



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

MWJR
Phelan

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 (hereinafter the "Tribe"), 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

6-0-00
Motion

WHEREAS, Article VI, Section 5(c) of the Constitution of the Three Affiliated Tribes authorizes the Tribal Business Council to "administer any funds or property with the exclusive control of the Tribes" and Article VI, Section 5(d) authorizes the Tribal Business Council to "negotiate with the Federal, State and local governments on behalf of the Tribes"; and

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WHEREAS, The Tribe has entered into various contracts with the Federal government pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), P.L. 93-638 to provide services to Tribal members and also receives various Federal grants and other direct funds for provision of programs to Tribal members; and

WHEREAS, Federal funds are often delayed by Congress and other administrative delays as long as one year following the commencement of the Fiscal Year in which such funds are to be spent; and

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WHEREAS, When Federal funds are not available, the Tribe must effectively borrow from other Tribal funding sources to meet the obligations of continuing the Federal program for which funds are not available, but which are certain to be appropriated and provided to the Tribe at some point during the Fiscal Year in which they are to be spent; and

WHEREAS, The Tribe wants to explore the possibility of borrowing funds from a private source, probably a commercial bank, to be paid back with Federal funds once they are appropriated by Congress and available for the Tribe to expend, so that programs that depend on Federal funds are able to continue despite disruption of the funds in the Federal funding process.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Mandan, Hidatsa, and Arikara Tribal Business Council hereby approves obtaining a loan or loans from one or more private sources, preferably a commercial bank, in an amount not to exceed \$4 million, to cover the lack of Federal funding that is owed to the Tribe under a



Federal program, contract, grant or other Federal source, with the understanding that such a loan will be paid back when the Federal funds that were supposed to be available at the beginning of a fiscal year are finally received by the Tribe and that the loan will be paid back no later than the time at which the Federal funds for which the loan was made are made available to the Tribe, and provided that such a loan and payback arrangement is permitted under Federal law; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Chairman, Vice-Chairman or Tribal Treasurer, or any of them, are hereby authorized, subject to legal review, to execute any and all documents necessary to secure a loan from a private source, preferably a commercial bank, secured by Federal funds that are being provided to the Tribe but which have not yet been made available to the Tribe at the beginning of a Fiscal Year, with the understanding that the costs of such a loan may be paid by the Tribe or, if possible, by the Federal funding source itself.

change loan to line of credit
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 7 members of whom 5 constitute a quorum, _____ were present at a _____ Meeting thereof duly called, noticed, convened, and held on the _____ day of _____, 2003; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of _____ members, _____ members opposed, _____ members abstained, _____ members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [] Not Voting.

Dated this _____ day of _____, 2003.

ATTEST:

Secretary, Randy Phelan
Tribal Business Council

Chairman, Tex G. Hall
Tribal Business Council