



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

*A Resolution Entitled: "Identification and Dedication of Tribal Land for the Three Affiliated Tribes Health Care Facility"*

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

**WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes 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 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

**WHEREAS,** Article VI, Section 5 (j) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to make assignments and leases of Tribal lands, and to otherwise manage Tribal lands in conformity with Article IX of the Constitution; and

**WHEREAS,** Article IX, Section 5 of the Constitution provides that tribal lands which have not been leased or assigned shall be managed by the Tribal Business Council, subject to the approval of the Secretary of Interior, for the benefit of the members of the Tribes; and

**WHEREAS,** the Tribal Business Council adopted Resolution No. 05-41 NH which provides that zoning and building permit authorization is delegated to the tribally chartered Segment Boards; and

**WHEREAS,** Congress enacted into law Public Law 108-437 which authorizes the appropriation to the Secretary of Health and Human Services \$20,000,000 for the construction of, and such other sums as are necessary for the other expenses relating to, a rural health care facility on the Fort Berthold Indian Reservation; and

**WHEREAS,** The Health Care Facility appropriation was made as additional compensation to the Mandan, Hidatsa and Arikara Nation for the losses related to the construction



of the Garrison Dam including the loss of the former Indian Health Service Hospital; and

**WHEREAS,** The U.S Department of Health and Human Services, acting through the Indian Health Service has begun the initial planning for new health care facility through a Project Leadership Team which is responsible for the preliminary planning and which consists of both tribal and I.H.S. representatives; and

**WHEREAS,** The Project Leadership Team intends to have a Program Justification Document (PJD) which serves as the health care facility preliminary plan completed by April 30<sup>th</sup>, 2005 and the Indian Health Service has requested that the Tribal Business Council pass a resolution identifying and dedicating a site for the facility along with two alternative sites; and

**WHEREAS,** The Tribe has previously selected the primary site for the health care facility and developed preliminary plans for said facility on land located within the Four Bears Segment and legally described as:

S $\frac{1}{2}$  of the S $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$ , S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NE $\frac{1}{4}$ , of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , of S.17, T.152N, R.93 W, McKenzie County, North Dakota, containing 50 acres more or less.

**WHEREAS,** The Tribal Business Council has determined that the above described land should be the primary site location for the facility and the alternative sites will be as follows:

1. Northern Lights Sub-division in North Segment and described as:

E $\frac{1}{2}$  of the NW $\frac{1}{4}$ , NW  $\frac{1}{4}$  of the NW $\frac{1}{4}$ , S. 16, T.152 N, R92W, Mountrail County, North Dakota, containing 120 acres more or less.

2. Hidatsa Hills located in North Segment and/or acreages located in the North Segment to be determined by the Tribal Business Council.

**WHEREAS,** the Tribal Business Council finds that the above described lands are unassigned land as defined in Article IX, Section 5 of the Constitution and the Tribal Business Council therefore has the power to dedicate and set aside these parcels of land for the benefit of the members of the Tribes, namely for the purpose of constructing a health care facility, subject to the approval of the Secretary of the Interior.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby identifies, dedicates and sets aside the following described tribal trust land as the primary site location for the new Three Affiliated Tribes Health Care Facility:



S $\frac{1}{2}$  of the S $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$ , S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NE $\frac{1}{4}$ , of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , of S.17, T.152N, R.93 W, McKenzie County, North Dakota, containing 50 acres more or less

**BE IT FURTHER RESOLVED**, that the Tribal Business Council hereby identifies and dedicates the following legally described tribal lands as alternative sites, in the following order, in the event the primary site location is determined to be environmentally unsuitable for development:

1. E $\frac{1}{2}$  of the NW $\frac{1}{4}$ , NW  $\frac{1}{4}$  of the NW $\frac{1}{4}$ , S. 16, T.152 N, R92W, Mountrail County, North Dakota, containing 120 acres more or less; and
2. Hidatsa Hills located in the North Segment and/or other acreage located in the North Segment as determined by the Tribal Business Council.

**BE IT FURTHER RESOLVED**, that the land dedications herein set out are subject to any duly adopted Segment zoning ordinances in accordance with Resolution No. 04-41 NH.

**BE IT FINALLY RESOLVED**, that said set aside shall be subject to the approval of the Secretary of Interior or his authorized representative in accordance with Article IX, Section 5 of the Three Affiliated Tribes Constitution.

**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 21 day of April 2005; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 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 [ X ] voting. [ ] not voting.

Dated this 21 day of April 2005.

Secretary, Nathan Hale  
Tribal Business Council

ATTEST:

Chairman, Tex G. Hall  
Tribal Business Council