



**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 \$4,567,900.00 for the North Segment-New Town Area 1 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 North 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 \$4,567,900.00

**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 \$4,567,900.00 to be used for a water source delivery project for the North 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 \$ \$1,928,900.00 for the construction of the Project; and

**WHEREAS,** The Tribe is eligible to apply for a loan in the amount of \$2,639,000.00 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 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 \$2,639,000.00 to be amortized over a forty year period at an annual interest rate of 3.75% to be repaid from annual appropriations of the Tribe as they become available for construction of the North 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 \$1,928,000.00 to be used for the water source delivery Project for the North 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
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11. Test for credit: RUS Bulletin 1780-22, Water and Wastewater Eligibility
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- 13. Notice of Eligibility Determination
- 14. SF 424.2 – Application for Federal Assistance
- 15. RUS Bulletin 1780-28/
- 16. A Security Agreement in the form required by USDA.
- 17. Assignment of income covering the Tribe’s revenue and income and receipts from agricultural and grazing leases on tribal lands.

**BE IT FURTHER RESOLVED**, that the Tribal Business Council hereby authorizes the Chairman, and/or 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


**CERTIFICATION**

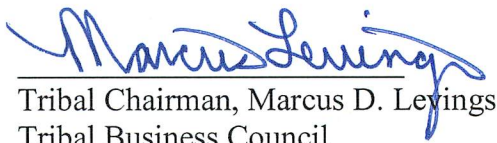
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 18<sup>th</sup> day of June 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 18<sup>th</sup> day of June 2010

**ATTEST:**

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

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

