



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

**A Resolution Entitled:** *“Authorization for the Transfer of the Three Affiliated Tribes’ 401k and 403b Employee Retirement Pension Plans from Bank of the West (Dickinson Branch) to First International Bank & Trust of Williston, North Dakota.”*

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and

**WHEREAS,** pursuant to Article III, Section 1 of the Constitution and By Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Article VI, Section 5 (c) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to administer all funds or property within the exclusive control of the Tribes and to make expenditures from available tribal funds for public purposes including salaries and other remuneration of tribal officials and employees; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes (the “tribe”) 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 Tribe and of the enrolled members thereof; and

**WHEREAS,** The Three Affiliated Tribes established a 401k plan for the benefit of its employees in 1986 and subsequently established a 403b plan for the benefit of its employees in 1996 for their retirement benefit; and

**WHEREAS,** The Three Affiliated Tribes wishes to continue to provide those benefits to its plan participants and beneficiaries as a source of retirement benefits; and

**WHEREAS,** The Tribal Business Council has received a proposal from First International Bank & Trust of Williston, North Dakota to manage the Tribes’ 401k & 403b pension plan that would result in a substantial savings in administrative costs associated with managing these plans; and

**WHEREAS,** The Tribal Business Council finds that it is in the best interest of the plan sponsor and plan participants to name First International Bank & Trust of Williston, North



Dakota as trustee of the Three Affiliated Tribes 401k and 403b pension plan as successor to the Bank of the West, Dickinson, North Dakota the present trustee due to the substantial savings in administrative costs; and

**WHEREAS,** The Tribal Business Council desires to authorize the transfer of the funds in these plans from Bank of the West, Dickinson, North Dakota to First International Bank & Trust of Williston, North Dakota to serve as the trustee of the Tribes 401k and 403b pension plans; and

**WHEREAS,** In order to transfer the 401k 401b funds to the First International Bank and Trust of Williston, the Tribe will need to enter into a Service Agreement for Qualified Retirement Plan with First International Bank and Trust and such Agreement has been drafted, negotiated and approved by the Tribes' Legal Department.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes pursuant to its constitutional authority hereby authorizes the transfer of the funds in the Tribes' 401k and 403b pension plans from Bank of the West, Dickinson, North Dakota to First International Bank of Williston, North Dakota so that it may serve as the trustee of the Tribes 401k and 403b pension plans and administer these plans; and

**BE IT FURTHER RESOLVED,** that the Tribal Business Council hereby approves the Service Agreement for Qualified Retirement Plan between the Three Affiliated Tribes and First International Bank and Trust; and

**FURTHER BE IT RESOLVED,** that the Tribal Business Council hereby directs the Bank of the West, Dickinson, North Dakota to provide an orderly and timely transfer of the Three Affiliated Tribes 401k, 403b pension plan documents, assets, participant record filings and all other associated records of said plan to the First International Bank & Trust of Williston, North Dakota, and

**FINALLY BE IT RESOLVED,** that the Tribal Business Council hereby authorizes the Chairman or Treasurer to execute any and all documents, including the Service Agreement, necessary for the completion of the said transfer of the Three Affiliated Tribes 401k and 403b pension plans from the Bank of the West, Dickinson, North Dakota to First International Bank & Trust of Williston, North Dakota.

#### 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 10 day of May 2007; 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.

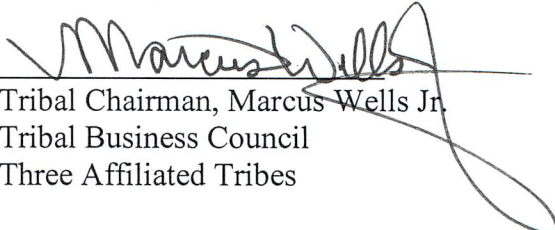


Chairman  voting. [ ] not voting.

Dated this 10<sup>th</sup> of May 2007.

**ATTEST:**

  
Tribal Secretary, V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Marcus Wells Jr.  
Tribal Business Council  
Three Affiliated Tribes