



TAT RESCINDED RESOLUTION

RESOLUTION NO. 05-99-NH

DATE

September 12, 2005

NEW RESOLUTION #

05-136 NT

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

A Resolution Entitled "Approval of Applications for a Loan and a Grant From the United States Department of Agriculture (USDA) Rural Development (RD) in the Amount of \$942,500.00 for the Emergency Four Bears Intake Extension Project."

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted the 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 governing body of the Tribe; 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(c) authorizes the Tribal Business Council to administer any property or funds within the exclusive control of the Tribes and make expenditures from available tribal funds for public purposes of the Tribes; and

WHEREAS, the Three Affiliated Tribes is eligible to apply for a loan and grant from the USDA Rural Development, in the amounts of \$942,500.00 for the purpose of an Emergency Intake Extension Project at the Four Bears Water Treatment Plant site for the Fort Berthold Rural Water Supply System of the Three Affiliated Tribes, the principal terms of which are that the loan is amortized over 40 years at an approximate annual interest rate of 4.75%; and

WHEREAS, this loan will be paid back from general funds of the Tribe as they become available; and

WHEREAS, in order for USDA to further consider the Tribes' application to obtain these funds, the Tribal Business Council is required to authorized and execute USDA Form RUS Bulletin 1780-12 (Water and Waste Water Agreement); A Letter of Intent to Meet Conditions; a Resolution Authorizing Letter of Intent to Meet Conditions; a Resolution Authorizing Execution of Request for Obligation of Funds;

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Resolution Authorizing Execution of Water Or Waste Systems Agreement; Resolution Authorizing Execution of Architectural, Engineering and Legal Services Agreements; Legal Services Agreement; RD400-1 Equal Opportunity Agreement; AD-1049 Certification Regarding Drug-Free Workplace Requirements; AD-1047 Certification Regarding Debarment, Suspension, and other Responsibility Matters; SF 3881 Electronic Forms Transfer Payment Enrollment Form; RD 440-11, "Estimate of Funds Needed for 30 day period Commencing on_____"; and Civil rights Compliance Review Pre award checklist; and

WHEREAS, the above referenced USDA RUS agreement has been submitted to the Three Affiliated Tribes Legal Department for review and it has been determined that the above agreements are standard agreements that are substantially similar to previous agreements the Tribe has executed with USDA; and

WHEREAS, The Tribal Business Council has determined that, based on the interest rate and long-term payback of the loan, and in order to obtain the necessary funding for selected water supply and distribution projects for the Fort Berthold Rural Water System, it is in the Tribes' best interest to enter into and execute the aforementioned documents and Agreements with the USDA;

NOW, THEREFORE, BE IT RESOLVED That the Tribal Business Council hereby approves a loan and grant with the U.S. Department of Agriculture in the amount of \$942,500.00, to be used for Four Bears Emergency Intake Extension Project for the Fort Berthold Rural Water System, the principal terms of which are that the loan is amortized over 40 years at an approximate annual interest rate of 4.75%, with the final loan documents subject to approval of the Tribal Business Council; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves the following USDA forms and Agreements and authorizes Tribal Chairman Tex Hall to execute said documents:

1. Letter of Intent to Meet Conditions;
2. Resolution Authorizing Letter of Intent to Meet Conditions;
3. RD 1940-1, Request for Obligations of Funds;
4. Resolution Authorizing Execution of Water or Waste System Agreement;
5. NDRUS Bulletin 1780-2 – Fact Sheet
6. Resolution Authorizing Execution of Architectural, Engineering and Legal Services Agreement;
7. Intergovernmental Clearance
8. RD Instruction 1900-D Documentation
9. RD 442-3, Balance Sheet/Current Financial Statement

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10. Last year's financial audit
11. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying
12. Notice of Eligibility Determination
13. SF 424.2 – Application for Federal Assistance

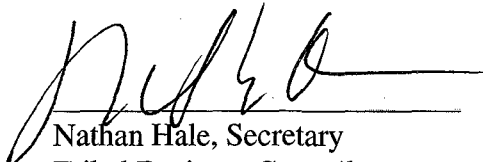
NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Chairman, Vice-Chairman, Secretary and Treasurer of the Tribal Business Council to execute the aforementioned documents, as may be necessary, on behalf of the Three Affiliated Tribes of the Fort Berthold Reservation, and to further execute such other documents as may be necessary to obtain the aforementioned loan.

CERTIFICATION

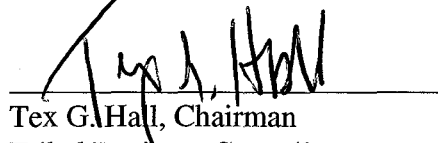
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of (7) members of whom (5) constitute a quorum, 6 were present at a June Meeting thereof duly called, noticed, convened, and held on the 9 day of June, 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 said resolution has not been rescinded or amended in any way.

Chairman [☒] Voting. [☐] Not Voting

Dated the 9 day of June, 2005


Nathan Hale, Secretary
Tribal Business Council

ATTEST:


Tex G. Hall, Chairman
Tribal Business Council