



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

**A Resolution entitled “Approval of Mutual Confidentiality Agreement between Allegany Capital Enterprises, LLC and Mandan, Hidatsa & Arikara Nation.”**

- 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,** 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 III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Article IV, Section 5(1) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials of the Reservation; and
- WHEREAS,** Allegany Capital Enterprises, LLC (ACE) is a 100% Seneca Indian owned limited liability company providing tobacco consulting and management services from the Seneca Nation of Indians Territory, and is the consulting arm of Seneca Manufacturing Company, a federally licensed tobacco product manufacturer; and
- WHEREAS,** The Tribal Business Council and the West Segment of the MHA Nation have been presented an economic development opportunity to partner with ACE for development and establishment of a tobacco products manufacturing business on the MHA Nation; and
- WHEREAS,** The establishment of a tobacco products manufacturing business would bring economic benefits and employment opportunities to the members of the MHA Nation; and
- WHEREAS,** In order for the MHA Nation to engage in meaningful negotiations for the possible establishment of the tobacco products manufacturing business it is necessary that ACE and MHA Nation enter into a mutual confidentiality and non-disclosure agreement; and
- WHEREAS,** The Mutual Confidentiality and Non-Circumvention Agreement by and between Allegany Capital Enterprises, LLC and Mandan, Hidatsa & Arikara Nation, in form as attached hereto, is appropriate and acceptable;



**NOW THEREFORE BE IT RESOLVED**, That the Tribal Business Council of the Three Affiliated Tribes finds the Mutual Confidentiality and Non-Circumvention Agreement by and between Allegany Capital Enterprises, LLC and Mandan, Hidatsa & Arikara Nation, in form as attached hereto, to be appropriate and acceptable;

**BE IT FURTHER RESOLVED**, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the execution by MHA Nation of the attached Mutual Confidentiality and Non-Circumvention Agreement by and between Allegany Capital Enterprises, LLC and Mandan, Hidatsa & Arikara Nation;

**BE IT FINALLY RESOLVED**, That the West Segment of the MHA Nation and its agents and employees are hereby authorized to pursue negotiations with Allegany Capital Enterprises, LLC for purposes of exploring the possible establishment of a tobacco products manufacturing business, and shall report from time to time thereon to the Tribal Business Council.


### CERTIFICATION

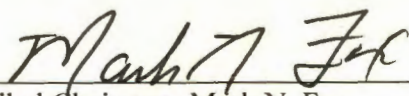
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 15<sup>th</sup> day of March, 2018, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 15<sup>th</sup> day of March, 2018.

**ATTEST:**

  
\_\_\_\_\_  
Tribal Secretary Fred W. Fox  
Tribal Business Council  
Three Affiliated Tribes

  
\_\_\_\_\_  
Tribal Chairman, Mark N. Fox  
Tribal Business Council  
Three Affiliated Tribes