



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

A Resolution Entitled, “Approval and Authorization for the North Segment to Proceed with the Hawk Estates Apartment Building Rebuild and the Contract Between the North Segment of MHA Nation and Consolidated Construction Co., Inc.”

WHEREAS, The Mandan Hidatsa and Arikara Nation (“MHA” or “Nation”), also known as the Three Affiliated Tribes (“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, Article III, Section 2 of the Constitution establishes segments including New Town/North Segment; and

WHEREAS, A 36-unit apartment building at Hawk Estates, located in the North Segment, was destroyed by a fire Easter morning in spring of 2021. The North Segment desires to rebuild the apartment building using insurance funds received from the claim filed for the loss incurred; and

WHEREAS, The North Segment intends to re-use existing architectural plans and other documents to rebuild on the existing footings. The architecture team will update existing plans to current code and other construction standards, incorporate minor modifications for some spaces, and incorporate any necessary changes from previous shop drawings and submittals; and



WHEREAS, DSGW Architects have been retained for architectural and engineering services on the new apartment development, and the project is ready for a construction manager at risk to be retained; and

WHEREAS, The estimated project budget is between \$10 million and \$12.5 million, and the final contract price will be determined after the construction manager at risk has been retained and delivers a negotiable Guaranteed Maximum Price to the Tribes and North Segment; and

WHEREAS, The North Segment has already received an initial insurance payment of \$7.2 million, and expects to receive the remainder of the project costs from the insurance company after North Segment receives a Guaranteed Maximum Price from the construction manager at risk; and

WHEREAS, North Segment seeks approval from the Tribal Business Council for the Contract between the North Segment and Consolidated Construction Co., Inc. Consolidated Construction Co., Inc. and North Segment have negotiated A-133 and A-201 contracts, which have been presented with this Resolution. North Segment legal counsel has reviewed these contracts.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the MHA Nation authorizes and hereby approves the North Segment of MHA Nation to proceed with the Hawk Estates apartment building rebuild; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Business Council authorizes and hereby approves the Contract between the North Segment and Consolidated Construction Co., Inc.; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the North Segment Tribal Business Council Representative, Dr. Monica Mayer, is authorized to execute the documents necessary to carry out the terms and intent of this Resolution.

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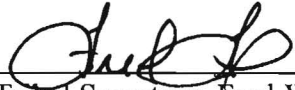
CERTIFICATION

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, 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:



Tribal Secretary, Fred W. Fox
Tribal Business Council



Tribal Chairman, Mark N. Fox
Tribal Business Council