



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

A Resolution Entitled, “*Approving Payment of Outstanding Low Income Home Energy Assistance Program (LIHEAP) Amounts.*”

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** The Constitution 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 MHA Nation and of the enrolled members thereof; and
- WHEREAS,** Article VI, Section 5(c) of the Constitution specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Nation and to make expenditures from available Tribal funds for public purposes for the Nation; and
- WHEREAS,** The Low Income Home Energy Assistance Program (LIHEAP) is a federal program designed to provide energy assistance to low income citizens; and
- WHEREAS,** In 2020 the federal oversight agency audited the Tribe’s LIHEAP, program and determined that \$1,221,425 was due to the program; and
- WHEREAS,** The Tribe agreed that funds were due but disagreed on the total amount; and
- WHEREAS,** Payment was made to LIHEAP in the amount that the Tribe asserted was actually due; and
- WHEREAS,** The amount left unpaid has been assigned to the Department of Treasury for collection; and
- WHEREAS,** The Tribe wishes to remove the matter from collection but contest the amount due;
- WHEREAS,** Payment under protest will remove the matter from collection and allow the Tribe to potentially recoup any overpayment from LIHEAP.



NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council authorizes payment of the amount in collection under the Department of Treasury's payment under protest process in the amount of \$550,765.77

BE IT FURTHER RESOLVED, That the Tribal Chairman, subject to legal review, is authorized to execute any agreement, plan, or other documents necessary to resolve this matter.

BE IT FURTHER RESOLVED, That legal counsel for the Tribe shall initiate any necessary appeal or administrative action to recoup funds from LIHEAP.

BE IT FINALLY RESOLVED, That the Chairman is hereby authorized to execute such documents and take such further actions as are necessary to carry out the terms and intent of this Resolution.

[Remainder of Page Left Blank. Certification Follows.]



CERTIFICATION

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, 6 were present at a Regular Meeting there of duly called, noticed, convened, and held on the 7th day of December, 2023; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman [X] Voting. [] Not Voting.

Dated this 7th day of December, 2023.

ATTEST:



Tribal Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman Mark N. Fox
Tribal Business Council
Three Affiliated Tribes