

THREE AFFILIATED TRIBES
FORT BERTHOLD RESERVATION

IN DISTRICT COURT
NEW TOWN, NORTH DAKOTA

Terrance Fredericks and Carol Good Bear,

Plaintiffs,

vs.

Mark N. Fox, as Three Affiliated Tribes' Tribal
Chairman, Cory Spotted Bear, as Three Affiliated
Tribes' Vice-Chairman, Fred Fox, as Three
Affiliated Tribes' Executive Secretary, Mervin
Packineau, as Three Affiliated Tribes' Treasurer,
Robert White, as Three Affiliated Tribes'
Councilman, Sherry Turner-Lone Fight, as Three
Affiliated Tribes' Councilwoman, Monica Mayer, as
Three Affiliated Tribes' Councilwoman, and The
Three Affiliated Tribes' Tribal Business Council,

Defendants.

Case No. _____

COMPLAINT

1. Plaintiffs Terrance Fredericks (Fredericks) and Carol Good Bear ("Good Bear"), by and through their Tribal Court advocate, for their Complaint state and will show as follows:

II. PARTIES

2. Plaintiff Fredericks is an enrolled member of the Three Affiliated Tribes, residing in Halliday, North Dakota 58636.

3. Plaintiff Carol Good Bear is an enrolled member of the Three Affiliated Tribes, residing in New Town, North Dakota 58763.

4. Defendant Mark N. Fox is the Chairman of Three Affiliated Tribes Tribal Business Council ("the Council").

5. Defendant Cory Spotted Bear is the Vice-Chairman of the Council.

6. Defendant Mervin Packineau is the Northeast Segment and is the Treasurer of the Council.

7. Defendant Fred Fox is the Executive Secretary of the Council.
8. Defendant Robert White is the Councilman for the Four Bears Segment.
9. Defendant Sherry Turner-Lone Fight is the Councilwoman for the West Segment.
10. Defendant Monica Mayer is the Councilwoman for the North Segment.

II. JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over this matter by virtue of Title I, Sections 2.1, 2.2, 3.1, 3.2, and 3.3 of the Fort Berthold Code of Law.
12. This Court has personal jurisdiction over the parties by virtue of Title I, Sections 2.1, 2.2, 3.1, 3.2, and 3.3 of the Fort Berthold Code of Law.
13. This Court has jurisdiction over the members and officers of the Council by virtue of exceptions to the doctrine of Sovereign Immunity, namely an exception providing authority for suits requesting injunctive relief against officials acting outside the scope of their authority. *See, e.g., Ex parte Young*, 209 U.S. 123 (1908).
14. This Court also has jurisdiction over this complaint under Article VI, Section 3(b) of the Constitution of the Three Affiliated Tribes as it provides this Court authority to adjudicate Tribal violations of the Indian Civil Rights Act (“ICRA”), specifically actions seeking injunctive relief against the Council.
15. Venue is proper in this Court because the events and actions/inactions arose within Three Affiliated Tribes, and it is where the Council resides.

III. ALLEGATIONS

16. The Three Affiliated Tribes of Fort Berthold (“the Tribe”) is a federally recognized Indian Tribe organized under the Constitution and Bylaws of the Three Affiliated Tribes of the Fort

Berthold Reservation (“Constitution” or “Bylaws,” respectively), which were ratified by a vote of Tribal members on May 15, 1936.

17. The Constitution provides the consent of the Tribe to suits for violations of ICRA. Specifically, Article VI, Section 3(b) provides:

The people of the Three Affiliated Tribes, in order to achieve a responsible and wise administration of this sovereignty delegated by this Constitution to the [Council], hereby specifically grant to the Tribal Court the authority to enforce the provisions of the Indian Civil Rights Act, 25 U.S.C. 1301, et seq., including the award of injunctive relief only against the [Council] if it determines through an adjudication that the [Council] has in a specific instance violated the Act.

18. ICRA, 25 U.S.C. § 1301 provides that in exercising powers of self-government, no Indian tribe shall deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

19. The Constitution also enumerates powers and duties of the Council. Article VI, Section 3 grants the Council “all necessary sovereign authority – legislative and judicial – for the purpose of exercising the jurisdiction granted by the people in Article I of this Constitution.”

20. Article VI, Section 5 states that the Council shall have the powers enumerated therein, “but that the exercise of those powers shall be subject to popular referendum”.

21. Article VI, Section 5(c) of the Constitution provides that the Council has the following responsibilities:

To administer any funds or property within the exclusive control of the Tribes to make expenditures from available Tribal funds for public purposes of the Tribes, including salaries or other remuneration of Tribal officials or employees. Such salaries or remuneration shall be paid only for services actually rendered. All expenditures from the Tribal Business Council fund shall be by resolution duly passed by the council to such effect, and the amounts so paid shall be matters of public record at all times.

(Emphasis added).

22. Article VIII of the Constitution reserves the right of Tribal members to demand a referendum “on any proposed or enacted ordinance or resolution of the [Council].”

23. Article I of the Bylaws provides additional duties applicable to particular officers of the Council.

24. Article I, Section 2 of the Bylaws imposes upon the Secretary the duty to “keep all records, minutes of meetings, and an accurate roll of members by communities.” The Secretary shall also “receive all petitions, applications, and other papers, and prepare them for the action of the council.”

25. Article I, Section 3 of the Bylaws requires a resolution to be passed in order for the Treasurer to “expend or otherwise disburse any funds in his possession or in the possession of the or custody of the Tribal Business Council.

26. This Constitutionally mandated process requiring the Council to pass formal resolutions ensures the participation of Councilmen and Tribal members the decision-making process so that the Council may make informed decisions.

A. The “People’s Fund.”

27. The Council established the *Nuxbaaga Iidaa Uuh Waa Zaah, Salmis waaplsis, Aki numuk aki tawatesh sha geddish* (“the People’s Fund”) pursuant to Resolution No. 13-004-VJB. The People’s Fund is funded by revenue from the Tribe’s non-renewable oil and gas assets.

28. The Council established an account for the People’s Fund with the Bureau of Trust Fund Administration (“BTFA”) known as “Proceeds of Labor Account PL10017014”.

29. A department to administer the People’s Fund was also established under Resolution No. 13-004-VJB (“the People’s Fund Department”). Pursuant to Resolution No. 13-004-VJB, the People’s Fund Department was to establish a distribution and eligibility plan. Resolution No. 13-

004-VJB identified that at the time of its passage in January 2013, the People's Fund contained over \$100,000,000.00.

30. Resolution No. 13-004-VJB also requires the Council to take the distribution and eligibility plan to the people for a referendum vote:

“BE IT FURTHER RESOLVED, that the Distribution Plan shall not be implemented until it is presented to and approved by the Tribal Business Council and thereafter submitted to a referendum vote in accordance with Article VIII of the Constitution.

Resolution No. 13-004-VJB. (Emphasis added.)

31. In 2014, under Resolution No. 14-112-VJB, the Council approved a distribution and eligibility plan put forth by the People's Fund Department. Section 3 of the distribution and eligibility plan recommended “allocating eighty percent (80%) of the Tribe's non-renewable oil and gas resource revenues to The People's Fund and has limited the use of the principal amount of investment except as may be authorized by the Business Council in the future.”

32. Since the inception of the People's Fund, the TBC has paid out approximately \$600 million or more to tribal members. Upon information and belief, no monies, other than distributions to tribal members, have been paid out of trust account PL PL10017014.

33. The Council never submitted the Distribution and Eligibility Plan to the people for a referendum vote.

34. The Council does not always provide adequate notice of its meetings relative to the subject matter of the meetings before the meetings occur, which is a due process violation of the members of the Three Affiliated Tribes. The meetings themselves also violate due process because, among other things, the Council has closed session meetings—the Tribal members are not given an opportunity to be involved or heard in those discussions. The notices and meetings are inadequate and violate due process.

35. On or about August 6, 2024, the Council illegally passed Resolution No. 24-248-FWF in a closed session. The people of the Three Affiliated Tribes were not given an opportunity to comment, ask questions or otherwise participate in the decision-making process concerning this resolution.

36. Furthermore, the agenda for the August 6, 2024, meeting did not put tribal members on any meaningful notice whatsoever that the Council was going to act on the People's Fund or withdraw \$250,000,000 from it. The agenda was intentionally vague on these points so that the Council would not have to answer any questions or tolerate any comments on the matter. The Council's actions were underhanded and intended to approve the \$250,000,000 withdrawal as quietly as possible.

37. Upon information and belief, the BTFA rejected the authorization to withdraw the \$250,000,000 pursuant to Resolution No. 24-248-FWF because it was passed in a closed session.

38. Upon learning this, the Council called a "special meeting" to re-pass Resolution 24-248-FWF in an open meeting. However, the Council again acted discreetly in order to avoid participation of tribal members as there was never any notice of the special meeting published and the meeting was held 25 miles away from the Tribal Headquarters at the office of the Northeast Segment Representative in Parshall, North Dakota.

39. All actions taken by the Tribal Council are "subject to a popular referendum as provided by this Constitution. Constitution, Article VI, Powers, Section 1.

40. Article VI, Section 5 of the Constitution similarly states "The Tribal Council shall have the following powers, the exercise of which shall be the subject to popular referendum as hereinafter provided in this Constitution. Constitution, Article VI, Powers, Section 5.

41. Article VIII of the Constitution governs referendums. This article provides:

ARTICLE VIII – REFERENDUM

Upon a petition signed by at least 10 percent of the qualified voters of each community, demanding a referendum on any proposed or enacted ordinance or resolution of the Tribal Business Council, the Council shall call an election and the vote of the majority of the qualified voters voting in such referendum shall be binding upon the Tribal Business Council, provided at least 30 percent of the eligible voters shall vote in such referendum.

42. The right to referendum is an absolute, fundamental right that the people of the Three Affiliated Tribes reserved onto themselves. It is their check and balance on the Council.

43. The Plaintiffs and various tribal members have taken it upon themselves to draft and present a petition for a referendum vote to rescind Resolution No. 24-248-FWF (the Petition.)

44. The Petition was carried by circulators in all Segments of the Reservation over Labor Day weekend, and they were able to obtain approximately 190 signatures from fellow Tribal upset about the Council's action to withdraw \$250,000,000 from the People's Fund with any meaningful notice, or any real opportunity to be heard and participate in the decision-making process.

45. The Plaintiffs intend to keep seeking signatures for the Petition and anticipate that it may take them up to 30 days to get all the signatures they need to satisfy the 10% requirement under Article VIII.

46. The Plaintiffs primary concern is that the BTFA may transfer the \$250,000,000 before they are able to obtain all the signatures necessary to move forward with a referendum vote to rescind Resolution No. 24-248-FWF.

47. Thus, the Plaintiffs seek injunctive relief from the Tribal Court prohibiting the Council from enforcing Resolution No. 24-248-FWF so that they may obtain the necessary signatures for the Petition and ultimately vote on a referendum to rescind Resolution No. 24-248-FWF.

IV. CAUSES OF ACTION

FIRST CAUSE OF ACTION – VIOLATION OF THE CONSTITUTION

48. Under Article VI, Section 5(c) of the Constitution, the Council Members must ensure that any expenditures or disbursements from Tribal funds were made only pursuant to a resolution duly passed by the Council before the Tribe makes expenditures and disbursements.
49. Under Article VI, Section 5(c) of the Constitution, the Council Members must make any and all amounts paid from Tribal funds matters of public record.
50. Under Article VIII of the Constitution, enrolled members of the Tribe have the right to a referendum upon presenting a petition signed by ten percent of the qualified voters of each community.
51. Any disbursements from the People's Fund made by the Council Members before the Council "duly passes" a resolution to such effect are direct violations of Article VI, Section 5(c) of the Constitution.
52. Any additional disbursements from Tribal funds made by the Council Members without making the amounts expended matters of public record are direct violations of Article VI, Section 5(c) of the Constitution.
53. Any expenditures or disbursements made pursuant to Resolution No. 24-248-FWF before the Plaintiff and all tribal members can exercise their referendum rights under Article VIII meaningless and therefore constitutes a violation of Article VIII as all actions exercised by the Council "shall be subject to" a popular referendum – meaning the passing of a resolution is not final action if the referendum process is invoked by the people.

**SECOND CAUSE OF ACTION
VIOLATION OF THE INDIAN CIVIL RIGHTS ACT**

54. Plaintiffs incorporate by reference the foregoing allegations as if fully stated here.

55. The Council had a duty under ICRA to refrain from depriving any persons of property without due process of law.

56. Plaintiffs have a vested communal interest in the money contained in the Fund, as well as any other property of the Tribe pursuant to Paragraph 3 of the Corporate Charter of the Three Affiliated Tribes of the Fort Berthold Reservation which provides:

“The Three Affiliated Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and Bylaws.”

And Paragraph 8 which states:

“The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe”

57. The Constitution and Bylaws explicitly outline the procedural due process required before making expenditures from the People’s Fund, with both expressing that no expenditure may be made absent a resolution duly passed by the Council to such effect. *See* Constitution, Article VI, Section 5(c); Bylaws, Article I, Section 3.

58. The Council’s attempt at withdrawing \$250,000,0000 from the People’s Fund in passing Resolution No. 24-248-FWF was completely devoid of any meaningful notice and intentionally prevented tribal members from participating in the decision making process concerning this resolution as the actions of the Council concerning this resolution were illegal taken in a closed meeting and a “secret” special meeting 25 miles away from Council chambers were it normally conducts its business. In passing Resolution No. 24-248-FWF, the Council directly violated

Article VI, Section 5(c) of the Constitution and Article I, Section 3 of the Bylaws. Said violations constitute deprivation of communal property without procedural due process of law.

THIRD CAUSE OF ACTION – WRIT OF PROHIBITION AND INJUNCTION

59. Plaintiffs incorporate by reference the foregoing allegations as if fully stated here.

60. As set forth above, each of the Defendants' actions are illegal and constitute violations of the Constitution, Bylaws, Charter, and ICRA, and permanently impact the Plaintiffs' vested interests in Tribal funds and property by virtue of the recognition of communal property rights by the Tribe.

61. Because the Defendants' actions permanently impact the Plaintiffs' vested interests in Tribal funds and property, in addition to Plaintiffs' due process rights under the Constitution, Bylaws, Charter, and ICRA, Defendants continued illegal actions will cause irreparable harm to Plaintiffs and the Tribe.

62. Given the explicit commands, duties, and obligations laid out by the Constitution, Bylaws, Charter, and ICRA, and the Defendants' failure to obey those commands, duties, and obligations, the Plaintiffs have a substantial likelihood of success on the merits before this Court.

63. Additionally, because Defendants' illegal actions contravene duties and obligations set forth in constitutional and other legal documents explicitly passed by enrolled Tribal members, the public interest factor strongly favors Plaintiffs.

64. As noted above, Defendants continued illegal actions will result in continued and further permanent and irreparable harm to Plaintiffs. In contrast, enjoining Defendants from continuing to engage in their illegal actions and/or reversing harm done by said illegal actions simply returns Defendants to the status quo -- that is, fulfilling the obligations and duties set forth by the

Constitution, Bylaws, Charter, and ICRA. Thus, the balance of the harms strongly favors Plaintiffs as well.

65. Plaintiffs' need for immediate relief based upon the above factual allegations is clear.

FOURTH CAUSE OF ACTION – WRIT OF MANDAMUS

66. Plaintiffs incorporate by reference the foregoing allegations as if fully stated here.

67. Plaintiffs have an absolute, unequivocal right to a referendum process under Article VIII of the Constitution.

68. This Court should issue a writ of mandamus to the Tribal Council, enjoining the Council and all of its members from taking any action whatsoever to enforce Resolution No. 24-248-FWF as said Resolution was never duly passed as the Council violated the Plaintiffs' and all tribal members Constitutional rights to due process in passing said resolution.

Attorneys' Fees and Costs Under Private Attorney General Doctrine

69. Plaintiffs incorporate by reference the foregoing allegations as if fully stated here.

70. Plaintiffs' success in this action benefits a broader, ascertainable class of people (enrolled members of the Tribe) in the same manner as themselves.

71. Plaintiffs' success in this action promotes adherence to principles and policies which the people of the Three Affiliated Tribes and, more broadly, Congress, have identified as being of the utmost importance.

72. Plaintiffs' success in this action will result in a substantial benefit to the Tribe and the Tribe's enrolled members and prevents an abuse which would be prejudicial to the rights and interests of both the Tribe and the Tribe's enrolled members.

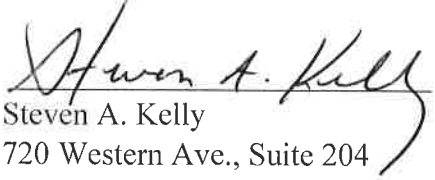
73. Requiring Plaintiffs to bear the burden of costs and fees in an action regarding the rights of thousands of other enrolled members and for which the causes arise out of improper actions of the

Council, the Council's members, the Officers, or Treasurer Packineau, would be inequitable and result in a detriment to the ability of others to enforce their rights against the Council in the future.

V. PRAYER FOR RELIEF

74. WHEREFORE, Plaintiffs request judgment as follows:
- a. A Temporary Restraining Order and Preliminary Injunction directing the Council immediately refrain from enforcing or otherwise acting on Resolution No. 24-248-FWF until the Court can rule on a preliminary injunction;
 - b. A Preliminary injunction for the next thirty (30) days or until such time until such time Plaintiffs successfully submit a Petition for a referendum vote and a referendum vote is held on the Petition so that the Plaintiffs and the members of the Three Affiliated Tribes have an opportunity to vote on a referendum to rescind Resolution 24-248-FWF;
 - c. For a permanent injunction in the event the referendum rescinds Resoltuion No. 24-248-FWF; or
 - d. A Permanent Injunction against the Council prohibiting the Council or any of them individually from taking any action on Resolution No. 24-248-FWF on the grounds the Council violated the due process rights of the Plaintiffs and all tribal members in passing Resoltuion No. 24-248-FWF.
 - e. Awarding fees and costs to the Plaintiffs under the private attorney general doctrine, and other applicable laws, with Defendants to be jointly and severally liable for payment of those costs and fees.

Dated this 3rd day of September 2024.

By 
Steven A. Kelly
720 Western Ave., Suite 204
Minot, North Dakota 58701
Tribal Court Advocate for Plaintiff

THREE AFFILIATED TRIBES
FORT BERTHOLD RESERVATION

IN DISTRICT COURT
NEW TOWN, NORTH DAKOTA

Terrance Fredericks and Carol Good Bear,
Plaintiff,

vs.

Mark N. Fox, as Three Affiliated Tribes' Tribal
Chairman, Cory Spotted Bear, as Three Affiliated
Tribes' Vice-Chairman, Fred Fox, as Three
Affiliated Tribes' Executive Secretary, Mervin
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Three Affiliated Tribes' Tribal Business Council,

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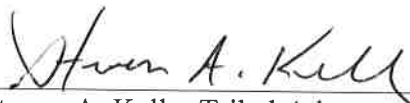
**MOTION FOR TEMPORARY
RESTRAINING ORDER &
PRELIMINARY INJUNCTION**

COMES NOW, Plaintiffs Terrance Fredericks and Carol Good Bear, by and through the undersigned tribal advocate, and Pursuant to Rule 17 of the Three Affiliated Tribes Rules of Civil Procedure, hereby moves this court for a temporary restraining order immediately enjoining the Defendants from enforcing Resolution No. 24-248-FWF until such time the parties can be heard on Plaintiff's Motion for Preliminary Injunction. The Plaintiff also submits an attached brief setting forth the grounds and arguments in support of this motion.

WHEREFORE, the Plaintiffs pray that the Fort Berthold District Court immediately grant them a temporary restraining order against the Defendants prohibiting the Defendants from enforcing Resolution No. 24-248-FWF and withdrawing \$250,000,000 out of the People's Fund and/or placing it with TWR Global, LLC or any other TWG companies.

RESPECTFULLY SUBMITTED on this 3rd day of September, 2024.

FOR THE PLAINTIFF:



Steven A. Kelly, Tribal Advocate
720 Western Ave. SW, Suite 204
Minot, North Dakota 58701

THREE AFFILIATED TRIBES
FORT BERTHOLD RESERVATION

IN DISTRICT COURT
NEW TOWN, NORTH DAKOTA

<p>Terrance Fredericks and Carol Good Bear,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>Mark N. Fox, as Three Affiliated Tribes' Tribal Chairman, Cory Spotted Bear, as Three Affiliated Tribes' Vice-Chairman, Fred Fox, as Three Affiliated Tribes' Executive Secretary, Mervin Packineau, as Three Affiliated Tribes' Treasurer, Robert White, as Three Affiliated Tribes' Councilman, Sherry Turner-Lone Fight, as Three Affiliated Tribes' Councilwoman, Monica Mayer, as Three Affiliated Tribes' Councilwoman, and The Three Affiliated Tribes' Tribal Business Council,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. _____</p> <p style="text-align: center;">BRIEF IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER & PRELIMINARY INJUNCTION</p>
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COMES NOW, Plaintiffs the Terrance Fredericks and Carol Good Bear, by and through the undersigned tribal advocate, and hereby submits this brief in support of their Motion for Temporary Restraining Order and Preliminary Injunction.

I. INTRODUCTION

The Plaintiff simultaneously filed a Complaint for Injunctive Relief and Motion For Temporary Restraining Order and Preliminary Injunction along with this brief. The Plaintiffs have e-mailed the complaint, and all documents filed with the court today to attorneys John Fredericks and Tim Purdon and are seeking to have the Council served as well. .

The Plaintiffs pray that this court issue a temporary restraining order and a preliminary injunction prohibiting the TBC from enforcing Resolution No 24-248-FWF as all Tribal members will

suffer irreparable injury if TBC is allowed to withdraw the \$250,000,000 from the People's Fund without any real notice to the people or an opportunity for our tribal members to be heard on this matter. The withdrawal of the \$250,000,000 represents approximately 28% of the Peoples Fund that will be taken out of a trust account managed by the Bureau of Trust Fund Administration ("BTFA") to never be seen again by our Tribal members. Even if the Tribe uses any proceeds realized from the use of the "250,000,000 the distributions paid to our Tribal members will be forever taxable whereas the distributions from the People's Fund are not taxable by the federal government or state.

More importantly, the TBC exercised its power to adopt Resolution No. 24-248-FWF pursuant to the powers granted it under our Constitution and Bylaws. Our people have an absolute, unequivocal right to petition for a referendum vote concerning any action taken by the TBC. If the Court does not grant the Plaintiff's request for a TRO immediately, our Tribal members' right to Petition for a referendum may be frustrated – at least to the extent the \$250,000,000 has been transferred. If the money is transferred to the Tribe there is a good chance it has not been transferred to TWG and that transfer can be delayed pending a petition and referendum vote. If no injunction is granted, the people can and will still petition but Plaintiffs do not know what the consequence will be if the people rescind Resolution 24-248-FWF. Will the Council and TWG be able to put the toothpaste back in the tube? Will there be losses as a result? It would behoove everyone if the Court granted Plaintiff's Motion for Temporary Restraining Order and preliminary injunction until such time the people can submit a petition to the TBC and a referendum vote is heard.

II. FACTS

A. HISTORY OF THE PEOPLES FUND

On January 24, 2013, the Tribal Business Council ("TBC") created a "Department to Administer the "Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aki tawatesh sha

geddish” which is also known as “The People’s Fund” pursuant to Resolution No. 13-004-VJB. (A copy of this Resolution No. 13-004-VJB is attached as “Exhibit B”.) At the time, the Tribe had approximately \$100,000,000 in the “People’s Fund” and this department was created to set up a system for the “administration, expansion of distribution” of the People’s Fund and to develop an “administrative plan to provide distributions from the fund to eligible tribal members.” This resolution also provided the distribution plan adopted by the TBC “shall not be implemented until it is presented to and approved by the Tribal Business Council and thereafter submitted to a referendum vote in accordance with Article VIII of the Constitution.” (Exhibit B, p. 3) This referendum vote was never held.

A distribution plan was approved by the TBC pursuant to Resolutions No. 14-111-VJB and 14-112-VJB. (A copy of these resolutions is attached as “Exhibit C” and “Exhibit D.”) Resolution No. 14-111-VJB says this about the intent behind establishing the People’s Fund:

“The MHA Nation Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aki tawatesh sha geddish (the “People’s Fund”) was established by the Tribal Business Council pursuant to Resoltuion NO. 13-004-VJB (Jan. 24, 2013) for the benefit of the members and future generations of the MHA Nation to provide a fund to generate a continuing source of revenue for the future from the finite oil and gas resource development on the Fort Berthold Reservation”

Exhibit C (emphasis added). This resolution goes on to point out that distributions out of the People’s Fund are not taxable:

“The IRS has recently announced “in Per Capita Distributions of Funds Held in Trust by the Secretary of the Interior Notice 2014-17) that the Tribal Per Capita Payments made with Interior Trust Fund money sourced from revenue directly derived from tribal trust land are non-taxable to eligible tribal members under the Per Capita Payment Act, 25 U.S.C. sec. 117(a)-(c).”

Exhibit C. Thus, all distributions made to date have not been subject to federal or state income tax.

A review of the Tribe's resolution database reveals there have been approximately thirty-five (35) general distributions to all Tribal members and twenty-two to Tribal members sixty (60) years of age or older. A rough estimate of how much the Tribe has paid out in distributions since 2014 is about \$600,000,000. Thus, the fact these payments are not taxable to our Tribe's members is a huge benefit that comes with distributions from the People's Fund as the taxes paid by Tribal members on these distributions would probably exceed \$100,000,000.

Resolution No 14-112-VJB passed the "People's Fund Distribution and Eligibility Plan" (the "Plan"). (Exhibit D). This Plan expressly states the People's Fund was established "for the benefit of the members and future generations of the MHA Nation from now until time in memorial." (Exhibit D, p. 1.) Section 3 of the Plan provides:

"The Business Council, by Resolution No. 13-004-VJB, established a Tribal Department and Advisory Board to administer the People's Fund. The Advisory Board Recommends allocating eighty percent (80%) of the Tribe's nonrenewable oil and gas resource revenue to the People's Fund and has limited the use of principal amount of investment except as may be authorized by the Business Council."

(Exhibit D, p. 2.) As stated above, the Plan was never submitted for referendum vote after the TBC adopted it on July 10, 2014. Thus, nobody really knows what is meant by the disjointed second sentence of this paragraph, but we do know, up until the passage of Resolution No. 24-248-FWF, the only use of the monies held in the People's Fund was for distributions to all our Tribal members. As stated in the formation resolutions discussed above, our tribal members have always understood that the People's Fund was a permanent fund set aside for distributions to our tribal members and future generations for time immemorial.

B. RESOLUTION NO. 24-248-FWF

Resolution No. 24-248-FWF was passed on August 6, 2024, in a closed session of the Tribal Business Council (“TBC”) so our Tribal members never had an opportunity to comment on the matter. (Exhibit A.) Even worse, our Tribal members weren’t given proper notice of this resolution as the agenda simply mentioned this under closed session: “BTFA Trust Account Withdrawal & Purchase of Protected Common Units in TWG Global.” (A copy of the agenda for the August 6, 2024, TBC meeting is attached as “Exhibit E”, p. 4, Section XXIV, B, (2). There is no mention of the “People’s Fund” so our Tribal members would have no idea this agenda item had anything to do with the People’s Fund. Furthermore, there is no mention of \$250,000,000. Had this exorbitant amount been mentioned in the agenda, our Tribal members would have paid attention to this item and taken the opportunity to oppose the resolution. The TBC was intentionally vague concerning this agenda item so as to avoid having to deal with comments and questions from our tribal members.

Resolution 24-248-FWF authorizes the withdrawal of \$250,000,000 from the People’s Fund. It does not clearly state where the \$250,000,000 will be invested. When asked, members of the TBC say they cannot talk about the specifics of the placement of the \$250,000,000 because they executed a non-disclosure agreement (“NDA”). (See, Councilman Robert White state this at the Four Bears Segment Community meeting on August 26, 2024. “We are all under an NDA. We can’t publicly talk about it [the \$250,000,000 investment].)¹ This suspect claim of an NDA has never been verified by anyone. The TBC simply expects our Tribal members to take them at their word.

The BTFA apparently did not accept this resolution because it was passed in a closed session, so the TBC held a special meeting to rectify this matter. The TBC met again on August 22, 2024, at the Northeast Segment Office and passed Resolution No. 24-248-FWF again. This meeting was held

¹ <https://www.facebook.com/watch/live/?ref=search&v=8128595487237419> at 36 minutes 50 seconds.

without any notice to the people so once again the people did not have an opportunity to comment on this resolution. (A copy of the agenda for the secret special meeting is attached hereto as “Exhibit F.”)

As of Friday, August 30, 2024 at 2:00 p.m. central time, the BTFA still has not released the \$250,000,000 to the Tribe. Even if they did release it on late Friday, the Tribe has not placed the money with TWG Global, LLC (“TWG”). Thus, there is time to put a stop to the withdrawal of the \$250,000,000 and or its placement with TWG if we can submit a petition for a referendum vote to terminate Resolution No. 24-248-FWF as soon as possible.

Once the \$250,000,000 is taken out of the People’s Fund, it can never be put back into the People’s Fund. Furthermore, as stated above, if the TBC were to pay distributions out of the \$250,000,000 or interest thereon, it is subject to taxation because it is no longer held in trust.

Our Tribal members are upset about the TBC’s attempt to take the \$250,000,000 out of the People’s Fund without their knowledge. The closed meeting and a secret special meeting held in an office in Parshall, North Dakota instead of the Tribal chambers is underhanded. Our Tribal members know that any attempt to discuss this matter with the TBC is futile. Thus, the Plaintiffs and many of the Tribe’s members have taken it upon themselves to initiate a petition to rescind Resolution 24-248-FWF. (A Copy of this Petition is attached as “Exhibit G.”) Our Tribal members started gathering signatures for the Petition this last Friday, August 30, 2024. Plaintiff Terry Fredericks reports that they have gathered approximately 190 signatures over the last four (4) days and he is confident they will collect all the signatures needed to have the Petition certified for a referendum vote which is fitting as, historically, any decision concerning the use of trust funds has been put to a referendum vote by our tribal members. See, Resolution No. 81-108, Resolution No. 82-13 and Resolution No. 00-106-DSB.

III. ARGUMENT

This court has great discretion in deciding whether to grant an injunction. In order to obtain an injunction, the moving party must demonstrate either “a combination of probable success on the merits and the possibility of irreparable injury” or “that serious questions are raised and the balance of hardships tips sharply in its favor.” Wright v. Rushen, 642 F.2d 1129, 1132, (9th Cir. 1981); and Los Angeles Memorial Coliseum Commission v. National Football League, 634 F.2d 1197, 1201 (9th Cir. 1980). The “irreducible minimum,” however, is that the Plaintiffs show “a fair chance of success on the merits” or “questions . . . serious enough to require litigation. Benda v. Grand Lodge of International Association of Machinists & Aerospace Workers, 584 F.2d 308, 315 (9th Cir. 1978). The Plaintiffs can easily demonstrate they will succeed on the merits and that our Tribal members will suffer irreparable injury if the court does not grant a temporary restraining order and a preliminary injunction.

1. Success on the Merits.

The merits of this case rest with the absolute, unequivocal right of the people to petition for a referendum vote. This absolute, fundamental right is governed by Article VIII of the Three Affiliated Tribe’s Constitution & Bylaws. This Article states:

ARTICLE VIII – REFERENDUM

Upon a petition signed by at least 10 percent of the qualified voters of each community, demanding a referendum on any proposed or enacted ordinance or resolution of the Tribal Business Council, the Council shall call an election and the vote of the majority of the qualified voters voting in such referendum shall be binding upon the Tribal Business Council, provided at least 30 percent of the eligible voters shall vote in such referendum.

Three Affiliated Tribe’s Constitution & Bylaws, Article VIII. Terrance Fredericks has secured signatures in his segment of Twin Buttes over the past four days. (The Affidavit of Terry Fredericks is attached hereto as “Exhibit H”) He is also familiar with the signatures other

petition circulators have obtained and he states that to date, the circulators of the Petition have obtained approximately 190 signatures out of the 372 he believes the Plaintiff's will need in order submit a successful petition to the TBC. (Exhibit H.) Terry believes that 30 days is sufficient to obtain all the signatures necessary to submit the petition to the TBC. (Exhibit H.)

2. Irreparable Harm.

The Plaintiffs and all tribal members opposed to Resolution No. 24-248-FWF undoubtedly will be irreparably harmed if injunctive relief is not granted. The withdrawal of the \$250,000,000 represents approximately 28% of the Peoples Fund - a trust account managed by the BTFA which the TBC uses to distribute tax-free money to our Tribal members. Once that money is taken out of that trust account, it can never be put back into the trust account. Even if the Tribe uses any proceeds realized from the use of the "250,000,000, the distributions paid to our Tribal members will be forever taxable whereas the distributions from the People's Fund are not taxable by the federal government or state.

The Tribe's members have an absolute, unequivocal right to petition for a referendum vote regarding any action taken by the TBC. If the Court does not grant the Plaintiff's request for a TRO immediately, our Tribal members' right to Petition for a referendum will be frustrated – at least to the extent the \$250,000,000 has been transferred. If the money is transferred to the Tribe there is a good chance it has not been transferred to TWG and that transfer can be delayed pending a petition and referendum vote. It is in everyone's interest to let the referendum process play out before the TBC and TWG are entangled in costly mess they may have to undo. Thus, the Courts should grant Plaintiff's Motion for Temporary Restraining Order and preliminary injunction until such time the people can submit a petition to the TBC and a referendum vote is heard.

IV. CONCLUSION

For all the reasons stated above, the Plaintiff prays that the Fort Berthold District Court grant it a temporary restraining order against the defendants prohibiting the Defendants from enforcing Resolution No. 24-248-FWF and withdrawing \$250,000,000 out of the People's Fund and/or placing it with TWR Global, LLC or any other TWG companies.

RESPECTFULLY SUBMITTED on this 3rd day of September, 2024.

FOR THE PLAINTIFF:

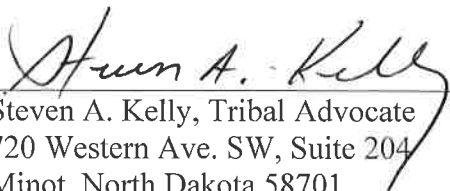

Steven A. Kelly, Tribal Advocate
720 Western Ave. SW, Suite 204
Minot, North Dakota 58701

EXHIBIT A



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

A Resolution Entitled, "Authorization to Withdraw \$250,000,000 from the MHA Nation Trust Fund Account PL10017014 in Order to Purchase Protected Common Units in TWG Global LLC"

- 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,** 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 MHA Nation currently has funds invested through various sources, and desires to repurpose a portion of those funds in a manner that will generate a greater return on investment; and
- WHEREAS,** The MHA Nation currently has over \$891 million invested in proceeds of Labor (PL) account PL10017014 with the Bureau of Trust Funds Administration (BTFA); and
- WHEREAS,** BTFA has been investing the MHA Nation's funds, but because Federal regulations allow the BTFA to invest only in lower yield securities such as government backed bonds, debt obligations or instruments guaranteed or insured by the federal government, the income on the investment has not been satisfactory, yielding a total return of approximately 3.2% as of July 30, 2024, over the holding period of each security which ranges between 6 months and 10 years; and
- WHEREAS,** The Tribal Business Council has determined it appropriate to withdraw or transfer a portion of the funds in BTFA account PL10017014 in order to diversify and generate a higher return on its assets; and



Resolution No. 24-248-FWF

WHEREAS, The MHA Nation has been offered a unique opportunity to become an equity partner in TWG Global LLC, a diversified financial services holding company with estimated 2024 net earnings exceeding \$4.5 billion and estimated value of \$32 billion; and

WHEREAS, After conducting its due diligence, the Tribal Business Council has been advised that:

1. TWG Global is estimating annual total returns of over 20%, including annual dividends of approximately 5-6%. These returns represent a higher expected rate of return than the portfolio managed by the BTFA which is invested entirely in government bonds;
2. The purchase of TWG Global shares diversifies the Nation's assets, providing broad exposure to the financial services sector through a holding company of successful companies and direct investments.
3. The prospective purchase of TWG Global shares has strategic value for the MHA Nation. The MHA Nation's relationship with TWG Global provides enhanced/preferred access to TWG Global's businesses which can result in several tangible future benefits, including access to capital for the Nation's developments, access to favorable investments, and visibility and access to the broader investment and financial services industry; and

WHEREAS, The Tribal Business Council finds it appropriate to withdraw a portion of the funds currently invested in PL10017014 pursuant to 25 CFR Part 115 in order to purchase \$250 million worth of protected common units in in TWG Global LLC.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council authorizes and directs the immediate withdrawal of \$250 million (\$250,000,000.) from PL10017014, all of which amount shall be used for the purchase of protected common units in TWG Global LLC.

BE IT FURTHER RESOLVED, The Chairman is authorized to work directly with the BTFA to accomplish the withdrawal in the most efficient manner possible, through liquidation, sale or transfer of securities, or by other appropriate means, and to execute such documents and take such actions as are necessary to accomplish the withdrawal of funds.

BE IT FURTHER RESOLVED, The Chairman is authorized, subject to legal review, to execute such documents or agreements as necessary to purchase \$250 Million worth of protected common units of TWG Global LLC, and to utilize if necessary the federal corporate charter of the MHA Nation to accomplish the purchase.



Resolution No. 24-248-FWF

BE IT FURTHER RESOLVED, All revenue earned from the purchase of units in TWG Global LLC shall be used for the same purposes for which funds from PL10017014 are used, and for such other purposes as are authorized by the Tribal Business Council.

BE IT FURTHER RESOLVED, In accordance with 25 CFR section 115.813, the Tribal Business Council acknowledges that funds in PL10017014 are invested in securities that may not have matured, that the securities must be sold, a penalty may be incurred if the security is sold, and the security may lose value if it is sold prior to maturity.

BE IT FURTHER RESOLVED, This Resolution supersedes any prior Resolutions related to the withdrawal or use of funds in PL10017014.

BE IT FINALLY RESOLVED, The Chairman is authorized to take such further action as is necessary to carry out the terms and intent of the Resolution.



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 6th day of August, 2024, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 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 Voting. Not Voting.

Dated this 6th day of August, 2024



Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes



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

EXHIBIT B



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

A Resolution entitled, "Establishment of a Department to Administer the Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aki tawatesh sha geddish"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes (MHA 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 MHA Nation and of the enrolled members thereof; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Pursuant to Article VI, Section 5(c) of the MHA Nation's Constitution, the Tribal Business Council is authorized administer and make expenditures from available tribal funds for public purposes of the MHA Nation; and

WHEREAS, Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aki tawatesh sha geddish (the People's Fund) was established for the benefit of the members and future generations of the MHA Nation, consisting of revenue saved from the development of the MHA Nation's nonrenewable oil and gas resources; and

WHEREAS, Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aki tawatesh sha geddish has grown to over one hundred million dollars and now requires day-to-day administration and an administrative plan to provide distributions from the fund to eligible tribal members; and

WHEREAS, Currently no system exists for the administration, expansion, and distribution of Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aki tawatesh sha geddish; and

WHEREAS, The Tribal Business Council believes it is necessary to establish a tribal governmental Department staffed by individuals with skills to administer the Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aki tawatesh sha geddish.



NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes hereby creates a separate Department which is tasked with the day-to-day administration of the Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aki tawatesh sha geddish.

BE IT FURTHER RESOLVED, the affairs of the Department shall be managed by a Director, who shall be advised by an Advisory Board composed of seven persons, including the Chairman of the Board and six members from each of the following segments of the Reservation: (1) Four Bears; (2) Mandaree; (3) New Town/Little Shell; (4) Parshall/Lucky Mound; (5) Twin Buttes; and (6) White Shield. The Chairman of the Board shall be nominated by the Tribal Chairman, subject to approval by the Tribal Council. The remaining Board members shall be nominated by the Council member for their respective segments, subject to approval by the Council.

BE IT FURTHER RESOLVED that each Board member shall have the following qualifications: (1) knowledge of the Fort Berthold Reservation and its people, (2) financial management or planning experience, and (3) a reputation for trustworthiness and honesty. The initial advisory Board is appointed as follows:

1. Chairman: Michael Granbois
2. Four Bears: Annette Young Bied
3. Mandaree: Rosie Johnson
4. New Town/Little Shell: Thomasina Mandari
5. Parshall/Lucky Mound: Cindy Parkinson
6. Twin Buttes: Alyce Spotted Bear
7. White Shield: Thomas Eagle

BE IT FURTHER RESOLVED, the Advisory Board's term of office shall be four years commensurate with the term of office for each segment's Council representative and, in the case of the Chairman of the Board, commensurate with the term of office of the Tribal Chairman. Each member of the Board shall hold office until his/her successor has been appointed and has qualified.



BE IT FURTHER RESOLVED, the Board should meet within 30 days of all members being appointed to establish by-laws and elect officers.

BE IT FURTHER RESOLVED, the Tribal Council shall appoint a Director to administer the day-to-day affairs of the Department.

BE IT FURTHER RESOLVED, that the Director shall be responsible for administering Nuxbaaga Iidaa Uuh Waa Zaah on a day-to-day basis. The Director shall; (1) with the assistance of the Advisory Board or its representative members hold public meetings in each Community for the purpose of developing and presenting to the Tribal Council a Distribution and eligibility Plan to govern the distribution of funds from Nuxbaaga Iidaa Uuh Waa Zaah to eligible members of the MHA Nation, which shall include procedures for offsetting distributions against liquidated debts owed by the payee to the MHA Nation or any of its agencies, (2) develop a set of criteria for the initial eligibility and continuing eligibility to receive funds, (4) coordinate with the Enrollment Office in order to maintain an up to date list of enrolled members and their addresses, (5) Provide a direct telephone number for members to obtain information on the fund, and (6) assist the Tribal Council or its authorized delegates in the development of a comprehensive Financial Plan for the preservation, investment and expansion of the Nuxbaaga Iidaa Uuh Waa Zaah.

BE IT FURTHER RESOLVED, that the Distribution Plan shall not be implemented until it is presented to and approved by the Tribal Business Council and thereafter submitted to a referendum vote in accordance with Article VIII of the Constitution.

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



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CERTIFICATION

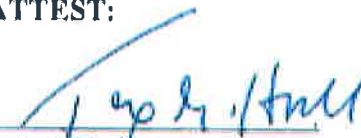
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 24th day of January, 2013, 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 [] Voting. [] Not Voting.

Dated this 24th day of January, 2013.



Tribal Secretary, Judy Brugh
Tribal Business Council
Three Affiliated Tribes

ATTEST:


Tribal Chairman, Tex Hall
Tribal Business Council
Three Affiliated Tribes

EXHIBIT C



Resolution No. 14-111-VJB

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

A Resolution Entitled: "Approval of Eligibility and Distribution Plan for the Nuxbanga Iidaan Uuh Waa Zaah, Sahnis waaplsis, Akl numuk aji tawatash sha geddish"

WHEREAS, The Three Affiliated Tribes (the "MHA Nation") having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes (MHA 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 MHA Nation and of the enrolled members thereof; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Pursuant to Article VI, Section 5(c) of the MHA Nation's Constitution, the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The MHA Nation *Nuxbanga Iidaan Uuh Waa Zaah, Sahnis waaplsis, Akl numuk aji tawatash sha geddish* (the "People's Fund") was established by the Tribal Business Council pursuant to Resolution No. 13-004-VJB (Jan. 24, 2013) for the benefit of the members and future generations of the MHA Nation to provide a fund to generate a continuing source of revenue for the future from the finite oil and gas resource development on the Fort Berthold Reservation; and

WHEREAS, Funded with nonrenewable oil and gas revenue by the Tribal Business Council, the People's Fund is intended to provide for fair and equitable distribution of income from the fund to duly enrolled members; and

WHEREAS, For purposes of the People's Fund, MHA Nation membership is determined in accordance with the Constitution and By-Laws of the Three Affiliated Tribes (TAT) Article II Membership; and



WHEREAS, The Tribal Business Council by Resolution No. 13-004-VJB (Jan. 24, 2013) established a tribal government Department to administer the People's Fund and to develop an Administrative Plan entitled, the "People's Fund Distribution and Eligibility Plan," which establishes the rules of eligibility and a framework for making per capita distributions from the People's Fund to eligible tribal members;

WHEREAS, the IRS has recently announced (in Per Capita Distributions of Funds Held in Trust by the Secretary of the Interior Notice 2014-17) that Tribal Per Capita Payments made with Interior Trust Fund money sourced from revenue directly derived from tribal trust land are non-taxable to eligible tribal members under the Per Capita Payment Act, 25 U.S.C. sec. 117(a)–(c); and

NOW THEREFORE BE IT RESOLVED that the Tribal Business Council hereby requests and directs that the U.S. Department of the Interior ("DOI") Office of Special Trustee ("OST") shall create a new MHA Nation People's Fund account which shall be administered by the Chief Financial Officer ("CFO") in consultation with the People's Fund Administrator (under the supervision of the People's Fund Board), the Chairman and the Treasurer of the MHA Nation with the oversight of the Tribal Business Council, provided that the CFO and People's Fund Administrator coordinate with the DOI OST in furtherance of said administration; and

BE IT FURTHER RESOLVED that 7 Million Dollars (\$7,000,000.00) shall be transferred from the MHA Nation Interior Tribal Trust Account (Acct. No. _____) to the new MHA Nation People's Fund Interior Tribal Trust Account for the purposes of the People's Fund as set forth in this Resolution and MHA Nation Resolution 13-004-VJB, provided this new account shall continue to be managed by the DOI OST pursuant to applicable policies and regulations; and

BE IT FURTHER RESOLVED that the MHA Nation Chairman and Treasurer shall be signatories on the account and two signatures shall be required for any and all withdrawals from the People's Fund account; and

BE IT FURTHER RESOLVED that the CFO and People's Fund Administrator shall report quarterly to the Tribal Business Council on the status, distributions, investments and operations of the People's Fund; and

BE IT FURTHER RESOLVED that the Tribal Business Council hereby approves the People's Fund Distribution and Eligibility Plan dated July __, 2014, provided, that this plan does not establish any property right in any person prior to receipt of a distribution, the People's Fund plan may be amended by the Tribal Business Council from time to time, there shall be no judicial cause of action to compel a distribution from the People's Fund, and the People's Fund shall be guided in its operations, implemented and executed by the Administrator subject to the policy guidance, supervision and review of the People's Fund Board and the oversight of the Tribal Council;



BE IT FURTHER RESOLVED that the Administrator of the People's Fund shall work with the Treasurer to establish a hearing and appeals process for cases arising from tribal per capita distributions, and such process shall be presented to the Tribal Business Council for adoption and approval;

BE IT FURTHER RESOLVED that the MHA Nation People's Fund shall be administered in accordance with the following principles:

Orderly Administration. Due to the need for orderly administration, review and consideration of the People's Fund, MHA Nation membership for per capita distributions shall be determined as of 60 days prior to the particular payment, and it is the duty of eligible Members to submit annual address verification forms and maintain current addresses for purposes of People's Fund Per Capita Distributions;

Adult Tribal Members. The tribal per capita payments of living competent adults shall be paid directly to them with delivery to be determined by the Administrator of the MHA Nation People's fund;

Decedents. In the event that the eligible member has died on or after the 15th day of the month prior to the date of distribution, the decedent will still be eligible to receive that years distribution with the following exceptions and provisions: (i) minors funds for those that have not reached distribution age, will be deposited into their Individual Indian monies (IIM) account which will then be handled by their estate; (ii) distribution for all other decedents beyond distribution age may be released to the family upon a written request.

Minors and Incompetent Persons. An Individual Indian Monies (IIM) account will be established with the Office of Special Trustee (OST) for each minor and People's Fund distributions shall be deposited into the IIM account for minor. Minor accounts shall be managed in accordance with OST policies and the People's Fund distribution plan instructions, as approved by the Tribal Business Council. Distributions to incompetent persons may be paid to their Legal Guardian, pursuant to a Power of Attorney, Estate or other legally designated individual or entity acting on behalf of the incompetent person.

Deduction for Outstanding Debts to the MHA Nation. The Administrator may deduct from Peoples' Fund distributions such amounts as are due and owing to the Tribe, any Tribal Enterprise, or to the Tribal Court in accordance with MHA Nation Resolution No. 13-004-VJB and the operating procedures of the Peoples' Fund plan hereby approved;



People's Fund Per Capita Distribution Payments. Distributions shall be made in accordance with the People's Fund distribution plan approved by the Tribal Business Council, which may be amended from time-to-time,

BE IT FURTHER RESOLVED that the MHA Nation People's Fund Plan may be amended by the Tribal Business Council at a duly convened meeting with a quorum present by an affirmative majority vote of its members; and

BE IT FURTHER RESOLVED that the Tribal Business Council authorizes and directs the Administrator of the People's Fund to make the first distribution under the Plan in the amount of \$500 to each eligible MHA Nation Tribal Member by [August 1, 2014]; and

BE IT FURTHER RESOLVED that as to the initial Plan distribution referred to in the prior paragraph, if OST is unable to make the distribution in a timely manner, then in accordance with the Per Capita Payment Act, 25 U.S.C. sec. 117(a)—(c), the Tribal Business Council alternatively authorizes the CFO and the Administrator to withdraw the funds from OST necessary (up to \$7,000,000 (Seven Million Dollars)) to make the initial Plan distribution under tribal government authority by _____, 2014, provided that:

- All eligible Adult Tribal Members shall receive their payments directly (whether by mail or otherwise);
- Minors' interests and incompetent persons' interests shall be protected (that is, minors' trust accounts shall be opened in a reasonable period of time and minors funds may be temporarily held in a segregated bank account by the MHA Nation on behalf of the People's Fund until such time as the minors' trust accounts are opened); and
- Diligent efforts shall be made to contact any eligible Tribal Members whose Whereabouts are Unknown, and a WAU person's right to receive a payment shall be maintained for at least one year before such payments revert to the People's Fund; and

BE IT FURTHER RESOLVED that the Tribal Business Councils authorizes the CFO and the Administrator to work with OST to have OST make the annual and bi-annual distributions under the Plan, authorizes the Tribal Enrollment to release the TAT enrollment list to the BIA for certification and authorizes OST to administer annual and bi-annual disbursements from the People's Fund in accordance with the Plan;

BE IT FURTHER RESOLVED that the Tribal Business Council authorizes OST to administer annual and biannual disbursements from the People's Fund to all duly enrolled members for generations to come; and

NOW THEREFORE BE IT FINALLY RESOLVED, The C.F.O. and Fund Administrator are hereby authorized to take such formal actions pursuant to the authority granted herein and requiring full consultation & approval of the Tribal Business Council.



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 July, 2014, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 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 Voting. Not Voting.

Dated this 10th day of July, 2014.



Executive Secretary, V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes

ATTEST:



Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes

EXHIBIT D



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

A Resolution entitled, "Approval of the People's Fund Distribution and Eligibility Plan for the Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk nji tawatesh sha geddish"

WHEREAS, The Three Affiliated Tribes (the "MHA Nation"), having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the MHA 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 MHA Nation and of the enrolled members thereof; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Pursuant to Article VI, Section 5(c) of the MHA Nation's Constitution, the Tribal Business Council is authorized administer and make expenditures from available tribal funds for public purposes of the MHA Nation; and

WHEREAS, Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aki tawatesh sha geddish (the "People's Fund") was established as a way to promote the general welfare of the Tribe and its members through the fair and equitable distribution to duly enrolled tribal members of revenues derived from the MHA Nation's nonrenewable oil and gas resources, while preserving a revenue base for future generations; and

WHEREAS, The Tribal Business Council, by Resolution No. 13-004-VJB established a tribal governmental Department (the "Department") to provide day-to-day administration and to develop an administrative plan to provide distributions from the Fund to eligible members; and

WHEREAS, The Department has prepared an administrative plan entitled "People's Fund Distribution and Eligibility Plan" which establishes the rules of eligibility and a framework for making distributions from the People's Fund to eligible tribal members.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes hereby approves the People's Fund Distribution and Eligibility Plan; and



Resolution No. 14-112-VJB

BE IT FURTHER RESOLVED, that the Tribal Business Council authorizes and directs the administrator of the People's Fund to make the first distribution under the Plan in the amount of \$500.00 to each eligible MHA Nation Tribal member by August 1, 2014; and

BE IT FINALLY RESOLVED, that the Tribal Business Council is hereby authorized to take such further actions as are necessary to carry out the terms and intent of this Resolution.

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THREE AFFILIATED TRIBES
MANDAN, HIDATSA, ARIKARA NATION
People's Fund Distribution and Eligibility Plan
DRAFT

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7. Amendments.....	4

1. Narrative.

Nuxbaaga Ildaa Uuh Waa Zaah, Sahnis waapsis, Akl numuk akl tawatash sha geddish, The People's Fund, ("The People's Fund"), was established for the benefit of the members and future generations of the MHA Nation from now until time in memorial. The Three Affiliated Tribes Tribal Business Council ("Business Council") recognizes the opportunity to give to the members of the MHA Nation The People's Fund from the oil and gas development on the Fort Berthold Reservation. The People's Fund will provide revenue for the membership long after the last barrel of oil is taken from our lands. We have been blessed with this natural resource that has taken millions of years for Mother Nature to prepare and The People's Fund will extend the benefits of this resource perpetually into the future.

2. Statement of Plan.

In order to promote the general welfare of the Tribe and its members, this plan is intended to provide for fair and equitable distribution to duly enrolled tribal members revenue generated from the development of the MHA Nation's nonrenewable oil and gas resources and set aside by the MHA Nation Business Council.

3. Allocation of Tribal Nonrenewable Oil and Gas Resource Revenue.

The Business Council, by Resolution No. 13-004-VJB, established a Tribal Department and Advisory Board to administer the Peoples' Fund. The Advisory Board recommends allocating eighty percent (80%) of the Tribe's nonrenewable oil and gas resource revenues to The People's Fund and has limited the use of the principal amount of investment except as may be authorized by the Business Council in the future.

4. Criteria for Eligibility.

a. All members of the Mandan, Hidatsa and Arikara Nation that are on the Tribal rolls shall be eligible to receive The People's Fund distributions. Such distributions shall be made in an equal amount of money to each Tribal member eligible to receive a distribution pursuant to this Plan.

b. Membership in the Mandan, Hidatsa and Arikara Nation shall be determined by the Enrollment Department pursuant to the Enrollment Ordinance and the MHA Nation Constitution.

c. In order to provide for orderly review and consideration, applications approved within sixty (60) days or less of a scheduled distribution date shall not be found eligible for distribution until the next scheduled distribution.

d. Address Verification. Members shall be responsible for providing address changes to the Enrollment Office as they occur.

c. Deceased Members. In the event that the eligible member has died on or after the fifteenth day of the month prior to the date of distribution, the decedent will still be eligible to receive that year's distribution with the following exceptions: (i) minors funds for those that have not reached distribution age will be deposited into their individual Indian Monies (IIM) account which will then be handled by their estate; (ii) distribution for all other decedents beyond distribution age may be released to the estate.

5. Minors and Other Legal Incompetents.

a. The interests of minors and other legally incompetent members shall be disbursed as follows. An IIM account will be established with the Office of Special Trustee for each minor member eligible for The People's Fund distributions. Distributions to minor members will be released to them upon reaching the age of twenty-one (21). Other legally incompetent member's distributions will be released to their Power of Attorney, Legal Guardian, Estate or other designated individual or entity.

b. Education Criterion.

(1) The trust assets of each such account maintained for a minor shall be disbursed in equal amounts at the end of each academic term to the member-beneficiary thereof upon the earlier of (i) said member-beneficiary meeting the dual criteria of (a) reaching the age of eighteen (18) and (b) the following academic disbursement requirements are met:

(i) All member-beneficiaries are required to submit Letter of Acceptance to an accredited college or university,

(ii) All member-beneficiaries are required to submit grades/transcripts at the end of each academic term as justification that the continued disbursement requirements have been met.

(iii) All member-beneficiaries must complete twelve (12) academic transferable credit hours, maintain a grade point average of 2.0 each academic term and maintain a cumulative grade point average of 2.0 in order to receive continued disbursements.

(2) Exception Rule. This exception rule only provides for the early release of IIM accounts to a Tribal member that is eighteen (18) and enlisted in the United States Armed Forces or National Guard and is on active duty.

6. Payments.

Annual Distributions. The Annual Distribution Date for The People's Fund shall be July 31st of each calendar year ("Annual Distribution Date"). For those members eligible pursuant to Section 5 of this Plan, annual distributions shall be made to the eligible member's IIM account on the Annual Distribution Date. Annual distributions shall be made until such time as the individual member's distribution amount exceeds \$2,000.00. Distributions exceeding \$2,000 per year shall be disbursed in equal amounts on July 1st and December 1st of each calendar year ("Biannual Distribution Dates"). For those members eligible pursuant to Section 5 of this Plan, distributions shall be made to the eligible member's IIM account on the Biannual Distribution Dates.

c. Address of Eligible Member. Payments shall be mailed to the member's current address as annually verified or changed by the member per policy stated in paragraph 3d.

d. Effect of Indebtedness to Tribe on Distributions. Unless there is an approved loan and repayment schedule in effect prior to the distribution close out date of July 1 of the distribution year when distributions are under \$2,000.00 and June 1 and November 1 of the distribution year when distributions are over \$2,000.00 and the member is not in default on that schedule, any monies owed to the Tribe, to any Tribal Enterprise or to the Tribal Court, shall be deducted from any members distribution at the rate of one half (1/2) of annual and semi-annual distribution amount/s until such debt and/or obligation to the Tribe is paid in full per Resolution No. 13-004-VJB January 24, 2013.

e. 2013 Distribution. The Business Council, in the exercise of its legislative authority, hereby authorizes a onetime utilization of principal to complete the 2013 annual distribution as proposed by the Department and its Advisory Board.

7. Amendments.

This plan may be amended by the action of the Three Affiliated Tribes Tribal Business Council, in a meeting at which a quorum is present, but only upon the affirmative vote of a majority of the members.

Comment (A3): This would allow the Business Council to amend the plan or eliminate it upon the vote of a simple majority. It was my understanding the BE was not supposed to have that type of influence over this fund.




CERTIFICATION

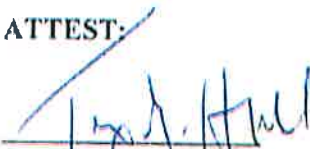
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of July, 2014, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 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 Voting. Not Voting.

Dated this 10th day of July, 2014.



Executive Secretary, V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes

ATTEST:


Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes

EXHIBIT E



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
AUGUST 6th, 2024 AGENDA
11:00 AM – TRIBAL CHAMBERS

*Standing Agenda Item
Superscript indicates # times deferred (After 3-times returned to Committee)

- I. CALL TO ORDER:
- II. ROLL CALL:
- III. OPENING PRAYER:
- IV. APPROVAL OF AGENDA:
- V. APPROVAL OF MINUTES:
 - July 15th, 2024 Regular Meeting Minutes.
- VI. SPECIAL GUESTS & ELDERS:
 - A. Katherine Young Bear
 - B. Trudy Garcia & Fred Motschman

EXECUTIVE COMMITTEE REPORTS

- VII. CHAIRMAN'S REPORT - *Chairman Mark N. Fox.*
- VIII. VICE CHAIRMAN'S REPORT - *Councilman Cory Spotted Bear*
- IX. EXECUTIVE SECRETARY'S REPORT - *Councilman Fred Fox*
 - 1) Enrollment* - *Sevant S. Taft, Enrollment Director*
- X. TREASURER'S REPORT - *Councilman Mervin Packineau*
 - A. CFO Report - *Whitney Bell*
 - B. Mortgage Program - *Val Mayer, Credit Manager*
 - C. Small Loans* - *Mary Ellen Sun, Lead Loan Officer*
 - D. Four Bears Casino Report* - *Spencer Wilkinson & Pat Packineau [See Closed Session]*
- XI. SEGMENT UPDATES:
 - A. North Segment - *Councilwoman Monica Mayer*
 - B. Four Bears Segment - *Councilman Robert White*
 - C. West Segment - *Councilwoman Sherry Turner-Lone Fight*
- XII. OFFICER REPORTS:
 - A. Chief Executive Officer Report* - *Stella Berquist, CEO*
 - 1) Executive Orders*
 - 2) Tax Department Report* - *Stephanie Hall-Thomas, Interim Tax Director*
 - 3) Emergency Operations Center Report* - *Emily Sitting Bear, Director*
- XIII. UNFINISHED BUSINESS:
 - A. THPO³ - *Allen Demeray, Director*
 - B. MHA Recovery Services - One Step Contract²
 - C. Luah Beah Contract Amendment ^{[Legal]2}



COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XIV. EXECUTIVE COMMITTEE: – *Chairman Mark N. Fox, Chair*

A. Ratification of 8/5/2024 Executive Committee Actions:

- Smoke Signals Sponsorship Request
- Maah Dah Hay National Monument – *Lisa Deville*
- UTTC Sponsorship Request
- Chad Burger Bull Riding Sponsorship Request
- Bismarck State College Rodeo Team Sponsorship Request – *Jon Peek, Mystic Head Rodeo Coach*
- TERO Business Waiver Request - *Laci Schettler*
- Silent Drill Team Budget Approval
- Carroll Howling Wolf Home Repair Request
- 105 (I) Lease Program
- Minnesota Indian Women’s Resource Center Donation Request
- Silver & Turquoise Ball Sponsorship Request
- Contract Renewal William Furkis
- Four Bears Segment - Contract Renewal Kayla Danks
- Recycler Machine for C-Store
- Four Bears Segment - Budget Increase for Thunder Butte Infrastructure
- Tribal Court Contract Approvals
- Fitness & Rec. - Battle of Nations – *Russell Yellow Bird, Fitness & Rec)*
- Maintenance Dept. Items (2)
- Interpretive Center - Town Square Media Bozeman Contract
- Interpretive Center - Kelsey Jacobson Contract
- Recovery Services – April Wilkinson Contract
- Health Administration – Healing Homes Project
- EMHC – Contract
- EMHC – Great Plains Tribal Chairmans Health Board MOU
- GRRC – Cindy Leingang Contract
- GRRC – Shari Forschen Contract
- GRRC- John Smetana Contract
- A&E Healing Hearts Lodge Expansion

B. Resolutions:

- 1) West Segment Home Repair – *Veronica Serdahl*
- 2) Park & Reserve
- 3) Forrest Tow Crow Employment Contract
- 4) MHA Communication Board Appointment
- 5) West Segment - Contract for *Vazquez Contracting, LLP*
- 6) West Segment - Medical Campus Procurement



- 7) Four Bears Budget Increase for Thunder Butte Infrastructure
- 8) Associate Judge Contract Child Support
- 9) Healing Hearts Lodge Expansion A&E

XV. HEALTH & HUMAN SERVICES COMMITTEE: - Councilwoman Monica Mayer, Chair

- A. Elbowoods Memorial Health Center (EMHC) Update* - Dr. Kathy Eagle, CEO & Dr. Anita Martin, CMO
- B. Tribal Health Update* - Jared Eagle, Health Administrator
- C. Life & Limb* - Felicia Lone Bear Jimenez, Director
- D. Good Road Recovery Center (GRRC) Update*- Dr. Joy Froelich, Executive Director
- E. R.M. Dental Assistance Request
- F. S.W. Dental Assistance Request
- G. Tribal Health Insurance – Charity Yessilth, Director

XVI. NATURAL RESOURCE COMMITTEE: – Councilman Cory Spotted Bear, Chair

- A. Homesite(s)* - Texx Lone Bear, Natural Resources Director
- B. Agriculture Leases* - Texx Lone Bear, Natural Resources Director
- C. Game & Fish – Antoine Smith, Director
- D. Trespass Range Unit 1 – Jessie Baker
- E. Public Works - Joseph Silveria, Administrator
 - 1) Beautification Program - Flying W Trucking, LLC Contract
 - 2) EOC Tribal Fee Easement
 - 3) Department of Transportation (DOT) – Blaine Flynn, Director
 - a) Arctic IT Statement of Work

XVII. ENERGY COMMITTEE: – Councilman Fred Fox, Chair

- A. Energy Dept. Update* - Kenny Lyson, Director
- B. ROW's* - Paul Grady & Harriette Clah
 - 1) Good Bear USA.
 - 2) Good Bear Modification.
 - 3) Goodiron USA
 - 4) Goodiron Pipelines.
 - 5) WPX CA

XVIII. ECONOMIC DEVELOPMENT COMMITTEE: – Councilman Robert White, Chair

XIX. JUDICIAL COMMITTEE: – Councilwoman Monica Mayer, Chair

- A. Tribal Court Report* - Elizabeth Yellow Bird & David Christenson, Chief Judge
- B. TAT Law Enforcement Report* – Nelson Heart Jr., Chief of Police
- C. Public Safety Division of Drug Enforcement Report* - Gerald White, Jr., Chief &
- D. Child Support – Whitefishwoman, Director



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
AUGUST 6th, 2024 AGENDA
11:00 AM – TRIBAL CHAMBERS

- XX. **CULTURAL COMMITTEE:** – *Councilwoman Sherry Turner-Lone Fight, Chair*
A. Language Endorsement – *Language Instructors – Margaret Yellow Bird-Gonzalaz*
B. Hand Game Request – *Ron Craig*
- XXI. **EDUCATION COMMITTEE:** – *Councilwoman Monica Mayer, Chair*
A. Reverta Drags Wolf – *Education Assistance*
- XXII. **NEW BUSINESS** – *Tribal Councilman Add Ons*
A. Chairman Mark N. Fox – *Reserved*
B. Chairman Mark N. Fox – *Reserved*
C. Councilman Cory Spotted Bear – *Elk Purchase*
D. Councilman Cory Spotted Bear – *Reserved*
E. Councilman Fred W. Fox – *McLean Electric Line Extension Agreements*
F. Councilman Fred W. Fox – *Ree Ranch - Jackie White Calfe*
G. Councilman Mervin Packineau – *Rough Rider Rodeo*
H. Councilman Mervin Packineau – *Elders Trip*
I. Councilwoman Monica Mayer – *Reserved*
J. Councilwoman Monica Mayer – *Reserved*
K. Councilwoman Sherry Turner-Lone Fight – *Reserved*
L. Councilwoman Sherry Turner-Lone Fight – *Reserved*
M. Councilman Robert White – *[See Closed Session]*
N. Councilman Robert White – *Reserved*
- XXIII. **LEGAL DEPARTMENT:** – *Tyra Wilkinson, MHA Supervising Attorney*
- XXIV. **CLOSED SESSION:**
A. **Human Resources (HR)*** – *Coulter Dixon, Director*
1) Single Hires
2) Single Hires – *Multiple Applicants*
3) Transfers:
6) Tribal Salary Modifications
7) Federal Salary Modifications
8) Terminations/ *Involuntary Terminations*
9) Years of Services/*Retirement*
10) *Additional Single Hire*
B. **Legal*** – *John Fredericks*
1) *Bremer Bank*
2) *BTFA Trust Account Withdrawal & Purchase of Protected Common Units in TWG Global*
3) *Parshall Elders Trip Resolution*
4) *Purchase of Two Bull Elk for the Twin Buttes Segment*
C. **4Bears Casino Report*** - *Spencer Wilkinson & Pat Packineau*
-



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
AUGUST 6th, 2024 AGENDA
11:00 AM – TRIBAL CHAMBERS

- D. TERO Commission Report*
- E. Home Mortgage Request²
- F. Councilman Robert White Add-On
- G. HR Issue
- H. CFO – *Whitney Bell*
 - 1) Peoples Fund
- I. Kim Elkins

XXV. ADJOURNMENT:

EXHIBIT F



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING
AUGUST 22th, 2024 AGENDA

1:30 PM – NORTH EAST SEGMENT OFFICE -- PARSHALL, ND

- I. CALL TO ORDER:
- II. ROLL CALL:
- III. APPROVAL OF AGENDA:
- XIX. NEW BUSINESS:
 - A. Resolution No. 24-248-FWF entitled *“Authorization to Withdraw \$250,000,000 from the MHA Nation Trust Fund Account PL10017014 in Order to Purchase Protected Common Units in TWG Global LLC”*
- XX. ADJOURNMENT:

EXHIBIT G

Petition for Referendum Vote to the Three Affiliated Tribes

We, the undersigned, hereby petition the Tribal Business Council to conduct a referendum vote on the proposed referendum herein pursuant to Article VIII of the Constitution and Bylaws of the Three Affiliated Tribes. By signing this petition, we certify that we are enrolled members of the Three Affiliated Tribes and eighteen (18) years of age or older and reside in the community indicated (New Town, Four Bears, Mandaree, Twin Buttes, White Shield, or Parshall).

SUBJECT OF THE REFERENDUM

Resolution No. 24-248-FWF seeks to take \$250,000,000 out of the People's Fund. The Tribal Business Council passed Resolution No. 24-248-FWF in a closed session on August 6, 2024, and again later, on August 22, 2024, at a special meeting held in Parshall at the Northeast Segment Office without any notice to the people. The people have not had any meaningful notice or opportunity to be heard concerning this resolution. Many of our Tribal members believe any major decision concerning the withdrawal should be subject to a referendum vote and decided by the people.

By signing your name below, you are petitioning the TBC to conduct a referendum vote in accordance with Article VIII of the Constitution of the Three Affiliated Tribes to rescind Resolution No. 24-248-FWF effective immediately.

PROPOSED REFERENDUM

The People of the MHA Nation hereby rescind Resolution No. 24-248-FWF effective immediately.

SIGNATURES FOR PETITION

PRINT NAME

DATE (mm/dd/yy)

ADDRESS

SIGNATURE

1. _____
2. _____
3. _____
4. _____
5. _____

SIGNATURES FOR PETITION

PRINT NAME

DATE (mm/dd/yy)

ADDRESS

SIGNATURE

6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____
13.	_____	_____	_____	_____
14.	_____	_____	_____	_____
15.	_____	_____	_____	_____
16.	_____	_____	_____	_____
17.	_____	_____	_____	_____
18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____

EXHIBIT H

THREE AFFILIATED TRIBES
FORT BERTHOLD RESERVATION

IN DISTRICT COURT
NEW TOWN, NORTH DAKOTA

<p>Terrance Fredericks and Carol Good Bear, Plaintiffs, vs. Mark N. Fox, as Three Affiliated Tribes' Tribal Chairman, Cory Spotted Bear, as Three Affiliated Tribes' Vice-Chairman, Fred Fox, as Three Affiliated Tribes' Executive Secretary, Mervin Packineau, as Three Affiliated Tribes' Treasurer, Robert White, as Three Affiliated Tribes' Councilman, Sherry Turner-Lone Fight, as Three Affiliated Tribes' Councilwoman, Monica Mayer, as Three Affiliated Tribes' Councilwoman, and The Three Affiliated Tribes' Tribal Business Council, Defendants.</p>	<p>Case No. _____</p> <p>AFFIDAVIT OF TERRY FREDERICKS</p>
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I, Terry Fredericks, being over the age 18 and first duly sworn, hereby depose and testify that the following facts are true and accurate to the best of my recollection:

1. I have circulated and obtained signatures for a "Petition for a Referendum Vote to Rescind Resolution No. 24-248-FWF and I have personal knowledge concerning the petition I have carried for signatures and the petitions others have carried for the same cause.
2. To date, starting on Friday, August 30, 2024, we have obtained approximately 190 signatures.
3. We have obtained the 10% of the signatures needed for two (2) of the segments and we are working on obtaining the signatures needed from the other segments.
4. According to my calculations, we need a total of 372 signatures. We have already obtained a little over 50% of the total signatures needed.
5. I am certain we will obtain the signatures needed from the other segments within 30 days.

6. If the Court doesn't grant us an immediate temporary restraining order, our right, along with the right of all our fellow Tribal members to petition for a referendum vote will be greatly diminished as we are seeking to have the BTFA delay the transfer of the \$250,000,000 before it is too late. Time is of the essence. The BTFA could transfer the funds out the People Fund (trust account) at any time. If the transfer happens before we can stop it, the \$250,000,000 will forever be out of trust and any proceeds paid out of this money will be taxable to Tribal members.
7. Furthermore, the People's Fund will be diminished by \$250,000,000 which will result in a decrease in the accumulation of interest to be distributed to Tribal members or to grow the People's Fund.

Further Affiant sayeth not on this 3rd day of September 2024.

Terrance Fredericks

Subscribed and sworn to before me on _____, 2024, at _____, North Dakota.

State of North Dakota)
) ss.
County of _____)

(NOTARY SEAL)

NOTARY PUBLIC

My Commission Expires: _____