



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

A Resolution Entitled, “Approval and Authorization of Sports Book Consulting and Services Agreement Between the 4 Bears Casino & Lodge and BetMGM, LLC, a Delaware limited liability company.”

- 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,** Pursuant to Article VI, Section 5(1) of the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business Council, its agencies and officials; and
- WHEREAS,** The “Amended Gaming Compact Between the Three Affiliated Tribes and the State of North Dakota” dated January 3, 2013 (the Compact), permits Sports Book, Sports pools and Pari-mutuel and Simulcast betting; and
- WHEREAS,** The September 2019 North Dakota Taxation Committee’s Memorandum has concluded that North Dakota Tribes have the authority to operate sports betting; and
- WHEREAS,** The Tribe has previously approved **Virtual Media Group LLC**, as the 4 Bears Casino & Lodge’s Sports Betting & Virtual Sports Betting consultant; and
- WHEREAS,** After extensive analysis, discussion and negotiations, Virtual Media Group LLC has facilitated the selection and has negotiated terms with BetMGM LLC to provide sports betting software, the “BetMGM” brand, and ongoing consulting services to the 4 Bears Casino & Lodge’s sports betting operation.



NOW THEREFORE BE IT RESOLVED, the Tribal Business Council's hereby authorizes the 4 BEARS CASINO & LODGE to execute the attached "Sports Book Consulting and Services Agreement" ("Agreement") with BetMGM, LLC.

BE IT FURTHER RESOLVED, the Tribal Business Council hereby authorizes the 4 BEARS CASINO & LODGE to conduct retail and mobile sports betting and virtual sports throughout the jurisdiction and territory of the MHA Nation, provided that it complies with applicable laws and the Compact.

BE IT FURTHER RESOLVED, the Tribal Business Council authorizes the 4 Bears Casino & Lodge to provide a limited waiver of any sovereign immunity the 4 Bears Casino & Lodge may possess as an instrumentality of the Nation, provided that the Agreement and any other related agreements between the 4 Bears Casino & Lodge and BetMGM, LLC are of limited recourse to the 4 Bears Casino & Lodge and its assets exclusively and all other governmental or tribal owned entities assets of the Nation are expressly excluded.

BE IT FURTHER RESOLVED, except as provided herein, nothing in this Resolution or the Agreement shall be construed to limit the MHA Nation's jurisdiction or waive the requirements of applicable tribal laws.

BE IT FINALLY RESOLVED, the Chairman is hereby authorized to take such actions as are deemed necessary to carry out the terms and intent of this Resolution.

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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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of December, 2020, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] Voting. [] Not Voting.

Dated this 10th day of December, 2020.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council

Tribal Chairman, Mark N. Fox
Tribal Business Council