



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

A Resolution Entitled, “Approval to Investigate the Viability of a Tribal Electric Utility”

WHEREAS, The Mandan Hidatsa and Arikara Nation (“MHA Nation” or “Nation”) having accepted the Indian Reorganization Act of June 18, 1934 (“IRA”), and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Nation generally 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 III, Section 1 of the Constitution of the Nation provides that the Tribal Business Council is the governing body of the MHA Nation; and

WHEREAS, The Fort Berthold Indian Reservation is currently dependent on outside sources and companies to receive its electric power; and

WHEREAS, Many tribal members are discriminated against by the companies currently providing electricity to the Fort Berthold Indian Reservation, which results in the disparate treatment to Indian and non-Indian customers; and

WHEREAS, The opportunity to provide power to tribal members is an inherent and essential part of the authority of any tribal government and this ability is an inherent aspect of the retained sovereignty of the MHA Nation; and

WHEREAS, The purpose of a tribal electric utility is to provide affordable electric power in a fair manner and without discrimination to users of such power within the Fort Berthold Indian Reservation and to provide any other electric and other utility services which would benefit the MHA Nation; and

WHEREAS, The Tribal Business Council has the inherent authority to issue a Certificate of Convenience and Necessity (“CCN”) stating that the MHA Nation requires the development of a tribal electric utility to provide electricity in a non-discriminatory manner; and

WHEREAS, The Tribal Business Council wishes to investigate the viability of developing a tribal electric utility; and

WHEREAS, The Tribal Business Council is aware of the numerous obstacles that the MHA Nation will confront in developing an electric utility and it understands the importance of conducting a thorough study to assess the feasibility of establishing a tribal electric utility and other energy related infrastructures as required; and



WHEREAS, Development of an electric utility involves substantial start-up costs including compliance with regulatory requirements; and

WHEREAS, The feasibility study shall address these issues, and, among other things, assess the demographics and geography of the proposed service area, examine regulatory issues, analyze the current electric transmission infrastructure, and determine the appropriate structure for the utility; and

WHEREAS, The Business Council wishes to begin investigating the viability of developing an electric utility that will serve MHA Nation tribal members by soliciting bids to conduct a feasibility study.

NOW THEREFORE BE IT RESOLVED, the Business Council hereby approves a feasibility study to be conducted and presented to the Tribal Business Council to determine whether a tribal electric utility is viable on the Fort Berthold Indian Reservation.

BE IT FURTHER RESOLVED, the Chairman is authorized to search for and solicit such proposals for a feasibility study on behalf of the MHA Nation.

BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized to take such action as is necessary to carry out the terms and intent of this Resolution.

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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 27th day of March, 2014, 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 27th day of March, 2014.

for Randy Phelan
Executive Secretary V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes

ATTEST:

Tex G. Hall
Chairman Tex G. Hall
Tribal Business Council
Three Affiliated Tribes