



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

A Resolution entitled "Authorization to Temporarily Use the Net Distributions from the 4 Bears Casino & Lodge to the Tribes As Collateral for the \$2,507,000 USDA Loan for North Segment Community Center Project."

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 authorizes and empowers the Mandan, Hidatsa & Arikara 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, A loan from USDA Rural Development in the amount of \$2,507,000 must be secured to complete the North Segment Community Center project; and

WHEREAS, In order to obtain the loan from the USDA Rural Development, the Tribe must provide collateral in addition to the Community Center Building and revenues; and

WHEREAS, The Tribal Business Council has budgeted JTAC funds to secure said loan; and

WHEREAS, The process to secure this collateral with JTAC funds is cumbersome and is taking longer than expected; and

WHEREAS, USDA is unwilling to close the \$2.507 million loan unless the Tribes provides temporary collateral until such time the JTAC funds are collateralized; and

WHEREAS, The Tribal Business Council has identified the "net distributions" from the 4 Bears Casino & Lodge (the "Casino") to the Tribes as a temporary source of collateral; and

WHEREAS, USDA has indicated that it is willing to accept the "net distributions" from the Casino to the Tribes as a temporary source of collateral.

NOW THERE FOR BE IT RESOLVED, The Three Affiliated Tribes Business Council hereby authorizes the Chairman, Vice-Chairman and Treasurer of the Tribe to

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VOTE: 6 Ayes, 1 Nays, 0 Abstentions, 0 Not voting. Motion carried.

2. **TREASURER'S REPORT AND RELATED FINANCIAL ITEMS**

A. **CHIEF FINANCIAL OFFICER REPORT:**

B. **CORPORATE AUTHORIZATION RESOLUTION**

Councilman Wells moved for approval of a corporate authorization resolution with the Lakeside State Bank. Councilman seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

C. **INJUNCTION ON FORECLOSURE:**

Councilman Gillette direct the Legal Department research to draft an injunction or other legal avenues to halt procedures regarding foreclosure issues on Fort Berthold because tribal members have not been treated similarly regarding foreclosures on other nationalities. Councilman Phelan seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

03. **HEALTH, HUMAN RESOURCES AND EDUCATION COMMITTEE**

RECOMMENDATIONS: Councilman Wells moved for approval ratification of the motions from the February 3, 2004 HHR Meeting. Councilman seconded the motion.

COMPREHENSIVE ECONOMIC DEVELOPMENT SERVICES:

Councilman Packineau moved for approval to separate the two departments of CEDS and Planning into two different offices. Sherrie Gillette will work with CEO on the transition, and to forward to the full Council on February 12, 2004. Councilman Wolf seconded the motion.

ELDERS ORGANIZATION:

The elders Organization is requesting that the Tribe integrate their program with the Social Service Department to provide some of the services for home care for the elders. The reason for the request is because of their budget reduction. The CEO, Richard Mayer was directed to work with the Elders Organization.

COURT SYSTEMS

Councilman Packineau moved for approval directing Tyra Wilkinson to contact Tribal Court on the decision made on a custody case regarding supervised visits. Councilman Wolf seconded the motion.

VOTE: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

A. **DREAMCATCHER PROGRAM NORTHERN LIGHTS SUBDIVISION PROJECT SECTION 184 LOANS**

Councilman Phelan moved for approval to authorize Chairman Hall and Tribal Housing Director to sign on the Tribal Housing Division Section 184 Loan closing documents. Councilman Wells seconded the motion.

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execute any and all documents necessary to temporarily utilize the "net distributions" from the Casino to the Tribes in order to move forward with the closing of the \$ 2,507,000 USDA Rural Development loan. Said net distributions shall serve as collateral until such time the JTAC funds are collateralized in the amount necessary to secure said loan.

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, _____ were present at a _____ Meeting thereof duly called, noticed, convened and held on the ___ day of _____, 2004, 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 16 day of February, 2004.

ATTEST:

Executive Secretary, Marcus Wells, Jr.
Tribal Business Council

Chairman, Tex G. Hall
Tribal Business Council