



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

A Resolution entitled, "Three Affiliated Tribes Tribal Prevailing Wage Rate."

- 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,** The Fort Berthold Housing Authority ("FBHA") is an agency chartered by the Tribes to provide affordable housing and homeownership opportunities to tribal members by engaging in affordable housing activities pursuant to the Native American Housing Assistance and Self-Determination Act ("NAHASDA"), 25 U.S.C. § 4101 *et seq.*; and
- WHEREAS,** The FBHA receives funding from the United States Department of Housing and Urban Development (HUD) to achieve its purposes through an annual block grant under NAHASDA; and
- WHEREAS,** Section 104(b)(3) of NAHASDA allows Indian Tribes to determine and apply their own prevailing wage rates in contracts for the development and operation of affordable housing in place of Davis-Bacon wage rates; and
- WHEREAS,** The Tribal Business Council on August 22, 2005, approved a minimum wage scale, which is currently utilized by the TERO office, for all construction projects funded by the Tribes or its members; and
- WHEREAS,** The Tribal Business Council finds and determines that the wage scale utilized by the TERO reflects the current tribal prevailing rates for construction projects on the reservation.



NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby ratifies, approves and adopts the Three Affiliated Tribes Tribal Minimum Wage Scale attached hereto and made a part hereof as the Tribes' prevailing wage rates; and

BE IT FINALLY RESOLVED, that the FBHA is authorized to utilize the wage rates approved by this Resolution as the tribal prevailing wage rates on all construction and other projects developed, maintained or operated by the FBHA.


CERTIFICATION

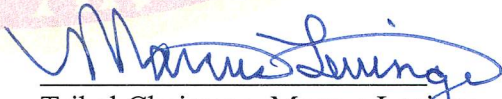
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 27th day of October 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 27th day of October 2009.

ATTEST:


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


Tribal Chairman, Marcus Levings
Tribal Business Council
Three Affiliated Tribes