



**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 Expansion of the Four Bears Beach and Recreation Area in the Four Bears Peninsula, 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 recreational structures and improvements to the existing Beach and Recreational Area (“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,** Ackerman-Estvold, Engineering and Management Consulting, Inc. (“Ackerman-Estvold”) presented a Standard Form of Agreement (contract) between Owner and Architect outlining the scope of work to be performed for the Project and the proposed cost for their services, a copy of which is attached to this Resolution as Appendix A; and
- WHEREAS,** Ackerman-Estvold proposes a percentage-based fee 6.5% of the cost of the work for the Project plus reimbursable expenses for their services for the Project; and
- WHEREAS,** Based upon the preliminary design of the Project, Ackerman-Estvold estimates the cost of the expansion and construction of the Project, including the cost of their services, will not exceed \$2,000,000.00, a copy of the Project budget estimate is attached hereto as Appendix B; and



**NOW THEREFORE BE IT RESOLVED**, the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and approves the recreational structures and improvements to the existing Beach and Recreational Area (“Project”) located in the Four Bears Peninsula area, New Town, North Dakota in the amount not to exceed \$2,000,000, in accordance with the estimated budget outlined in Appendix B.

**BE IT FURTHER RESOLVED**, that the Tribal Business Council hereby authorizes and approves Ackerman-Estvold, Engineering and Management Consulting, Inc., as the architect of the Project in accordance with the Standard Form of Agreement between Owner and Architect, substantially in the form attached hereto as Appendix A.

**BE IT FINALLY RESOLVED**, the Tribal Chairman is hereby authorized to execute the contract documents attached hereto 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 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.

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

ATTEST:

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