



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

A Resolution Entitled “Approval of Application and Execution of Documents for a Loan and a Grant from the USDA Rural Development in the Amount of \$5,955,314 for East Segment Area 3 and 4 Transmission and Distribution 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, 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 (c) of said Constitution specifically provides that the Tribal Business Council has the power to administer any funds or property within the exclusive control of the Tribes to make expenditures from available tribal funds for public purposes of the Tribes;

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 East 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 \$5,955,314

WHEREAS, The Three Affiliated Tribes is eligible to apply for a loan and grant from the United States Department of Agriculture, (USDA) Development, in the amounts of \$5,955,314 to be used for a water delivery project for the East Segment for the Fort Berthold Rural Water System of the Three Affiliated Tribes, the principal terms of which are that the loan is amortized over 40 years at an approximate annual interest rate not to exceed 4.75%; and

WHEREAS, This loan will be paid back from annual federal BOR funds of as they become available; and

WHEREAS, In order to obtain these 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. 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
10. Last year’s financial audit
11. Assignment of income from trust property.
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
16. Other Loan and Application forms relative to this federal funding program.

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.

NOW, THEREFORE, BE IT RESOLVED That the Tribal Business Council hereby approves a loan and grant with the U.S. Department of Agriculture in the amount of \$5,955,314 to be used for a water delivery project for the East Segment for the Fort Berthold Rural Water System, the principal terms of which are that the loan is amortized over 40 years at an approximate annual interest rate not to exceed 4.75%, with the final loan documents subject to approval of the Tribal Business Council; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves 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
10. Last year's financial audit
11. Test for credit: RUS Bulletin 1780-22, Water and Wastewater Eligibility
12. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying
13. Notice of Eligibility Determination
14. SF 424.2 – Application for Federal Assistance
15. Other Loan and Application forms relative to this federal funding program
16. Assignment of income from trust property.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the Tribal Business Council hereby authorizes the Chairman, Vice-Chairman, Secretary and/or Treasurer 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.






CERTIFICATION

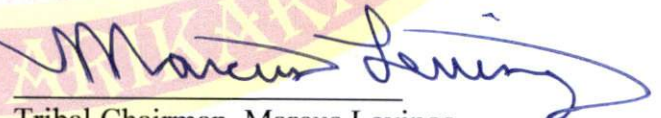
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 21st day of September 2010; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman voting. not voting.

Dated this 21st day of September 2010.

ATTEST:


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


Tribal Chairman, Marcus Levings
Tribal Business Council
Three Affiliated Tribes

