



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

A Resolution entitled, "Authorization for Appropriation of \$500,000.00 as matching funds to the Tribal Housing Division to obtain certification as a Community Development Financial Institution by the United States Department of Treasury".

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under 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 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 (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 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, To address the unmet housing needs of the members of the Three Affiliated Tribes, the Tribal Business Council has established the Tribal Housing Division whose primary purpose is to provide homeownership opportunities for tribal members through the various tribal, federal and state housing development resources available to the Tribes and its members; and

WHEREAS, Tribal Housing has identified that there is a lack of available bridge financing for construction loans or interim mortgage loans for enrolled members to access due to the unique status of Tribal land or present credit situations; and

WHEREAS, The Community Development Banking and Financial Institutions Act, passed into law in 1994, created the Community Development Financial Institutions Fund (the fund) to promote economic revitalization and community development in distressed urban, rural and Native American communities across the nation; and

WHEREAS, In order to overcome barriers preventing access to credit, capital and financial services in Native American Communities, the Community Development



Financial Institutions Fund, created the Native American CDFI Assistance Program which provides financial assistance to certified Native CDFI's and technical assistance to entities that will become CDFI's (emerging Native CDFI's); and

WHEREAS, The primary purposes of a CDFI is to provide financial services for housing, business enterprises and community facilities to unconventional markets and underserved communities; and;

WHEREAS, In order for the Tribal Housing Division to fulfill its mandate in accordance with the goals and objectives laid out by the Tribal Business Council there is a need to develop a Native American Community Financial Development Institute (CDFI) to provide mortgage financing opportunities that include construction loans, technical assistance for potential homeowners, as well as small business loan in order to stimulate and create economic development; and

WHEREAS, In 2006, The Tribal Housing Division requested authority to develop and incorporate as a Native American Community Financial Development Institute (CDFI) with status as a 501 (c) 3 non-profit corporation for the primary purpose of providing mortgage financing opportunities, technical assistance to potential homeowners and to create a micro enterprise fund that will offer small business loans to entrepreneurs; and

WHEREAS, In order to become a Certified CDFI pursuant to CDFI Program Regulations, 12 CFR Parts 1805 and 1806, *S* 1805.201 as published in the Federal Register the following certification requirements apply;

- 1. Has a Primary Mission of promoting community development;**
- 2. Is a Financing Entity;**
- 3. Serves principally one or more Target Markets;**
- 4. Provides Development Services in conjunction with its financing activities;**
- 5. Maintains Accountability to its defined Target Market; and**
- 6. Is a Non-Governmental Entity, and is not controlled by one or more governmental entities.**



WHEREAS, The Tribal Business Council passed Resolution No. 06-74 NH authorizing the Tribal Housing Division to incorporate as a Native American Community Development Financial Institute with status as a 501 (C) 3 non-profit corporation; and

WHEREAS, In order to further pursue certification as a CDFI and receive funding from the United States Department of the Treasury under the Native American CDFI Financial Assistance Program, the Tribal Housing Division must incorporate into a non-profit and obtain CDFI certification and must have adequate funds in order to do so and the Tribal Housing is requesting funds from the Tribes in the amount of \$500,000 to incorporate as a CDFI and obtain certification so that it may receive funding under the Native American CDFI Financial Assistance Program; and

WHEREAS, Such funds will be used by the non-profit corporation for start-up and administrative costs to incorporate, create the loan fund, obtain tax exempt status and CDFI certification.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby appropriates a grant in the amount of \$500,000 to the Tribal Housing Division in to incorporate as a 501 (C) 3 non-profit corporation and obtain certification as a Native American CDFI so that it may obtain matching grant funds from the Native American CDFI Financial Assistance Program upon receipt of certification; and

BE IT FURTHER RESOLVED, upon incorporation of the Tribal Housing Division into a non-profit corporation and certification as a CDFI, the non-profit corporation will assume responsibility for all of the programs and services currently operated by the Tribal Housing Division and the Three Affiliated Tribes will have no further responsibility or liability for the programs and services currently provided by the Tribal Housing Division;

BE IT FINALLY RESOLVED, that the Tribal Housing Director shall have authority to act as the Coordinator to work directly with the Community Development Financial Institutions Fund Consulting Agency, otherwise known as "Fund Consulting" to develop a market study and business plan and fully implement the CDFI and obtain certification from the Department of Treasury as a Native American CDFI.



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

A Resolution entitled, "Authorization for Appropriation of \$500,000.00 as matching funds to the Tribal Housing Division to obtain certification as a Community Development Financial Institution by the United States Department of Treasury".

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under 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 Tribal Business Council represents the Mandan, Hidatsa, and Arikara Tribes on behalf of and in the interest of the enrolled members of the Tribes;

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council shall have the authority to adopt resolutions and regulations for the Tribes and Tribal agencies;

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council shall have the authority to administer and expend funds available to the Tribes;

WHEREAS, To address the needs of the Three Affiliated Tribes Housing Division whose members are in need of opportunities for tribal housing development resources;

WHEREAS, Tribal Housing has identified that there is a lack of available bridge financing for construction loans or interim mortgage loans for enrolled members to access due to the unique status of Tribal land or present credit situations; and

WHEREAS, The Community Development Banking and Financial Institutions Act, passed into law in 1994, created the Community Development Financial Institutions Fund (the fund) to promote economic revitalization and community development in distressed urban, rural and Native American communities across the nation; and

WHEREAS, In order to overcome barriers preventing access to credit, capital and financial services in Native American Communities, the Community Development

*Needs Changes
made.
Before Signature
HJB*



Financial Institutions Fund, created the Native American CDFI Assistance Program which provides financial assistance to certified Native CDFI's and technical assistance to entities that will become CDFI's (emerging Native CDFI's); and

WHEREAS, The primary purposes of a CDFI is to provide financial services for housing, business enterprises and community facilities to unconventional markets and underserved communities; and;

WHEREAS, In order for the Tribal Housing Division to fulfill its mandate in accordance with the goals and objectives laid out by the Tribal Business Council there is a need to develop a Native American Community Financial Development Institute (CDFI) to provide mortgage financing opportunities that include construction loans, technical assistance for potential homeowners, as well as small business loan in order to stimulate and create economic development; and

WHEREAS, In 2006, The Tribal Housing Division requested authority to develop and incorporate as a Native American Community Financial Development Institute (CDFI) with status as a 501 (c) 3 non-profit corporation for the primary purpose of providing mortgage financing opportunities, technical assistance to potential homeowners and to create a micro enterprise fund that will offer small business loans to entrepreneurs; and

WHEREAS, In order to become a Certified CDFI pursuant to CDFI Program Regulations, 12 CFR Parts 1805 and 1806, § 1805.201 as published in the Federal Register the following certification requirements apply;

- 1. Has a Primary Mission of promoting community development;**
- 2. Is a Financing Entity;**
- 3. Serves principally one or more Target Markets;**
- 4. Provides Development Services in conjunction with its financing activities;**
- 5. Maintains Accountability to its defined Target Market; and**
- 6. Is a Non-Governmental Entity, and is not controlled by one or more governmental entities.**



The Tribal Business Council passed Resolution No. 06-74 NH authorizing the Tribal Housing Division to incorporate as a Native American Community Development Financial Institute with status as a 501 (C) 3 non-profit corporation; and

WHEREAS, In order to further pursue certification as a CDFI and receive funding from the United States Department of the Treasury under the Native American CDFI Financial Assistance Program, the Tribal Housing Division must incorporate into a non-profit and obtain CDFI certification and must have adequate funds in order to do so and the Tribal Housing is requesting funds from the Tribes in the amount of \$500,000 to incorporate as a CDFI and obtain certification so that it may receive funding under the Native American CDFI Financial Assistance Program; and

WHEREAS, Such funds will be used by the non-profit corporation for start-up and administrative costs to incorporate, create the loan fund, obtain tax exempt status and CDFI certification.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby appropriates a grant in the amount of \$500,000 to the Tribal Housing Division in to incorporate as a 501 (C) 3 non-profit corporation and obtain certification as a Native American CDFI so that it may obtain matching grant funds from the Native American CDFI Financial Assistance Program upon receipt of certification; and

BE IT FURTHER RESOLVED, upon incorporation of the Tribal Housing Division into a non-profit corporation and certification as a CDFI, the non-profit corporatio will assume responsibility for all of the programs and services currently operated by the Tribal Housing Division and the Three Affiliated Tribes will have no further responsibility or liability for the programs and services currently provided by the Tribal Housing Division;

BE IT FINALLY RESOLVED, that the Tribal Housing Director shall have authority to act as the Coordinator to work directly with the Community Development Financial Institutions Fund Consulting Agency, otherwise known as "Fund Consulting" to develop a market study and business plan and fully implement the CDFI and obtain certification from the Department of Treasury as a Native American CDFI.

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9 day of March _____, 2007 that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 4 members, 0 members opposed, 2 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [] Not Voting.



ated this _____ day of March 2007.

ATTEST:

V. Judy Brugh
Executive Secretary,
Tribal Business Council

Marcus Wells, Jr.
Chairman
Tribal Business Council




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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9 day of March _____, 2007 that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 4 members, 0 members opposed, 2 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

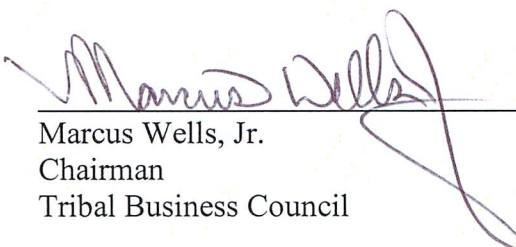
Chairman [] Voting. [] Not Voting.

Dated this 9th day of March 2007.

ATTEST:



V. Judy Brugh
Executive Secretary,
Tribal Business Council



Marcus Wells, Jr.
Chairman
Tribal Business Council