

**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 a bank of 12 "Monopoly" five cent machines, as manufactured by Williams Gaming of Las Vegas, Nevada, are likely to draw additional gaming patrons to the 4 Bears Casino and Lodge; and
- WHEREAS,** The Tribal Council desires the Three Affiliated Tribes enter into a Lease Agreement in substantially the form as attached hereto, with the provision that Williams Gaming will receive as a lease payment 20% of the Net Win, which means the amount available after all prizes are paid, with the term of the Agreement to be for an initial 60 days, terminable upon 30 days' notice thereafter; and

WHEREAS, The Lease Agreement requires a limited waiver of sovereign immunity, with such waiver of sovereign immunity limited to enforcement of the terms of the Agreement; and

WHEREAS, The Tribal Business Council has determined that leasing the gaming machines from Williams Gaming as described in the Lease Agreement is in the best interests of the Three Affiliated Tribes and its members; and

WHEREAS, The Tribal Business Council has determined that the limited waiver of sovereign immunity contained in the Agreement is in the best interests of the Tribe and its members, and in the best interests of the 4 Bears Casino and Lodge;

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 Lease Agreement and other documents, in substantially the form as attached hereto, as may be necessary to execute the attached Lease Agreement for 12 five cent "Monopoly" slot machines; 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 Williams Gaming, it being understood that any disputes relating to said Agreement will be settled through an arbitration process, the results of which are to be first enforced in Tribal Court, 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 Tribal Business Council hereby determines that no less than annually, the management of the 4 Bears Casino and Lodge will provide to the Executive Committee a revenue report for the slot machines being leased from Williams Gaming under the Agreement approved by this Resolution; 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 25th day of September, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 25th 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

Accepted:

**Three Affiliated Tribes
Tribal Business Council**

Tex G. Hall
Tex G. Hall
Tribal Chairman

**Three Affiliated Tribes
Tribal Business Council**

Marcus Wells, Jr.
Marcus Wells, Jr.
Tribal Treasurer