



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

A Resolution Entitled: *Amendment to Chapter 27- Gaming of the Code of Laws 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 having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes 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 VI, Section 3 of the Constitution grants the Tribal Business Council all legislative authority necessary for the purpose of exercising the jurisdiction granted by Article I of the Constitution; and

WHEREAS, the Indian Gaming Regulatory Act, 25 USC §2701 authorizes Indian Tribes to engage in Class III Gaming provided it is conducted in accordance with a Gaming Compact between the tribe and State in which the Indian Tribe is located and provided the gaming the is authorized by an Ordinance adopted by the governing body of the tribe having jurisdiction over the lands where the gaming will be conducted which is approved by the Chairman of the National Indian Gaming Commission; and

WHEREAS, 25 CFR §522.3 provides that an Indian Tribe shall submit for the chairman's approval any amendment to a tribal gaming ordinance within 15 days of its adoption; and

WHEREAS, 25 CFR § 522.2 sets forth the NIGC's submission requirements for tribal gaming ordinances and amendments to such ordinances; and



- WHEREAS,** pursuant to the authority set out in the Constitution and the Indian Gaming Regulatory Act, the Tribal Business Council adopted Resolution No. 94-084 JJR which enacted Chapter 27- Gaming of the Code of Laws of the Three Affiliated Tribes on October 14, 1994 which authorizes Class III gaming on the Fort Berthold Indian Reservation; and
- WHEREAS,** The Tribal Business Council also adopted Resolutions 94-38 and 00-171 DSB amending Chapter 27 of the Code of Laws of the Three Affiliated Tribes; and
- WHEREAS,** Title 27- Gaming was approved by the Chairman of the National Indian Gaming Commission on October 19th, 2000; and
- WHEREAS,** Section 2 of Chapter 27 establishes the Three Affiliated Tribes Tribal Gaming Commission which is a seven member Commission appointed by the Tribal Business Council; and
- WHEREAS,** Section 2.5 of Chapter 27 provides that the Gaming Commission shall elect from among its members a chairman, a comptroller and such other officers as the commission shall deem appropriate; and
- WHEREAS,** Section 4 of Title 27 sets for the powers of the Tribal Gaming Commission and Section 4.1.21 provides that the Commission has the power to employ such staff as necessary to administer and enforce the ordinance; and
- WHEREAS,** The Tribal Gaming Commission members currently serve in the capacity as full-time staff members to the Commission; and
- WHEREAS,** The Tribal Business Council has determined that it is necessary to restructure the operation of the Gaming Commission so that it may operate as a regular functioning Commission and meet its overall responsibility of regulating gaming on the Fort Berthold Reservation and whereby Gaming Commissioners shall not be full-time employees but instead the Commission will supervise a staff of between 5 and 8 employees who will be hired by the Tribal Business Council, be compensated pursuant to the Commissions annual budget and be under the direct supervision of the Gaming Commission; and



WHEREAS, The Tribal Business Council believes that the proposed restructuring of the Gaming Commission will enable the Commission to act as a fully autonomous regulatory agency with less potential conflicts of interests because the Commission staff will be conducting investigations of matters that will be considered by the Commission rather than then Commissions performing investigations and other day to day functions; and

WHEREAS, The Tribal Business Council intends to amend Title 27 to meet its objectives and to establish that the Gaming Commission staff will be hired by the Tribal Business Council under a plan developed by the Tribal Business Council pursuant to a Resolution but such staff will be under the immediate and direct supervision of the Gaming Commission;

NOW THEREFORE BE IT RESOLVED, that Chapter 27- Gaming of the Code of Laws of the Three Affiliated Tribes is hereby amended as follows:

1. Section 2.5 is amended by striking the language *a Comptroller* and the language *The Comptroller shall be bonded and shall be responsible for all money collected by the Commission.*
2. Section 4.1.21 is amended by deleting it in its entirety.
3. By adding a new Section 2.6 as follows:

2.6 Gaming Commissioners may be compensated for services at an amount determined by the Tribal Business Council of the Three Affiliated Tribes.

4. By adding a new Section 2.7 as follows:

2.7 The Gaming Commission shall be staffed by personnel who shall assist the Commission with its regulatory functions, according to a budget and staffing plan developed by the Commission and approved by the Tribal Business Council. Gaming Commission personnel shall be recruited and selected by the Tribal Business Council but be under the immediate and direct supervision of the Commission.



BE IT FURTHER RESOLVED, That these amendments to Chapter 27 shall be submitted to the National Indian Gaming Commission for approval by the NIGC Chairman in accordance with 25 CFR § 522.2 within 15 day of the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that the amendments to Chapter 5-18, Part 7 herein enacted shall become effective upon adoption and certification of this Resolution by the Tribal Business Council and approval of the Chairman of the National Indian Gaming Commission.

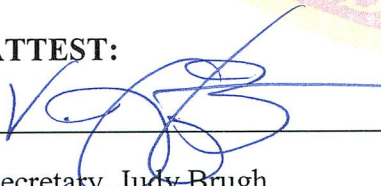
CERTIFICATION

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 20th day of December 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

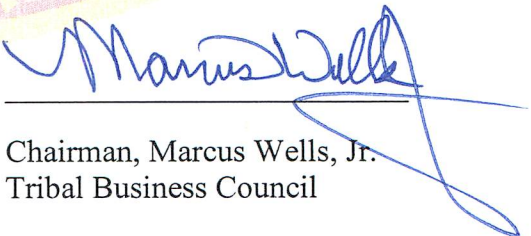
Chairman [] voting. [] not voting.

Dated this 20th day December 2007.

ATTEST:



Secretary, Judy Brugh
Tribal Business Council



Chairman, Marcus Wells, Jr.
Tribal Business Council