

**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 Three Affiliated Tribes now owns gaming facilities in which Class III gaming is conducted pursuant to a Tribal state gaming compact approved by the Secretary of Interior and pursuant to the Indian Gaming Regulatory Act [P.L. 100-497, 25 U.S.C. §§ 2701 et seq.] on December 11, 1992, and amended effective November 26, 1999, by publication in the Federal Register of those dates; and
- WHEREAS,** The Tribal-state Gaming Compact requires, in Section XXIII of the Amended Tribal-State Gaming Compact approved by the Secretary of Interior on November 26, 1999, that “The Tribe shall abide with such Minimum Internal Control Standards [*MICS*] as are adopted, published and finalized by the National Indian Gaming Commission [*NIGC*] and as may be in current effect.”; and
- WHEREAS,** The NIGC adopted Minimum Internal Control Standards effective January 5, 1999, which require, in Section 542.15 that an uninterruptible power source, called a “backup” or “auxiliary” power source be available in the event of a power loss to the surveillance system; and
- WHEREAS,** Casino management has determined that it is in the best interests of the customers of 4 Bears Casino and Lodge and in the best interests of the Casino to have in place an auxiliary power source that will generate enough power to keep the casino’s main power supply in operation, providing electricity to all major electrical systems of the Casino, including the heating and air conditioning system, cash registers, lighting, machines, computers, surveillance equipment, electrical outlets and other devices which consume electricity; and
- WHEREAS,** The kind of auxiliary power unit required will need to have, at a minimum, a maximum power generating capability of 1,000 Kilowatts of power and become operational with only a minimum of delay; and

WHEREAS, Casino management has determined, after requesting proposals and fully evaluating them, that a unit meeting the minimum requirements for an auxiliary power source, with a one year warranty, and one that will satisfy the requirements of the MICS now in effect as promulgated by the NIGC, is an Onan power generation system, to be purchased through its local distributor, Cummins North Central, Inc. of Bismarck, North Dakota; to be installed by Berger Electric of Dickinson, North Dakota; and that the unit's placement at the Casino will be designed, engineered and inspected by Kadrmas, Lee and Jackson of Bismarck, North Dakota at an estimated total cost of \$388,301.30; and

WHEREAS, Casino management has already determined that purchase of the above described power generator can be separately financed through Miller & Schroeder Financial, Inc., with proceeds from the Casino, over a period of seven (7) years or less, at market interest rates for such a purchase, and will not materially affect the ability of the Casino to pay off other existing debts, including the existing obligation of the Tribe to Miller & Schroeder Financial, Inc. regarding the most recent Casino expansion project;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves the purchase, installation and inspection of an Onan generation system as described above, to be installed by Berger Electric of Dickinson, North Dakota and to be inspected, designed and engineered by Kadrmas, Lee and Jackson of Bismarck, North Dakota for an estimated cost of \$388,301.80, as installed, said cost to include TERO fees to be negotiated between the parties, and which cost does not include sales tax, if any; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the Chairman or Vice-Chairman to execute any documents associated with the purchase of the electric generation system as described above which will indicate the intent of the Tribe to complete the purchase of the generating unit at the above quoted price; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes financing of the above-described electric generating system by Miller & Schroeder Financing Corporation, at an interest rate and for a term as yet to be determined and subject to final approval by the Tribal Business Council.

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 special Meeting thereof duly called, noticed, convened, and held on the 28th day of August, 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 28th day of August, 2000.

Daylon Spotted Bear
Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

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