



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

*A Resolution entitled, "Indian Health Service Lease - Elbowoods Memorial Health Care Center"*

**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,** Article IV, Section 5(l) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation.

**WHEREAS,** Congress has provided funding for the construction of the Elbowoods Memorial Health Care Facility by the Army Corps of Engineers; and

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

**WHEREAS,** When the Army Corps of Engineers completes construction of the Facility, it will 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 in the name of 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,** In order to take ownership of the Facility, IHS has indicated it needs a ground lease from the Tribe for the Facility site, which comprises a total of 42.8 acres; 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

**WHEREAS,** The BIA requires a resolution from the Tribe agreeing to waive the requirement for rental and surety bonds that otherwise would be required by BIA regulations.

**THEREFORE BE IT RESOLVED,** The Three Affiliated Tribes 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,** The Three Affiliated Tribes does hereby agree to lease the land it has set aside for the Facility, a total of 42.8 acres described as NW4NW4 and the west 33.00 feet of the SW4NW4 of Section 16, Township 152 North, Range 92 West and the east 33.00 feet of the NE4, except the south 300.00 feet, of Section 17, Township 152, Range 92 West (copy of legal description attached), to the Indian Health Service for a period of 25 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,** The TAT Legal Department 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 the Tribal Chairman and Secretary of the Three Affiliated Tribes or designated representatives are hereby authorized to execute said lease on behalf of the Tribe; and

**BE IT FURTHER RESOLVED,** The Three Affiliated Tribal Business Council requests that the Bureau of Indian Affairs approve said lease with effective date of lease to be the date of transfer of the facility to the Three Affiliated Tribes with copy of said transfer to be filed by Indian Health Service with the Bureau of Indian Affairs and the Tribes;

**BE IT FINALLY RESOLVED,** The Tribe agrees to waive the BIA requirement that the lessee post a rental bond and a surety bond.

### C E R T I F I C A T I O N

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 6<sup>th</sup> day of August, 2010,




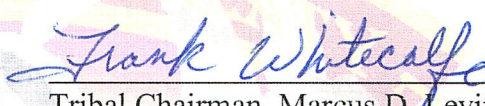
that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ ] Voting. [] Not Voting.

Dated this 6<sup>th</sup> day of August, 2010.

ATTEST:

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

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

