

**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 Three Affiliated Tribes owns and operates a Tribal Gaming Enterprise, know as the Four Bears Casino and Lodge, which conducts Class III Gaming pursuant to the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. §§2701 et seq., a duly approved Tribal-state gaming compact, and a duly approved Tribal Gaming Ordinance; and
- WHEREAS,** At the same time as, and in connection with they buy-out of Bruce H. Lien Co., the company that formerly managed the Four Bears Casino and Lodge on behalf of the Tribe, the Tribal Business Council adopted Resolution No. 96-213, which established the framework of a Tribal Gaming Enterprise Board to have overall responsibility to supervise the Tribal Gaming Enterprise, which resolution was amended and readopted in substantial part as Resolution No. 97-51; and
- WHEREAS,** The Tribal Gaming Enterprise Board is a body subordinate to, and under the authority of, the governing body of the Three Affiliated Tribes, namely, the Tribal Business Council of the Three Affiliated Tribes; and
- WHEREAS,** As a result of certain actions taken by individual Gaming Enterprise Board members, and as a result of by-laws established by the Board, certain issues have arisen in regard to the authority and function of the Board in relation to the authority of the Tribal Business Council and the General Manager of the Tribal Gaming Enterprise as hired by the Tribal Business Council, and as a result, the Tribal Business Council wants to clarify Resolution No. 97-51 relating to the establishment and functions of the Gaming Enterprise Board; and
- WHEREAS,** The contract with the General Manager specifically provides that he shall have the power, among other things, to make appropriate employment decisions with regard to Gaming Enterprise employees; and
- WHEREAS,** The Tribal Business Council wishes to clarify that appeals from any final decision of the Tribal Gaming Enterprise Board involving Tribal Gaming Enterprise employees should be taken directly to the Tribal Court.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council hereby states that the General Manager shall have those duties as listed in his contract entered into between himself and the Tribal Business Council, and approved by Resolution No. 96-212-DSB, and the Gaming Enterprise Board shall construe and interpret Resolution No. 97-51 to be consistent, where possible, with the Resolution approving the General Manager's contract, and where inconsistent, the Resolution approving the General Manager's contract, and the contract itself, shall control;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Tribal Business Council hereby directs the Tribal Gaming Enterprise Board to seek the approval by the Tribal Business Council of any by-laws the Board may adopt; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby affirms that except where the specific power is granted to the Board in Resolution No. 97-51-DSB to hear appeals from personnel grievances of the Tribal Gaming Enterprise, the Board shall have no power to hire, fire, demote, transfer or otherwise affect directly the employment status of any person employed by the Tribal Gaming Enterprise, as that authority rests with the General Manager;

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby amends Resolution No. 97-51-DSB by deleting, in its entirety, on page 3 of 7 of said resolution, subparagraph (2) under Paragraph 4 relating to Duties and Powers of the Tribal Gaming Enterprise Board, which deleted subparagraph references the power of the Board to approve all changes in the status of primary management officials; and

NOW, THEREFORE BE IT FURTHER RESOLVED,. that any appeal from a final personnel decision of the Tribal Gaming Enterprise Board made pursuant to an appeal from a decision of the General Manager to the Board shall be taken directly to the Tribal Court, and the appeal shall be based upon the record as has been established by the General Manager and the Gaming Enterprise Board.

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, 7 were present at a Regular Meeting

thereof duly called, noticed, convened, and held on the 2nd day of June, 1997; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 3 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 2nd day of June, 1997.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council