



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

WHEREAS, the Mandan, Hidatsa, and Arikara Nation (Nation) is a sovereign government and federally recognized Indian Tribe existing pursuant to its inherent and retained sovereignty; and

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

WHEREAS, the Constitution and By-Laws of the Nation authorizes and empowers the Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Nation and of the enrolled members thereof; and

WHEREAS, by the Consolidated Appropriations Act of 2005, Pub. L. 108-447 (2004), the federal government approved funding in the amount of \$3,944,000 for the replacement of the Twin Buttes Elementary School under the Tribal School Construction Demonstration Program, with said funding to be used in conjunction with matching tribal funds; and

WHEREAS, the Nation has agreed to act as a grantee of federal funding under a Pub. L. 93-638 Contract with the Bureau of Indian Affairs (BIA) for the planning, design and construction of the new School, also known as Project No. 06A05; and

WHEREAS, on July 14, 2003, the Nation passed Tribal Resolution No. 03-205-RP, entitled "Sole-Sourcing of Contracts Utilizing Tribal Funds and Other Applicable Contracts," which specifies "that all Tribal programs and Tribal entities shall give the right of first refusal for the work on any project funded by Tribal or Tribal entity dollars and/or P.L. 93-638 funds to a Tribally-owned contracting firm qualified to perform the work on the project"; and

WHEREAS, the Nation's current TERO Ordinance mandates the collection of TERO fees for construction projects located within the Nation's jurisdiction; and

WHEREAS, the Nation has previously waived the collection of TERO fees for tribal school construction projects, including those in Mandaree and in New Town; and

WHEREAS, the Twin Buttes School Board has consented to the application of Tribal Resolution No. 03-205-RP and the employment of the Fort Berthold Development



Corporation as the Design/Build Contractor for Project No. 06A05 in exchange for the Nation's waiver of the collection of TERO fees from the Project; and

WHEREAS, on behalf of the Nation and the Twin Buttes School Board, the law firm of Fredericks, Pelcyger & Hester, LLC (Law Firm) together with staff from MHA Nation and Twin Buttes Elementary School were authorized to negotiate and has negotiated a Pub. L. 93-638 Contract with the BIA; and

WHEREAS, the Tribal Business Council desires to approve this Pub. L. 93-638 Contract and move forward with the construction of the Twin Buttes School.

NOW, THEREFORE, BE IT RESOLVED THAT, the Tribal Business Council does hereby authorize and approve the Pub. L. 93-638 Contract, as revised and negotiated by the Law Firm, MHA Nation and the Twin Buttes Elementary School staff and the BIA, through the BIA's authorized agents Beverly R. Moran (Awarding Official) and Gordon. L. Rosby (Awarding Official Technical Representative); and

BE IT FINALLY RESOLVED the Tribal Business Council does hereby authorize the negotiated TERO fees for Project No. 06A05 of one percent (1%) of the construction cost up to a total cost of \$7,888,000 for the Twin Buttes Replacement School.


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 15th day of August, 2005, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

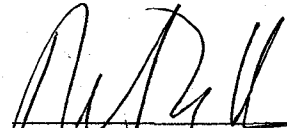
Chairman Voting. [] Not Voting.

Dated this 15 day of August, 2005.

ATTEST:



Chairman, Tex G. Hall
Tribal Business Council



Executive Secretary, Nathan Hale
Tribal Business Council