



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

A Resolution Entitled, "Fort Berthold Community College 2011 Unmet Needs Budget"

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 Tribe 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 VI, Section 5 (c) of the Constitution provides that the Tribal Business Council has the power to administer all funds within the exclusive control of the Tribes and to make expenditures from available tribal funds for public purposes of the Tribes; and

WHEREAS, In order to provide additional compensation to the Tribes for the United States' taking of one hundred and fifty-six thousand acres of reservation lands in connection with the construction of the Garrison Dam, the United States Congress enacted the "Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act" (Public Law 102-575, Title XXXV) (the "Act"); and

WHEREAS, The Act established the "Three Affiliated Tribes Economic Recovery Fund" (the "Trust Fund") in the United States Treasury and required a percentage of receipts by the Eastern Division of the Pick-Sloan Missouri River Basin Project described in the Act to be deposited into the Trust Fund, resulting in the sum of \$149,200,000 being deposited into the Trust Fund for the benefit of the Tribes; and

WHEREAS, pursuant to the Act, the United States Secretary of the Interior (the "Secretary") is required to deposit the interest that accrues on deposits into the Trust Fund ("Trust Interest") in a separate account in the United States Treasury; and such interest is declared to be available, without fiscal year limitation, for use by the Secretary to make payments to the Tribes for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary; provided that no part of the principal of the Trust Fund is available for making such payments, and no part of any moneys in the Trust Fund may be distributed to any member of the Tribe on a per capita basis; and





WHEREAS, pursuant to said Act the Three Affiliated Tribes developed an Expenditure Plan for interest funds earned from the Economic Recovery fund which included annual appropriations for education; and

WHEREAS, The Fort Berthold Community College (FBCC) is chartered by the Three Affiliated Tribes with a higher education mission to “provide Quality Cultural, Academic, and Vocational Education and Services for the Mandan, Hidatsa, and Arikara Nation;” and

WHEREAS, The FBCC was appropriated \$1.9 million dollars by the Three Affiliated Tribes under the initial Recovery Fund Expenditure Plan; and

WHEREAS, Since that time, the Tribal Business Council has not made any further annual appropriations for the FBCC; and

WHEREAS, The FBCC is currently growing into a four-year degree-granting institution, which requires an increase in financial resources for the additional staff, students, and equipment; and

WHEREAS, The FBCC has respectfully requested that the Three Affiliated Tribes assist the FBCC, one of its own institutions, with its growing financial needs by adding the FBCC as an annual line item in the annual Tribal General Fund budget; and

WHEREAS, The Tribal Business Council has determined that it is in the best interests of the Tribes and its members to provide financial assistance to the FBCC consistent with the Expenditure Plan for the Economic Recovery Plan.

NOW THEREFORE BE IT RESOLVED, by the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, that the Fort Berthold Community College unmet needs shall be added to the Tribe’s annual General Fund Budget; and

BE IT FURTHER RESOLVED, that the Fort Berthold Community College shall submit to the offices of the Tribal Chairman, the Tribal Treasurer, and the Chief Financial Officer the FBCC’s annual Unmet Needs Budget on a timely basis for inclusion in the Tribes General Fund Budget with the amount of annual appropriations to be determined by the Tribal Business Council; and

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes an appropriation in the amount of \$2,073,671.00 to the FBCC for 2011 to be included as a line item in the Tribe’s General Fund budget, with payments to be subject to the availability of funds and to be made as funds become available.






CERTIFICATION

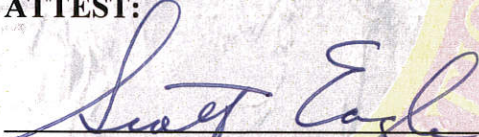
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 13 day of JANUARY, 2011, 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 13 day of JANUARY, 2011.



Tribal Secretary Judy Brugh
Tribal Business Council
Three Affiliated Tribes

ATTEST:


Tribal Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes

