



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

A Resolution entitled, "Approval of the Certification of Loan Resolution Security Agreement Between USDA Rural Development and the Three Affiliated Tribe for the Detention Center in Regard to a \$1.85 Million Loan from USDA to the Tribe."

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

WHEREAS, The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity 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 has been determined eligible and has applied for a loan from the United States Department of Agriculture (USDA), in the amount of \$1,850,000.00, to be used for construction of the Three Affiliated Tribes Adult and Juvenile Detention Center, the principal terms to be amortized over 30 years at an annual interest rate of 4.25%; 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 Tribes must submit a variety of forms required by USDA, including but not limited to: a Limited Waiver of Sovereign Immunity, Request for Obligation of Funds, a Certification and Approval of Unavailability of Funds Elsewhere, an Assurance Agreement regarding certain conditions of the loan, an Applicant Certification on Federal Collection Policies for certain debts, an Equal Opportunity Agreement, a Representation for Loan and Authorization to File a Financing Statement, a Legal Services Agreement, a Compliance Certification concerning applicable laws, a Loan Resolution Security Agreement, a Certification Regarding Drug Free Workplace, a Letter of Intent to meet Conditions, and a Certification for Contracts, Grants and Loans regarding lobbying.

WHEREAS, The Tribal Business Council has determined that, based on the interest rate and long-term payback of said loan, and in order to obtain the necessary funding for the Detention Center, it is in the Tribes' best interest to enter into the loan agreement with USDA and execute the aforementioned documents and Agreements with USDA and recapture the money the Tribe has already paid on the construction of the ~~Juvenile Detention Center~~ in anticipation of said loan.

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NOW, THEREFORE BE IT RESOLVED, That the Tribal Business Council hereby approves the loan with USDA Rural Development in the amount of \$1,850,000.00, for the Three Affiliated Tribes Detention Center, with the principal terms to be amortized over 30 years at an annual interest rate of 4.25% provided that the collateral utilized to secure the loan is the distribution of proceeds to the Tribe from the 4Bears Lodge and Casino.

BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the execution of the above referenced loan documents by the Chairman, Vice-Chairman, Secretary and Treasurer of the Tribal Business Council, 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 and secure said loan.

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, 7 were present at a **Regular** Meeting thereof duly called, noticed, convened and held on the 29th day of June, 2004, 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 29th day of June, 2004.

Randy Phelan
Executive Secretary, Randy Phelan
Tribal Business Council

ATTEST:
Tex G. Hall
Chairman, Tex G. Hall
Tribal Business Council