

**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 placing a bank of 4 Jackpot Bingo 5 cent slot Progressive jackpot machines manufactured by Casino Data Systems, a Nevada based slot machine manufacturer, at 4 Bears Casino and Lodge are likely to draw additional gaming patrons to the Casino; and
- WHEREAS,** The Tribal Council desires the Three Affiliated Tribes enter into an Agreement for the use of the above machines, a facsimile copy of which is attached hereto, with Casino Data Systems (CDS), a Nevada Corporation, for the use of 4 Jackpot Bingo 5 cent slot machines that offer a Progressive jackpot of not less than \$50,000, the use of which, including being part of the Progressive network, are referred to in the Agreement as the "Services" to be rendered by CDS, at a total cost of 3.95% of the gross amount wagered on each machine each month, with the additional understanding that the Progressive prize will be paid out by CDS and the Secondary Progressive prize will be reimbursed by CDS and all other prizes will be paid out of the total amount taken in by the machines, with the term of the Agreement to be indefinite, terminable upon 30 days' notice; and

**WHEREAS,** The Agreement with CDS 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 resolved through an arbitration procedure, the results of which are to be enforced first in Tribal Court; and

**WHEREAS,** The Three Affiliated Tribes has previously entered into an Agreement with CDS for the purchase of gaming machines with terms relating to the limited waiver of sovereign immunity being virtually identical to those terms contained in this Agreement herein,

**WHEREAS,** The Tribal Business Council has determined that leasing the gaming machines from Casino Data Systems described in the Agreement is in the best interests of the Three Affiliated Tribes and its members; and

**WHEREAS,** The Tribal Business Council has determined that the accompanying limited waiver of sovereign immunity 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 are authorized and directed to execute and deliver, on behalf of the Tribe, such Agreement and any other documents necessary to execute the attached Agreement for the use of 4 gaming machines which are part of a Progressive network and which offer a minimum progressive prize of \$50,000, and related Services from CDS, at a total cost of 3.95% of the gross amount wagered on each machine each month, with the additional understanding that the Progressive prize will be paid out by CDS and the Secondary Progressive prize will be reimbursed by CDS and all other prizes will be paid out of the total amount taken in by the machines; 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 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 Casino Data Systems, 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 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, 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 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

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