

**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**, On October 7, 1992, the Tribe signed a Tribal-State Class III Gaming Compact, between itself and the State of North Dakota pursuant to the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. Sections 2701 et seq., which was approved by the Department of the Interior on December 11, 1992, amendments to which were approved by the Department of Interior on November 26, 1999; and
- WHEREAS**, On October 14, 1992, the Tribal Business Council enacted a Class III Gaming Ordinance, which has been approved by the National Indian Gaming Commission; and was last amended on May 11, 2000, and
- WHEREAS**, The IGRA permits tribes to engage in Class III gaming activities, provided certain conditions are met; and
- WHEREAS**, The Tribe has taken all steps necessary to meet the requirements of IGRA; and
- WHEREAS**, Management of the 4 Bears Casino and Lodge has determined that an additional 10 video slot machines manufactured by Aristocrat Gaming, an Australia based slot machine manufacturer and which are distributed by Hanson Distributing, Inc., of Minneapolis, Minnesota, are likely to draw additional gaming patrons to the 4 Bears Casino and Lodge and will more fully develop the Tribe's Class III gaming enterprise as a means of economic self-sufficiency for the Three Affiliated Tribes and to increase employment for tribal members; and
- WHEREAS**, The Tribal Council desires to enter into a Purchase Agreement with Hanson Distributing Company for the purchase of 10 used Aristocrat Class III gaming machines of varying denominations for a total cost of \$67,000, to be paid in five equal payments starting at the time of the order and continuing every 30 days for four payments thereafter; and

**WHEREAS,** The Purchase Agreement requires a limited waiver of sovereign immunity, with such waiver of sovereign immunity limited to enforcement of the terms of the Agreement; and with disputes under the Agreement to be heard in Tribal Court, and with the understanding that the Court will apply the Uniform Commercial Code (UCC) in settling such disputes, to the extent the UCC is applicable; and

**WHEREAS,** The Tribal Business Council has determined that purchasing the gaming machines from Hanson Distributing Co. as described above described in the 60-day Trial Agreement, and the accompanying limited waiver of sovereign immunity, is the in the best interests of the Three Affiliated Tribes and its members; and

**NOW, THEREFORE, BE IT RESOLVED,** That the Chairman or Vice Chairman, along with the Treasurer of the Three Affiliated Tribes Tribal Council be, and hereby is authorized and directed to execute and deliver, on behalf of the Tribe, such Documents, Sales Orders, and Agreements as may be necessary to execute the above-described Purchase Agreement with Hanson Distributing Company, such approval to be conclusively evidenced by the signature of the Tribal Chairman or Vice Chairman and Tribal Treasurer thereon; and

**THEREFORE BE IT FURTHER RESOLVED,** That the Tribe expressly consents to an irrevocable limited waiver of sovereign immunity as to any actions or arbitration from any dispute arising under said Agreement with Hanson Distributing Company, it being understood that any disputes relating to said Agreement will be heard first in Tribal Court pursuant to the terms of the Agreement, and it being understood that such waiver is in the best interests of the Tribe and its members; and

**THEREFORE BE IT FURTHER RESOLVED,** That the Chairman or Vice Chairman and the Treasurer of the Tribal Business Council of the Tribe be, and hereby are authorized and directed to take such other action necessary, required, and appropriate to carry out the purposes of this Resolution; and

**THEREFORE BE IT FINALLY RESOLVED,** That the Tribal Chairman or Vice Chairman and the Tribal Treasurer of the Tribal Business Council of the Tribe are authorized to take the above-described actions pursuant to the powers granted and specified in the Constitution and Bylaws of the Three Affiliated Tribe of Indians, adopted March 11, 1936, as amended, at Article VI, Sections 3, 5(a) and 5(c), and the Tribal Gaming Ordinance, Section 3.4, enacted October 14, 1992, as amended.

### 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 25<sup>th</sup> day of September, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 25<sup>th</sup> day of September, 2000.

Daylon Spotted Bear  
Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

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