



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

A Resolution Entitled: "Approval of Applications for a Grant From the United States Department of Agriculture (USDA) Rural Development (RD) in the Amount of \$1,393,979.00 for the 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 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 (c) of the Constitution provides that the Tribal Business Council has the authority to administer any funds or property within the exclusive control of the Tribes to make expenditures from available tribal funds for public purposes, provided that all expenditures from tribal funds shall be by resolution duly passed by the Council to such effect; and

WHEREAS, The Three Affiliated Tribes is eligible to apply for a grant from the USDA Rural Development, in the amount of \$1,393,979.00 for the purpose of an Intake Extension Project at the Four Bears Water Treatment Plant site for the Fort Berthold Rural Water Supply System of the Three Affiliated Tribes; and

WHEREAS, The Tribal Business Council previously adopted Resolution 05-136 NH which authorized a grant application to USDA Rural Development in the amount of \$942,500.00 for the Four Bears Emergency Intake Extension Project for the Fort Berthold Rural Water System, however due to increase in the costs of construction for this project as well as other Intake projects funded by USDA RD



grants the Fort Berthold Rural Water has transferred the \$942,500 authorized by Resolution 05-136 NH to the Twin Buttes Intake Replacement Project with the permission of USDA and the FBRW is proposing to apply to for new grant funds from USDA RD in the amount of \$1,393,979.00 for the Four Bears Intake Replacement Project; and

WHEREAS, In order for USDA to further consider the Tribes' application to obtain these additional funds, the Tribal Business Council is required to authorize and execute USDA Form RUS Bulletin 1780-12 (Water and Waste Water Grant 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; 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 agreements have 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 the Legal Department has approved of said agreements for legal form and content; and

WHEREAS, The Tribal Business Council has determined that the funding for selected water supply and distribution projects for the Fort Berthold Rural Water System is necessary, and it is in the Tribes' best interest to enter into and execute the aforementioned documents and Agreements with the USDA to apply for additional grant funds for the Four Bears Intake Replacement.

NOW, THEREFORE, BE IT RESOLVED That the Tribal Business Council hereby approves a grant with the U.S. Department of Agriculture in the amount of \$1,393,979.00, to be used for Four Bears Emergency Intake Extension Project for the Fort Berthold Rural Water System; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the transfer of the \$942,500.00 in USDA Rural Development grant funds authorized by Resolution 05-136 NH for the Twin Buttes Intake Replacement Project; and



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Changes

A Resolution Entitled: “*Approval of Applications for a Grant From the United States Department of Agriculture (USDA) Rural Development (RD) in the Amount of \$1,393,979.00 for the 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 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 (c) of the Constitution provides that the Tribal Business Council has the authority to administer any funds or property within the exclusive control of the Tribes to make expenditures from available tribal funds for public purposes, provided that all expenditures from tribal funds shall be by resolution duly passed by the Council to such effect; and

WHEREAS, The Three Affiliated Tribes is eligible to apply for a grant from the USDA Rural Development, in the amount of \$1,393,979.00 for the purpose of an Intake Extension Project at the Four Bears Water Treatment Plant site for the Fort Berthold Rural Water Supply System of the Three Affiliated Tribes; and

WHEREAS, The Tribal Business Council previously adopted Resolution 05-136 NH which authorized a grant application to USDA Rural Development in the amount of \$942,500.00 for the Four Bears Emergency Intake Extension Project for the Fort Berthold Rural Water System, however due to increase in the costs of construction for this project as well as other Intake projects funded by USDA RD



grants the Fort Berthold Rural Water has transferred the \$942,500 authorized by Resolution 05-136 NH to the Twin Buttes Intake Replacement Project with the permission of USDA and the FBRW is proposing to apply to for new grant funds from USDA RD in the amount of \$1,393,979.00 for the Four Bears Intake Replacement Project; and

WHEREAS, In order for USDA to further consider the Tribes' application to obtain these additional funds, the Tribal Business Council is required to authorize and execute USDA Form RUS Bulletin 1780-12 (Water and Waste Water Grant 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; 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 agreements have 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 the Legal Department has approved of said agreements for legal form and content; and

WHEREAS, The Tribal Business Council has determined that the funding for selected water supply and distribution projects for the Fort Berthold Rural Water System is necessary, and it is in the Tribes' best interest to enter into and execute the aforementioned documents and Agreements with the USDA to apply for additional grant funds for the Four Bears Intake Replacement.

NOW, THEREFORE, BE IT RESOLVED That the Tribal Business Council hereby approves a grant with the U.S. Department of Agriculture in the amount of \$1,393,979.00, to be used for our Bears Emergency Intake Extension Project for the Fort Berthold Rural Water System; 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 as follows;

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’s
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;
10. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying;
11. Notice of Eligibility Determination; and
12. SF 424.2 – Application for Federal Assistance.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the Tribal Business Council hereby authorizes any of the Executive Committee members which is comprised of 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 grant.

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, ___ were present at a Regular Meeting thereof duly called, noticed, convened, and held on the ___ day of _____ 2006; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of ___ members, ___ members opposed, ___ members abstained, ___ members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] voting. [] not voting.

Dated this ___ day of _____ 2006.

ATTEST:

 Nathan Hale, Secretary
 Tribal Business Council

 Tex G. Hall, Chairman
 Tribal Business Council



NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves the following USDA forms and Agreements as follows:

1. Letter of Intent to Meet Conditions;
2. Resolution Authorizing Letter of Intent to Meet Conditions;
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NOW, THEREFORE, BE IT FINALLY RESOLVED, that the Tribal Business Council hereby authorizes any of the Executive Committee members which is comprised of 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 grant.

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 ^{Special} ~~Regular~~ Meeting thereof duly called, noticed, convened, and held on the 24 day of August 2006; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 24th day of August 2006.

ATTEST:

Nathan Hale, Secretary
Tribal Business Council

for Tex G. Hall, Chairman
Tribal Business Council