



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

A Resolution entitled, *"Three Affiliated Tribes Request to Enter into P.L. 93-638 ISDEA Non-Construction Contract with the Aberdeen Area Indian Health Service for the Purpose of Contracting Funds for the Construction Planning Phase of the Tex G. Hall Health Care Facility."*

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having duly 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 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 (d) of the Constitution provides that the Tribal Business Council has the power to negotiate with the federal government on behalf of the Tribes; and

WHEREAS, The Indian Self Determination and Education Assistance Act (ISDEAA), 25 U.S.C. § 450 (f), provides that Indian Tribes may request by tribal resolution to enter into self-determination contracts with the Secretary of Health and Human Services to plan, conduct, and administer programs or portions thereof, including construction programs, provided by the Secretary of Health and Human Services; and

WHEREAS, The United States Congress enacted Public Law 108-437 which authorizes the appropriation to the Secretary of Health and Human Services of \$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 which will be known as the Tex G. Hall Health Care Facility; and

WHEREAS, To date, the Congress has not appropriated funds for the design and construction of the new health care facility, however at the request of the Three Affiliated Tribes, the Director of the Indian Health Service, Dr. Charles Grimm, has made available \$300,000 for planning activities for the new health care facility that will be awarded to the Tribe through a PL 93-638 Contract; and

WHEREAS, Site investigations, including geotechnical, storm drainage, archeological, environmental and zoning issues, are needed to determine the feasibility of the



selected site for the new facility and a study needs to be conducted to determine what alternatives there are available for the facility regarding level of services to be provided, size of the facility and management options; and

WHEREAS, It is critical that the above described investigations be completed as soon as possible to facilitate the design of the new facility without unnecessary delays after funds become available for design and construction; and

WHEREAS, The Tribe intends to contract the \$300,000 construction planning funds pursuant to Section 108 of the Indian Self Determination Act and 25 CFR Subpart C § 900.8 as a non-construction contract as authorized by 25 CFR § 900.110 (b) (2) to be used for planning activities including site investigation, archeological and environmental assessment, geotechnical investigations, and related administrative expenses in accordance with the contract proposal which will be submitted to the Aberdeen Area Indian Health Service with this Resolution.

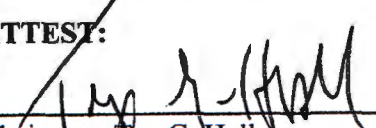
NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes Tribal Business Council, pursuant to the authority granted by the Constitution and By-laws of the Tribes and the Indian Self Determination and Education Assistance Act, hereby requests that the Secretary of Health and Human Services, acting through the Aberdeen Area Indian Health Service, enter into a self determination contract in the amount of \$300,000 pursuant to 25 U.S.C. § 450 (f) with the Three Affiliated Tribes for the purpose of performing all pre construction planning activities for the Tex G. Hall Health Care Facility as set out in the Tribes contract proposal.

CERTIFICATION

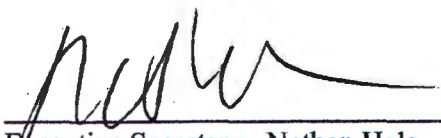
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a TBC Meeting thereof duly called, noticed, convened and held on the 10th day of February, 2006, 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 [] Voting. [] Not Voting.

Dated this 10th day of February, 2006.

ATTEST:


Chairman, Tex G. Hall
Tribal Business Council



Executive Secretary, Nathan Hale
Tribal Business Council