

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

A resolution entitled "Alcohol Program - Policy & Procedures Manual".

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

WHEREAS, The Constitution of the Three Affiliated Tribes 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 Tribes, and of the enrolled members thereof; and,

WHEREAS, Article VI, Section 5, of the Constitution of the Three Affiliated Tribes empowers the Tribal Business Council to adopt resolutions regulating the procedure of tribal agencies and officials on the reservation; and,

WHEREAS, The Three Affiliated Tribes have established the Alcohol "Circle of Life" Program to provide comprehensive services to meet the needs of the chemically-dependent person and his/her family; and,


WHEREAS, A personnel policy and procedures manual has been developed for the employees of the Alcohol "Circle of Life" Program; and,

WHEREAS, The Alcohol "Circle of Life" Program Policy and Procedures Manual establishes a level of accountability to ensure that services provided are in compliance with IHS (Chapter 18) and the State of North Dakota standards;


NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council hereby adopts the Alcohol "Circle of Life" Program Policy and Procedures Manual.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) members constitute a quorum. 6 members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 11th day of April 1996; and that Resolution No. 95-062-DSB was duly adopted at said meeting by the affirmative vote of 5 members, 0 members opposed, 1 member absent during vote and not voting, 1 member absent. Dated this 11th day of April 1996.

  
Daylon Spotted Bear, Secretary  
Tribal Business Council

ATTEST:

  
Russell D. Mason, Chairman  
Tribal Business Council

RESOLUTION # 96-62-DSB

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

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

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of and welfare and benefit of the Tribes and the enrolled members thereof; and

WHEREAS, The Three Affiliated Tribes has established the Alcohol Program (Circle of Life) to provide comprehensive services to meet the needs of the chemically dependent person and his/her family; and

WHEREAS, A personnel and procedure policy manual has been developed for the Alcohol Program (Circle of Life); and

WHEREAS, The Policy and Procedure manual establishes a level of accountability to ensure that services provided are in compliance with IHS (Chapter 18) and North Dakota State standards;

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby adopts the ALCOHOL PROGRAM (CIRCLE OF LIFE) PROGRAM POLICY AND PROCEDURES MANUAL.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Council is composed of 7 members of whom 5 constitutes a quorum<sup>6</sup>were present at a Regular meeting, thereof duly called, noticed, convened and held on the 11<sup>th</sup> day of April, 1996; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 member opposed, 1 passed, 0 abstentions and that the said Resolution has not been rescinded or amended in any way.

**SPECIAL COUNSEL ATTORNEY CONTRACT BETWEEN  
THE THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD RESERVATION AND  
THE NATIVE AMERICAN RIGHTS FUND**

1. This agreement is made and entered into between the Three Affiliated Tribes of the Fort Berthold Reservation, PO Box 220, New Town, North Dakota 58763 (Tribe) and the Native American Rights Fund (NARF), a non-profit law firm located at 1506 Broadway, Boulder, Colorado 80302. By this agreement, it is mutually understood and agreed that:

2. The Tribe, pursuant to Tribal Resolution #96-61-D5B, dated March 18, 1996 which is attached hereto and made a part hereof, hereby contracts with, retains and employs NARF.

3. NARF attorneys shall act as Special Counsel for and on behalf of the Tribe in the capacity as lead counsel in the case entitled *A-1 Contractors and Lyle Stockart v. Honorable William D. Strate, Associate Tribal Judge of the Tribal Court of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, et al.*, #A1-92-024 in the United States District Court for North Dakota; and #92-3359 in the United States Court of Appeals for the Eighth Circuit; and in the Supreme Court of the United States in the Petition for Certiorari and, if granted, the subsequent appeal.

4. In the performance of the duties required of them under this contract, NARF attorneys shall be subject to the supervision of the Tribal Business Council and shall regularly report to and consult with the Tribal Business Council. Upon the Tribal Business Council's request, NARF shall provide written reports of the services rendered under this contract.

5. This contract is effective beginning February 16, 1996 and up to and including June 30, 1997.

6. In consideration of the services provided under this contract, the Tribe shall compensate NARF at the attorneys fees rate of one hundred fifty dollars (\$150.00) per hour, and shall reimburse NARF for all reasonable out-of-pocket expenses not included in the hourly rate for attorney time: *Provided, however*, that said fees and expenses for the Tribe for the purpose of the filing the petition for *certiorari* shall not exceed eighteen thousand dollars (\$18,000.00) and for the purposes of prosecuting the appeal to the Supreme Court, in the event that the petition for *certiorari* is granted, shall not exceed twenty-seven thousand dollars (\$27,000.00), such that taken together the total fees and expenses paid by the Tribe under this contract shall not exceed forty-five thousand dollars (\$45,000.00). In consideration for which NARF agrees to absorb any additional fees and costs necessary to prosecute the petition for *certiorari* and, if granted, the subsequent appeal and argument in the above mentioned case.

7. Compensation and reimbursement of fees and expenses by the Tribe shall be made upon the submission by NARF of monthly written statements and expense vouchers to the Tribe. Compensation of fees shall be made upon submission by the Tribe of the statements to the Secretary of the Interior or his authorized representative for approval. Reimbursement of expenses shall be approved by the Tribe.

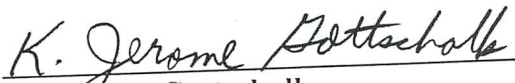
8. No assignment of the obligations of this contract, in whole or in part, shall be made, nor shall any assignment or encumbrance be made of any obligation of the Tribe to provide compensation and reimbursement of expenses.


9. This contract may hereafter be extended, amended, or otherwise modified by agreement between the Tribal Business Council and NARF. This contract may be terminated by either party by giving thirty (30) days written notice to the other party, the Secretary of the Interior or his authorized representative, and the Area Director of the Aberdeen Area Office. It is also agreed that this contract can be terminated by the Secretary of the Interior or his authorized representative for satisfactory cause.

10. NARF stipulates that each of its attorneys is a fully licensed member in good standing of a state bar and has no disciplinary proceedings instituted against her or him by any bar association of any jurisdiction in the United States or its territories, which proceedings are pending or unresolved, and she or he has not been disbarred or suspended from the practice of law in any jurisdiction in the United States or its territories.

Date: March 22, 1996

Date: March 26, 1996

  
K. Jerome Gottschalk  
Litigation Management Committee  
Native American Rights Fund  
1506 Broadway  
Boulder, CO 80302  
(303) 447-8760

  
Russell Mason, Chairman  
Three Affiliated Tribes of the  
Fort Berthold Reservation  
PO Box 220  
New Town, ND 58763  
(701) 627-4781