



**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 \$4,762,647 for North 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

WHEREAS, The Constitution and Bylaws of the Three Affiliated generally authorized 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 (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 East Segment Area 3 and 4 (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 \$4,762,647

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 \$4,762,647 to be used for a water source delivery project for the North East Segment Area 3 and 4 for the Fort Berthold Rural Water System of the Three Affiliated Tribes; and





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 \$4,762,647 to be used for a water delivery project for the North 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 appropriations of the Tribe 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. Tribal Resolution authorizing application.
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. Assignment of income from trust property
13. Test for credit: RUS Bulletin 1780-22, Water and Wastewater Eligibility
14. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying
15. Notice of Eligibility Determination
16. SF 424.2 – Application for Federal Assistance
17. 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 \$4,762,647 to be used for a water delivery project for the North 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 FURTHER 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 loan.






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 29th 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, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

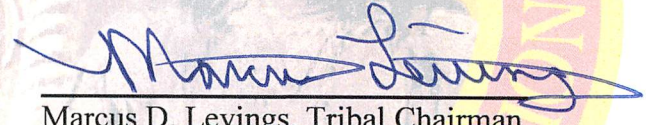
Chairman [] voting. [] not voting.

Dated this 29th day of September 2010.

ATTEST:



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



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

