



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

A Resolution Entitled, "Establishment of the Ft. Berthold Indian Reservation Roads Impact Aid and Charitable Contributions Fund".

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(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

WHEREAS, Article 5 Section 5(b) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to accept grants or donations from any person, State, or the United States, and

WHEREAS, Article VI, Section 5(c) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes of the Tribes; and

WHEREAS, The Tribal Business Council recognizes that Indian Reservation Roads within the exterior boundaries of the Ft. Berthold Reservation have been severely damaged due to the increase in heavy traffic as a result of energy and mineral development on the Reservation; and

WHEREAS, The Tribal Business Council recognizes that the damaged roads threaten the safety of the Tribes, its members and the public who use said roads; and

WHEREAS, The Tribal Business Council recognizes that the Tribes lack sufficient resources to keep up with the needed repairs, maintenance and improvement of Indian Reservation Roads within the exterior boundaries of the Reservation; and

WHEREAS, The Tribal Business Council recognizes that the Bureau of Indian Affairs Indian Reservation Roads program is not funded at a sufficient level to properly maintain





and repair the Indian Reservation Roads within the exterior boundaries of the Reservation; and

WHEREAS, The Tribal Business Council recognizes that the Tribes do not receive enough revenue from taxes to fund the needed improvements, repairs and maintenance on the Indian Reservation Roads and infrastructure within the exterior boundaries of the Reservation; and

WHEREAS, The Tribal Business Council has determined that it is in the best interest of the Tribes, its members and the public to establish a charitable fund to seek grants and contributions to help mitigate the impact that the energy industry is taking on Reservation roads and infrastructure; and

WHEREAS, Said fund shall be the Ft. Berthold Indian Reservation Roads Impact Aid and Charitable Contributions Fund, empowered to accept charitable contributions from Oil & Gas producers, private industry and other potential contributors; and

WHEREAS, The United States Tax Code treats tribal governments as States for the purpose of receiving charitable contributions pursuant to 26 U.S.C. § 7871; and

WHEREAS, Pursuant to section 170(c) (1) of the Tax Code, charitable contribution “means a contribution or gift to or for the use of— (1) A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.”; and

WHEREAS, Sections 7871 and 170 of the Tax Code allow businesses to take an income tax deduction for charitable contributions to the Tribes.

THEREFORE BE IT RESOLVED, That the Three Affiliated Tribes’ Tribal Business Council hereby authorizes and approves the creation of the Ft. Berthold Indian Reservation Roads Impact Aid and Charitable Contributions Fund, to be administered as a separate fund, segregated from other tribal funds.

BE IT FURTHER RESOLVED, That charitable donations to the Ft. Berthold Indian Reservation Roads Impact Aid and Charitable Contributions Fund are to be used solely for the purpose of maintaining, repairing and improving Indian Reservation Roads and infrastructure within the exterior boundaries of the Reservation, a stated public purpose; and

BE IT FURTHER RESOLVED, That the Three Affiliated Tribes’ Tribal Business Council authorizes the Tribes’ Chairman to take any and all necessary action to implement this Resolution for the stated purposes contained herein.






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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of June, 2011, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

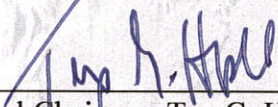
Chairman [] Voting. [] Not Voting.

Dated this 10th day of June, 2011.

ATTEST:



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



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

