

**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; and
- WHEREAS,** Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with agencies of the Federal Government on behalf of the Tribes; and
- WHEREAS,** The U.S. Army Corps of Engineers, at the request of the Three Affiliated Tribes, has drafted and submitted to the Tribes a proposed Lease for the Charging Eagle Bay Area for public park and recreational purposes and for the management of the fifty-five (55) mobile homes/trailers located within the area to be leased; and
- WHEREAS,** The Tribal Business Council has reviewed the proposed Lease and recognizes that the vast majority of the provisions set forth therein are standard Corps lease provisions, with the remaining provisions being site-specific and tailored to address the presence and management of the mobile homes/trailers and related facilities; and
- WHEREAS,** The Tribal Business Council has determined that it would be in the best interests of the Three Affiliated Tribes to enter into the proposed Lease with the Corps of Engineers;
- NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby approves and authorizes entry by the Tribes into the attached Department of the Army Lease to Non-State Governmental Agencies for Public Park and Recreational Purposes/Charging Eagle Bay Recreational Area (No. DACW45-1-00-8066) and authorizes and directs the Chairman of the Council to execute the Lease on behalf of the Three Affiliated Tribes.
- BE IT FURTHER RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby clarifies the effect and intent of Condition 41 of the attached Lease No. DACW45-1-00-8066 to provide a limited waiver of its inherent immunity from suit for the sole purpose of allowing the United States to pursue any claim against or

enforce any obligation of the Three Affiliated Tribes arising exclusively from or incident exclusively to the terms of the attached Lease.

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 8th day of June, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 1 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 8th day of June, 2000.

Daylon Suttle Bear
Secretary, Tribal Business Council

ATTEST:

Top R. Hall
Chairman, Tribal Business Council