

**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,** The Tribal Business Council promotes and supports the efforts of the Fort Berthold Community College to provide opportunities to Tribal members to further their educational goals; and
- WHEREAS,** The Tribal Business Council fully endorses and supports the efforts of the Fort Berthold Community College to provide adequate facilities in which the goals and ambitions of their students may be realized; and
- WHEREAS,** The Tribal Business Council has previously passed Resolution No. 95-112-DSB, dated May 18, 1995, supporting the effort of the Fort Berthold Community College to obtain a loan from the Rural Economic and Community Development agency of the United States Department of Agriculture for the construction of new facilities; and
- WHEREAS,** Tribal Business Council Resolution No. 95-112-DSB authorized the acceptance of such a loan and the issuance of a note and has pledged and assigned income and funds as security for the payment thereof; and
- WHEREAS,** The Tribal Business Council, over a three-year period, has attempted to have the Tribal Employment Rights Ordinance (TERO) of the Three Affiliated Tribes enforced against the U.S. Department of Agriculture as a condition of the loan being sought; and
- WHEREAS,** The U.S. Department of Agriculture has refused to allow the application of the Tribes' TERO ordinance to the construction project for which the loan proceeds are to be used; and
- WHEREAS,** After struggling with the TERO issue for more than three years, the Tribal Business Council believes that going

forward with the construction of additional facilities for the Fort Berthold Community College is in the best interest of the members of the Three Affiliated Tribes; and

**WHEREAS,** The United States of America (U.S.) will have a valid first mortgage lien and promissory note in the sum of \$2,520,000.00 bearing interest at the rate of five percent (5.00%) per annum on the following described property owned by the Fort Berthold Community College located in Mountrail County, North Dakota, to-wit:

**Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Highland Village Addition, City of New Town**

**Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 17, 18, 19, 20, and 21, Block 2, Highland Village Addition, City of New Town**

**Lots 2, 4, 5, and 6, Block 3, Highland Village Addition, City of New Town**

**WHEREAS,** Said first mortgage will be given by the Fort Berthold Community College and the note will be given by the Three Affiliated Tribes and be duly co-signed by the Fort Berthold Community College as evidenced by the loan from the U.S.;

**NOW THEREFORE BE IT RESOLVED,** That in consideration of the U.S. making the loan, and obtaining a Financing Statement and Security Agreement, and in consideration of the benefits to the members of the Three Affiliated Tribes to be derived from the construction of additional facilities for the Fort Berthold Community College, the Three Affiliated Tribes, acting through its Tribal Business Council, does hereby waive its sovereign immunity to suit or liability to the extent of the amount which the Three Affiliated Tribes may owe to the U.S. from time to time as a result of the loan; and

**NOW THEREFORE BE IT FURTHER RESOLVED,** That in consideration of the U.S. making the loan, and obtaining a Financing Statement and Security Agreement, and in consideration of the needs of the Fort Berthold Community College to improve its facilities for which it has waited more than three years, the Three Affiliated Tribes waive the Tribal Employment Rights Ordinance (TERO) for this project, under written protest, a copy of which accompanies this Resolution, and that the ordinance will not be enforced; and

**THEREFORE BE IT FURTHER RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the Chairman and the Treasurer of the Three Affiliated Tribes to execute all necessary documents for the closing of the loan with the Rural Economic and Community Development agency of the U.S. Department of Agriculture for construction of additional facilities for the Fort Berthold Community College, including, but not limited to, a Promissory Note, Loan Resolution Security Agreement, Restricted Assignment of Trust Income, and all other necessary documents as required by the Letter of Conditions dated January 27, 1994 and as indicated by the letter of March 11, 1996, both letters addressed to the Chairman from the North Dakota State Office of the Rural Economic and Community Development agency of the U.S. Department of Agriculture and its predecessor, the Rural Development Administration of the Farmer's Home Administration.


**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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14<sup>th</sup> day of March, 1996; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 1 members opposed, 1 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 14<sup>th</sup> day of March, 1996.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

  
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Chairman, Tribal Business Council