



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

A Resolution entitled, "Authorizing Assessment of Annual Rent to Elbowoods Health Programs"

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 and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; 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, The Three Affiliated Tribes recognizes the long term and immediate need for continued quality health care for its members on the Fort Berthold Indian Reservation; and

WHEREAS, The Three Affiliated Tribes owns and manages its health care delivery system under the provision of P.L. 93-638 Indian Self Determination and Education Assistance Act (ISDEAA) Title I contract and desires to improve the quality and efficiency of its services; and

WHEREAS, The Three Affiliated Tribes has the authority to charge rent for facilities as set for the in 25 U.S.C. § 5324(I) and 25 C.F.R. Subpart H at fair market value or factors set forth at 25 C.F.R. § 900.70(a)-(h); and

WHEREAS, The Tribal Business Council determined that the Elbowoods Health Program occupies approximately 14,843 square feet of facility space for administration of one of the tribe's Title I ISDEAA contracts through seven (7) facilities located throughout the reservation; and

WHEREAS, The Tribal Business Council has determined that it will calculate the rent for those facilities in an amount based on fair market rental, estimated at \$10/square foot for the geographical area of the Three Affiliated Tribes; and



WHEREAS, This square footage calculation is comprised of White Shield (5673 sq. feet), Parshall (4585 sq. feet) and Awaitii (4585 sq. feet) but excludes the square footage of the Elbowoods Memorial Health Center, which was financed with federal funds, and the Mandaree, Twin Buttes and Dental Clinics, which are owned by Indian Health Service.

NOW THEREFORE BE IT RESOLVED, that Tribal Business Council approves the assessment of annual rent in the amount of \$148,430 beginning FY 2018 and every year thereafter and this amount shall be adjusted annually based on the Consumer Price Index (CPI).

BE IT FURTHER RESOLVED, that if and when significant evidence comes to the attention of the Tribal Business Council that the assessment of annual rent to the Elbowoods Health Programs has resulted in a diminution of health services to Indian beneficiaries or that additional square footage is being occupied, the Tribal Business Council may reconsider the annual rent amount assessed to Elbowoods Health Programs.

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 21st day of September, 2018, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 1 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. Not Voting.

Dated this 21st day of September, 2018.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council

Tribal Chairman, Mark N. Fox
Tribal Business Council