



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

***A Resolution entitled, "Appointment of Executive Officers 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 pursuant to said Act; and
- WHEREAS,** The Constitution and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15<sup>th</sup>, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; 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,** 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,** 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 Easter 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 in 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 available, without out fiscal year limitation, for the 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; Provided that no part of any moneys in the Trust Fund may be distributed to any member of the Tribe on per capita; 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 official(s), lists the amount of trust funds to be withdrawn, provide any additional documentation or information required by law to withdrawal 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

**WHEREAS,** the Tribal Business Council previously passed Resolutions 07-199-VJB and 08-206-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 elected leadership and in certain personnel within the Tribes’ Finance Department; and

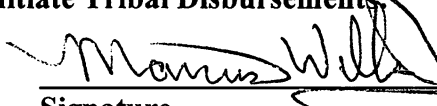
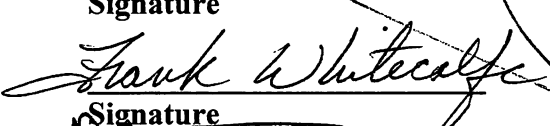
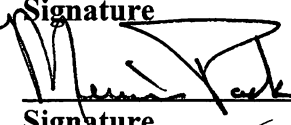
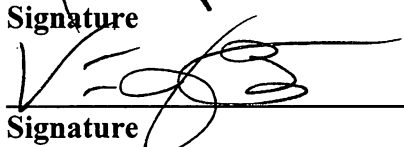
**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the following individuals to initiate Tribal Disbursements and provide investment instructions to the Office of Trust Funds Management:

- A. Tribal Officials Authorized to Initiate Tribal Disbursements shall be:
1. Marcus D. Wells, Jr., Chairman
  2. Frank Whitecalfe, Treasurer
  3. Mervin Packineau, Vice Chairman
  4. V. Judy Brugh, Secretary

**Tribal Officials Authorized to Initiate Disbursements- Election and Term Information**

The following individuals are recognized by Tribal resolution to conduct business with the Office of Trust Funds Management.

**Tribal Officials Authorized to Initiate Tribal Disbursements**

<u>Marcus Wells, Jr.</u> Chairman	 Signature	<u>11/4/06-11/4/10</u> Term
<u>Frank Whitecalfe</u> Treasurer	 Signature	<u>11/4/08-11/4/12</u> Term
<u>Mervin Packineau</u> Vice Chairman	 Signature	<u>11/4/06-11/4/10</u> Term
<u>Victoria Judy Brugh</u> Secretary	 Signature	<u>11/4/06-11/4/10</u> Term

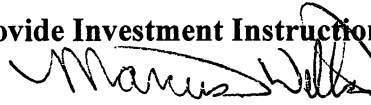
**Tribal Officials Authorized to Provide Investment Instructions:**

Marcus Wells, Jr.  
Chairman

Frank Whitecalfe  
Treasurer

Whitney Bell  
Chief Financial Officer

Frank Henry  
Comptroller

  
Signature

  
Signature

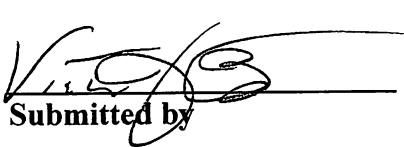
  
Signature

  
Signature

**Tribal Election Date and Terms**

11/4/2008  
Election Date

See Above Dates  
Term of Office

  
Submitted by

1-08-09  
Date



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

1. Marcus D. Wells, Jr., Chairman
2. Frank Whitecalfe, Treasurer
3. Whitney M. Bell, Chief Financial Officer
4. Frank P. Henry, Finance Manager


**BE IT FINANLLY RESOLVED**, Resolutions 07-199-VJB and 08-206-VJB is hereby rescinded and of no further force or effect and this updated Resolution will be provided to the Office of Trust Fund Management and its officers.

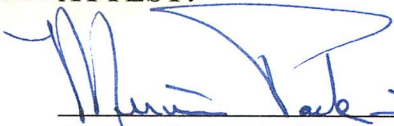
#### CERTIFICATION

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 8<sup>th</sup> day of January, 2009, 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 [  ] Voting. [  ] Not Voting.

Dated this 8<sup>th</sup> day of January, 2009.

  
\_\_\_\_\_  
Executive Secretary, V. Judy Brugh.  
Tribal Business Council

**ATTEST:**  
  
\_\_\_\_\_  
Acting Chairman, Mervin Packineau  
Tribal Business Council