



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

***A Resolution Entitled, “Ratifying Executive Action 2021-16 and Authorizing Third Party Contracts in response to Ransomware Attack”***

**WHEREAS,** The Mandan Hidatsa and Arikara Nation (“Nation” or “Tribes”) having accepted the Indian Reorganization Act of June 18, 1934 (“IRA”), and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

**WHEREAS,** The Constitution of the Nation 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 III, Section 1 of the Constitution of the Nation provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Article VI, Section 5(c) of the Constitution of the MHA Nation specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Nation and to make expenditures from available Tribal funds for public purposes for the Nation; and

**WHEREAS,** The MHA Nation experienced a cyber security threat to its computer network system, which required immediate action; and

**WHEREAS,** In order to address the immediate cyber threat, on May 1, 2021 the Tribal Business Council approved Executive Action No. EA 2021-16, which authorized the Chairman to execute contracts with third parties to remove and or mitigate the cyber security threat, including contracts with MOXFIVE LLC, and Kroll Associates, Inc.; and

**WHEREAS,** The Tribal Council has determined it necessary to engage the business law firm McDonald Hopkins PLC as legal counsel to assist in responding to the ransomware incident; and

**WHEREAS,** The MHA Nation is insured against cyber-attacks on its computer system, and the insurer has recommended the third parties referenced herein to help mitigate the threat.

**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council hereby ratifies EA 2021-16, and approves and authorizes the Chairman to sign the attached engagement letter with McDonald Hopkins PLC to provide legal services to assist the Tribes in responding to the ransomware incident.

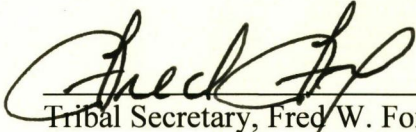


**CERTIFICATION**

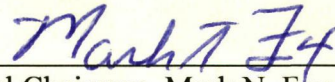
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 13<sup>th</sup> day of May, 2021, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 13<sup>th</sup> day of May, 2021.

  
\_\_\_\_\_  
Tribal Secretary, Fred W. Fox  
Tribal Business Council  
Three Affiliated Tribes

**ATTEST:**

  
\_\_\_\_\_  
Tribal Chairman, Mark N. Fox  
Tribal Business Council  
Three Affiliated Tribes