

**RESOLUTION OF THE GOVERNING BODY OF THE  
THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD INDIAN RESERVATION**

*A Resolution Entitled: "Approval of the EPCM Agreement Between TRIAD and the Three Affiliated Tribes Subject to Certain Conditions."*

- 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,** Article IV Section 5(d) of the Tribes Constitution specifically authorizes the Tribal Business Council to negotiate with the Federal, State and local governments on behalf of the Tribes; and
- WHEREAS,** The Tribal Business Council supports and has been working on the development of an oil refinery on the Fort Berthold Reservation which will be owned by the Three Affiliated Tribes; and
- WHEREAS,** The Three Affiliated Tribes has substantially completed Phases I & II of the oil refinery project and it is now time to move forward with Phase III of the project; and
- WHEREAS,** Phase III of the Project involves the development of the Engineering, Procurement, Construction Management of the oil refinery; and
- WHEREAS,** Triad Project Corporation has been retained by the Tribes for the Project and has developed the Front End Engineering Design and substantially completed the Business Plan for the Project; and
- WHEREAS,** Triad Project Corporation (Triad) has also proposed to do the Engineering, Procurement, Construction Management (Phase III) of the Project; and
- WHEREAS,** Triad has indicated a desire to assist the Tribes in finding and obtaining the funding necessary to cover the costs associated with Phase III of the Project; and



THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
MEETING NO. 05-06-NH  
MARCH 10, 2005

READ CONTRACT

Reso  
#5A

Councilman White Call moved for approval to authorize the Legal Department to finalize the contract with [redacted] who will seek grants to pay for the contract. Councilman Wolf seconded the motion.

VOLE 5 Ayes, 1 Nay, 0 Abstention, 0 Not voting. Motion carried.

**Resolution No. 05-54 NH**

**WHEREAS,** Triad desires to enter into an agreement with the Tribes to provide EPCM services to design and build the Refinery in light of the Tribe's reliance on TRIAD in development of the Refinery to date; and

**WHEREAS,** TRIAD desires to perform the Work all upon the terms and conditions and for the consideration set forth in the Agreement for the EPCM for the Project provided that the Tribes obtain the funding necessary for the agreement and provided further with the understanding that the Agreement is approved subject to legal review and approval.

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Business Council hereby approves of the EPCM Agreement between TRIAD and the Tribes provided that the Tribes first obtain the funding necessary to cover the costs associated with performance of the agreement and provided further with the understanding that the Agreement is approved subject to legal review and approval.

**NOW, THEREFORE, BE IT FINALLY RESOLVED,** that Tribal Chairman is authorized to execute said agreement subject to the conditions provided above.

**CERTIFICATION**

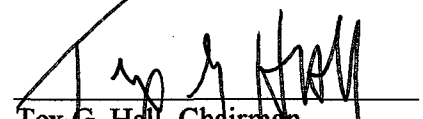
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6, were present Regular meeting therefore duly called, noticed, convened and held on the 14<sup>th</sup> day of March, 2005; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 5 members, 1 members opposed, 0 members abstaining, 0 member not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 14<sup>th</sup> day of March, 2005.

Chairman Voting (X) Not Voting ( )

  
Nathan Hale, Secretary  
Tribal Business Council

ATTEST:

  
Tex G. Hall, Chairman  
Tribal Business Council