



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

*A Resolution Entitled: “Authorization for the US Army Corps of Engineers to Construct the Elbowoods Memorial Health Care Facility on Tribal Trust Lands”*

- 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**, 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**, Article VI, Section 5 (d) of the Constitution provides that the Tribal Business Council has the power to negotiate with the federal government on behalf of the Tribes; and
- WHEREAS**, Article VI, Section 5 (i) of the Constitution provides that the Tribal Business Council has the authority to make assignments and leases of tribal lands and otherwise manage tribal lands, interests in tribal lands and property upon such lands in conformity with Article IX of the Constitution; and
- WHEREAS**, Article IX, Section 1 of the Constitution provides that the Tribal Business Council has authority to manage, lease and otherwise deal with Tribal lands and resources in accordance with law; and
- WHEREAS**, Congress has provided funding to the Army Corps of Engineers to construct the Elbowoods Memorial Health Care Facility (“Facility”); and



**WHEREAS,** The Three Affiliated Tribes owns and has set aside for the Facility the land on which that Facility is being constructed, said land being held in trust by the United States of America on behalf of the Tribe ; and

**WHEREAS,** The Three Affiliated Tribes has authorized the Army Corps of Engineers to Construct the Facility on the tribal land and now wishes to confirm that authorization through the granting of a permit to the Army Corps of Engineers and;

**WHEREAS,** Congress has directed that when the Army Corps of Engineers completes Construction of the Facility, it is to transfer ownership of the Facility to the Indian Health Service (IHS); and

**WHEREAS,** While the Three Affiliated Tribes intends to contract administration of the Facility from IHS pursuant to the Indian Self-Determination Act, ownership of the facility will remain with the IHS; and

**WHEREAS,** In order to take ownership of the Facility, IHS has indicated it needs a ground lease from the Tribe for the Facility site; and

**WHEREAS,** The lease needs to be in place no later than the day that the Army Corps of Engineers completes construction and transfers ownership of the Facility to IHS, with said date projected for the Spring of 2011, but the exact date of transfer will not be known until shortly before the transfer is to occur and;

**NOW, THEREFORE BE IT RESOLVED,** that The Three Affiliated Tribes Tribal Business Council does hereby authorize the Army Corps of Engineers to construct the Elbowoods Memorial Health Care Facility on the land described in the attachment to this Resolution and;

**BE IT FURTHER RESOLVED,** that the Tribal Business Council hereby agrees to lease the land it has set aside for the Facility to the Indian Health Service for a period of 20 years at a rental of \$1 a year, with the effective start date of said lease to be on the day that the Army Corps of Engineers transfers ownership of the Facility to IHS; and;

**BE IT FURTHER RESOLVED,** that The Office of the Tribal Attorney is directed to prepare a lease that is consistent with the above terms and that meets the requirements of the IHS and Bureau of Indian Affairs regulations on leasing; and

**BE IT FURTHER RESOLVED,** The Chairman of the Three Affiliated Tribes is hereby authorized to execute said lease on behalf of the Tribe and;





**BE IT FURTHER RESOLVED**, that The Tribal Business Council hereby requests that the Bureau of Indian Affairs approve said lease at this time, even though the exact start date cannot be determined at this time, since if the BIA waits until the date of transfer and thus until the start date of the lease is precisely known before it begins to process the lease, said processing time will cause a delay in the transfer of the Facility to IHS and thus a delay in the ability of tribal members to use the Facility, which delay will have serious negative consequences for the delivery of health care to the members of the Three Affiliated Tribes.

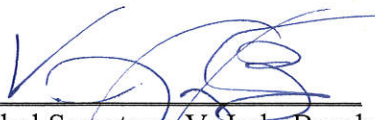
**BE IT FINALLY RESOLVED**, that the Tribal Business Council hereby agrees to waive the BIA leasing requirements that the lessee post a rental and surety bond.

**CERTIFICATION**

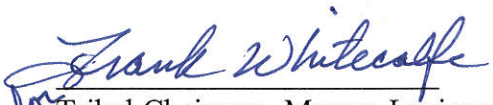
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14<sup>th</sup> day of January 2010; 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 14<sup>th</sup> day of January 2010

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

**ATTEST:**

  
Tribal Chairman, Marcus Levings  
Tribal Business Council  
Three Affiliated Tribes