



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

**A Resolution Entitled: “Second Amendment to Legal Counsel Contract Between the Three Affiliated Tribes and Fredericks Peebles and Morgan LLP”**

**WHEREAS,** The Mandan, Hidatsa and Arikara Nation is a sovereign government and federally recognized Indian Tribe existing pursuant to its inherent and retained sovereignty; and

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

**WHEREAS,** The Constitution and the Nation generally 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 Nation and of the enrolled members thereof; and

**WHEREAS,** The Tribal Business Council approved a legal counsel contract effective on November 23, 2010 with the law firm of Fredericks, Peebles & Morgan, LLP; and

**WHEREAS,** Due to the heavy volume of work assigned under the contract in a number of different program categories, Fredericks, Peebles & Morgan, LLP has requested an amendment to sections 4 and 5 of the contract to increase the maximum annual amount of legal fees and expenses payable under the contract

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**NOW THEREFORE BE IT RESOLVED**, that the Tribal Business Council hereby authorizes and approves amendments to sections 4 and 5 of the Legal Counsel Contract with Fredericks, Peebles & Morgan, LLP as follows:

Section 4 of the contract is amended to state as follows: "In consideration of the services to be rendered, the ATTORNEYS shall receive compensation as follows: \$225 per hour for partners, \$180 per hour for associates, and \$80 per hour for law clerks, provided that the total annual payment of fees shall not exceed \$500,000 per year without the approval of the Tribal Business Council. Fees and expenses shall be itemized and verified by the ATTORNEYS."

Section 5 of the contract is amended to state as follows: "ATTORNEYS shall also be reimbursed for the following expenses: Long distance telephone, computer law research and postage at cost. Copying at \$.20 per page, facsimiles are charged at \$.20 per page. In the event ATTORNEYS travel on the TRIBE's behalf, the actual cost of airline travel and lodging shall be reimbursed. Personal car use shall be reimbursed at the federal mileage rate in effect at the time of travel. Meals shall be reimbursed at the federal per diem rate. The total amount of expenses shall not exceed \$30,000 per year without the approval of the Council."

**BE IT FURTHER RESOLVED**, The Tribal Business Council hereby authorizes and approves the appropriation of sufficient tribal funds in an amount equal to the total amount of fees and expenses authorized under the attached Contract. The Tribal Chairman and Treasurer are authorized to pay fees and expenses from budget line items other than legal in those cases where the work performed under this contract concerns or benefits other tribal programs.

**BE IT FURTHER RESOLVED**, that the Tribal Business Council authorizes its Chairman to execute the said amendment to the Legal Counsel Contract with Fredericks, Peebles & Morgan LLP, and that the Contract, as so amended, shall be binding upon the Nation and Fredericks Peebles and Morgan LLP in accordance with its terms.

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*(Certification page to follow)*






**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 a Regular Meeting thereof duly called, noticed, convened and held on the 5<sup>th</sup> day of December, 2014, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 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 5<sup>th</sup> day of December, 2014.

**ATTEST:**

  
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Executive Secretary: Ken Hall  
Tribal Business Council  
Three Affiliated Tribes

  
\_\_\_\_\_  
Chairman: Mark Fox  
Tribal Business Council  
Three Affiliated Tribes