



RESCINDED
DATE 1-14-2010
NEW RES# 10-04-VJB

**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 \$2,497,000.00 for the West Segment- Mandaree Water Source 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 source delivery project for the West Segment (Project) 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 \$2,497,000.00

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 \$2,497,000.00 to be used for a water source delivery 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 3.75 % amortized 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. Notice of Intent to File an Application
2. A tribal Resolution authorizing the Loan and Grant
3. Copy of Notice of Intent to File an Application as it will appear in the newspaper
4. Evidence of Solicitation of Engineering Services
5. Articles of Incorporation and Bylaws/Certificate of Incorporation/Organizational Certificate
6. Attorney's opinion that applicant is a duly organized body politic
7. NDRUS Bulletin 1780-2 – Fact Sheet
8. Intergovernmental Clearance
9. RD Instruction 1900-D Documentation
10. RD 442-3, Balance Sheet/Current Financial Statement
11. Last year's financial audit
12. Test for credit: RUS Bulletin 1780-22, Water and Wastewater Eligibility
13. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying
14. Notice of Eligibility Determination
15. SF 424.2 – Application for Federal Assistance



WHEREAS, The Tribal Business Council previously adopted Resolution 08-123-BLB authorizing a loan and grant application to USDA Rural Development for the West Segment Water Delivery and Storage Project in the amount of \$ 2,497,000,00, however the resolution needs to be revised; 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 3.75. 5% to be repaid from annual appropriations of the Tribe as they become available for construction of the South Segment Water Source Delivery 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 \$821,000.00 to be used for the water source delivery Project for the West Segment 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. Notice of Intent to File an Application
2. Copy of Notice of Intent to File an Application as it will appear in the newspaper
3. Evidence of Solicitation of Engineering Services
4. Articles of Incorporation and Bylaws/Certificate of Incorporation/Organizational Certificate
5. Attorney's opinion that applicant is a duly organized body politic
6. NDRUS Bulletin 1780-2 – Fact Sheet
7. Intergovernmental Clearance
8. RD Instruction 1900-D Documentation
9. RD 442-3, Balance Sheet/Current Financial Statement
10. Last year's financial audit



- 11. Test for credit: RUS Bulletin 1780-22, Water and Wastewater Eligibility
- 12. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying
- 13. Notice of Eligibility Determination
- 14. SF 424.2 – Application for Federal Assistance

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Chairman, and Secretary and 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

BE IT FINALLY RESOLVED, that Resolution 08-123-BLB is hereby rescinded.

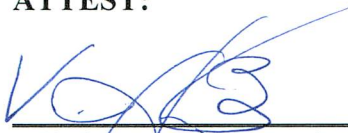
CERTIFICATION

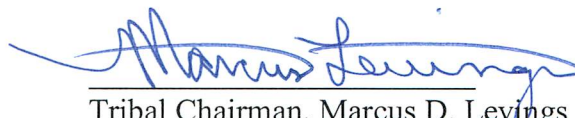
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 28th day of September 2009; 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 28th day of September 2009.

ATTEST:


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


 Tribal Chairman, Marcus D. Levings
 Tribal Business Council
Three Affiliated Tribes