

**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, 60 additional rooms for the hotel, a swimming pool, a marina and other general improvements to the layout of the casino and related facilities to be specified in the contract with the General Contractor, with the total cost of the improvements being capped at \$8,300,000, 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,** The Tribal Business Council, in Resolution No. 00-173-DSB has approved a contract with Kraus-Anderson as General Contractor in order to allow commencement of the above described expansion project to be completed; and
- WHEREAS,** Kraus-Anderson and the Tribe agree that it would be beneficial for Kraus-Anderson to contract with the Fort Berthold Development Corporation, a Tribally owned corporate entity, for on site management and supervision of the overall expansion project and such other tasks as are assigned to it by Kraus Anderson; and
- WHEREAS,** Kraus-Anderson has requested a limited waiver of sovereign immunity, contained in the attached contract, to allow the mutual terms of its agreement with Fort Berthold Development Company 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 in the contract between Kraus-Anderson and Fort Berthold Development Corporation is in the best interests of the Three Affiliated Tribes and its members;

**NOW, THEREFORE BE IT RESOLVED,** that the choice of law and the limited waiver of sovereign immunity contained in the contract between Fort Berthold Development Corporation and Kraus-Anderson 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 contract between Fort Berthold Development Corporation and Kraus-Anderson General Contractor's Agreement in substantially in the form as attached hereto.

**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 11<sup>th</sup> day of May, 2000; 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.

Dated this 11<sup>th</sup> day of May, 2000.

Daylon Spotted Bear  
Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

Tex G. Hall  
Tex G. Hall  
Chairman, Tribal Business Council