



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

A Resolution Entitled: Approval of Construction Manager at Risk for New Casino Event Center and Parking Structure – Oakland Construction Company, Inc. 1978 South West Temple, Salt Lake City, Utah, 84115”

WHEREAS, The Three Affiliated Tribes (the “MHA 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, The Constitution of the MHA Nation 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 MHA Nation and of the enrolled members thereof; 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 4 Bears Casino & Lodge (“Casino”) has a new event center and parking structure project in development to be funded by a loan from the Three Affiliated Tribes; and

WHEREAS, The Casino has selected Oakland Construction Company of Salt Lake City, Utah, to serve as Construction Manager at Risk for the New Casino Event Center and Parking Structure; and

WHEREAS, As owner of the Casino, the Tribe becomes a necessary party to the Agreement that includes a limited waiver of its Sovereign Immunity that is limited to enforcement of the contract terms including specific performance.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes approves the selection of Oakland Construction Company to serve as Construction Manager at Risk for the New Casino Event Center and Parking Structure project; and

BE IT FINALLY RESOLVED, the Tribal Business Council hereby approves a limited waiver of sovereign immunity in the Agreement that is limited to the contract terms and specific performance and expressly excludes consequential, indirect and/or incidental damages by the parties.



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, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 16th day of October, 2014; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 16th day of October, 2014.



Executive Secretary, Judy Brugh
Tribal Business Council
Three Affiliated Tribes

ATTEST,


Tribal Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes