



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

***A Resolution entitled, "Authorization to Reimburse the FBRWS for Cost to Serve Segment
Funded Constructed Facilities."***

- 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, also known s the Mandan, Hidatsa, and Arikara Nation ("Tribes" or "MHA Nation"), 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 System (or "FBRWS") project is constructed and operated, maintained and replaced (or "OM&R") by the MHA Nation pursuant to two contracts under the Indian Self-determination and Education Assistance Act, in order to provide safe drinking water throughout the Fort Berthold Indian Reservation; and
- WHEREAS,** The FBRWS is close to exhausting its Dakota Water Resources Act (or "DWRA") authorized construction ceiling and the remaining construction funding is prioritized to fund water service connections to individuals; and
- WHEREAS,** Historically, Segments have funded projects that require a water service connection to the FBRWS. Segment projects include, but are not limited to, facilities providing medical, community, emergency, and educational services plus housing developments and economic development projects. In the past, DWRA funds were available to cover the costs of doing necessary activities prior to and including construction, but with limited remaining construction ceiling, the FBRWS currently can no longer cover these costs; and
- WHEREAS,** The MHA Nation recognizes that the FBRWS has almost exhausted its remaining DWRA authorized construction ceiling and agrees to prioritize the remaining



FBRWS construction ceiling funding to construct individual water service connections on the Reservation; and

WHEREAS, Due to limited DWRA construction funds remaining, the MHA Nation also recognizes that it is necessary at this time for (1) FBRWS to implement a water connection fee of \$2,000, which is a reasonable amount, in order to have sufficient funds available to conduct due diligence activities prior to a water connection being made for a Segment project as described above and (2) the Segments to reimburse FBRWS for the actual costs of making the water service connections that serve Segment projects.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the MHA Nation hereby authorizes and approves (1) FBRWS to implement a water connection fee of \$2,000, a reasonable amount, in order to have sufficient funds available to conduct due diligence activities prior to a water connection being made for a Segment project as described above and (2) the Segments to reimburse FBRWS for the actual costs of making the water service connections that serve Segment projects; 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.

<SIGNATURE PAGE TO FOLLOW>



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14th day of September 2022; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 14th day of September 2022.

ATTEST:

Handwritten signature of Fred W. Fox in blue ink.

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

Handwritten signature of Mark N. Fox in blue ink.

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