



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

*A Resolution entitled "Limited Waiver of Sovereign Immunity For the Benefit of the United States for USDA Loan and Grant."*

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

**WHEREAS**, The Three Affiliated Tribes Constitution and Bylaws authorizes and empowers the Mandan, Hidatsa and Arikara Tribal Business Council to engage in activity on behalf of and in the best interest and welfare of the Tribes and the enrolled members thereof; and

**WHEREAS**, The Three Affiliated Tribes has applied for a USDA loan in the amount of \$2,509,000 and a grant in the amount of \$1,000,000 to help finance the Rural Water Development Supply System Project; and

**WHEREAS**, By letter dated June 12, 2003, the USDA issued a Letter of Conditions to the Tribe with respect to the award of said loan and grant; and

**WHEREAS**, One of the conditions with respect to the award of said loan and grant is that the Tribe waive its immunity from suit with respect to the enforcement of rights in the event of default by the Tribe with respect to said loan and grant; and

**WHEREAS**, The Tribe is willing to waive its immunity from suit for said limited purposes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Three Affiliated Tribes hereby agrees to waive its immunity from suite for the limited purpose of allowing the United States of America to enforce any rights it may possess under the terms of the \$2,509,000 loan and \$1,000,000 grant to the Tribe as follows:

The Three Affiliated Tribes hereby expressly waives its immunity from suit **for** any action taken to protect and enforce rights following an Event of Default by the Tribe of any obligations assumed by the Tribe in connection with the Water Loan of \$2,509,000 and grant for \$1,000,000 to be issued by the Rural Utilities Service to the Tribe provided, however, that Three Affiliated Tribes' waiver of its sovereign immunity is expressly limited to actions brought to enforce the debts and obligations of the Tribe pursuant to the Loan Resolution, Security Agreement, Financing Statement, and the Promissory Note. This waiver is specifically limited to the amount of money loaned or granted to the Tribe by USDA under the aforementioned loan and grant. This waiver of immunity from suit shall terminate upon payment in full of the Tribe's obligations under the Promissory Note. This express and unequivocal waiver shall be made a part of the loan documents or grant agreement executed by the Tribe and the USDA. Any dispute that arises under the aforementioned documents shall be brought in a court of competent jurisdiction.



**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 30<sup>th</sup> day of October, 2003, 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 30<sup>th</sup> day of October, 2003.

**ATTEST:**

Randy Phelan  
Executive Secretary, Randy Phelan  
Tribal Business Council

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