

**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(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with federal, state and local governments; and
- WHEREAS,** The Three Affiliated Tribes have been invited by the Department of Housing and Urban Development, Office of Indian Programs to submit an Application for a grant to fund eligible Community Development Block Grant activities for Fiscal Year 1990; and
- WHEREAS,** The Tribal Business Council must specify its requested activities, set priorities for these activities, and make certain assurances/certifications in compliance with Department Of Housing and Urban Development regulations; and
- WHEREAS,** If the Three Affiliated Tribes wishes to designate an eligible Indian Organization to apply for and receive grant funds, it must give permission and make certain stipulations as noted in 24 CFR 570.503 Agreements with Subrecipients and 24 CFR 571.5(b) Eligible Applicants.
- NOW, THEREFORE, BE IT RESOLVED,** that after thorough consideration of all community development needs within the Fort Berthold Reservation , the Tribal Business Council hereby grants permission for the Ft. Berthold Community College to execute and file an application for financial assistance under the Community Development Block Grant Fiscal Year 1990 Program for the following proposed Activity:

o Multi-Purpose Educational Center Facility
Number 1 Priority \$300,000.00

**SUBRECIPIENT AGREEMENT
BETWEEN THE
THREE AFFILIATED TRIBES
AND THE
FORT BERTHOLD COMMUNITY COLLEGE
FOR THE
PROPOSED "MULTI-PURPOSE EDUCATIONAL CENTER FACILITY" PROJECT
UNDER THE
FY 1990 HUD/COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION PROCESS**

Duties and Responsibilities of the
Fort Berthold Community College

1. The Fort Berthold Community College shall execute and submit the required 1990 HUD Community Development Block Grant application and supporting documentation to the HUD Office of Indian Programs by the deadline of January 19, 1990.
2. The Fort Berthold Community College shall answer all questions related to the review and rating/ranking of the proposed project.
3. Prior to a grant award, the Fort Berthold Community College shall be solely responsible for meeting any grant award conditions and completing all aspects of the Environmental Review required in 24 CFR Part 58. The President of the Fort Berthold Community College shall serve as the applicant's responsible Chief Executive Officer for completing the Review Process, making all required certifications, and ensuring compliance during project implementation.
4. The Fort Berthold Community College shall assume sole responsibility for the Financial Management of the proposed project in compliance with all current and future regulations and requirements of the US Department of Housing and Urban Development contained in, but not limited to, 24 CFR Part 571, procurement (OMB Circular A-102, Attachment O), Indian Preference (24 CFR 571.503), environmental review (24 CFR Part 58, the Indian Civil Rights Act, and the Conflict of Interest provisions contained in 24 CFR 570.11 & OMB Circular A-102, Attachment O.

The Fort Berthold Community College shall work with the HUD Office of Indian Programs to draw down funds from the grantee Letter of Credit directly. The drawdowns shall be on a cost reimbursement basis after the College has paid contractor(s) so as to ensure that the CDBG funds are not held more than three days.

The Fort Berthold Community College shall assume sole responsibility for scheduling the required audit, paying for its performance, and responding to the audit report.

5. The administration and management of the proposed Project shall be the sole responsibility of the Fort Berthold Community College. The \$300,000 of HUD Community Development Block Grant funds for which application is being made is restricted to building facility construction costs only. The College shall complete the Project within one year of the grant award date.

The Fort Berthold Community College shall provide for, at its own expense:

- o One Community Development Block Grant Administrator who shall act as the sole contact person for communication with the HUD Office of Indian Programs and with the Three Affiliated Tribes.

(The College shall, at its expense, send this person to the Office Of Indian Programs at Denver, Colorado to acquire all regulation documents and appropriate or available training prior to the award of a grant.)

- o A construction inspector
 - o An architect/engineer
6. The Fort Berthold Community College shall be solely responsible for assisting HUD in performing its on-site monitoring visits and for responding to any findings.
 7. The Fort Berthold Community College shall be solely responsible for all financial and progress reports specified by the HUD Office of Indian Programs.

The College will provide the Three Affiliated Tribes with a brief monthly Project Report during the life of the Grant. It will also provide the Tribe with an Annual Status Report for the FY 1991 Application Process.

8. The sole basis for termination of this agreement shall be the HUD Office of Indian Program's determination that the Project has not received sufficient Rating and Ranking Points and will not be considered for a grant award.

Duties and Responsibilities of the
Three Affiliated Tribes

1. The Three Affiliated Tribes shall provide the following for the Application package:
 - o A copy of the attached Tribal Business Council Resolution
 - o A cover letter
 - o A letter detailing the availability of Tribally owned building structures in the New Town, ND area
 - o An Annual Status Report for each of the Tribes open CDBG projects

2. The Three Affiliated Tribes Tribal Finance Office will provide technical assistance to the Fort Berthold College which shall be limited to explaining financial management and drawdown system which has been utilized by the Three Affiliated Tribes on it previous HUD Grants.

Accepted By The Fort Berthold Community College:

Signed: Phyllis Howard

Date : January 18, 1990

Resolution #90-12-Th

FURTHER RESOLVED, That the Tribal Business Council, as required in 24 CFR 570.503 and 24 CFR 571.5(b), hereby approves and adopts the attached Subrecipient Agreement with the Fort Berthold Community College.

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, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 11th day of January, 1990; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 11th day of January, 1990.

[Signature]
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council