



Resolution No. 14-111-VJB

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

A Resolution Entitled: “Approval of Eligibility and Distribution Plan for the Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aji tawatesh sha geddish”

WHEREAS, The Three Affiliated Tribes (the “MHA 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 (MHA Nation) 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 MHA Nation 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, Pursuant to Article VI, Section 5(c) of the MHA Nation’s Constitution, the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The MHA Nation *Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aji tawatesh sha geddish* (the “People’s Fund”) was established by the Tribal Business Council pursuant to Resolution No. 13-004-VJB (Jan. 24, 2013) for the benefit of the members and future generations of the MHA Nation to provide a fund to generate a continuing source of revenue for the future from the finite oil and gas resource development on the Fort Berthold Reservation; and

WHEREAS, Funded with nonrenewable oil and gas revenue by the Tribal Business Council, the People’s Fund is intended to provide for fair and equitable distribution of income from the fund to duly enrolled members; and

WHEREAS, For purposes of the People’s Fund, MHA Nation membership is determined in accordance with the Constitution and By-Laws of the Three Affiliated Tribes (TAT) Article II Membership; and



WHEREAS, The Tribal Business Council by Resolution No. 13-004-VJB (Jan. 24, 2013) established a tribal government Department to administer the People's Fund and to develop an Administrative Plan entitled, the "People's Fund Distribution and Eligibility Plan," which establishes the rules of eligibility and a framework for making per capita distributions from the People's Fund to eligible tribal members;

WHEREAS, the IRS has recently announced (in Per Capita Distributions of Funds Held in Trust by the Secretary of the Interior Notice 2014-17) that Tribal Per Capita Payments made with Interior Trust Fund money sourced from revenue directly derived from tribal trust land are non-taxable to eligible tribal members under the Per Capita Payment Act, 25 U.S.C. sec. 117(a)—(c); and

NOW THEREFORE BE IT RESOLVED that the Tribal Business Council hereby requests and directs that the U.S. Department of the Interior ("DOI") Office of Special Trustee ("OST") shall create a new MHA Nation People's Fund account which shall be administered by the Chief Financial Officer ("CFO") in consultation with the People's Fund Administrator (under the supervision of the People's Fund Board), the Chairman and the Treasurer of the MHA Nation with the oversight of the Tribal Business Council, provided that the CFO and People's Fund Administrator coordinate with the DOI OST in furtherance of said administration; and

BE IT FURTHER RESOLVED that 7 Million Dollars (\$7,000,000.00) shall be transferred from the MHA Nation Interior Tribal Trust Account (Acct. No. _____) to the new MHA Nation People's Fund Interior Tribal Trust Account for the purposes of the People's Fund as set forth in this Resolution and MHA Nation Resolution 13-004-VJB, provided this new account shall continue to be managed by the DOI OST pursuant to applicable policies and regulations; and

BE IT FURTHER RESOLVED that the MHA Nation Chairman and Treasurer shall be signatories on the account and two signatures shall be required for any and all withdrawals from the People's Fund account; and

BE IT FURTHER RESOLVED that the CFO and People's Fund Administrator shall report quarterly to the Tribal Business Council on the status, distributions, investments and operations of the People's Fund; and

BE IT FURTHER RESOLVED that the Tribal Business Council hereby approves the People's Fund Distribution and Eligibility Plan dated July __, 2014, provided, that this plan does not establish any property right in any person prior to receipt of a distribution, the People's Fund plan may be amended by the Tribal Business Council from time to time, there shall be no judicial cause of action to compel a distribution from the People's Fund, and the People's Fund shall be guided in its operations, implemented and executed by the Administrator subject to the policy guidance, supervision and review of the People's Fund Board and the oversight of the Tribal Council;



BE IT FURTHER RESOLVED that the Administrator of the People's Fund shall work with the Treasurer to establish a hearing and appeals process for cases arising from tribal per capita distributions, and such process shall be presented to the Tribal Business Council for adoption and approval;

BE IT FURTHER RESOLVED that the MHA Nation People's Fund shall be administered in accordance with the following principles:

Orderly Administration. Due to the need for orderly administration, review and consideration of the People's Fund, MHA Nation membership for per capita distributions shall be determined as of 60 days prior to the particular payment, and it is the duty of eligible Members to submit annual address verification forms and maintain current addresses for purposes of People's Fund Per Capita Distributions;

Adult Tribal Members. The tribal per capita payments of living competent adults shall be paid directly to them with delivery to be determined by the Administrator of the MHA Nation People's fund;

Decedents. In the event that the eligible member has died on or after the 15th day of the month prior to the date of distribution, the decedent will still be eligible to receive that year's distribution with the following exceptions and provisions: (i) minors funds for those that have not reached distribution age, will be deposited into their individual Indian monies (IIM) account which will then be handled by their estate; (ii) distribution for all other decedents beyond distribution age may be released to the family upon a written request.

Minors and Incompetent Persons. An Individual Indian Monies (IIM) account will be established with the Office of Special Trustee (OST) for each minor and People's Fund distributions shall be deposited into the IIM account for minor. Minor accounts shall be managed in accordance with OST policies and the People's Fund distribution plan instructions, as approved by the Tribal Business Council. Distributions to incompetent persons may be paid to their Legal Guardian, pursuant to a Power of Attorney, Estate or other legally designated individual or entity acting on behalf of the incompetent person.

Deduction for Outstanding Debts to the MHA Nation. The Administrator may deduct from Peoples' Fund distributions such amounts as are due and owing to the Tribe, any Tribal Enterprise, or to the Tribal Court in accordance with MHA Nation Resolution No. 13-004-VJB and the operating procedures of the Peoples' Fund plan hereby approved;



People's Fund Per Capita Distribution Payments. Distributions shall be made in accordance with the People's Fund distribution plan approved by the Tribal Business Council, which may be amended from time-to-time.

BE IT FURTHER RESOLVED that the MHA Nation People's Fund Plan may be amended by the Tribal Business Council at a duly convened meeting with a quorum present by an affirmative majority vote of its members; and

BE IT FURTHER RESOLVED that the Tribal Business Council authorizes and directs the Administrator of the People's Fund to make the first distribution under the Plan in the amount of \$500 to each eligible MHA Nation Tribal Member by [August 1, 2014]; and

BE IT FURTHER RESOLVED that as to the initial Plan distribution referred to in the prior paragraph, if OST is unable to make the distribution in a timely manner, then in accordance with the Per Capita Payment Act, 25 U.S.C. sec. 117(a)—(c), the Tribal Business Council alternatively authorizes the CFO and the Administrator to withdraw the funds from OST necessary (up to \$7,000,000 (Seven Million Dollars)) to make the initial Plan distribution under tribal government authority by _____, 2014, provided that:

- All eligible Adult Tribal Members shall receive their payments directly (whether by mail or otherwise);
- Minors' interests and incompetent persons' interests shall be protected (that is, minors' trust accounts shall be opened in a reasonable period of time and minors funds may be temporarily held in a segregated bank account by the MHA Nation on behalf of the People's Fund until such time as the minors' trust accounts are opened); and
- Diligent efforts shall be made to contact any eligible Tribal Members whose Whereabouts are Unknown, and a WAU person's right to receive a payment shall be maintained for at least one year before such payments revert to the People's Fund; and

BE IT FURTHER RESOLVED that the Tribal Business Councils authorizes the CFO and the Administrator to work with OST to have OST make the annual and bi-annual distributions under the Plan, authorizes the Tribal Enrollment to release the TAT enrollment list to the BIA for certification and authorizes OST to administer annual and bi-annual disbursements from the People's Fund in accordance with the Plan;

BE IT FURTHER RESOLVED that the Tribal Business Council authorizes OST to administer annual and biannual disbursements from the People's Fund to all duly enrolled members for generations to come; and

NOW THEREFORE BE IT FINALLY RESOLVED, The C.F.O. and Fund Administrator are hereby authorized to take such formal actions pursuant to the authority granted herein and requiring full consultation & approval of the Tribal Business Council.




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 10th day of July, 2014, 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.

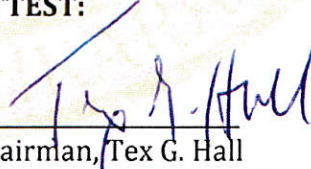
Chairman Voting. Not Voting.

Dated this 10th day of July, 2014.

ATTEST:



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



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