



Resolution #04-089-RP

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

A resolution entitled "Housing Division. Native American Bank, NA Revolving Line of Credit."

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; and

WHEREAS, The Dreamcatcher program by and through the Housing Division will construct up to two hundred and fifty homes for the members of the Three Affiliated Tribes. The Dreamcatcher program in now in the first phase of construction, and the homes are being financed by Bank One by and through HUD Section 184 loans. However, the disbursement of loan proceeds only occurs after labor and construction is completed; and

WHEREAS, Dreamcatcher's contractors', Forth Berthold Development Corporation and Twin Buttes Custom Homes are in need of a revolving line of credit in order to purchase materials in volume from their suppliers, the Housing

Division proposes to obtain a revolving line of credit from Native American Bank, NA. A revolving line of credit in the amount of Seven Hundred Fifty Thousand (\$750,000.00) Dollars which will be renewable annually is needed; and

WHEREAS, It is hereby proposed that the proceeds will be administered by MHA Nation Enterprises for the benefit of the Tribal contractor's Twin Buttes Custom Homes and Fort Berthold Development Company to order materials needed for construction purposes. It is further proposed that the proceeds of the line of credit be used to pay for materials only for Fort Berthold Development Corporation and Twin Buttes Custom Homes for labor and materials completed and incorporated into the home structures, and that the line of credit be satisfied by Construction Loans already approved by Bank One; and

WHEREAS, It is a condition of Bank One's loan agreement that loan proceeds can only be released after the work is completed, inspected and the proper documentation provided to Bank One; for such reason a revolving line of credit is appropriate and will fill a need for interim financing between the time construction begins and ends. The Housing Divisions inspector currently inspects the premises and determines whether the draw requests are for labor and materials completed and incorporated in the construction projects and processes request for disbursement of funds; and

WHEREAS, It serves and best interest of the members of the Three Affiliated Tribes that a Revolving Line of Credit be obtained from Native American Bank, NA and that the revolving line of credit be renewed on a yearly basis and be an unsecured general obligation loan of the Three Affiliated Tribes; and

WHEREAS, The Tribal Business Council enacted #04-040-DSD, in the regularly scheduled Tribal Business Council meeting in April of 2004, which approved a loan with the Native American Bank, NA in the amount of Three Hundred Thirty Five Thousand (\$335,000.00) Dollars, for essentially the same purposes as prescribed herein. It serves the best interest of the Three Affiliated Tribes that this body hereby rescind Resolution #04-040-DSD.

NOW, THEREFORE, BE IT RESOLVED, that the Three Affiliated Tribes hereby rescinds Resolution #04-040-DSD and in lieu thereof authorizes the Chairman of the Tribal Business Council along with the Treasurer to enter into loan agreements with the Native American Bank, NA in the amount of Seven Hundred Fifty Thousand (\$750,000.00) Dollars; the proceeds of which to be used to fund and purchase materials for both entities in advance of disbursement of already approved Construction Loans with Bank One. It being the intent herein that the construction contractors are limited to materials only and that their suppliers shall be paid directly through MHA Enterprises.


The terms and conditions of the Native American Bank, NA loans shall be subject to the discretion of the Chairman and legal and fiscal review, and shall include provisions that the loan shall be revolving in nature, yearly renewable and be an unsecured general obligation of the Three Affiliated Tribes; and

BE IT FURTHER RESOLVED, that Three Affiliated Tribes have authority over the disbursement of the funds and require that the funds be disbursed at such times and in such increments as are necessary to satisfy draw requests approved by the Housing Division. MHA Nation Enterprises shall provide the Housing Division with an accounting of the administration of funds in order for the Housing Division to adequately reimburse Native American Bank directly from the Bank One Loan Proceeds as work is completed and draw down upon by both entities.

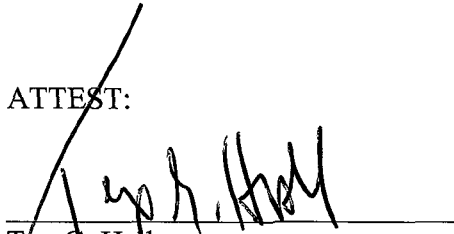
CERTIFICATION

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, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 21 day of May, 2004; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 21 day of May, 2004.


Randy Phelan
Secretary, Tribal Business Council

ATTEST:


Tex G. Hall
Chairman, Tribal Business Council