



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

**A Resolution Entitled, *“Authorizing Funding to Construct New West Segment (Mandaree)  
Water Treatment Plant”***

- 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 MHA Nation constructs, operates, maintains, and replaces (OM&R) the Fort Berthold Rural Water Supply (FBRWS) system under Indian Self-determination and Education Assistance Act contracts in order to provide safe drinking water throughout the Fort Berthold Indian Reservation (Reservation); and
- WHEREAS,** The water supply capacity of the existing Mandaree Water Treatment Plant (WTP) and intake is inadequate and unable to meet the present and future water supply needs of the West Segment water service area; and
- WHEREAS,** The August 2021 FBRWS Master Plan indicates that the capacity of the WTP and intake need to be increased from 500 gallons per minute to 1,000 gallons per minute to meet demand; and
- WHEREAS,** Fort Berthold Rural Water, a division of the MHA Nation, intends to increase the WTP and intake to 1,000 gallons per minute by constructing a new Mandaree WTP, expanding the existing intake and constructing a new Mandaree water storage reservoir at an estimated total cost of \$23,850,000.00; and



**WHEREAS,** Total costs of \$23,850,000.00 include \$3,750,000.00 to design and construct a 500,000-gallon storage tank, \$820,000.00 to design and construct an upgraded intake that accommodates 1,000 gallons per minute, and \$19,280,000.00 to design and construct a new water treatment plant.

**NOW THEREFORE BE IT RESOLVED,** That the Tribal Business Council hereby authorizes the expenditure of up to \$20,000,000.00 to go toward funding the \$23,850,000.00 Mandaree WTP project to be completed in accordance with the following construction schedule:

- **FY 2023 - \$4,870,000.00**
  - \$2,750,000.00 – 500,000-gallon storage tank design, bidding, and initial construction.
  - \$2,000,000.00 – New Mandaree WTP design and bidding.
  - \$120,000.00 – Intake upgrades design and bidding.
- **FY 2024 – \$13,700,000.00**
  - \$1,000,000.00 – 500,000- gallon storage tank construction and facility completion.
  - \$12,000,000.00 – New Mandaree WTP construction.
  - \$700,000.00 – Intake upgrades construction and completion.
- **FY 2025 – \$5,280,000.00**
  - \$5,280,000.00 – New Mandaree WTP construction completion.

**BE IT FURTHER RESOLVED,** That the MHA Nation shall continue to pursue all available state and federal funding to support the project and/or reimbursement of the actual tribal funding expended.

**BE IT FINALLY RESOLVED,** 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**

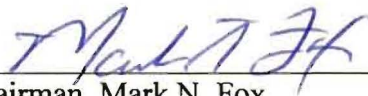
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14<sup>th</sup> 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 14<sup>th</sup> day of September 2022.

**ATTEST:**

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

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