



Resolution #03- 203 RP

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

*A resolution entitled "Housing Division HUD section 184 loans."*

- 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, Section 5(c) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to administer the funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes of the Tribes; and
- WHEREAS,** There exists within the several segments of the Fort Berthold Reservation an unmet need for adequate individual family housing including single family units and multifamily dwellings; and
- WHEREAS,** The unmet need for housing includes low income housing and median income housing; and
- WHEREAS,** In order to develop housing to fill the needs of the enrolled members of the Three Affiliated Tribes, the Tribal Business Council by resolution created the Housing Division which lead to the development of the Dreamcatcher program.
- WHEREAS,** The Dreamcatcher program by and through the Housing Division plans to construct up to two hundred and fifty homes for the members of the Three Affiliated Tribes, and the Tribal Business Council has passed resolutions providing for the issuance of HUD Section 184 collateralized tax exempt bonds and requiring the proceeds of said bonds be utilized for the financing of the construction of the homes; and
- WHEREAS,** In order to issue bonds, the Three Affiliated Tribes must pay closing costs including; Net Bond Issuance Costs, Negative Arbitrage Costs, and general Bond Costs of Issuance, and

**WHEREAS,** The bond market in today's economy along with the reinvestment rate has increased the cost of issuance beyond what the Three Affiliated Tribes as the bond issuer can feasibly expect to recover through leasehold mortgage income to pay the debt to the bond purchasers; and

**WHEREAS,** The Tribal Business Council has passed a resolution allowing finance institutions to collateralize JTAC Economic Recovery funds securing a loan from Fannie Mae as a participant to a Loan from the Native American Bank; the proceeds of the loan being seven hundred thousand dollars intended to be used to cover bond issuance closing costs; and

**WHEREAS,** Fannie Mae has failed to timely qualify the Three Affiliated Tribes for a participation loan from Native American Bank, placing at risk the 2003 construction season; and in addition closed a resource for funding the bond issuance closing cost; and

**WHEREAS,** The Housing Division of the Three Affiliated Tribes can move forward with its construction plans this construction season without the Bond issuance and without the need of a loan for Bond Issuance closing costs provided

**WHEREAS,** The Tribal Business Council resolves to finance the Dreamcatcher construction program by authorization of HUD Section 184 loans financed by and through a qualified HUD lender without the security of bond proceeds; and

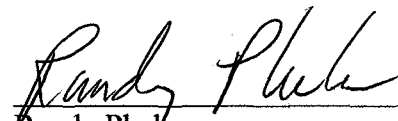
**WHEREAS,** It serves the best interest of the Three Affiliated Tribes to continue the previous resolutions allowing the Dreamcatcher Bond Issuance, by reason that the Bond rates and reinvestment rates may be favorable in the future and in which case said resolutions would be appropriately applied.

**NOW, THEREFORE, BE IT RESOLVED,** that the Dreamcatcher, Collateralized HUD Section 184 Tax Exempt Bonds be deferred in issuance until such time as the Bond rates and reinvestment rates reflect positively in favor of the Bond Issuance and be it hereby further resolved that the Three Affiliated Tribes authorizes HUD Section 184 loans in order to finance the first phase of the Dreamcatcher construction program.

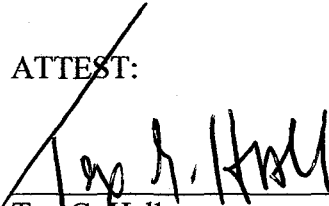
#### **CERTIFICATION**

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14 day of July, 2003; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 1 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 14 day of July, 2003.

  
\_\_\_\_\_  
Randy Phefan  
Secretary, Tribal Business Council

ATTEST:

  
\_\_\_\_\_  
Tex G. Hall  
Chairman, Tribal Business Council