



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

A Resolution entitled, “Approving of Architect/Engineer Contract with Ackerman-Estvold Engineering & Management Consulting, Inc. and Costs for Lakeside Beach Recreation Area in New Town, North Dakota”

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (“MHA 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,** 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,** The Tribal Business Council has identified a need to develop a lakeside beach recreational area on the Four Bears Peninsula in New Town, North Dakota for the use and enjoyment by the citizens and for the health and economic development of the Tribe; and
- WHEREAS,** The Tribal Business Council engaged the Ackerman-Estvold Engineering & Management Consulting, Inc. (“Ackerman-Estvold”) for architecture and design services for the lakeside beach recreational area (“Project”); and
- WHEREAS,** The Ackerman-Estvold has presented an Architectural/Engineering/Survey Fee Proposal for their services dated July 11, 2016, attached hereto as **Exhibit A** of this resolution; and
- WHEREAS,** The Tribal Business Council continues to engage Ackerman-Estvold in the architecture, engineering, and design services for the Project and will be utilizing Ackerman-Estvold in the construction and engineering of the Project; and
- WHEREAS,** The Ackerman-Estvold has presented an Architect/Engineer Contract outlining the scope of work to be performed by Ackerman-Estvold for the Project and the



proposed costs for their services, based upon their proposal dated January 25, 2017, attached hereto as **Exhibit B** of this Resolution; and

WHEREAS, The Ackerman-Estvold propose construction costs in the amount of \$1,391,125 and a fixed fee for their services in the amount of \$90,968 plus reimbursable expenses, to be paid in accordance to their proposed Payment Schedule as set out in **Exhibit B**; and

WHEREAS, The Ackerman-Estvold's reimbursable expenses include expenses incurred by Ackerman-Estvold directly related to the project as follows:

1. Transportation and authorized out-of-town travel and subsistence;
2. Long distance services, dedicated data and communication services, teleconference, Project Web sites, and extranets;
3. Fees paid for securing approval of authorities having jurisdiction over this Project;
4. Printing, reproduction, plots, standard form documents;
5. Postage, handling, and delivery;
6. Expense of overtime work requiring higher than regular rates, if authorized in advance by the Owner;
7. Rendering, models, mock-up, professional photography, and presentation materials requested by the Owner;
8. Architect's Consultant's expense of professional liability insurance dedicated exclusively to this Project, or the expense of additional insurance coverage or limits if the Owner requests such insurance in excess of that normally carried by the Architect's consultants;
9. All taxes levied on professional services and on reimbursable expenses;
10. Site office expenses; and
11. Other similar Project-related expenditures.

WHEREAS, The Tribal Business Council has reviewed the Architect/Engineer Contract and finds it acceptable;

WHEREAS, The Tribal Business Council has reviewed the proposed costs and Payment Schedule and finds it acceptable;

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves the Architect/Engineer Contract with Ackerman-Estvold for all architecture, engineer, and design work for the Project in the amount of \$90,968 plus reimbursable expenses in accordance with the Architect/Engineer Contract, substantially in the form attached hereto and incorporated herein by reference;

BE IT FURTHER RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves all necessary expenses to be incurred in the construction, and preparation thereof, in the amount not to exceed \$1,400,000.



Resolution No. 17- 128-FWF

BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized execute the Architect/Engineer Contract with Ackerman-Estvold, and to take such action as is necessary to carry out the terms and intent of this Resolution.



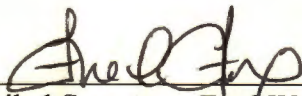
CERTIFICATION

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 11th day of May, 2017, 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.

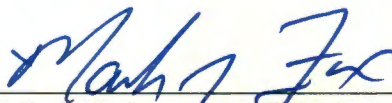
Chairman [X] Voting. [] Not Voting.

Dated this 11th day of May, 2017.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



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