



**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 with Nelson Tremain Partnership for Female Transitional Housing in Bismarck, 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 develop a female transitional housing facility (“Project”) in Bismarck, North Dakota for the purposes of providing a continuum of care following completion of the licensed substance abuse residential treatment program at Good Road Recovery Center and to promote the health and economic development of the Tribe and its members; and
- WHEREAS,** The Tribal Business Council has identified that the Land owned by the Tribe located on the east side of Good Road Recovery Center in Bismarck, North Dakota shall be used for the construction and development of the Project; and
- WHEREAS,** The Tribal Business Council engaged the Nelson Tremain Partnership (“Nelson Partnership”) for architecture and design services for the Pre-Design phase of the Project; and
- WHEREAS,** The Nelson Partnership has presented the Standard Form of Agreement between Owner and Architect 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 A** of this Resolution; and



WHEREAS, The Nelson Partnership propose a fixed fee of \$475,350 plus reimbursable expenses for their services for the Project and to be paid in accordance to their proposed Payment Schedule, hereby attached as **Appendix B** 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 C** of this Resolution; and

WHEREAS, The Tribal Business Council has reviewed the Standard Form of Agreement between Owner and Architect and finds it acceptable;

WHEREAS, The Tribal Business Council has reviewed the Scope Responsibility Matrix and finds it acceptable;

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and approves the development and construction of the female transitional housing facility in Bismarck, North Dakota to promote the health and economic development of the Tribe and its members.

BE IT FURTHER RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves the Standard Form of Agreement between Owner and Architect with Nelson Partnership for all architecture, engineer, and design work for the Project in the amount of \$475,350.00 plus reimbursable expenses in accordance with the Standard Form of Agreement between Owner and Architect, 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 administrative expenses to be incurred in preparation for construction.

BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized to execute the Standard Form of Agreement between Owner and Architect 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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 13th day of June, 2019, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] Voting. [] Not Voting.

Dated this 13th day of June, 2019.

Handwritten signature of Fred Fox in blue ink, written over a horizontal line.

Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes

ATTEST:

Handwritten signature of Mark Fox in blue ink, written over a horizontal line.

Tribal Chairman, Mark Fox
Tribal Business Council
Three Affiliated Tribes