

**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 the welfare and benefit of the Tribes and of the enrolled members thereof, including management of the economic affairs of the Tribe; and
- WHEREAS,** The Tribal Business Council (The "Council") has determined that it would be in the best interests of the Tribe and its enrolled members to expand the 4 Bears Casino and Lodge facilities, which will include, among other things, a multi-purpose building, approximately 60 additional rooms for the hotel, a swimming pool, an amphitheater, a marina, a fine dining restaurant and other general improvements to the layout of the casino and related facilities, with the total cost of the improvements being capped at approximately \$7,250,000, which improvements will generate significant additional revenue for the Tribe and its members over the next 20 years; and
- WHEREAS,** The Tribal Business Council has, after requesting, receiving, and reviewing various proposals, has selected as construction manager/general contractor the firm of Kraus-Anderson Construction Company, of Minneapolis, Minnesota; and
- WHEREAS,** Kraus-Anderson has considerable experience in constructing and expanding Tribal casinos in Minnesota and Wisconsin; and
- WHEREAS,** Kraus-Anderson will obtain its fee from the total price of the contract, which is a fixed amount or lump-sum contract for the construction of the casino expansion project, as it is responsible for completing the project within the lump-sum to be allowed for the project; and
- WHEREAS,** Kraus-Anderson has requested a limited waiver of sovereign immunity, contained in the attached contract, to allow the mutual terms of the contract to be enforced, such that disputes will be resolved through the commercial arbitration process of the American Arbitration Association, applying Tribal law, with the decision of the arbitration process being enforced first in Tribal court, a process similar to that which is contained with the loan agreement with Miller & Schroeder referred to herein; and

**WHEREAS,** The Tribal Business Council has determined that the limited waiver of sovereign immunity clause is in the best interests of the Three Affiliated Tribes and its members;

**NOW, THEREFORE BE IT FURTHER RESOLVED,** that the General Contractor's Agreement between the Three Affiliated Tribes and the firm of Kraus-Anderson Construction Company of Minneapolis, Minnesota, for the purpose of construction the various components of the proposed expansion to 4 Bears Casino and Lodge in the approximate amount of \$7.25 million is hereby approved in substantially the form attached hereto; and

**NOW, THEREFORE BE IT FURTHER RESOLVED,** that the limited waiver of sovereign immunity contained in Section 4.5.9 of the Addendum to General Conditions of the Agreement between Kraus-Anderson and the Three Affiliated Tribes is hereby approved and deemed to be in the best interests of the Three Affiliated Tribes and its members; and

**NOW, THEREFORE BE IT FURTHER RESOLVED,** that the Chairman of the Tribe and of the Council, Tex G. Hall or the Treasurer thereof, Marcus Wells, Jr., be and hereby are, authorized and directed to execute and deliver the General Contractor's Agreement between the Three Affiliated Tribes and Kraus-Anderson Construction Co. substantially in the form as attached hereto, and to further present a copy of such Agreement to Miller & Schroeder for the purpose of drawing down funds to begin the expansion and remodeling of the 4 Bears Casino and Lodge.


### 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 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 7<sup>th</sup> day of March, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 2 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 7<sup>th</sup> day of March, 2000.

ATTEST:

  
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Tex G. Hall  
Chairman, Tribal Business Council

  
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Daylon Spotted Bear  
Secretary, Tribal Business Council