



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

A Resolution Entitled: "Approval of Applications for a Loan and a Grant from the USDA Rural Development in the Amount of \$2,494,000.00 for the West Segment (Mandaree Area 1 Distribution and Storage Project for the Fort Berthold Rural Water System."

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, 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, 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, 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, Article VI Section 5 (a) of the Constitution provides that The Tribal Business Council shall have the power to manage the economic affairs of the Three Affiliated Tribes and administer any funds within the exclusive control of the Tribes and The Tribal Business Council thereby has the power to borrow funds that are necessary for the Tribe to continue exercising all of the powers of government; and

WHEREAS, The Tribe and Tribal Business Council has established the Fort Berthold Rural Water System whose primary responsibility is to develop effective, efficient and safe, drinking water systems for the members of the Tribe on the Reservation; and



WHEREAS, The Fort Berthold Rural Water System is proposing to construct a water distribution and Storage Project for the West Segment to be funded by a combination of USDA Rural Development grant and Loan funds through the Rural Development Water or Waste System Rural Utilities Service grant and loan program for a total project cost of \$2,494,000.00

WHEREAS, The Three Affiliated Tribes is eligible to apply for a loan and grant from the United States Department of Agriculture, (USDA) Rural Development, under the Water and Waste System Program in the combined amount of \$2,494,000 to be used for water distribution and storage project for the West Segment for the Fort Berthold Rural Water System of the Three Affiliated Tribes; and

WHEREAS, Tribe is eligible to apply for grant funds in the amount of \$821,000.00 for the construction of the Project; and

WHEREAS, The Tribe is eligible to apply for a loan in the amount of \$1,673,000.00 at an annual interest rate of 3.625% (amortization factor of 47.74) over a forty year period to be repaid from annual appropriations of the Tribe as they become available for the balance of the Project cost; and

WHEREAS, In order to obtain these grant and loan funds, the Tribe must submit a variety of forms required by the USDA, as per the attached, including:

1. Form RD 400-1, Equal Opportunity Agreement
2. Form RD 400-1, Assurance Agreement
3. Form AD 1047, Certification Regarding Debarment, Suspension and other Responsibility Matters – Primary Covered Transactions (all contractors whose contracts exceed \$25,000 and the engineers, attorney and bond counsel will execute AD 1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions)
4. Form AD 1049, Certification Regarding Drug-Free Workplace Requirements (Grants) Alternative I for Grantees Other than Individuals
5. Form RD 1910-11, Applicant Certification, Federal Collections Policies for Consumer or Commercial Debts



6. RD Instruction 1940-Q, Exhibit A-1, Certification for Contracts, Grants and Loans (the attorney, engineers and/or any contractor Whose contract exceeds \$100,000 will also execute the Lobbying Certification, Exhibit A-1 of RD Instruction 1940-Q, and provide to the Three Affiliated Tribes of the Fort Berthold Indian Reservation)
7. Form RD 1942-46, Letter of Intent to Meet Conditions
8. RUS Bulletin 1780-13, Construction
9. RUS Bulletin 1780-27, Loan Resolution (Public Bodies
10. 1780-12, water and Waste Systems Grant Agreement
11. A Tribal Resolution authorizing the Loan and Grant

WHEREAS, The Tribal Business Council previously adopted Resolution 06-80-NH authorizing a loan and grant application to USDA Rural Development for the West Segment (Mandaree) Area 1 Distribution and Storage Project in the amount of \$2,494,000.00, and

WHEREAS, The Tribal Business Council has determined that, based on the interest rate and long-term payback of the loan, and in order to obtain the necessary funding for selected water supply and distribution projects for the Fort Berthold Rural Water System, it is in the Tribes' best interest to enter into and execute the aforementioned documents and Agreements with the USDA to apply for the loan and Grant for this Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the application for a loan from the United States Department of Agriculture Rural Development in the amount of \$1,673,000.00 to be amortized over a forty year period at an annual interest rate of 3.625% (amortization factor of 47.74) to be repaid from annual appropriations of the Tribe as they become available for construction of the West Segment (Mandaree) Area 1 Distribution and Storage Project of the Fort Berthold Rural Water System with the final loan documents subject to final approval of the Tribal Business Council; and;

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the application for a grant from the U.S. Department of Agriculture in the amount of \$821,000 to be used for the West Segment (Mandaree) Area 1 Distribution and Storage Project for the Fort Berthold Rural Water System; and

BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes submittal of the following loan documents necessary to apply for the loan from Rural Development:



1. Form RD 400-1, Equal Opportunity Agreement
2. Form RD 400-1, Assurance Agreement
3. Form AD 1047, Certification Regarding Debarment, Suspension and other Responsibility Matters – Primary Covered Transactions (all contractors whose contracts exceed \$25,000 and the engineers, attorney and bond counsel will execute AD 1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions)
4. Form AD 1049, Certification Regarding Drug-Free Workplace Requirements (Grants) Alternative I for Grantees Other than Individuals
5. Form RD 1910-11, Applicant Certification, Federal Collections Policies for Consumer or Commercial Debts
6. RD Instruction 1940-Q, Exhibit A-1, Certification for Contracts, Grants and Loans (the attorney, engineers and/or any contractor whose contract exceeds \$100,000 will also execute the Lobbying Certification, Exhibit A-1 of RD Instruction 1940-Q, and provide to the Three Affiliated Tribes of the Fort Berthold Indian Reservation)
7. Form RD 1942-46, Letter of Intent to Meet Conditions
8. RUS Bulletin 1780-27, Loan Resolution (Public Bodies)
9. 1780-12, Water and Waste Systems Grant Agreement
10. A tribal Resolution authorizing the Loan and Grant

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes 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 loan; and



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 Meeting thereof duly called, noticed, convened, and held on the 16th day of July 2008; 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 16th day of July 2008.

ATTEST:

Barry L. Benson
Acting Tribal Secretary, Barry L. Benson
Tribal Business Council
Three Affiliated Tribes

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