

**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,** The Tribal Business Council has chartered an independent, Tribally owned business entitled Fort Berthold Development Corporation (FBDC), whose primary business is building construction and modification; and

**WHEREAS,** The Tribal Business Council recognizes and supports the activities of FBDC as a tribal enterprise; and

**WHEREAS,** FBDC is now certified by the Small Business Administration of the U.S. Department of Commerce as a Section 8(a) minority contractor, which allows FBDC to be eligible for many Federally funded projects on and off the reservation;

**WHEREAS,** As FBDC secures contracts involving large amounts of building supplies, such as working on the expansion project for the 4 Bears Casino and Lodge, it needs a letter of credit issued by an appropriate financial institution in an amount not to exceed \$250,000 in favor of Minot Builders Supply Co. of Minot, North Dakota, with whom FBDC has dealt successfully for several years, such that Minot Builders Supply is guaranteed payment by the Tribe of building supplies provided to FBDC in the course of completion of a construction project; and

**WHEREAS,** The Letter of Credit is needed because FBDC does not yet not have an established credit history; and

**NOW, THEREFORE, BE IT RESOLVED,** that for the benefit of the Fort Berthold Development Corporation, the Tribal Business Council hereby agrees to provide a Tribal guarantee of a letter of credit in favor of Minot Builders Supply to be issued by an appropriate banking institution in a total amount not to exceed \$250,000 for any one project; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** that the Tribal Business Council hereby authorizes that such letter of credit will contain a limited waiver of sovereign immunity, the waiver being limited to the amount of the letter of credit and such remedies as are contained within it; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Tribal Chairman or the Tribal Treasurer are hereby authorized to execute any and all such documents as may be necessary to obtain the line of credit in favor of Minot Builders Supply on behalf of the Fort Berthold Development Corporation as described herein; and

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Tribal Business Council hereby directs its comprehensive management department and its legal department to assist FBDC in obtaining the letter of credit authorized by this resolution and to review the language in all relevant documents on behalf of the Tribe.

### 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 8<sup>th</sup> day of June, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 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 8<sup>th</sup> day of June, 2000.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

[Signature]  
Chairman, Tribal Business Council