

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

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under 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 VI, Section 5(j) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to protect and preserve the property of the Tribes; and
- WHEREAS,** Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with agencies of the United States Government on behalf of the Tribes; and
- WHEREAS,** In its Final Report, the Garrison Unit Joint Tribal Advisory Committee made numerous findings relating to the adverse impacts on the people of the Three Affiliated Tribes caused by the forced relocation of the Tribal people from their ancestral Reservation homes on the Missouri River bottomlands to homes moved to upland allotments and Tribal lands subsequent of the bottomlands under the Pick-Sloan Missouri River Basin Program; and
- WHEREAS,** As is noted in said Final Report recommendation, the need for the replacement and repair of inadequate housing is the direct result of the identified adverse impacts on the people of the Three Affiliated Tribes caused by that forced relocation; and
- WHEREAS,** Compounding such impacts is the grave, chronic problems of the (70%) seventy percent rate of unemployment in the tribal member work force on the Fort Berthold Reservation; and

- WHEREAS,** Such inordinate and devastating unemployment rate, which underlies the social and economic crisis situation existent on the Reservation, is documented by statistics reflecting the number of resident Tribal members and families currently receiving public welfare benefits, including General Assistance from the Bureau of Indian Affairs, and is a problem which will unlikely be ameliorated in the near future due to the forecast for the continuance of a sluggish, if not nonexistent, Reservation economy; and
- WHEREAS,** The Fort Berthold Housing Authority, with the cooperation of the Three Affiliated Tribes, is seeking to address the problem of housing replacement through the development and or acquisition of 155 units of Rental/Mutual housing under the U.S. Department of Housing and Urban Development Project # ND 5-22, 5-23, 5-24, and 5-25 for FY 88 allocations; and
- WHEREAS,** 24 CFR 905.203 specifies the production methods that Indian Housing Authorities may utilize for housing project development; and
- WHEREAS,** 24 CFR 905.203 (f) describes and states the requirements of the production method known as the "FORCE ACCOUNT METHOD"; and
- WHEREAS,** Force Account maybe defined as follows: Under the Force Account Method an Indian Housing Authority (IHA) performs construction or rehabilitation in manner similar to a contractor, using a work force entirely employed by and under the supervisions of the Indian Housing Authority (IHA), or in combination with contracts for those portions of the work which can be better or more economically performed by an independent contractor. Force Account work shall be subject to Davis-Bacon wage rates; and
- WHEREAS,** In addition to satisfying the significant need for more housing units a "Force Account" Housing Development Program operating on the Reservation will serve to alleviate the grave problem of the (70%) seventy percent rate of unemployment in the Tribal member work force; and
- WHEREAS,** Additionally, a "Force Account" Housing Development Program operating on the Reservation will, in all likelihood, indirectly and ultimately serve to enhance the general physiological and psychological health of

many resident Tribal members and to curb the incidence of domestic problems, such as child and spouse abuse, and of alcohol and drug abuse among resident Tribal members, all frustration, and anxiety precipitation by unemployment and economic devastation; and

WHEREAS, 24 CFR 905.203 (f)(2) states that the "Force Account method maybe used for development of a new construction Project only (i) in exceptional cases, (ii) with the approval of the Assistant Secretary, and (iii) if the tribe agrees in writing to cover any costs in excess of the HUD-approved Development Cost, including contingencies, and demonstrates that it has the financial resources to meet the excess costs up to specified amount"; and

WHEREAS, 24 CFR 905.203 (f) (4) states that the Indian Housing Authority must "justify use of the Force Account method and demonstrate the capabilities of the Indian Housing Authority (IHA) to achieve timely completion of the work within the Total Development Cost, and with additional assurances provided by the tribe" and

WHEREAS, The Fort Berthold Housing Authority has successfully completed the "Comprehensive Improvement Assistance Program" No. 5-906, 5-907, 5-908, 5-909, 5-910, 5-911, 5-912, 5-913, 5-914, these represent nine (9) separate projects totaling \$1,464,027.00 utilizing the Force Account Method; and

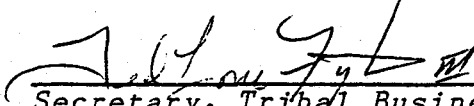
NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes Hereby requests the Fort Berthold Housing Authority to develop a "Force Account Method" Proposal for Project # 5-22, 5-23, 5-24, 5-25 (approximately 130 units) which will contain a justification for such action and demonstrate the capabilities of the Fort Berthold Housing Authority to update such a Project; and

THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council, prior to the submission of the proposal to the HUD Assistant Secretary, shall by binding resolution agree to cover any costs in excess of the HUD Approved Development Cost, including contingencies, and shall furnish proof of its financial resources to meet any excess costs stipulated.

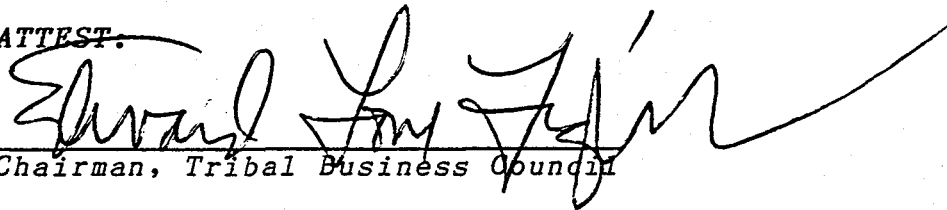
C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 21st day of June, 1988; 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.

Dated the 21st day of June, 1988.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council