



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

*A Resolution entitled, "Approval of Applications for a Emergency Community Water Assistance Grants (ECWAG) from the United States Department of Agriculture (USDA) Rural Development (RD) in the amount of \$500,000.00 for Twin Buttes Emergency Intake Extension Project ( South Segment)".*

**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 activity 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 funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes of the Tribes; and

**WHEREAS,** in order for the USDA to further consider the Tribes' application to obtain these funds, the Tribal Business Council is required to authorize and execute the following USDA Forms: Authorizing Letter of Intent to Meet Conditions; RD 1942-46 Letter of Intent to Meeting Conditions; Authorizing Execution of Request for Obligation of Funds; RD 1940-1, Request for Obligation of Funds; Authorizing Execution of Water or Waste System Grant Agreement; Authorizing Execution of 1942-8 Resolution of Members of Stockholders; NDRUS Bulletin 1780-2 – Fact Sheet; Authorizing Execution of Architectural, Engineering; Authorizing Legal Services Agreement; RD 400-1 Equal Opportunity Agreement AD-1049 Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions; RD 400-4 Assurance Agreement; SF 3881 Electronic Forms Transfer Payment Enrollment Form; RD 440-11 Estimate of Funds Needed; 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,** that the Tribal Business Council hereby approves a grant with the U.S. Department of Agriculture in the amount of \$500,000.00 to be used for Twin



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Buttes Emergency Intake Extension Project for the Fort Berthold Rural Water System; and

**WHEREAS,** that the Tribal Business Council of the Three Affiliated Tribes hereby approves the following USDA forms and agreements as follows:

1. Authorizing Letter of Intent to Meet Conditions;
2. RD 1942-46 Letter of Intent to Meeting Conditions;
3. Authorizing Execution of Request for Obligation of Funds;
4. RD 1940-1, Request for Obligation of Funds;
5. Authorizing Execution of Water or Waste System Grant Agreement;
6. Authorizing Execution of 1942-8 Resolution of Members of Stockholders;
7. NDRUS Bulletin 1780-2-Fact Sheet;
8. Authorizing Execution of Architectural, Engineering;
9. Authorizing Legal Services Agreement;
10. RD 400-1 Equal Opportunity Agreement;
11. AD-1049 Certification Regarding Drug-Free Workplace Requirement (Grants);
12. AD-1047 Certification Regarding Debarment, Suspension and Other Responsibility Matters- Primary Covered Transactions;
13. RD 400-4 Assurance Agreement;
14. SF 3881 Electronic Forms Transfer Payment Enrollment Form;
15. RD 440-11 Estimate of Funds Needed;
16. Civil Rights Compliance Review Pre-Award Checklist;

**NOW, THEREFORE BE IT RESOLVED,** that the Three Affiliated Tribes Business Council hereby authorizes the Chairman, Vice Chairman, Treasurer, and or Secretary 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.

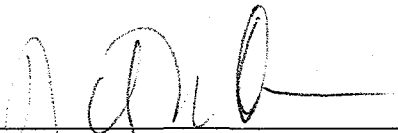


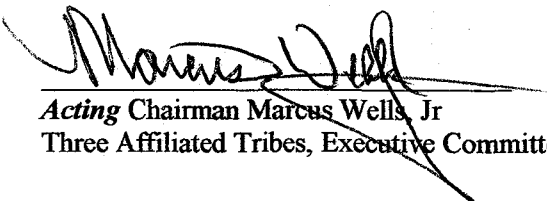
**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Executive Committee is composed of four (4) members of whom three (3) constitute a quorum, 3 were present at a Executive Meeting thereof duly called, noticed, convened and held on the 28 day of March, 2005, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 3 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 28 day of March, 2005.

  
\_\_\_\_\_  
Executive Secretary, Nathan Hale  
Three Affiliated Tribes, Executive Committee

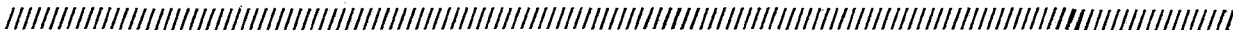
**ATTEST:**  
  
\_\_\_\_\_  
Acting Chairman Marcus Wells, Jr  
Three Affiliated Tribes, Executive Committee



Three Affiliated Tribes  
 Executive Secretary Office  
 Jean Baker, Recording Secretary  
 (701) 6278-4781 Ext. 8060

**MEMORANDUM:**

To: Cynthia Danks, Twin Buttes assistant  
 From: Ardel Jean Baker, Recording Secretary  
 Subject: Twin Buttes Intake State of Emergency Proclamation  
 Dated: August 30, 2005



**Executive Meeting March 28, 2005**

**06. EXECUTIVE RESOLUTION 05-02-NH, TWIN BUTTES INTAKE AREA -STATE OF EMERGENCY:**

Councilman Whitecalfe moved for approval to direct the Natural Resources Department the authority to do a tribal declaration declaring a state of emergency of the Twin Buttes Intake. Councilman Hale seconded the motion.

**DISCUSSION:**

Once we get that draft up and signed by the Chairman, we're going to move it up in line to FEMA, then the Governors has to sign it is what they told us last night, Reason for that emergency is when we get to 1797 which they're saying is the water is going to get to by this fall and Twin Buttes is going to be high and dry. So we're trying to go after the Corps of Engineers to get this money thru this process. Well we could call a Special to get your reso and signature. If you guys would just do a motion now. Area a State of Emergency.

Mr. Steve Kelly said he would do the Resolution, and if I could explain exactly what act we're going under and everything,. There's an act we're going under and it's called the Stafford Act that provides for Federal Emergency FEMA In order to get these FEMA funds only the Governor of the State can declare a State of Emergency to get those funds and that's what triggers those funds. Because we talked to the Corp about getting some of those monies they said they couldn't unless we declared a State of Emergency by the local governing body to pass a resol declaring a state of emergency, then the Governor would sign certain primeters you got to meet to have a state of emergency. Dan Iseral latest report Bsrlett & West to keep the corp from discharging the water.

**VOTE:** 3 Ayes. Motion carried.

**Felicia Felix**

**From:** Burthold, Matt - Bismarck, ND [Matt.Burthold@nd.usda.gov]  
**Sent:** Monday, August 29, 2005 2:21 PM  
**To:** Felicia Felix; texx@restel.net  
**Cc:** k\_royse@bartwest.com; Van Eckhout, Dale - Bismarck, ND  
**Subject:** Emergency Twin Buttes intake Emergency Community Water Assistance Grant (ECWAG)

Hey Felicia and Texx, I stopped in at your office July 14 and gave you the following forms that still had to be executed for the above grant:

- Form 3881 "Miscellaneous payment enrollment form" for allowing the direct deposit of grant funds for the specific project. We have not received this form or the information provided by it.
- The Tribal Resolution "Approval of Applications for Emergency Community Water Assistance Grants (ECWAG) from USDA Rural Development in the amount of \$500,000 for the Twin Buttes Intake Extension Project (South Segment)." Although it was signed by the Chairman, it needs to be attested to by the appropriate official.

Please provide these executed documents as soon as possible.

Thanks,

Matt Burthold  
 Business and Community Program Specialist  
 USDA, Rural Development  
 PO Box 1737  
 Bismarck, ND 58502  
 (701) 530-2067

*Felicia's  
 TB Intake. need DSB  
 help.  
 Intake grant  
 for \$500,000<sup>00</sup>  
 need signed  
 Reso's. were past  
 by TBC.*



Buttes Emergency Intake Extension Project for the Fort Berthold Rural Water System; and

**WHEREAS,** that the Tribal Business Council of the Three Affiliated Tribes hereby approves the following USDA forms and agreements as follows:

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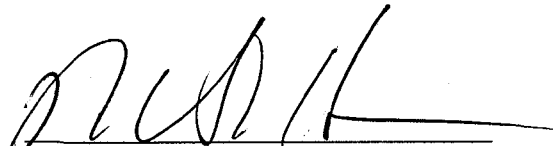


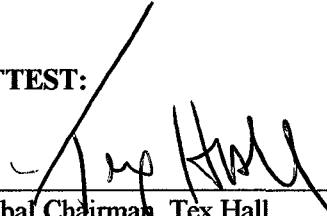
**CERTIFICATION**

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, 5 were present at a **Regular** Meeting thereof duly called, noticed, convened and held on the 12th day of September, 2005, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 Members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 12 day of September, 2005.

  
Executive Secretary, Nathan Hale  
Three Affiliated Tribes, Executive Committee

ATTEST:  
  
Tribal Chairman, Tex Hall  
Three Affiliated Tribes, Executive Committee