

**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, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedure of the Tribal Business Council, other Tribal government entities, and Tribal officials; and

WHEREAS, Via Resolution Nos. 94-38-MW and 94-084-JJR, the Tribal Business Council adopted a Tribal Gaming Ordinance, Chapter 27 of the Codified Laws of the Three Affiliated Tribes, which was approved by the National Indian Gaming Commission (NIGC) on November 17, 1994 and March 8, 1995; and

WHEREAS, The Tribal Gaming Ordinance, in Section 2.1, established a Tribal Gaming Commission composed of five (5) members, with one (1) alternate; and

WHEREAS, The Tribal Business Council has determined that it wants a Tribal Gaming Commission composed of six (6) members, and by action of the Council taken on May 6, 1999 by Resolution No. 99-71-DSB, has appointed James Bear as the sixth member of the Tribal Gaming Commission;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby amends Section 2 of the Tribal Gaming Ordinance of the Three Affiliated Tribes to read as follows:

“SECTION 2. TRIBAL GAMING COMMISSION

2.1 There is hereby established a gaming Commission which shall be called the Three Affiliated Tribes’ Gaming Commission. The Commission shall have six (6) members and one (1) alternate member all of whom shall be appointed by the Tribal Business Council. The Commission shall be filled by selecting from the adult enrolled members of the Three Affiliated Tribes resident on the

Reservation. The members and alternate members of the Commission shall serve terms of four (4) years. Successor Commission members shall be designated not sooner than sixty (60) days nor later than thirty (30) days before the terms of the members expire. A Commission member may be removed during his or her term for cause upon a two-thirds vote of the members voting of the Council. Vacancies which occur by death, disability, resignation or removal shall be filled by the Council within thirty (30) days after the vacancy occurs, and such replacement shall serve the remainder of the terms of the former member.

- 2.1.1 The Commission shall be funded in accordance with a budget prepared by the Commission and as approved by the Council.
- 2.2 No member or alternate member of the Commission shall engage in any business which is subject to regulation by the provisions of this Ordinance.
- 2.3 The Commission shall act by majority vote of a quorum present and each member of the Commission shall be entitled to one vote except that the alternate member shall only be entitled to vote in place of an absent member. A quorum shall consist of four (4) members, or three (3) members and the alternate.
- 2.4 The Tribal members shall appoint the members and alternate member of the Commission as soon as possible after the effective date of the Ordinance. Such members and alternate members shall assume their offices immediately upon appointment, and shall serve until their successors are appointed.
- 2.5 The Commission shall elect from among its members a Chairman, a Comptroller, and such other officers as the Commission may deem appropriate. The Comptroller shall be bonded, and shall be responsible for all money collected by the Commission.”

NOW THEREFORE, BE IT FURTHER RESOLVED, That the Tribal Business Council hereby ratifies any and all acts of the Commission taken since May 6, 1999, to the present, in which the sixth member appointed by the Council on May 6, 1999 participated; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Tribal Business Council hereby authorizes the Chairman and Secretary of the Three Affiliated Tribes to formally submit this Resolution containing the foregoing amendment to the existing Tribal Gaming Ordinance to the National Indian Gaming Commission (NIGC) for approval pursuant to the Indian Gaming Regulatory Act (Title 25, Sections 2701 *et seq.* of the United States Code) and regulations pertaining thereto, as amended, and further authorizes the

Chairman and the Secretary of the Three Affiliated Tribes to take such further and other actions as may be necessary to obtain approval by the NIGC of the Tribal Gaming Ordinance of the Three Affiliated Tribes, as amended by this resolution.

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 16th day of July, 1999; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 1 members opposed, 0 members abstained, 1 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 16th day of July, 1999.

Daylon Spotted Bear
Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Tex G. Hall
Tex G. Hall
Chairman, Tribal Business Council