



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

*A Resolution Entitled: Declaring an Emergency and Approving an Amendment to Chapter 21, Section 7(e) of the Tribal Code of Laws.*

WHEREAS, The Three Affiliated Tribes of the Fort Berthold Indian Reservation (the “Tribe”) have accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, Article III of the Constitution and Bylaws of the Tribe provides that the Tribal Business Council is the governing body of the Tribe; and

WHEREAS, Article VI of the Constitution and Bylaws of the Tribe 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 Tribe and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5(c) of the Constitution and Bylaws authorizes and empowers the Tribal Business Council to administer any funds or property within the exclusive control of the Tribe to make expenditures from available Tribal funds for public purposes of the Tribes; and

WHEREAS, The Tribal Business Committee has determined that it is in the best interest of the Tribe to enter into a Loan Agreement with the Shakopee Mdewakanton Sioux Community for the amount of \$30,000,000 (the “Shakopee Loan Transaction”); and

WHEREAS, The Tribal Business Committee has determined to use the proceeds of the loan in part as project funding for the Twin Buttes K-8 Replacement School Project No. 05A0N (the “School Project”); and

WHEREAS, The Tribe has entered into a grant agreement with the Bureau of Indian Affairs for the School Project, Grant No. GTA04T301K1, as modified and amended, requiring the Tribe to secure its share of project funding for the School Project; and

WHEREAS, The Bureau of Indian Affairs has informed the Tribe that it must secure its share



of project funding by no later than March 4, 2010, or risk losing matching funds from the Bureau of Indian Affairs for the School Project; and

WHEREAS, The Tribal Business Committee has determined that it is in the best interests of the Tribe to finalize the Shakopee Loan Transaction no later than March 3, 2010, in order to facilitate the receipt of matching funds from the Bureau of Indian Affairs for the School Project; and

WHEREAS, The Tribal Business Committee has determined that, to enter into the Shakopee Loan Transaction, it will be necessary to amend Chapter 21, Section 7(e) of the Tribe's Code of Laws to exempt the above-contemplated loan transaction from its provisions; and

WHEREAS, The Tribal Business Committee has determined that valid grounds exist to declare an emergency and waive the provisions of the Three Affiliated Tribes Procedure for Enacting Tribal Codes for the sole and limited purpose of amending Chapter 21, Section 7(e) of the Tribe's Code of Laws to facilitate the Shakopee Loan Transaction;

**NOW, THEREFORE BE IT RESOLVED, as follows:**

1. Declaration of an Emergency: The Tribal Business Committee, pursuant to and in conformance with its Three Affiliated Tribes Procedure for Enacting Tribal Codes, Section VI, Paragraph 10, hereby declares that an emergency exists, requiring immediate action for the preservation of the public peace, property, health, safety and morals of the Tribe and its members. Such emergency is evidenced by the Tribe's need to secure its share of funding for the School Project by March 4, 2010, or risk losing matching funds from the Bureau of Indian Affairs.
2. Waiver of Procedures for Enacting Tribal Codes: The Tribal Business Committee, pursuant to and in conformance with its Three Affiliated Tribes Procedure for Enacting Tribal Codes, Section VI, Paragraph 10, hereby waives the application of the Three Affiliated Tribes Procedure for Enacting Tribal Codes to its amendment of Chapter 21, Section 7(e) of the Tribes' Code of Laws as set forth herein.
3. Amendment of Chapter 21: The Tribal Business Council, pursuant to its Constitutional authority, hereby approves and enacts the attached amendment of Section 7(e) of Chapter 21 of the Code of Laws of the Three Affiliated Tribes, which amendment amends and restates Section 7(e) of Chapter 21 in its entirety to exempt the Shakopee Loan Transaction from the provisions of Section 7(e) of Chapter 21.



**BE IT FURTHER RESOLVED, that**

4. Effect of Amendment: The attached amended Chapter 21, Section 7(e) of the Code of Laws shall replace and supersede the former Section 7(e) of Chapter 21 in its entirety, and the attached amended Chapter 21, Section 7(e) shall become effective immediately.


**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, 6 were present at a Special meeting thereof duly called, noticed, convened, and held on the 26th day of February 2010; 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 [ x ] voting. [ ] not voting**

Dated this 26th day of February 2010

**ATTEST:**

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

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