



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

A resolution entitled "Rescission of Requirement that Twin Buttes School Pay 50% of Loan with BankFirst."

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; 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 3 of the Constitution of the Three Affiliated Tribes specifically grants to the Tribal Business Council all necessary sovereign authority for the purpose of exercising the jurisdiction granted by the people of the Three Affiliated Tribes in Article 1 of the Constitution; and

WHEREAS, The Twin Buttes Public School District exists under the laws of the State of North Dakota and operates a K-8 School within the Fort Berthold Reservation; and

WHEREAS, The Tribe and the Twin Buttes School District successfully received a Congressional appropriation in the amount of \$3,944,000 under the Tribal School Construction Demonstration Program for the construction of a new elementary school in Twin Buttes, North Dakota as set out in Public Law 108-477, Consolidated Appropriations Act of 2004; and

WHEREAS, Pursuant to Public Law 108-108, which established the Tribal School Construction Demonstration Program, the Tribe is required to commit a tribal match of 50 percent of the costs of construction of the New School; and

WHEREAS, The Tribe secured the Tribal match pursuant to Resolution No. 06-12-NH which approved a loan from BankFirst in the approximate amount of \$4,000,000; and

WHEREAS, Resolution No. 06-12-NH also required the Twin Buttes School to be responsible for 50% of the payments scheduled under a separate agreement with the Tribe; and

WHEREAS, The Bureau of Indian Affairs has informed the Tribe that it is legally impermissible for the Tribe to require the Twin Buttes School to pay the Tribe back 50% of the match and that the Tribe must be responsible for the full amount of the loan; and

WHEREAS, The Tribe respectfully disagrees with the Bureau of Indian Affairs in regard to this issue but nevertheless desires to comply with the Bureau request and free the Twin Buttes



School from this obligation in order to go forward with the School Construction project and avoid the continuous delays caused by the BIA's unreasonable micromanagement of the project; and

WHEREAS, The Tribal Business Council also desires to rectify all of the problems and take whatever action is necessary to resolve the issues identified in the BIA's latest suspension letter.

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated hereby relieves the Twin Buttes School from any obligation to repay and of the Tribe's responsibility to pay on its Note with BankFirst, a South Dakota Bank, and hereby rescinds those portion of Resolution No. 06-12-NH that require the Twin Buttes School to repay 50% of the Note.

NOW THEREFORE BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the appropriate parties to review the BIA's latest suspension letter and to determine the parties responsible for the expenditure of the costs deemed "unallowed" by the BIA and, if possible, to recover these amounts from the responsible party. The Tribal Business Council also authorizes a claim to be made to the School or Tribe's insurance if it appears that the misappropriation of these funds, if any, is covered by the Tribe or School's insurance.

NOW THEREFORE BE IT FINALLY RESOLVED, That the Tribal Business Council reserves the right to challenge any of the BIA's findings in its suspension letter and to make it clear to the BIA that the purpose for complying with the BIA's request at this time is to move forward with the project.


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 Regular Meeting thereof duly called, noticed, convened, and held on the 22nd of February 2007; 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 22 day of February, 2007.

ATTEST:



Executive Secretary, Judy Brugh
Tribal Business Council
Three Affiliated Tribes

Tribal Chairman, Marcus Wells, Jr.
Tribal Business Council
Three Affiliated Tribes