



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

A Resolution entitled, "Authorizing Change Order Number 008 to Contract for the Construction of the Law Enforcement Center and Tribal Courts Facility"

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 MHA 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 Nation and of the enrolled members thereof; and

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

WHEREAS, Article VI, Section 5(c) of the Constitution of the MHA Nation 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, Pursuant to Resolution 125-107-LKH, the Tribal Business Council authorized the appropriation of \$14,500,000.00, plus an additional \$2,700,000.00 for energy efficiency requirements in order to construct the Law Enforcement Center and Tribal Courts Facility; and

WHEREAS, Resolution 125-107-LKH also authorized a fixed price construction contract between the MHA Nation and Capital City Construction, Inc. for the construction of the building and site improvements of the Facility; and

WHEREAS, Upon the recommendation of its Architect, the Tribal Business Council finds that a change order to the contract should be authorized in order to: (1) replace the propane HVAC system with an energy efficient geothermal HVAC system at an additional cost of \$1,321,000, and (2) extend the substantial completion date by 60 days to March 30, 2017, in accordance with Change Order number 008, which is incorporated by reference herein; and

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the execution of Change Order number 008, at a price not to exceed \$1,321,000 together with an extension of the date of substantial completion to March 30, 2017.



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 17th day of December, 2015, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. Not Voting.

Dated this 17th day of December, 2015.

ATTEST:

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

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

