



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

A Resolution entitled, "Approval of a Contract between Esley Thorton, Sr. and the Three Affiliated Tribes for the Commission of "the Three Affiliated Tribes Tribal Council Pictorial Archive Project."

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribe; and

WHEREAS, The Constitution of the Three Affiliated Tribes 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 VI, Section 5 (c) authorizes the Tribal Business Council to administer any property or funds within the exclusive control of the Tribes and to make expenditures from available tribal funds for public purposes of the Tribes; and

WHEREAS, Esley Thorton, Sr. has submitted a proposal to the Tribal Business Council to produce the "Three Affiliated Tribes Tribal Council Pictorial Archive Project" which shall consist of pencil drawn portraits of all past and present tribal council members and tribal chairman encased in 30 separate frames depicting all past and the present tribal council administrations; and

WHEREAS, the Tribal Business Council has reviewed said proposal and believes that the project will serve as a valuable historical and educational project for the Mandan, Hidatsa and Arikara Nation; and

WHEREAS, the Tribes' 477 Program has agreed to commit funds up to \$1500.00 towards this project and the Tribal Business Council has agreed to commit the balance of the funds for payment of the project.

NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes Tribal Business Council hereby accepts the proposal for the "Three Affiliated Tribes Thorton Tribal Council Pictorial Archive Project"; and

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby approves a contract with Esley Thorton, Sr., for the production of said project and agrees to pay a fee of \$25,275 for said project under the terms and conditions set out in said contract; and

CONTRACT
Between the Three Affiliated Tribes and
Esley Thorton, Sr.

THIS AGREEMENT, made and entered into this ____ day of _____, 2004, by and between Esley Thorton, Sr. (hereinafter referred to as the "Contractor") and the Three Affiliated Tribes (hereinafter referred to as the "Tribe").

1. **SCOPE OF SERVICES:** The Tribe hereby Commissions the Contractor to perform the following services:
 1. Produce the "Three Affiliated Tribes Thorton Tribal Council Pictorial Archive Project" which shall consist of pencil portraits of all past and present Tribal Business Council members as follows:
 - a) 245 7 x 8 portraits of council members; and
 - b) 30 11 x 14 portraits of tribal chairman
 2. The above portraits will be framed in thirty (30) frames and easels which will be provided by the Contractor and which will depict all past and present tribal council administrations.

2. **COMPENSATION:** In Consideration of the services to be performed, consultant shall be paid Twenty Five Thousand Two Hundred and Seventy Five Dollars (\$25,275) based on the following proposed fee:

1. 245 7 x 8 portraits @ \$75.00 per portrait =	\$18,375
2. 30 11 x 14 portraits @ \$175. per portrait=	5,250
3. 30 Frames and Easels @ \$55 per frame=	1,650

- Contractor shall be paid an advance of Twenty Five Hundred Dollars (\$2500.00) upon execution of this Contract. The balance of Twenty Two Thousand Seven Hundred and Seventy Five Dollars (\$22,775) shall be paid to the Contractor upon full performance and delivery of the products commissioned hereunder.

3. **TERM:** This Contract shall commence upon execution by both parties hereto and shall terminate upon full performance of the services hereby commissioned and final payment by the Tribe.

4. **ENTIRE AGREEMENT:** This Agreement constitutes the entire agreement and understanding between the parties and supercedes any and all prior verbal or written communication with respect to the subject matter hereof. This Agreement shall not be modified, amended, or in any way altered except by an instrument in writing signed by both parties.

APPROVALS:

Tex G. Hall
Chairman
Three Affiliated Tribes

Date

Esley Thorton, Sr.
Contractor

Date



BE IT FINALLY RESOLVED, that Esley Thorton, Sr. will be paid a an advance of Twenty Five Hundred Dollars (\$2500) upon execution of said contract and the Three Affiliated Tribes will pay \$1000.00 towards this advance and the Tribes' 477 Program will pay \$1500.00 towards said advance and final payment will be made by the Tribes upon completion and delivery of the project.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth 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 Regular Meeting thereof duly called, noticed, convened, and held on the 29TH day of June, 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 29th day of June, 2004.

Handwritten signature of Randy Phelan.

**Secretary, Randy Phelan
Tribal Business Council
Three Affiliated Tribes**

ATTEST:

Handwritten signature of Tex G. Hall.

**Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes**