



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

*A Resolution entitled, "Authorization for the Additional funding for the Construction of Community Sewage Lift Stations & Wastewater Treatment Lagoons for the White Shield Community; and Approval of Contractor, Wagner Construction Inc, International Falls, MN; Contract FB2015-CSL-2"*

**WHEREAS,** The Mandan Hidatsa and Arikara Nation ("Nation" or "Tribes") 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 Tribes 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 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,** Pursuant to Article VI, section 5 (d) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to negotiate with Federal, State, and local governments on behalf of the Tribe and to advise and consult with representatives of the Interior Department on all activities that may affect the Fort Berthold Reservation; and

**WHEREAS,** The MHA Special Projects Department held a bid opening on April 22, 2015, for the Construction of Community Sewage Lift Stations & Wastewater Treatment Lagoons for the White Shield Community, and

**WHEREAS,** There have been five (5) offers; Wagner Construction Inc, Burski Excavating Inc, White Horse Construction LLC, Gratech Company LLC, and Meyer Contracting Inc; as all bids came in over the allotted monies available; and

**WHEREAS,** The low bidder was Wagner Construction Inc with a bid of \$4,032,538.19 and is over available funding, and



**WHEREAS,** The IHS has agreed to contribute an additional \$474,000 towards the project, bringing the total IHS contribution to \$764,500; and

**WHEREAS,** The EPA has contributed \$819,500 towards the project; and

**WHEREAS,** The Tribes have contributed \$2,840,000 towards the project; and

**WHEREAS,** The total amount available to complete the project is \$3,950,000; and

**WHEREAS,** The total amount to needed to award a contract \$4,115,438.95 (Construction Cost \$4,032,538.19 + Tribal Administration Cost \$82,900.76); and

**WHEREAS,** There is a need for additional funds in the amount of \$265,438.95 (Contract Award 4,115,438.95 – Available Funds 3,950,000 + Contingency Funds \$100,000); and

**WHEREAS,** The Tribal Business Council is aware that this contract does not include abandoning the existing lagoon cells in the White Shield community; and

**NOW THEREFORE BE IT RESOLVED,** the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and approves funding in the amount of \$265,438.95 for the Construction of Community Sewage Lift Stations & Wastewater Treatment Lagoons for the White Shield Community; and

**BE IT FURTHER RESOLVED,** the Tribal Business Council approves the additional amount proposed and the contract to Wagner Construction Inc to complete the Construction of Community Sewage Lift Stations & Wastewater Treatment Lagoons for the White Shield Community Wastewater Treatment System Relocation Project.

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



**MANDAN, HIDATSA & ARIKARA NATION**  
**Three Affiliated Tribes \* Fort Berthold Indian Reservation**  
404 Frontage Road \* New Town, North Dakota 58763-9402

Solid Waste Transfer station in White Shield

Section 25, Range 148, Township 88  
T 2088-A

734  
Allotted = 100%  
Tribal = 0%  
Fee = 0%

3009  
Allotted = 100%  
Tribal = 0%  
Fee = 0%

SEC 24

T 68A  
Allotted = 0%  
Tribal = 100%  
Fee = 0%

69A  
Allotted = 100%  
Tribal = 0%  
Fee = 0%

T 2088  
Allotted = 0%  
Tribal = 100%  
Fee = 0%

63A -A  
Allotted = 100%  
Tribal = 0%  
Fee = 0%

McLean T 148 NR 88 W

T 148 NR 87 W

T 2088 -A  
Allotted = 0%  
Tribal = 100%  
Fee = 0%

SEC 26

SEC 25

1270  
Allotted = 99.465%  
Tribal = 0%  
Fee = 0.535%

1269  
Allotted = 98.4343%  
Tribal = 10.9596%  
Fee = 0%

3010  
Allotted = 100%  
Tribal = 0%  
Fee = 0%



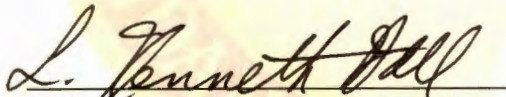
**CERTIFICATION**

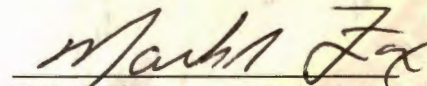
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 27<sup>th</sup> day of **May** 2015, 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 [  ] Voting. [  ] Not Voting.

Dated this 27<sup>th</sup> day of May, 2015.

**ATTEST:**

  
Tribal Secretary, L. Kenneth Hall  
Tribal Business Council  
Three Affiliated Tribes

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