



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

*A Resolution entitled, "Authorization for the Chairman to Sign Contract Amendment with Sonosky, Chambers, Sachse, Endreson and Perry, LLP to Establish Attorney Compensation Rates for Work on a Potential Contract Support Cost Claim against the U.S. Bureau of Reclamation and Other Contract Matters."*

**WHEREAS,** The Mandan, Hidatsa & Arikara Nation has 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 best interest and welfare of the Tribes and of the enrolled members thereof; and

**WHEREAS,** The Tribal Business Council has previously authorized, under Tribal Business Council Resolution No. 03-095-RP, a contract with the law firm of Sonosky, Chambers, Sachse, Endreson and Perry, LLP to negotiate two five-year self-determination contracts for the Nation's assumption of U.S. Bureau of Reclamation programs, functions, services, and activities associated with the Fort Berthold Rural Water Supply System; and

**WHEREAS,** The Tribal Business Council previously requested and has now reviewed a proposal submitted by Sonosky, Chambers, Sachse, Endreson and Perry LLP to represent the Mandan, Hidatsa & Arikara Nation in a potential contract support cost claim against the U.S. Bureau of Reclamation for contract support costs due and owing to the Nation under the Nation's previous cooperative agreements with the U.S. Bureau of Reclamation; and

**WHEREAS,** The Tribal Business Council has determined it is in the best interest of the Mandan, Hidatsa & Arikara Nation to retain Sonosky, Chambers, Sachse, Endreson and Perry LLP to undertake this new assignment, given the firm's experience and special expertise with such claims.

**NOW, THEREFORE, BE IT RESOLVED,** the Three Affiliated Tribes' Tribal Business Council hereby authorizes the Tribal Chairman to sign a contract amendment to (1) authorize Sonosky, Chambers, Sachse, Endreson and Perry LLP to undertake

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

76. **RESOLUTION NO. 04-068-RP, LAW ENFORCEMENT**

Councilman Phelan moved for approval of a Resolution entitled, "Approval of the Memorandum of Agreement for Law Enforcement Services," with the omission of under Article IX (a) one- last paragraph. Councilman Wells seconded the motion.

VOTE: 6 Ayes, 0 Nays, 1 Abstentions, 0 Not voting. Motion carried.

NEXT AGENDA: VEHICLE USE OF TRIBAL LAW ENFORCEMENT VEHICLES

77. ~~RESOLUTION NO. 04-069-RP, \$3,000 DONATION TO UNITED TRIBES TECHNICAL COLLEGE~~ *MISSING*

78. ~~RESOLUTION NO. 04-070-RP, SONOSKY CHAMBERS, SACHSE, ENDRESIB AND PERRY, BOR AND OTHER CONTRACT MATTERS~~ *MISSING*

Councilman Wells moved for approval of a Resolution entitled, "Authorization for the Chairman to sign Contract Amendment with Sonosky, Chambers, Sachse, Endresib and Perry, LLP to establish attorney compensation rates for work on a potential contact support cost claim against the U.S. Bureau of Reclamation and other contract matters. Councilman Packineau seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

79. **EMERGENCY FIRE:**

Councilman Phelan moved for approval to grant Barlow Wells \$1,000 to subsidize fire repairs caused by a fire in his home. Councilman Packineau seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

79. **RESOLUTION NO. 04-071-RP, FORT BERTHOLD COMMUNITY COLLEGE ENDOWMENT FUND:**

✓ Councilman Phelan moved for approval of a Resolution entitled, "Amendment to the Charter of the Fort Berthold Community College prohibiting the Expenditure or Obligation of the Principal Amount of Endowment Funds." Councilman Packineau seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

80. **RESOLUTION NO. 04-072-RP, DOCKET FUNDS CONSOLIDATION LOAN**

✓ Councilman Gillette moved for approval of a Resolution entitled, "Tribal Guarantee of consolidation loan to Fort Berthold Community college. Councilman Packineau seconded the motion.

VOTE: 5 Ayes, 1 Nay, 0 Abstentions, 0 Not voting. Motion carried.

80. **RESOLUTION NO. 04-073-RP, AUTHORIZING A LOAN TO TBCH IN THE AMOUNT OF \$250,000.**

Councilman Packineau moved for approval to of a Resolution entitled, "authorizing a loan to Twin Buttes Custom Homes in the amount of \$250,000, to be paid back with monthly

**Amendment No.2**

**To Attorney Contract between  
the Three Affiliated Tribes of the Fort Berthold Reservation  
and Sonosky, Chambers, Sachse, Endreson and Perry, LLP**

The Attorney Contract between the Three Affiliated Tribes of the Fort Berthold Reservation (hereinafter the "Tribes") and the law firm of Sonosky, Chambers, Sachse, Endreson and Perry, LLP (hereinafter the "attorneys") for the provision of legal services to the Tribes in connection with the preparation and negotiation of certain Indian self-determination contracts with U.S. Bureau of Reclamation is hereby amended as follows:

Paragraph 1 (**Employment**) is hereby amended by adding at the end thereof the following:

"The Tribes further employ the Attorneys to evaluate a potential claim against the U.S. Bureau of Reclamation for unpaid contract support costs due and owing under the Tribes' prior cooperative agreements with the agency. In performing this legal assignment, the Attorneys shall coordinate their work with the Tribal Chairman and Tribal Attorney and report to the Tribal Business Council on the status of their work from time to time."

Paragraph 2 (**Compensation**) is hereby amended by adding at the end thereof:

"As a special courtesy and gesture of respect to the Tribes, the Attorneys have agreed to reduce their normal hourly rates for work undertaken on the potential contract support cost claim for the contract year starting on January 1, 2004 and ending on December 31, 2004. Notwithstanding any other provision of this contract, during this period, the Attorneys shall charge not more than: \$225 per hour for the work of partners and counsel, \$175 per hour for the work of associates, and \$100 per hour for law clerks and paralegals for work performed on the contract support cost claim assignment. After the Tribes and the Attorneys have evaluated the merits of the potential contract support cost claim, the Tribes and the Attorneys shall work together in good faith to establish an appropriate compensation rate for further work on this assignment and reflect any changes to the rate through a separate amendment to the contract. Notwithstanding any other provision of this contract, the term "contract year" shall be calculated on the basis of a calendar year."

The remainder of the contract shall remain unchanged.

**THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD RESERVATION**

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Tex Hall, Chairman

**SONOSKY, CHAMBERS, SACHSE,  
ENDRESON & PERRY, LLP**

February, 2003  
Date

By: \_\_\_\_\_  
James E. Glaze



This new legal assignment; (2) Set a separate attorney compensation rate for this new legal assignment; and (3) set a calendar year cycle for determination of the annual contract ceiling of \$95,000.00 per contract year, with all other terms and conditions of the contract to remain the same.

**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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8th day of April, 2004, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 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 8th day of April, 2004.

**ATTEST:**

\_\_\_\_\_  
Executive Secretary, Randy Phelan  
Tribal Business Council

\_\_\_\_\_  
Chairman, Tex G. Hall  
Tribal Business Council