



RESOLUTION NO. 07- 199 -VJB

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

A Resolution entitled, “ Tribal Officials Authorized to Initiate Disbursements – Election and Term Information to Conduct Business with the Office of Trust Funds Management.”

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 under said Act; and

WHEREAS, pursuant to Article III, Section 1 of the Constitution and By Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, pursuant to Article VI, Section 5 (l) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, The Tribal Business Council shall have the power to manage the economic affairs of the Three Affiliated Tribes and to administer funds within the exclusive control of the Tribes and thereby has the power to borrow funds that are necessary for the Tribe to continue exercising all of the powers of government; and

WHEREAS, To Provide additional compensation to the Tribe for the United States’ taking of one hundred and fifty-six thousand acres of reservation lands in connection with the Garrison Dam, the United States Congress enacted the “Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act” (Public Law 102-575, Title XXXV) (the “Act”); and

WHEREAS, The Act established the “Three Affiliated Tribes Economic Recovery Fund” (the “Trust Fund”) in the United States Treasury and required a percentage of receipts by the Eastern Division of the Pick-Sloan Missouri River Basin Project described in the Act to be deposited into the Trust Fund, resulting in the sum of \$149,200,000 being deposited into the Trust Fund; and

WHEREAS, Under the Act, the United States Secretary of the Interior (the “Secretary”) is required to deposit the interest that accrues on deposits to the Trust Fund (“Trust Interest”) in a separate account in the United States Treasury; and such interest is declared to be available, without fiscal year limitation, for use by the Secretary to make payments to the Tribe for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary;



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Provided that no part of any moneys in the Trust Fund may be distributed to any member of the Tribe on a per capita basis; and

WHEREAS, 25 U.S.C. 161(a) provides that all funds held in trust by the United States and carried in principal accounts on the books of the United States Treasury to the credit of Indian tribes shall be invested by the Secretary of the Treasury, at the request of the Secretary, in public debt securities with maturities suitable to the needs of the fund involved, as determined by the Secretary, bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities; and

WHEREAS, pursuant to 25 CFR 115.815, a tribe desiring to request amounts from a tribal trust account 'may make a written request to the BIA or the OTFM that is signed by the proper authorizing officials (s), lists the amount of trust funds to be withdrawn, provide any additional documentation or information required by law to withdraw certain trust funds, and must include a tribal resolution approving the withdrawal of the specified amount of trust funds;'; and

WHEREAS, The Tribal Business Council desires to authorize certain Tribal Officials to Initiate Disbursements or otherwise conduct business with the Office of Trust Fund Management in accordance with 25 CFR 115.815; and; and

WHEREAS, The Tribal Business Council previously passed Resolution 06-13 VJB authorizing certain individuals, including Council members and staff within the Finance Department to initiate disbursements and conduct business with the OTFM and such Resolution needs to be amended to reflect changes in certain personnel within the Tribe's Finance Department

NOW THERE FORE IT BE RESOLVED, that the Tribal Business Council hereby authorizes the following individuals to initiate Tribal disbursements and provide investment instructions to the Office of Trust Funds Management:

A. Tribal Officials Authorized to Initiate Tribal Disbursements shall be:

1. Marcus D. Well, Jr, Chairman
2. Frank Whitecalfe, Treasurer,
3. Nathan Hale, Vice Chairman
4. V. Judy Brugh, Secretary,

B. Tribal Officials Authorized to Provide Investment Instructions shall be:

1. Marcus D. Wells, Jr.



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2. Frank Whitecalfe
3. Whitney M. Bell, Chief Financial Officer
4. Frank P. Henry Finance Manager

BE IT FINALLY RESOLVED THAT, Resolution #06-13-VJB is hereby rescinded and of no further force or effect and this updated Resolution will be provided to Office of Trust Funds Management and its officers.


CERTIFICATION

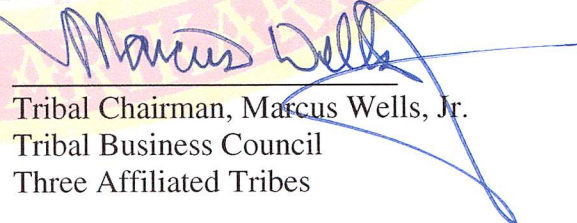
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the October 16th, 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 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 16th day of October, 2007.

ATTEST:


Tribal Secretary, V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes


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