



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

A Resolution Entitled "Approval of Applications For a Loan and a Grant From the USDA Rural Development up to an Amount of \$2,497,000.00."

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934 and the authority under said Act; and

WHEREAS, The Constitution and Bylaws of the Three Affiliated generally authorized 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 Three Affiliated Tribes is eligible to apply for a loan and grant from the United States Department of Agriculture, (USDA) Development, in the approximate amount of \$2,497,000.00 to be used for a water source delivery project for the West Segment for the Fort Berthold Rural Water Supply Systems of the Three Affiliated Tribes, the principal terms of which are that the loan is amortized over 40 years at an approximate annual interest rate of 4.75%; and

WHEREAS, This loan will be paid back from general funds of the Tribe as they become available; and

WHEREAS, In order to obtain these funds, the Tribe must submit a variety of forms required by the USDA, as per the attached, including:

1. Notice of Intent to File an Application;
2. Copy of Notice of Intent to File an Application as it will appear in the newspaper;
3. Evidence of Solicitation of Engineering Services;
4. Articles of Incorporation and Bylaws/Certificate of Incorporation/Organizational Certificate;
5. Attorney's opinion that applicant is a duly organized body politic;
6. NDRUS Bulletin 1780-2 – Fact Sheet;
7. Intergovernmental Clearance;
8. RD Instruction 1900-D Documentation;
9. RD 442-3, Balance Sheet/Current Financial Statement;
10. Last year's financial audit;



11. Test for credit: RUS Bulletin 1780-22, Water and Wastewater Eligibility;
12. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying;
13. Notice of Eligibility Determination; and
14. SF 424.2 – Application for Federal Assistance.

WHEREAS, The Tribal Business Council has determined that, based on the interest rate and long-term payback of the loan, and in order to obtain the necessary funding for selected water supply and distribution projects for the Fort Berthold Rural Water System, it is in the Tribes' best interest to enter into and execute the aforementioned documents and Agreements with the USDA; and

NOW, THEREFORE, BE IT RESOLVED That the Tribal Business Council hereby approves application for a loan and grant with the U.S. Department of Agriculture up to the amount of \$2,497,000.00 to be used for a water delivery project for the West Segment for the Fort Berthold Rural Water System, the principal terms of which are that the loan is amortized over 40 years at an approximate annual interest rate of 4.75%, with the final loan documents subject to approval of the Tribal Business Council; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes submittal of the following loan documents necessary to apply for the loan from Rural Development:

1. Notice of Intent to File an Application;
2. Copy of Notice of Intent to File an Application as it will appear in the newspaper;
3. Evidence of Solicitation of Engineering Services;
4. Articles of Incorporation and Bylaws/Certificate of Incorporation/Organizational Certificate;
5. Attorney's opinion that applicant is a duly organized body politic;
6. NDRUS Bulletin 1780-2 – Fact Sheet;
7. Intergovernmental Clearance;
8. RD Instruction 1900-D Documentation;
9. RD 442-3, Balance Sheet/Current Financial Statement;
10. Last year's financial audit;
11. Test for credit: RUS Bulletin 1780-22, Water and Wastewater Eligibility;
12. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying;
13. Notice of Eligibility Determination; and
14. SF 424.2 – Application for Federal Assistance.



NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Tribal Business Council hereby authorizes the Chairman, Vice-Chairman, Secretary and Treasurer of the Tribal Business Council to execute the aforementioned documents, as may be necessary, on behalf of the Three Affiliated Tribes of the Fort Berthold Reservation, and to further execute such other documents as may be necessary to obtain the aforementioned loan including but not limited to the following:

1. EJCDC E-510, Standard Form of Agreement Between Owner and Engineer for Professional Services including Exhibits A through J;
2. Legal Services Agreement;
3. RD 1942-46, Letter of Intent to Meet Conditions;
4. RD 1940-1, Request for Obligation of Funds;
5. RD-ND 1940-27, Representation For And Authorization to File a Financing Statement and Related Documents;
6. RD 440-22, Promissory Note (Association or Organization)
7. RUS Bulletin 1780-12, Water and Waste System Grant Agreement;
8. Real Estate Mortgage;
9. RD 1940-25ND, Financing Statement; and
10. Security Agreement.

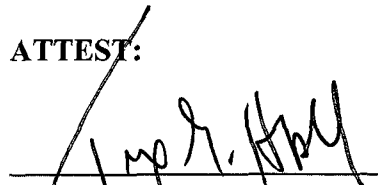
CERTIFICATION

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 TBC Meeting thereof duly called, noticed, convened and held on the 11 day of May, 2006, 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.

Chairman [] Voting. [] Not Voting.

Dated this 11 day of May, 2006.


Nathan Hale, Secretary
Tribal Business Council

ATTEST:

Tex G. Hall, Chairman
Tribal Business Council