



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

A Resolution Entitled, “Approval of A133-2019 Construction Contract (including A201-2017 General Conditions) between the 4 Bears Casino & Lodge and Kraus-Anderson Construction Company, 1815 Schafer Street, Suite 200, Bismarck, ND 58501.”

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** The Constitution 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,** Pursuant to Article VI, Section 5(1) of the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business Council, its agencies and officials; and
- WHEREAS,** Article VI, Section 5(c) of the Constitution specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Nation and to make expenditures from available Tribal funds for public purposes for the Nation; and
- WHEREAS,** The Tribal Business Council has previously approved the “4 Bears Casino & Lodge Hotel Expansion Project” including a budget of fifty million dollars (\$50,000,000); and
- WHEREAS,** The 4 Bears Casino & Lodge (Casino) has developed a two phase approach to complete the project: Phase 1: Construction of Breezeway and demolition of the old Hotel section and Phase 2: Construction of new Hotel Expansion; and
- WHEREAS,** The Casino has selected Kraus-Anderson Construction Company (Krauss) of Bismarck, North Dakota as the Construction Manager / Constructor for Phase 1 of the project; and
- WHEREAS,** The Casino has negotiated an agreement with Krauss to complete Phase 1 of the project, a copy of which is attached as **Exhibit A**; and



WHEREAS, After review by the Casino and Tribes’ legal counsels and Owner’s Representative Weneha Group, the Casino now recommends approval of the contract with Kraus for Phase 1.

NOW THEREFORE BE IT RESOLVED, The Tribal Business Council approves, subject to legal review, the contract with Kraus attached as **Exhibit A.**

BE IT FURTHER RESOLVED, That the Tribal Business Council, in its approval of the attached contract with Kraus Anderson, authorizes the Casino to waive any sovereign immunity it may hold as an instrumentality of the MHA Nation, so long as such a waiver shall not be construed to extend to the MHA Nation nor waive the sovereign immunity of the MHA Nation.

BE IT FINALLY RESOLVED, That the Chairman is hereby authorized to execute such documents and take such further actions as are necessary to carry out the terms and intent of this Resolution.

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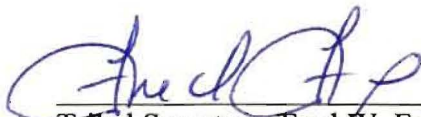
CERTIFICATION

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9th day of February, 2022, 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 [X] Voting. [] Not Voting.

Dated this 9th day of February, 2022.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



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