



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

A Resolution entitled: “Approval of Tribal Business Council West Segment Representative as Owner Representative with authority to sign change orders and approve invoice obligations under the Agreement Between Owner and Contractor with Burke Construction Group, Inc. for construction of the Mandaree School Project”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes 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 of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials of the Reservation; and

WHEREAS, The Tribal Business Council approved the *Agreement Between Owner and Contractor* (the “Agreement”) with Burke Construction, Inc. (the “Contractor”), of Las Vegas, Nevada, for construction of the Mandaree School Project pursuant to Resolution No. 19-014-FWF on February 14, 2019; and

WHEREAS, Construction of the Mandaree School is underway, time is of the essence, and it is critical that the School District have a readily available designated authority for approving and signing change orders and approving Contractor invoices on the Agreement on behalf of Owner, Mandaree School Districts and MHA Nation; and

WHEREAS, The Mandaree School District, by action of its School Board, as shown in the minutes accompanying this Resolution, approved the designation of Tribal Business Council West Segment Representative, Councilman Randy Phelan, as Owner Representative listed in the Agreement, and further delegated him authority for approving and signing contractual documents and change orders, and approving invoices relating to the Agreement, subject to review and recommendations of the MHA Construction Management Office; and

WHEREAS, Emergency circumstances exist regarding the subject matter of this Resolution in that the construction of the Mandaree School is well underway, and it is crucial that the protocol be established for the prompt and efficient management of the Agreement



and Mandaree School Construction Project to avoid unnecessary and costly delays; accordingly, it is appropriate that the policies and procedures as stated in Resolution No. 14-023-VJB be suspended for purposes of allowing this Resolution to be presented to the Three Affiliated Tribes Tribal Business Council for consideration without prior committee review.

THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes finds it appropriate that the Tribal Business Council Representative for West Segment of MHA Nation be designated as Owner Representative in the *Agreement Between Owner and Contractor* with Burke Construction Group, Inc. for construction of the Mandaree School,

BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves designation of the Tribal Business Council Representative for West Segment of the MHA Nation, presently Councilman Randy Phelan, as the Owner Representative, and that he be delegated authority for approving and signing contractual documents and change orders, and authority to approve invoices, all relating to the *Agreement Between Owner and Contractor* for construction of the Mandaree School, so long as such change orders and invoices are within the TAT approved budget for the project, and subject to review and recommendations of the MHA Construction Management Office,

BE IT FINALLY RESOLVED, that the Tribal Chairman is hereby authorized to take such 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 10th day of October, 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.

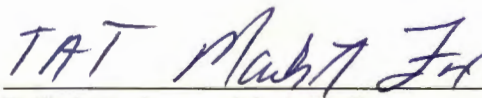
Chairman [X] Voting. [] Not Voting.

Dated this 10th day of October, 2019.

ATTEST:



Tribal Secretary, Fred Fox
Tribal Business Council



Tribal Chairman, Mark N. Fox
Tribal Business Council