



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

A Resolution entitled, *“Approving Additional Costs and Expansion of the Four Bears Water Park in New Town, 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, The Tribal Business Council has determined it beneficial to expand and construct additional water features and necessary support buildings to the existing water park (“Project”) located in the Four Bears Peninsula area, New Town, North Dakota for the use and enjoyment by the citizens and to promote the health and economic development of the Tribe and its members; and

WHEREAS, The Tribal Business Council, on December 20, 2018, approved the general contractor, design builder, and costs for the expansion of the Four Bears Water Park in New Town, North Dakota by way of Resolution No. 18-282-FWF; and

WHEREAS, Ackerman-Estvold, Engineering and Management Consulting, Inc. was approved as the architect for the Project; and

WHEREAS, Associated Pool Builders, Inc. was approved as the design and builder for the Project; and

WHEREAS, Strata Corporation was approved as the general contractor for the Project; and

WHEREAS, The Tribal Business Council approved and authorized the expansion and construction of the Project in the amount not to exceed \$2,500,000.00; and



WHEREAS, On February 13, 2019, Associated Pool Builders, Inc. submitted a change order due to revisions to the design and installation of custom slides, hereby attached as **Exhibit A**, of this Resolution; and

WHEREAS, On March 5, 2019, Associated Pool Builders, Inc., submitted a subsequent change order due to addition of lazy river feature and slide post/rope dividers, hereby attached as **Exhibit B**, of this Resolution;

WHEREAS, On March 5, 2019, Strata Corporation submitted a change order due to commencement of "Phase 2B" construction of the Project, hereby attached as **Exhibit C**, of this Resolution; and

WHEREAS, Due to the requested change orders from Associated Pool Builders, Inc. and Strata Corporation, the overall project costs have increased to \$4,444,188.67 as reflected in the budget evaluation, hereby attached as **Exhibit D**, of this Resolution; and

WHEREAS, The Tribal Business Council has reviewed the change orders and budget evaluation and finds it acceptable; and

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves the requested change orders dated February 13, 2019 and March 5, 2019, attached hereto as **Exhibits A-C** and incorporated herein by reference.

BE IT FURTHER RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the appropriation of additional funds for this Project, not to exceed \$2 million, bringing the total authorized project cost to \$4.5 million.

BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized to execute the Change Orders 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 9th day of May, 2019, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] Voting. [] Not Voting.

Dated this 9th day of May, 2019.

Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes

ATTEST:

Tribal Chairman, Mark Fox
Tribal Business Council
Three Affiliated Tribes