



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

**A Resolution Entitled, “*Approving of Agreement between Owner and Architect with Nelson Tremain Partnership, P.A., Inc. for Assisted Living project in Parshall, North Dakota*”**

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** The Constitution 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 MHA Nation and of the enrolled members thereof; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business Council, its agencies and officials; and
- WHEREAS,** Article VI, Section 5(c) of the Constitution 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 an assisted living facility (“Project”) in Parshall, North Dakota for the purposes of providing personal care services, program administration, health and food services to its elders and to promote the health and economic development of the Tribe and its members; and
- WHEREAS,** The Tribal Business Council had authorized the use of Nelson Tremain Partnership, P.A., Inc (“Nelson Tremain”) for architecture and design services for the Pre-Design phase and all architecture, engineer, and design work for the Project on September 22, 2016 by way of Resolution No. 16-215-LKH; and
- WHEREAS,** The Wild Horse sub-division located north of Parshall, North Dakota owned by the Tribe has now been identified as the site for the Project; and



**WHEREAS,** Due to re-design and location of the Project, Nelson Tremain presented a new Standard Form of Agreement between Owner and Architect outlining the scope of work to be performed by Nelson Tremain, attached as **Appendix A** of this Resolution; and

**WHEREAS,** Nelson Tremain proposes a fixed fee of \$339,344.00 plus reimbursement expenses for their services for the Project, to be paid in accordance to their proposed Payment Schedule, attached as **Appendix B** of this Resolution; and

**WHEREAS,** The Tribe will be responsible for certain administrative costs in preparation for construction and as outlined in the Scope Responsibility Matrix, attached as **Appendix C** of this Resolution; and

**WHEREAS,** The Tribal Business Council finds the Standard Form of Agreement between Owner and Architect and the Scope Responsibility Matrix acceptable.

**NOW THEREFORE BE IT RESOLVED,** the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and approves the Standard Form of Agreement between Owner and Architect with Nelson Tremain for all architecture, engineer, and design work for the Project in the amount of \$339,344.00 plus reimbursable expenses not to exceed \$72,000, in accordance with **Appendix A** the Standard Form between Owner and Architect.

**BE IT FURTHER RESOLVED,** the Tribal Business Council of the Three Affiliated Tribes hereby approves necessary administrative expenses to be incurred in preparation for development and construction, not to exceed \$469,344.00.

**BE IT FINALLY RESOLVED,** the Tribal Chairman is hereby authorized to execute the Standard Form of Agreement between Owner and Architect with Nelson Tremain, 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 13<sup>th</sup> day of February, 2020, 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 13<sup>th</sup> day of February, 2020.

**ATTEST:**

Tribal Secretary Fred W. Fox  
Tribal Business Council

Tribal Chairman, Mark N. Fox  
Tribal Business Council