

**RESOLUTION OF THE TRIBAL BUSINESS COUNCIL
OF THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934 and the Authority under said Act; and

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

WHEREAS, Article VI, Sections 3, 5(a), 5(c), and 5(j) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council shall have the power to manage the economic affairs of the Three Affiliated Tribes and to administer funds within the exclusive control of the Tribes, and thereby has the power to borrow funds that are necessary for the Tribe to continue exercising all of the powers of government; and

WHEREAS, The Tribal Business Council must provide approval of those loans which are stated in each year's budget in order to comply with our Constitution; and

WHEREAS, The Tribal Business Council must borrow the amount of \$6.4 million to meet the needs of the current budget year of the Tribe; and

WHEREAS, Community First National Bank has provided loans to the Tribes in the past at favorable rates and is willing to do so now by providing a loan for the \$6.4 million needed at the lowest commercial rate possible of less than 7%, amortized over a seven year period and secured by the earnings from the Economic Recovery Fund created by the Equitable Compensation Act, Title XXXV of P.L. 102-575, and repaid by interest earned on the permanent Economic Recovery Fund that is in excess of the \$30 million in the earnings account that is being reserved for the permanent investment fund; and

WHEREAS, The Tribal Business Council has determined that using the Economic Recovery Fund as collateral for the loan is in the best interests of the Tribe and is necessary to sustain the operation of the Tribal government; and

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council does hereby approve borrowing \$6.4 million from Community First National Bank of Dickinson subject to the following terms: 1) That the amortization period be seven years with monthly payments, with a balloon payment after three years for the remaining principal owed on the loan; 2) that the interest rate will be fixed at the lowest rate attainable which is currently less than 7%.; 3) That JTAC earnings will secure the loan and be the source of payment with an assignment of earnings such that payments will be wired directly to the bank from the Office of Trust Fund Management (OTFM); 4) that the Tribal Business Council authorizes Community First to request information from OTFM as to the status of the earnings from the Economic Recovery Fund as may be necessary; and 5) that the Tribal Business Council will pay any legal fees of Community First associated with this loan even if the loan cannot be obtained in the manner agreed to herein; and

NOW THEREFORE BE IT FURTHER RESOLVED, the Tribal Business Council hereby authorizes the Chairman and the Treasurer to enter into the required loan agreements on behalf of the Three Affiliated Tribes; and

NOW THEREFORE BE IT FINALLY RESOLVED, that in the future, no new projects may be approved or entered into by the council unless the source of funding is stated and the funding is available.

CERTIFICATION

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 five (5) constitute a quorum, _____ were present at a Regular Meeting, thereof duly called, noticed, convened, and held on the 29 day of July, 2002; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 0 members opposed, 1 members abstained, 2 not voting and that said Resolution has not been rescinded or amended in any way.

Dated this 29 day of July, 2002



Secretary, Tribal Business Council

Attest:



Chairman, Tribal Business Council