



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

A Resolution entitled, “Approval of Agreement Between Owner and Contractor for construction of the Mandaree School Project, with Burke Construction Group, Inc., of Las Vegas, Nevada for \$23,233,346; Authorization for the School District of up to \$18,000,000 in FY2019 funds as required for payment of obligations under the terms of the Agreement”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes 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 of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials of the Reservation; and

WHEREAS, The health and wellbeing of the children of enrolled members and residents of the MHA Nation are of paramount importance to our Nation, and quality, culturally oriented education is essential to the care of our children; and

WHEREAS, A new school is planned in Mandaree, in West Segment, to fulfill the educational and cultural needs of our children of the West Segment and the MHA Nation; and

WHEREAS, The Mandaree School District completed its RFP process for the new school, reviewed the proposals of three contractor groups, deliberated and determined the most qualified and appropriate architect and contractor; and

WHEREAS, By Executive Order EA 2018-48, issued October 31, 2018, the Executive Committee of the Tribal Business Council of the Three Affiliated Tribes confirmed appropriation of \$20,000,000 in FY2019 and \$20,000,000 in FY2020 for construction of the Mandaree school, athletic facilities, bus barn, and staff housing, so that the School District could proceed with contracts and submissions to the BIE; and



WHEREAS, The Mandaree School District, on December 12, 2018, approved the attached *Agreement Between Owner and Contractor*, with Burke Construction, Inc. of Las Vegas, Nevada, for construction of the Mandaree School Project for the sum of \$23,233,346.00, subject to approval of the TAT Tribal Business Council; and

WHEREAS, The Mandaree School District will require periodic drawdowns from the Tribal general fund for payment for construction services provided by Burke as accrued pursuant to the terms and schedule contained in the Agreement; and

WHEREAS, the Education Committee does not meet before the Tribal Business Council regular meeting of January 10, 2019; emergency circumstances exist regarding the subject matter of this Resolution in that the attached Contractor Agreement must be executed at the earliest possible date to assure that planning, designing, and BIE approval can be accomplished and groundbreaking occur on or before May 1, 2019 or the project will be delayed one year; additionally, funding, execution of contracts and submissions to the BIE have been preliminarily authorized by EA 2018-48; accordingly, it is appropriate that the policies and procedures as stated in Resolution No. 14-023-VJB be suspended for purposes of allowing this Resolution to be presented to the Three Affiliated Tribes Tribal Business Council for consideration without prior committee review.

THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes finds the Mandaree School District proposal to construct a new school, athletic facility, bus barn and staff housing to be in the best interests of the children of enrolled members and residents of the MHA Nation; and

BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes finds that the preliminary plans for the school (with cultural emphasis), athletic facilities, bus barn and staff housing, submitted by the School District, are appropriate and the project will be beneficial to the health and wellbeing of the children of enrolled members and residents of West Segment and the MHA Nation; and

BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves the *Agreement Between Owner and Contractor*, for the Mandaree School with Burke Construction Group, Inc, of Las Vegas, Nevada, as attached hereto, authorizes execution thereof, and further authorizes the Mandaree School District to draw down up to 18,000,000 of FY2019 appropriated funds and balance from FY2020 funds as required for payment of invoices of the Contractor in accordance with the work and payment schedule contained in the Agreement; and

BE IT FINALLY RESOLVED, that the Tribal Chairman is hereby authorized to take such other actions as are 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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of February, 2019, 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 14th day of February, 2019.

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

ATTEST:

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