



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

A Resolution Entitled: “Designation of Tribal Officials Authorized to Conduct Business with the Office of Trust Fund Management.”

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, Article III of the Constitution of the Three Affiliated Tribes (“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, 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 Tribal officials on the Reservation; 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, 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 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 from 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 \$149,200,000.00 being deposited in the Trust Fund; and



WHEREAS, Under the Act, the United States Secretary of the Interior (the “Secretary”) is required to deposit the interest that accrues on deposits to the Trust Fund (“Trust Interest”) in a separate account in the United States Treasury, and such interest is declared available, without fiscal year limitation, for the 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 any moneys in the Trust Fund may be distributed to any member of the Tribes per capita; and

WHEREAS, 25 U.S.C. § 161 (a) provides that all funds held in trust by the United States and carried in principal accounts on the books of the United States Treasury to the credit of Indian Tribes shall be invested by the Secretary of the Treasury, at the request of the Secretary, in public debt securities with maturities suitable to the needs of the fund involved, as determined by the Secretary, bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities; and

WHEREAS, Pursuant to 25 CFR § 115.815, a tribe desiring to request amounts from a tribal trust account “may make a written request to the BIA or the OTFM that is signed by the proper authorizing official(s), list the amount of trust funds to be withdrawn, provide any additional documentation or information required by law to withdraw certain trust funds, and must include a tribal resolution approving the withdrawal of the specified amount of trust funds;” and

WHEREAS, The Tribal Business Council desires to authorize certain Tribal Officials to Initiate Disbursements or otherwise conduct business with the Office of Trust Fund Management in accordance with 25 CFR § 115.815.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes, in accordance with 25 CFR § 115.815, hereby authorizes the following individuals to initiate Tribal Disbursements and provide investment instructions to the Office of Trust Funds Management:

- A. Tribal Officials Authorized to Initiate Tribal Disbursements shall be:
 - 1. Mark N. Fox, Chairman
 - 2. Mervin Packineau, Treasurer
 - 3. Cory Spotted Bear, Vice Chairman
 - 4. Fred Fox, Secretary

- B. Tribal Officials Authorized to Provide Investment Instructions shall be:
 - 1. Mark N. Fox, Chairman



- 2. Mervin Packineau, Treasurer
- 3. Whitney M. Bell, Chief Financial Officer
- 4. Frank P. Henry, Finance Manager; and

BE IT FINALLY RESOLVED that any previous authorizing resolutions are deemed superseded by this authorizing Resolution and are of no further force or effect; and this updated Resolution will be provided to the Office of Trust Fund Management and its officers.

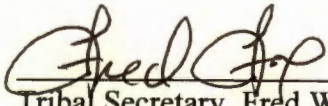
CERTIFICATION

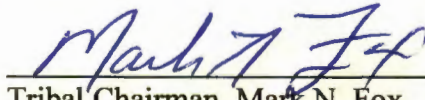
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of December, 2020, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 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 December, 2020.

ATTEST:


 Tribal Secretary, Fred W. Fox
 Tribal Business Council
 Three Affiliated Tribes


 Tribal Chairman, Mark N. Fox
 Tribal Business Council
 Three Affiliated Tribes