



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

A Resolution Entitled, "Authorization of a lease between the Indian Health Service and the Tribe for the Elbowoods Memorial Health Care Facility and Rescission of Amended Resolution No. 10-095-VJB"

- 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 VI, Section 5 (I) 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
- WHEREAS,** Pursuant to Article VI, Section 5 (I) of the Constitution the Tribal Business Council has the authority to make assignments and leases of tribal lands and otherwise manage tribal lands, interests in tribal lands and property upon such lands in conformity with Article IX of the Constitution; and
- 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,** While the Three Affiliated Tribes intends to contract administration of the Facility from The Indian Health Service (I.H.S) pursuant to the Indian Self-Determination and Education Assistance Act, ownership of the facility will remain in the name of the I.H.S.; and
- WHEREAS,** In order to take ownership of the Facility, I.H.S. has indicated it needs a ground lease from the Tribe for the Facility Site which comprises a total of **42.19 acres of land**; and





WHEREAS, The Tribal Business Council had previously approved Amended Resolution No. 10-095 –VJB that did not include Parcel “A” and “B” in its approval to lease to the Indian Health Service for the Elbowoods Memorial Health Care Facility; and

WHEREAS, A lease needs to be executed prior to the date the Army Corps of Engineers completes construction and transfers ownership of the Facility to the I.H. S. 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, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes a lease of the following described tribal trust land to the Indian Health Service for the operation of the Elbowoods Memorial Health Care Facility:

NW ¼ of the NW ¼ of Section 16 Township 152 North. Range 92 West, City of New Town, Mountrail County, North Dakota containing 39.89 acres more or less;

And

Parcel “A” – Beginning at the point of intersection of the West Right of Way line of an existing township road and the South line of the NE ¼, Section 17 Township 152 North Range 92 West, said point being located 33.00 feet West of the SE corner of said NE ¼; thence N02°36’40”E along said West Right of Way line a distance of 1400.00 feet; thence N89°23’20”W a distance of 17.00 feet; thence S02°36’40”W a distance of 850.00 feet; thence N89°23’20”W a distance of 50.00 feet; thence S02°36’40”W a distance of 200.00 feet; thence N89°23’20”W a distance of 40.00 feet; thence S02°36’40”W a distance of 200.00 feet; thence S89°23’20”E a distance of 30.00 feet; thence S02°36’40”W a distance of 150.00 feet to the South line of said NE 1/4; thence S89°23’20”E along said South line a distance of 77.00 feet to the point of beginning, said parcel containing 1.4 acres, more or less;

And





Parcel "B" – Beginning at the point of intersection of the East Right of Way line of an existing township road and the South line of NW ¼ of Section 16 Township 152 North Range 92 West, said point being located 33.00 feet East of the SW corner of said NW ¼; thence S89°23'20"E along said South line a distance of 37.00 feet; thence N02°36'40"E a distance of 150.00 feet; thence S89°23'20"E a distance of 20.00 feet; thence N02°36'40"E a distance of 250.00 feet; thence N89°23'20"W a distance of 20.00 feet; thence N02°36'40"E a distance of 200.00 feet; thence N89°23'20"W a distance of 20.00 feet; thence N02°36'40"E a distance of 712.83 feet; thence N89°23'20"W a distance of 17.00 feet to the East Right of Way line of an existing township road; thence S02°36'40"W along said East Right of Way line a distance of 1312.73 feet to the point of beginning, said parcel containing 0.9 acres, more or less;

Total Acreage: 42.19 acres

BE IT FURTHER RESOLVED, this Resolution shall rescind and supersede any prior Resolutions regarding the tribal trust lands to be leased for the Elbowoods Memorial Health Care Facility including but not limited to Resolution 10-095-VJB; and

BE IT FURTHER RESOLVED, That 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, That the Three Affiliated Tribes' 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, That the Tribe agrees to waive the BIA requirement that the lessee post a rental bond and a surety bond.






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, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of March, 2011, 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.

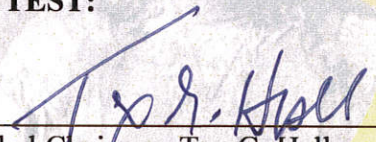
Chairman Voting. Not Voting.

Dated this 10th day of March, 2011.

ATTEST:



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



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

