



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

***A Resolution entitled, "Authorization to Expend Water Sales Revenues on Repairs to the Fort Berthold Rural Water Supply System Mandaree Water Treatment Plant Intake at Bear Den Bay"***

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws under said Act; and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution and By-Laws of the Three Affiliated Tribes (or "Tribes"), the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Council, its Agencies and Officials; and
- WHEREAS,** The Fort Berthold Rural Water Supply (FBRWS) is operated by the MHA Nation pursuant to a contract under the Indian Self-Determination and Education Assistance Act, in providing safe drinking water throughout the Fort Berthold Indian Reservation; and
- WHEREAS,** The Mandaree water treatment plant (WTP) intake located at Bear Den Bay in the West Segment experienced a catastrophic landslide compromising the access road and infrastructure's capability in serving the West Segment with treated drinking water from the FBRWS; and
- WHEREAS,** While the Mandaree WTP is still capable of producing drinking water, immediate emergency repairs are required to reduce the risk that further landslides at the site could permanently damage the intake infrastructure and access road; and
- WHEREAS,** FBRW is currently estimating costs associated with the repair of the damaged intake access road and to replace/relocate two raw water pipelines. Costs include associated engineering/geotechnical evaluations of the intake site. The total estimated cost for the repair and replacements and the associated engineering services range from \$750,000 to \$1,000,000; and



**WHEREAS,** The Tribal Business Council has considered the matter and has determined that emergency expenditures are merited in this situation and such expenditures shall be made in the best interests of the Tribes and the enrolled members thereof.

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the expenditure of up to \$1,000,000 of FBRW water sales revenue for the emergency repairs and replacements to the FBRW Mandaree WTP intake site located in the West Segment of the Fort Berthold Reservation; and

**BE IT FURTHER RESOLVED,** that the Chairman is hereby authorized to waive all TERO and environmental fees for any contractor working on the emergency intake work as well as the requirement for MHA DOT Decals for each required vehicle. Waiving the MHA DOT Decal requirement would expedite the procurement of contractors with the necessary experience and vehicles to conduct the emergency intake repairs; and

**BE IT FINALLY RESOLVED,** that the Chairman is hereby authorized to execute such documents and take such further actions as are necessary to carry out the terms and intent of this Resolution.



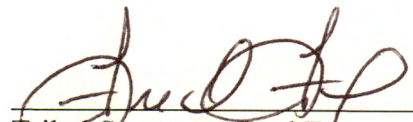
## CERTIFICATION

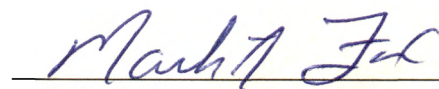
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10<sup>th</sup> day of October, 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 10<sup>th</sup> day of October, 2019.

**ATTEST:**

  
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Tribal Secretary, Fred Fox  
Tribal Business Council

  
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Tribal Chairman, Mark N. Fox  
Tribal Business Council