



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

A Resolution Entitled, “Approval of a Limited Waiver of Sovereign Immunity to the Native American Agriculture Fund (NAAF) as a Fiscal Sponsor to the Fort Berthold Land and Livestock Association (FBLLA).”

- 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,** Article VI, Section 5(c) of the Constitution 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 Tribal Business Council has authority to grant corporate charters to enrolled members of the Three Affiliated Tribes, agencies, and segments organized for public purposes; and
- WHEREAS,** On September 14, 2022, the Tribal Business Council approved a non-profit corporate charter to the Fort Berthold Land and Livestock Association; and
- WHEREAS,** The Fort Berthold Land and Livestock Association desires to create and support methods for maintaining and enhancing Tribal economy to help ensure its self-sufficiency, growing economic development, and the welfare of its Tribal livestock owners; and



WHEREAS, The MHA Nation as a fiscal sponsor of the Fort Berthold Land and Livestock Association has been awarded a grant, reference number TG-2023-0417, from the Native American Agriculture Fund (“NAAF”) in the amount of \$200,000; and

WHEREAS, The NAAF TRUST AGREEMENT requires the MHA Nation to authorize a limited waiver of sovereign immunity with regard to the aforementioned grant to allow NAAF to enforce the terms of the Grant Agreement; and

WHEREAS, With regard to the grant, the MHA Nation Tribal Business Council hereby authorizes the MHA Nation as fiscal sponsor of the Fort Berthold Land and Livestock Association to enter into an irrevocable Limited Waiver of Sovereign Immunity in the amount of \$200,000; and

WHEREAS, The MHA Nation Tribal Business Council hereby waives the Tribe’s sovereign immunity only as to NAAF and the aforementioned grant, and only to allow for the enforcement of the terms of the grant awarded and in any event for no longer than two years after the start of the one year grant term.

NOW, THEREFORE, BE IT RESOLVED, that the MHA Nation Tribal Business Council hereby authorizes and approves the Limited Waiver of Sovereign Immunity as described above and with regard to the Grant Agreement, reference number TG-2023-0417, whereby Native American Agriculture Fund will transfer grant funds in the amount of \$200,000 to the MHA Nation as a fiscal sponsor of the Fort Berthold Land and Livestock Association; and

BE IT FINALLY RESOLVED, that the Chairman of the MHA Nation Tribal Business Council is hereby authorized to execute said Limited Waiver of Sovereign Immunity on behalf of the MHA Nation.

<SIGNATURE PAGE TO FOLLOW>




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 19th day of October, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

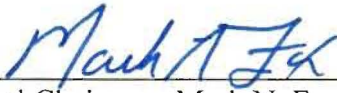
Chairman [] Voting. [X] Not Voting.

Dated this 19th day of October, 2023.

ATTEST:



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



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