



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

A Resolution Entitled:" *Authorization for the Settlement of the Twin Buttes School Replacement Project Litigation and Reinstatement of the Twin Buttes Replacement School 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 of the Three Affiliated Tribes provides that the Tribal Business Council has the power to administer all funds or property within the exclusive control of the Tribes and to make expenditures from available tribal funds for public purposes; and

WHEREAS, The Twin Buttes Public School District existing under the laws of the State of North Dakota, operates within the Fort Berthold Indian Reservation certain educational facilities in or around Twin Buttes, North Dakota, and provides educational opportunities to tribal members and others; and



- WHEREAS,** pursuant to Resolution 05-66 NH Dated April 22, 2005 the Tribal Business Council authorized the Tribe to participate as a grantee for federal matching funds under the Tribal School Construction Demonstration Program for the replacement of the Twin Buttes School; 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 Public Law 108-447, Consolidated Appropriations Act of 2004; and
- WHEREAS,** Pursuant to Public Law 108-108, which established the Tribal School Construction Demonstration Program, the Tribe was required to commit a tribal match of 50 percent of the costs of construction of the New School; and
- WHEREAS,** The Tribal Business Council determined that it was in the best interest of the Tribe and its members to commit to providing the matching funds for the Twin Buttes School District by obtaining a \$4,153,000 Tax Exempt loan dated March 14, 2006 from Bank First; and
- WHEREAS,** the Tribe entered into a Indian Self-Determination Agreement GTA04T301K1 with the Secretary of the Interior in September 2005 to receive the grant funds and construct the Twin Buttes Replacement School; and
- WHEREAS,** the Secretary, acting through the Bureau of Indian Affairs, terminated the grant Agreement on March 6th 2007; and
- WHEREAS,** the Tribe has appealed the termination of the grant to the Civilian Board of Contract Appeals; and
- WHEREAS,** through good faith negotiations with the Tribe, the Bureau of Indian Affairs has indicated its willingness to amicably resolve the appeal, reinstate the Indian Self-Determination Agreement GTA04T301K1, and restore approximately \$3.8 million in federal funding for the Project; and
- WHEREAS,** the Tribal Business Council recognizes that the school children of the Twin Buttes community and surrounding areas deserve an adequate educational facility and continues to believe that the Twin Buttes School should be replaced pursuant to the Tribal School Construction Demonstration Project; and
- WHEREAS,** the Tribal Business Council recognizes that it is in the best interests of the Three Affiliated Tribes to amicably resolve the appeal and restart the Twin Buttes Replacement School Project;



NOW, THEREFORE, BE IT RESOLVED, the Tribal Business Council hereby reaffirms its commitment to the Twin Buttes Replacement School Project; and

BE IT FURTHER RESOLVED, the Tribal Business Council hereby authorizes Chairman Marcus Wells, Jr. and the Tribe's Legal Counsel to finalize a settlement agreement with the Bureau of Indian Affairs which will terminate the Tribe's contract appeal and restore funding for the project; and

BE IT FURTHER RESOLVED, the Tribal Business Council hereby agrees to match the Federal government's contribution to the Twin Buttes Replacement School Project and to pay for cost overruns for the Project, as required by the Project's authorizing statute and Indian Self-Determination Agreement GTA04T301K1, and to provide appropriate documentary assurance to the Bureau of Indian Affairs to demonstrate the Tribe's matching fund capacity; and

BE IT FURTHER RESOLVED, the Tribal Business Council hereby establishes a Twin Buttes Replacement School Project Team, which shall include the Chairman of the Three Affiliated Tribes Health and Human Resource Committee Nathan Hale, Twin Buttes Council Representative Barry Benson, Tribal Treasurer Frank White Calfe, Tribal Federal Programs Officer Cami Thorton, Twin Buttes School Principal/Superintendent Chad Dahlen, the Tribe's legal Counsel and any other tribal staff member appointed by the Tribal Council to assist in the implementation and successful completion of the project; and

BE IT FURTHER RESOLVED, the Tribal Business Council hereby authorizes the Project Team to proceed with the Tribal management of the Project and to take all necessary action, in coordination with the Bureau of Indian Affairs, to establish timelines and guidelines for successful completion of the planning, design, and construction phases of the Project; and

BE IT FURTHER RESOLVED, the Tribal Business Council hereby authorizes the Project Team to issue a Request for Proposals (RFP) from professional, experienced construction management firms to oversee the planning, design, and construction phases of the Twin Buttes Replacement School Project; and

BE IT FINALLY RESOLVED, the Tribal Business Council hereby authorizes the Chairman to execute any and all such documents as may be necessary to accomplish the purposes of this Resolution.

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 Regular Meeting thereof duly called, noticed, convened, and held on the 26th day of October 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0




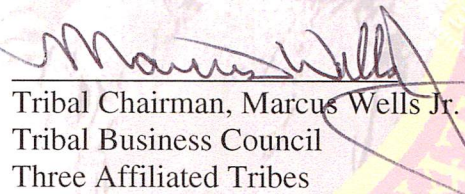
Members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman voting. [] not voting.

Dated this 26th 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