

**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 (the “Tribe”) 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 Tribe and of the enrolled members thereof; and
- WHEREAS,** Article VI, Section 5(c) of the Constitution of the Tribe specifically authorizes and empowers the Tribal Business Council of the Tribe to administer the funds within the exclusive control of the Tribe and to make expenditures from available Tribal funds for public purposes of the Tribe; and
- WHEREAS,** The Three Affiliated Tribes owns a company known as Fort Berthold Development Corporation (FBDC) which provides general contracting and material supplies for various projects;
- WHEREAS,** FBDC has recently been the successful bidder on the foundation package and site work for the Fort Berthold Justice Center being constructed in New Town, North Dakota; and
- WHEREAS,** As a requirement of the bid proposal and project specifications for the Fort Berthold Justice Center, Fort Berthold Development Corporation is to obtain a performance bond in the amount of one-hundred percent of the accepted bid, which amount is \$325,000; and
- WHEREAS,** The Fort Berthold Development Corporation has made known its need for the assistance of the Three Affiliated Tribes Tribal Business Council in order to obtain the required performance bond for the Fort Berthold Justice Center, which assistance includes a pledge by the Tribe of the assets needed to be provided as collateral for the bond, and a limited waiver of sovereign immunity, with such waiver being limited to the face value of the required bond; and
- WHEREAS,** The Tribal Business Council has determined that such a limited waiver of sovereign immunity is in the best interests of the Tribe and its members;
- NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the Tribe to make the necessary pledge of assets and the limited waiver of sovereign immunity needed for Fort Berthold Development Corporation (FBDC) to obtain the performance bond for the Fort Berthold Justice Center project; with said pledge and waiver of sovereign immunity being limited to the face value of the bond;

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the Chairman and the Secretary of the Tribal Business Council to execute any and all documents that may be necessary for FBDC to obtain the performance bond required for the Fort Berthold Justice Center project.

CERTIFICATION

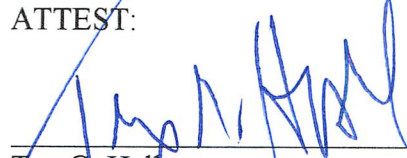
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a SPECIAL Meeting thereof duly called, noticed, convened, and held on the 22 day of OCTOBER, 2001; 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 22 day of October, 2001.



Marcus Wells, Jr.
Secretary, Tribal Business Council

ATTEST:



Tex G. Hall
Chairman, Tribal Business Council