

Resolution No. 90-122-74

**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN 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,** The Tribal Business Council of Three Affiliated Tribes has actively supported the proposed expansion of the Tribal Buffalo Herd by directing the Natural Resources Department to enter into negotiations with the National Park Service regarding surplus buffalo and to seek funding from public and/or private sources and
- WHEREAS,** Sections 16 and 17 of the Indian Reorganization Act (25 U.S.C. 476 and 477) provide authority for Indian Tribes who accept the provisions of Indian Reorganization Act to lease trust land in accordance with the provisions of law and with the approval of the Secretary of the Interior; and
- WHEREAS,** Section 5 (b) of the Corporate Charter of the Three Affiliated Tribes and Article IX Section 3 of the Constitution of the Three Affiliated Tribes allow the Tribes to lease trust land in accordance with the provisions of law and with the approval of the Secretary of the Interior; and
- WHEREAS,** The Tribal Business Council of the Three Affiliated Tribes exercises the corporate powers of the Three Affiliated Tribes; and
- WHEREAS,** The Tribes have negotiated the terms and conditions of a loan with the First International Bank of Watford City which would provide funding to expand the Tribal Buffalo Herd; and

WHEREAS, The First International Bank of Watford City is willing to enter into a loan agreement with the Three Affiliated Tribes provided that certain criteria are met; and

WHEREAS, The Tribal Business Council believes that the criteria for loan approval regarding the security for the loan are fair and reasonable considering the benefits which will be generated by the project.

NOW, THEREFORE, BE IT RESOLVED, That Tribal Business Council of the Three Affiliated Tribes hereby approves a ten year business lease on the following described property S/2S/2SW/4 and NW/4SE/4SW/4 of Section 2 of Township 149 North, Range 93 West, containing fifty acres more or less to the First International Bank.

BE IT FURTHER RESOLVED, That Tribal Business Council of the Three Affiliated Tribes hereby authorizes the Tribal Chairman to enter into a Use Agreement with First International Bank on the abovedescribed lands.

BE IT FURTHER RESOLVED, That while said Use Agreement is in full force and effect the Three Affiliated Tribes assume any and all liabilities that First International Bank may have assumed through the Business Lease.

BE IT FURTHER RESOLVED, That Tribal Business Council of the Three Affiliated Tribes hereby approves entering into a loan agreement and associated security agreements with First International Bank of Watford City for the amount of \$247,000 to be financed over ten (10) years at twelve and three quarters percent (12 3/4%) annual interest.

BE IT FURTHER RESOLVED, That the Tribal Business Council hereby expressly waives the sovereign immunity of the Three Affiliated Tribes for the exclusive purpose of performance of the loan and associated security agreements to be entered into between the Three Affiliated Tribes and First International Bank of Watford City, as such agreements relate exclusively to the Tribal Buffalo Herd project, specifically described herein.

BE IT FURTHER RESOLVED, That the Tribal Business Council hereby rescinds Tribal Resolutions 90-37-TL and 90-102-TL in their entirety.

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 Indian Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitutes a quorum, 5 were present at a regular Meeting, thereof duly called, noticed, convened, and held on the 11th day of June, 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.

Chairman ~~(voting)~~ (not voting).

Dated this 11th day of June, 1990.

Acting Secretary
Secretary, Tribal Business Council

ATTEST:

Edward Loue Fisher
Chairman, Tribal Business Council