



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

**A Resolution Entitled, “*Authorizing and Approving Expenditure of Tribal Funds to Cover  
Costs of Oil and Gas Lease Arbitration*”**

- 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,** 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,** Spotted Hawk Development, LLC (Spotted Hawk) initiated a commercial arbitration action against the MHA Nation before the American Arbitration Association (AAA) over an Indian Mineral Development Act oil and gas lease agreement between Spotted Hawk and the Tribe; and
- WHEREAS,** The MHA Nation filed a counterclaim against Spotted Hawk in response to and as part of the arbitration action; and
- WHEREAS,** The lease between Spotted Hawk and the MHA Nation requires that disputes be resolved by decision of a three-arbitrator panel; and
- WHEREAS,** Expenditure of tribal funds is necessary to cover the costs and other administrative fees related to the MHA Nation’s defense and assertion of its own claims in this arbitration dispute, including, but not limited to initial AAA filing fees of \$30,000.00 due no later than November 14, 2023 for the MHA Nation’s counterclaim, fees and expenses due the three arbitrators as they accrue, and other costs related to the arbitration.
- NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council hereby authorizes and approves the expenditure of an amount not to exceed \$300,000.00 to cover the costs



of the arbitration claim and counterclaim in the oil and gas lease dispute between the MHA Nation and Spotted Hawk.

**BE IT FINALLY RESOLVED**, The Chairman of the Tribal Business Council is authorized to execute such documents and take such actions as are necessary to carry out the terms and intent of this Resolution.

**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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9<sup>th</sup> day of November, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 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 9<sup>th</sup> day of November, 2023.

**ATTEST:**

  
Executive Secretary, Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

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