



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

A Resolution entitled, “Elbowoods Memorial Health Center (“EMHC”) Dental and Optometry Clinic Joint Venture Construction Program (“JVCP”) Joint Venture Agreement and Lease (“JVAL”) between the Three Affiliated Tribes (“Tribe”) and the Indian Health Service (“IHS”) an agency within the Department of Health and Human Services, United States of America.”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, The Constitution and By-laws of the Three Affiliated Tribes (or “Tribe”) was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes 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 Three Affiliated Tribes recognizes the long term and immediate need for continued quality health care for its members on the Fort Berthold Indian Reservation; and

WHEREAS, The Three Affiliated Tribes operates Health Care services on behalf of its beneficiaries; and

WHEREAS, The Three Affiliated Tribes owns and manages its Health Care delivery system under the provisions of P.L. 93-638 Indian Self Determination and Education Assistance Act (ISDEAA) contract and desires to improve the quality and efficiency of its services; and

WHEREAS, The Three Affiliated Tribes desires to enter into a Joint Venture Agreement Lease (or “JVAL”) with the Indian Health Service (or “IHS”), an agency within the Department of Health and Human Services with regard to the Tribal Elbowoods Memorial Health Clinic (or “EMHC”) Dental and Optometry Facility (or “Facility”); and

WHEREAS, The Three Affiliated Tribes and IHS agree that upon written acceptance of the Facility by the IHS as provided for in Article VIII, Paragraph D of the JVAL



document and upon final signatures of the JVAL shall effectively serve as the 20 year no cost lease for the EMHC Dental and Optometry Clinic facility.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes a federally recognized Indian Tribe located in the State of North Dakota, authorizes and approves entering into a Joint Venture and Lease Agreement with the Indian Health Service, an agency within the Department of Health and Human Services, United States of America, for the limited purposes of establishing a joint venture project to construct equip, supply, and staff the tribally owned EMHC Dental and Optometry Clinic Facility. Upon acceptance by IHS as set forth in the aforementioned JVAL, the Facility will be leased by IHS for an initial period of 20 years for use in carrying out IHS programs, services, functions, and activities (“PSFA”). In exchange the IHS will annually seek appropriations for staffing and supplies to operate and maintain the EMHC Dental and Optometry Clinic facility; and

BE IT FURTHER RESOLVED, that the Tribe shall retain physical possession of the EMHC Dental and Optometry Clinic Facility and will directly operate the EMHC Dental and Optometry Clinic Facility. IHS will not directly use or occupy the EMHC Dental and Optometry Clinic Facility under this lease; and

BE IT FINALLY RESOLVED, that the Tribal Business Council hereby agrees to the terms of the aforementioned JVAL and the Tribal Chairman is given authority to execute the JVAL and other such documents necessary to effectuate the terms and intent of this Resolution.

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 meeting thereof duly called, noticed, convened and held on the 9th day of June 2021, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 member not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] Voting. [] Not Voting.

Dated this 9th day of June 2021.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council



Chairman, Mark N. Fox
Tribal Business Council