



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

A Resolution Entitled: “*Revision of Contract with Claryca Mandan to Increase funding by \$30,000 to Continue to Provide Services to Keepseagle Class Plaintiffs as Class On Reservation Representative in Keepseagle v. Joahnns USDA litigation.*”

- 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 Tribes; 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) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council has the power to administer any funds within the exclusive control of the Tribes to make expenditures from available Tribal funds for public purposes of the Tribes; and
- WHEREAS,** The Tribal Business Council previously enacted Resolution #05-20NH whereby the Tribal Business Council authorized up to \$50,000 to be paid to Claryca Mandan to assist over 100 tribal member plaintiffs in the *Keepseagle v. Johanns* United States Department of Agriculture litigation as Class On-Reservation Representative; and
- WHEREAS,** The Class On-Reservation Representative has performed all duties necessary in pursuit of the litigation to coordinate with class member plaintiffs and counsel to complete the Discovery phase of the litigation; and
- WHEREAS,** Discovery is slated to end in February of 2006 and a trial is docketed in Federal District Court in Washington DC in the coming year; and
- WHEREAS,** The increased services of the Plaintiff’s Class On-Reservation Representative will be needed to coordinate testimony and information by and between plaintiffs and plaintiffs counsel during the trial and settlement phases of this litigation; and



WHEREAS, the Tribal Business Council finds that it is the best interest of the Tribes and its members to authorize additional funds to continue to pursue the coordination of the litigation on behalf of over 100 tribal members until the award of a judgment from Federal District Court or settlement by consent decree.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes up to an additional \$30,000 to be paid to Claryca Mandan as a Consultant to act as the Class On-Reservation Representative for the over 100 claimants in the *Keepseagle v. Johanns* litigation to pursue successful resolution of the litigation by judgment award of Federal District Court or by consent decree; and

BE IT FURTHER RESOLVED, that said compensation shall be paid to Claryca Mandan in accordance with an amendment to Consultant Contract number TF-05-06 previously authorized by Resolution Number 05-30-NH specifically authorizing Consultant to increase the monthly rate of service to 100 hours per month at the present hourly rate and to authorize said Consultant to receive travel advances necessary to the conduct of this contract at established tribal rates.

BE IT FINALLY RESOLVED, that all amounts paid out to Claryca Mandan by the Tribes shall be reimbursed to the Tribes by the individual claimants equally upon settlement of such claims against the USDA.

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, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 2nd day of December 2005; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 0 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 2nd day of December 2005.

ATTEST:

Tribal Secretary, Nathan Hale
Tribal Business Council
Three Affiliated Tribes

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