



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

***A Resolution Entitled, "Approving of Architect/Engineer Contract and Costs for Parshall Recreation-Emergency Center in Parshall, North Dakota"***

**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,** 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,** Article VI, Section 5 (i) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation; and

**WHEREAS,** The Tribal Business Council has an Executive Action procedure to address emergency concerns until matters may be addressed and ratified by the Tribal Business Council in quorum; and

**WHEREAS,** The Tribal Business Council, on June 11, 2018, approved the purchase of real property described as Lots 5 and 6, Block 2 Original Township in Parshall, North Dakota ("Land") by way of Resolution No. 18-143-FWF; and

**WHEREAS,** The Tribal Business Council has identified a need to develop a recreation and emergency center ("Project") in Parshall, North Dakota for the health, safety, and economy of the Tribe; and

**WHEREAS,** The Tribal Business Council has identified that the Land purchased by way of Resolution No. 18-143-FWF shall be used for the construction and development of the Project; and



**WHEREAS,** The Tribal Business Council, on December 31, 2018, engaged the Nelson Tremain Partnership (“Nelson Partnership”) for the architecture and design services for the Pre-Design phase of the Project, hereby attached as **Appendix A** of this Resolution is a copy of the Pre-Design Proposal letter; and

**WHEREAS,** The Nelson Partnership has presented an Architect/Engineer Contract outlining the scope of work to be performed by Nelson Partnership for the Project and the proposed costs for the Project and their services, hereby attached as **Appendix B** of this Resolution; and

**WHEREAS,** The Nelson Partnership estimates a total Project cost in the amount not to exceed \$3,418,000.000 in accordance with the concept budget estimate, hereby attached as **Appendix C** of this Resolution; and

**WHEREAS,** The Nelson Partnership propose a fixed fee of \$243,268.00 plus reimbursable expenses for their services for the Project and to be paid in accordance to their proposed Payment Schedule, hereby attached as **Appendix D** of this Resolution; and

**WHEREAS,** The Tribe will be responsible for certain administrative costs in preparation for construction and as outline in the Scope Responsibility Matrix, hereby attached as **Appendix E** of this Resolution; and

**WHEREAS,** The Executive Committee, on February 13, 2019, reviewed and approved the Architect/Engineer Contract with the Nelson Partnership; and

**WHEREAS,** The Executive Committee, on February 13, 2019, reviewed and approved the Scope Responsibility Matrix; and

**NOW THEREFORE BE IT RESOLVED,** the Tribal Business Council of the Three Affiliated Tribes hereby ratifies, authorizes, and approves the Architect/Engineer Contract with Nelson Partnership for all architecture, engineer, and design work for the Project in the amount of \$243,268.00 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 ratifies, authorizes, and approves all necessary construction and pre-construction costs and expenses to be incurred for the Project in the amount not to exceed \$3,418,000.000.

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



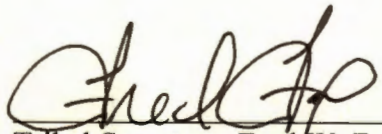
**CERTIFICATION**

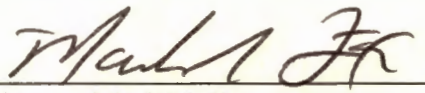
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14<sup>th</sup> 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 14<sup>th</sup> day of February, 2019.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Chairman, Mark N. Fox  
Tribal Business Council