

**RESOLUTION OF THE GOVERNING BODY 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
- 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,** The Tribal Business Council of the Three Affiliated Tribes has consistently advocated the creation of new projects for the purpose of decreasing the high unemployment rate on the Fort Berthold Reservation; and
- WHEREAS,** The Tribal Business Council of the Three Affiliated Tribes has created a one hundred percent (100%) wholly-owned tribal corporation, to-wit: "Mandaree Electronics, Inc.", for the purposes of creating employment and increasing tribal revenues; and
- WHEREAS,** It is the considered judgment of the Tribal Business Council of the Three Affiliated Tribes to assist and support the endeavors of Mandaree Electronics, Inc. in pursuing 8(a) contracts through the Small Business Administration; and
- WHEREAS,** The Small Business Administration requires an express waiver of sovereign immunity related to Small Business Administration's programs, including, but not limited to 8(a) program participation, SBA direct or guaranty loans, advance payments and contract performance; and
- WHEREAS,** The Three Affiliated Tribes, as a sovereign governing body possesses immunity from suit, unless the Tribe expressly and unequivocally waives its sovereign immunity; and
- WHEREAS,** It is the considered judgment of the Three Affiliated Tribes that Mandaree Electronics, Inc., must pursue its attempts to acquire SBA 8(a) contracts for the development and enhancement of tribal employment and revenues; and
- WHEREAS,** The Tribal Business Council of the Three Affiliated Tribes hereby waives its immunity from suit provided

Mandaree Electronics, Inc. is successful in acquiring 8(a), SBA contracts; and

NOW, THEREFORE, BE IT RESOLVED, The Tribal Business Council of the Three Affiliated Tribes hereby grants a specific and limited waiver of sovereign immunity to Mandaree Electronics, Inc., provided the Corporation is successful in obtaining SBA, 8(a), contract(s); and

BE IT FURTHER RESOLVED, That the waiver of immunity from suit granted to Mandaree Electronics, Inc., shall be expressly limited to the total of the respective amounts of any and all contracts awarded pursuant to Section 8(a) of the Small Business Administration.

C E R T I F I C A T I O N

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, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 22nd day of November, 1996; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 22nd day of November, 1996.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council