



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

A Resolution Entitled: "Approval of Application for a Loan and a Grant from the USDA Rural Development for the Design and Construction of a Public Services Operations Facility in the Communities of Twin Butte, Mandaree, Four Bears, Parshall, White Shield, and New Town."

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 Three Affiliated Tribes is eligible to apply for a loan and grant from the United States Department of Agriculture, (USDA) Rural Development, for the design and construction of a Public Services Operations Facility in all the Fort Berthold communities, 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, The preliminary floor plans and opinions of cost provide a basis for the application process,

WHEREAS, This loan will be paid back from general funds 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. 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. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying
12. Notice of Eligibility Determination
13. SF 424.2 – Application for Federal Assistance
14. 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, it is in the Tribes' best interest to make application with the USDA;

NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council hereby approves a loan and grant application with the U.S. Department of Agriculture in the amount of approximately \$3,000,000 to be used for the design and construction of a Public Services Operations Facility in all Fort Berthold Communities; 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. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying
12. Notice of Eligibility Determination
13. SF 424.2 – Application for Federal Assistance
14. Other Loan and Application forms relative to this federal funding program


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.


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

ATTEST:

 Tribal Chairman, Marcus Levings
 Tribal Business Council
 Three Affiliated Tribes

