

ROSEBUD SIOUX TRIBE
Resolution No. 98-58

- WHEREAS, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof; and
- WHEREAS, the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-Laws; and
- WHEREAS, On February 14, 1992, by Resolution 92-13, the Rosebud Sioux Tribe has adopted Title 20 of the Rosebud Sioux Tribe Law and Order Code for the promotion and regulation of Utilities within the jurisdiction of the Rosebud Sioux Tribe; and
- WHEREAS, Pursuant to the requirements of Chapter 3 of Title 20, the Rosebud Sioux Tribe has duly established the Rosebud Sioux Tribal Utility Commission as a governmental agency and subordinate subdivision of the Tribe; and
- WHEREAS, The United States of America Department of Energy (DOE) has established a REBUILD AMERICA PARTNER Program designed to improve energy efficiency in buildings that reduces building energy costs, increases available capital, spurs economic growth and improves working conditions and living environments; and
- WHEREAS, On January 26, 1998, the Rosebud Sioux Tribe Utility Commission (RSTUC) hosted a meeting with the Intertribal Council on Utility Policy (ICOU) which presented information to representatives of the Rosebud Sioux Tribal Council, Rosebud Sioux Housing Authority and other organizations on the Rosebud Indian Reservation about the REBUILD AMERICA PARTNER Program; and
- WHEREAS, through the Intertribal Council on Utility Policy, the Department of Energy has invited the Rosebud Sioux Tribe to join its REBUILD AMERICA PARTNER Program and to use its best efforts to lead in the development of a community partnership that may include such activities as energy and lighting audits of Tribal buildings, plans for energy efficient building codes and guidelines, and the appointment of a Tribal representative to coordinate REBUILD AMERICA PARTNERSHIP activities; and
- WHEREAS, the Rosebud Sioux Tribe and its agencies and operations, including the RST Utility Commission, the Rosebud Housing Authority, the Rosebud Hospital and the Rosebud Casino, in association with the Intertribal Council on Utility Policy, intends to voluntarily undertake various improvements of energy efficient systems which are in accordance with the aspirations of the REBUILD AMERICA PARTNER Program; and
- WHEREAS, the Rosebud Sioux Tribe already has similar goals in constructing energy efficient systems improvements, enrollment in REBUILD AMERICA PARTNER Program as a partner with the DOE will place no additional burden on the Tribe; and
- WHEREAS, it is desirable and in the best interest of the Tribe to formally become a partner in the DOE REBUILD AMERICA PROGRAM and to execute an agreement with DOE; and
- WHEREAS, the DOE provides Partnerships with technical and financial assistance to help them plan and carry out energy efficient retrofits;

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THEREFORE BE IT RESOLVED, by the Rosebud Sioux Tribal Council to authorize and directs the Tribal President to enter into a REBUILD AMERICA PARTNERSHIP with the United States Department of Energy for the purpose of improving public, commercial and residential building energy efficiency consistent with the Basic Principles of Agreement described in the Rebuild America Partner Application attached to this Resolution as Exhibit A;

BE IT FURTHER RESOLVED, that the Rosebud Sioux Tribal President is authorized, on behalf of the Tribe to execute, acknowledge, accept or deliver any further documents as he may deem desirable and appropriate to consummate the transaction authorized by this Resolution;

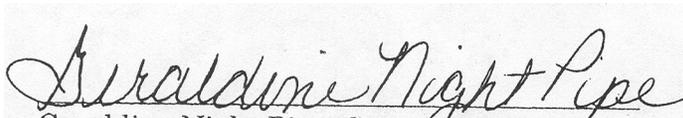
BE IT FURTHER RESOLVED, that the REBUILD AMERICA PARTNERSHIP AGREEMENT will not become effective until it has been executed by the Tribal President, attested to by the Tribal Secretary and delivered to the United States Department of Energy;

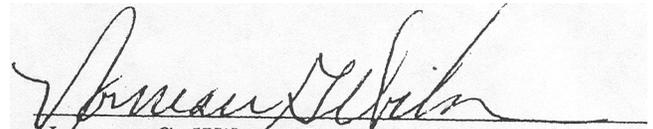
BE IT FURTHER RESOLVED, that any agreement executed between the Tribe and the United States Department of Energy will not be a formal binding contract, and will not impose any liability upon the Tribe, but will simply be a document which represents the mutual aspirations of the Tribe and the United States-Department of Energy concerning improving energy efficiency of commercial and multifamily building.

CERTIFICATION

This is to certify that the above Resolution No. 98-58 was duly passed by the Rosebud Sioux Tribal Council in session on March 13, 1998, by a vote of Fourteen (14) in favor, None (0) opposed and None (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:


Geraldine Night Pipe, Secretary
Rosebud Sioux Tribe


Norman G. Wilson, President
Rosebud Sioux Tribe