forth in Resolution No. 03-66-RP of the Mandan, Hidatsa, and Arikara Nation, attached hereto and incorporated herein, and the Chairperson of the Tribes is duly authorized to sign this Contract and to legally bind the Tribes in accordance with its terms.

DATED this 8<sup>th</sup> day of January, 2003.

THE THREE AFFILIATED TRIBES

FREDERICKS, PELCYGER & HESTER, LLC

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Tex G. Hall, Chairman

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Thomas W. Fredericks, Attorneys

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