



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

A Resolution entitled: "To Contract, under P.L. 93-638 provisions, those functions, services and activities directly related to the Housing Improvement Program on the Fort Berthold Reservation, funding which is made available in the pursuant to the American Recovery and Reinvestment Act of 2009, in the amount of \$1,200,000"

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 of the Three Affiliated Tribes generally 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 III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Public Law 93-638, titled the Indian Self-Determination and Education Assistance Act, provides for contracting mechanisms whereby the Tribes may elect to assume governmental programs, functions, services or activities which are otherwise performed by the Federal Government; and

WHEREAS, the Tribal Business Council advocates the need to promote programs, functions, services and activities for which the Federal Government is specifically and ultimately responsible and which would contribute to the general welfare and well being of the Three Affiliated Tribes and its members; and

WHEREAS, the Tribal Business Council is aware of appropriations made available under the American Recovery and Reinvestment Act of 2009 in the amount of \$1,200,000.00 for housing improvement on the Fort Berthold Reservation; and

WHEREAS, the Tribal Business Council chooses to perform, under provisions of P.L. 93-638, as amended, those program functions, services and activities directly related to the purpose for which funding is made available under the American Recovery and Reinvestment Act of 2009; and

WHEREAS, the Tribal Business Council, in exercising the provisions of P.L. 93-638, as amended, and under the stipulations of the American Recovery and Reinvestment Act, seeks to provide, on the Fort Berthold Reservation, ten (10) homes, with



geothermal systems installed in each of the ten (10) homes, utilizing the criteria and standards applicable to the Housing Improvement Program; and

WHEREAS, the Tribal Business Council, recognizing the enormity of construction and the shortage of construction contractors on the Fort Berthold Reservation, prefers to retain Dynamic Homes, Inc., to deliver and meet immediate service need;

WHEREAS, the Tribal Business Council acknowledges that neither funding for pre-award nor start-up cost nor for indirect contract support cost is available for P.L. 93-638 contracting of projects funded by virtue of the American Recovery and Reinvestment Act.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation hereby elects to exercise the provisions of P.L. 93-638, as amended, and to contract those program functions, services, and activities directly related to the availability of \$1,200,000.00 for housing improvement on the Fort Berthold Reservation, under provisions of the American Recovery and Reinvestment Act of 2009.

BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes elects to accept its contract in the direct funding amount (\$1,200,000) made available under the American Recovery and Reinvestment Act of 2009, and to the exclusion of any pre-award, start-up cost or indirect contract support cost to which the Tribe may have otherwise been entitled under provisions of P.L. 93-638, as amended.

FINALLY BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes elects to accept its P.L. 93-638 contract with applicable stipulations of the American Recovery and Reinvestment Act of 2009.



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 12th day of November, 2009, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 1 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 12th day of November, 2009.

ATTEST:

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

Tribal Chairman, Marcus Levings
Tribal Business Council
Three Affiliated Tribes