

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

WHEREAS, This Sovereign having accepted the Indian Reorganization Act of June 18, 1934 thereby exercising explicit authority thereof as manifest in Section Three of Article six of the Constitution of the Three Affiliated Tribes of the Fort Berthold Reservation; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in governmental activities on behalf of and in the interest of the benefit and welfare of the Tribes thereof; and

WHEREAS, Article VI, Section 3 of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to exercise all necessary sovereign authority - legislative and judicial granted in Article I of the Constitution; and

WHEREAS, the Three Affiliated Tribes will assume added responsibility for the provision of higher education services on the Fort Berthold Reservation by providing funding on an annual basis through the Equitable Compensation Act, Public Law 120-575 October 30, 1992 (JTAC) competitive pool funds; and

WHEREAS, the Tribal Business Council deems it necessary to continue the Tribalization of education on the Fort Berthold Reservation through the establishment of the JTAC-Educational Grants policies developed under the direction of the Education Committee and appointment of an education work group and facilitator, Austin Gillette, White Shield Representative, and,

WHEREAS, the purpose of the funds is: to establish added higher education funds for enrolled members that are continuing their education goals that will benefit their quality of life and education, and



# Community First

Telephone 701-463-0801  
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August 31, 2000

Chairman Tex Hall  
Three Affiliated Tribes of the  
Fort Berthold Reservation  
HC 3 Box 2  
New Town, ND 58763-9401

RE: Revised Loan Proposal

Dear Chairman Hall:

This letter will confirm Community First National Bank's approval of the operating loan requested by Three Affiliated Tribes yesterday, August 30, 2000.

## **THREE AFFILIATED TRIBES LINE OF CREDIT \$1,000,000.00**

- 12 months maturity, September 1, 2001
- Revolving-open end feature
- Advances subject to covenants contained in applicable Resolutions (to be identified by TAT)
- Direct Assignment of Accounts Receivable on specific projects.
- Principal due within 60 days of advance date
- Tribal Guarantee and Limited Waiver of Sovereign Immunity
- Pledge of \$1,000,000.00 Certificate of Deposit
- 7.25% interest rate (1.00% over Certificate of Deposit interest rate)
- No loan origination or legal fees

## **CERTIFICATE OF DEPOSIT \$1,000,000.00**

- 12 months maturity
- 6.25% Annual Percentage Yield
- Accrued interest will be paid at the Certificate of Deposit's maturity

EOE

**OPTIONS:**

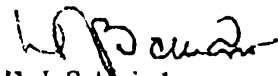
There are several options available with this Line of Credit and we can go with any options that you select:

- One loan to Three Affiliated Tribes at \$1,000,000.00 and the Chairman and Treasurer direct Bank to make advances, as authorized in accordance with Resolutions approved by Council. TAT will be billed monthly for any accrued interest.
- Three separate loans can be issued: one each to FBDC, TBCH and Mandaree Solid Surfacing. The amount of each separate Line of Credit will be at your discretion. The combined total of these loan may not exceed the amount of the pledged Certificate of Deposit. Interest will be billed monthly to the responsible entity. In this event, the collection of receivables would also flow to the respective company's outstanding loan balance, which then refreshes and becomes available for further borrowing activity.
- A higher loan amount than the approved \$1,000,000.00 is also available, however the respective Certificate of Deposit must also equal or exceed the loan amount requested.
- The Certificate of Deposit interest rate could be higher or lower than the stated rate at 6.25% APY. Remember the interest rate on the Line of Credit will be adjusted to 1% over the earning rate of the Certificate of Deposit.

These are several options to choose from and there may be others, which we would be happy to discuss with you. We will be ready to close this loan anytime after the Certificate of Deposit is purchased and we receive the Resolutions, which details the covenants approved by Council.

Sincerely,

COMMUNITY FIRST NATIONAL BANK



D. J. Schwindt  
Vice President

DJS:lek

Cc: Thomas Disselhorst  
Legal Department

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby approves the attached Three Affiliated Tribes JTAC Education Grant Funds policies for the Higher Education Grants Program and the Employment Training Department (477) and approves for FY 2001 JTAC funds in the amount of \$300,000 for the Higher Education Grant Program; and 200,000 for the Employment Training Program (477).

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom 5 constitutes a quorum, 5 were present at a SPECIAL Meeting thereof duly called, noticed, convened and held on the 1st of Sept, 2000; 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.

Dated this 1st day of SEPT., 2000.

*Austin Diccione*  
Secretary, Tribal Business Council

Attest:  
*Tom Hall*  
Chairman, Tribal Business Chairman

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**THREE AFFILIATED TRIBES  
JTAC – EDUCATIONAL GRANT FUNDS**

**DRAFT**

**PURPOSE**

The purpose of these guidelines is to set forth procedures and requirements to govern the awarding of Three Affiliated Tribes (TAT) JTAC educational grant funds.

The TAT Tribal Business Council (TBC) designates the Higher Education Grant Program (HEGP) and the Employment Training Department Program (477) to administer JTAC educational grants to eligible TAT students according to the following criteria.

**ELIGIBILITY CRITERIA (PART I) Higher Education**

To be eligible for a grant, an applicant must be:

- (a) An enrolled member of the Three Affiliated Tribes.
- (b) An eligible student who demonstrates financial need.
- (c) Enrolled in a Graduate degree program, Bachelor of Arts or Science degree program, and Associate of Arts or Science degree program.

**ELIGIBILITY CRITERIA (PART II) Employment Training**

- (a) An enrolled member of the Three Affiliated Tribes, and resides on the Fort Berthold Reservation service area.
- (b) An eligible student who demonstrates financial need.
- (c) Enrolled in an Employment education program.

**DETERMINATION OF ELIGIBILITY and APPLICATION PROCEDURES**

1. The responsibility of determining an applicant's eligibility for services rests with the HEGP director and the 477 Program Administrator. Completed applications will be reviewed on an individual basis and approved by the HEGP and the 477 program director / administrator.
2. Contingent upon the amount of funds made available by the TAT – JTAC annual budget system, eligible Graduates and Undergraduate applicants will be funded on a first-come first-serve basis upon completion of a financial aid application until funds are exhausted.

A completed application consists of the following:

- (a) The grant application shall be fully completed, signed and dated by the applicant. Students must re-apply each year for grant assistance.
- (b) A copy of a (CDIB) Certificate of Degree of Indian Blood.

- (c) A copy of letter of acceptance from the college, university or training facility.
- (d) A copy of the student's high school transcript or (GED) General Education Development equivalency certificate (new applicants), or document for Ability to Benefit verification.
- (e) A copy of an updated college transcript.
- (f) A financial needs analysis form, prepared and signed by the institution's financial aid officer indicating the applicant's budget, resources and other grants and awards.
- (g) And other as required by the Employment Training Program.

If funds become limited and the Tribe is unable to fund each applicant, the following priority regulations shall be in effect.

#### HIGHER EDUCATION (PART I)

- (a) Reservation – residents will be funded based upon the following: Seniors, juniors, sophomores, and freshman.
- (b) Off-Reservation – residents will be funded based upon the following: Seniors, juniors, sophomores, and freshman.
- (c) Grant amounts for students who plan to attend out-of-state institutions will be comparable to those attending in-state institutions.

#### EMPLOYMENT TRAINING (PART II)

- (a) Reservation Welfare Recipients (GA and TANF).
- (b) Continuing eligible students.
- (c) Grant amounts for students will all be comparable to those attending in-state institutions.

Summer school students may be funded if funds are available based upon the following priorities.

- (a) Seniors and others who need summer school (current academic year) in order to graduate.
- (b) Married students who would lose their housing if they would not continue their school during the summer months.
- (c) Students who are in summer programs that are part of a regularly scheduled program.

#### FUNDING PROCEDURES

In order to be considered for a grant, the applicant **must apply** for all available financial assistance for which they may be eligible. Loans are considered as **unmet need** and may be replaced or reduced by the grant (if eligible) as recommended by the financial aid officer.

- (a) The maximum grant amount for a single student **without** dependents is \$2500 per semester (not to exceed \$5,000) per academic year, based on availability of funds.
- (b) The maximum grant amount for a single student **with** dependents is \$3,000 per semester (not to exceed \$6,000) per academic year, based on availability of funds.
- (c) The maximum grant amount for a married student **without** dependents will be funded the same as a single student \$2,500 per semester (not to exceed \$5,000) per academic year, based on availability of funds.
- (d) The maximum grant amount for a married student **with** dependents is \$3,000 per semester (not to exceed \$6,000) per academic year, based on availability of funds.
- (e) The maximum grant amount for a part-time student is \$1,500 per semester (not to exceed \$3,000) per academic year, based on availability of funds.
- (f) No student will receive a grant in excess of three (3) years at a 2-year college working toward an associate degree.
- (g) No student will receive a grant in excess of five (5) years as an undergraduate student working toward a bachelor's degree.
- (h) No student will receive a grant in excess of four (4) years as a graduate student working toward a master's degree or beyond.
- (i) Students with exceptional or special circumstance needs will be reviewed on an individual basis with proper documentation and may include clients not eligible for PELL Grant because of parents income, default status, academic unsatisfactory progress policy, and academic suspension.

## **ACADEMIC REQUIREMENTS**

The TAT - HEGP and 477 program director / administrator shall review the transcripts of each student at the end of each academic term. Upon completion of each term, the student is required to send their transcript to the HEGP and 477 program offices.

The following requirements for academic progress will be used to determine continuation of funding under the TAT – JTAC educational grant funds.

- (a) Freshman students must maintain and earn a minimum of 1.00 grade point average (gpa) for a recommended 12 credit hours per semester / quarter, earning no less than eight (8) credit hours.
- (b) Sophomore students must maintain and earn a minimum of 1.50 gpa for a recommended 12 credit hours per semester / quarter, earning no less than eight (8) credit hours.
- (c) Juniors, and Seniors must maintain and earn a minimum of 2.0 grade point average (gpa) for a recommended 12 credit hours per semester / quarter, earning no less than eight (8) credit hours.
- (d) Summer school students must complete the summer term with a minimum gpa of 2.0 with the minimum load as described in the respective college catalogue.



- (e) Part-time students who are funded must complete the term with a minimum gpa of 2.0 earning no less than the original number of credit hours for which they received funding.

### **ACADEMIC PROBATION and SUSPENSION**

- (a) Students who did not meet the minimum requirements for the previous term, providing they did not dropout and received 1-11 credit hours will be placed on academic funding probation.
- (b) If the student **does-not** meet the minimum requirements again, he/she will be placed on academic suspension.
- (c) Students who receive all F's or all W's for the term will be automatically suspended from the program.
- (d) Students who dropout because of health reasons must do so officially to remain eligible for funding must provide the HEGP and 477 program director / administrator with a doctor's statement stating that it was necessary to dropout.
- (e) Students who dropout because of hardships, death in the family must do so officially to remain eligible for funding must provide the HEGP and 477 program director / administrator with proper verification or document stating that it was necessary to dropout.

### **REINSTATEMENT IN THE PROGRAM**

To be eligible for reinstatement on the program, a student must earn twelve (12) academic credit hours with a gpa of 2.0 or a "C" average without any financial assistance from the program.

### **NOTIFICATION OF AWARD**

The TAT – HEGP and 477 program offices will notify all applicants in writing as to the approval or disapproval of their application.

- (a) Notification to applicants approved for the grant will specify the amount of the award.
- (b) Notification to applicants disapproved for grant will specify the reason.

### **PAYMENT OF THE AWARD**

- (a) Payment will be made out to the student, in care of (C/o) the financial aid office at the college.
- (b) The college should deduct the necessary fees and work with the student to develop financial responsibility of the remaining funds.

**DRAFT**

## **REPORTING REQUIREMENTS**

The TAT - HEGP and 477 program director / administrator will meet the reporting requirements by preparing a report (or brief narrative) at the end of each fiscal year, to be submitted to the TAT – Tribal Business Council.

## **ASSESSING PROGRESS AND PROGRAM ACCOMPLISHMENTS**

The TAT - HEGP and 477 program director / administrator shall maintain a file on each student who was funded through the TAT – JTAC educational grant funds. Each file will contain information regarding the grantee's performance as a student, grade report, official transcripts, award letters, financial needs analysis, dropouts, and other pertinent data.

- (a) After a student has been funded on the program for three (3) year, he/she will be notified in writing by the HEGP director that the student will have no more than two (2) more academic years of funding to complete their requirements for a degree.
- (b) Not applicable to 477 employment training program.

**The TAT – Tribal Business Council (TBC) shall amend the procedures and guidelines for funding of student tribal members upon recommendation made by the TAT – Higher Education Director and the TAT - Employment Training Department Administrator (477).**



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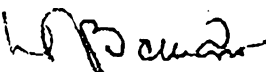
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COMMUNITY FIRST NATIONAL BANK



D. J. Schwindt  
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Dated this 1st day of Sept., 2000.

*Austin's Diccoco*  
Secretary, Tribal Business Council

Attest:

*[Signature]*  
Chairman, Tribal Business Chairman