



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

A Resolution entitled, “*Approval of Engineer Consultant Agreement between the White Shield Segment and Three Affiliated Tribes, and Moore Engineering, Inc., for Design and Engineering Services for White Shield Segment’s Street Improvement Project (Awahu Village), and Citywide Asphalt Street Repairs Project, and for Authorization of Payment of Engineering Fees.*”

WHEREAS, The Mandan, Hidatsa, and Arikara Nation, also known as the Three Affiliated Tribes (“MHA Nation” or “Tribes”), having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution (the “Constitution”) and By-Laws pursuant to said Act; and

WHEREAS, The Constitution 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 MHA Nation and of the enrolled members thereof; and

WHEREAS, Article III, Section 1 of the Constitution provides that the Tribal Business Council is the governing body of the MHA Nation; and

WHEREAS, Article VI, Section 5(1) of the Constitution 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 White Shield (East) Segment of the MHA Nation is pursuing certain street improvement and infrastructure projects, including paving, storm sewers, shared-use trail improvements, and related projects, all for the safety, health and well-being of its residents, and desires to engage Moore Engineering, Inc. for planning, designing and engineering for the projects; and

WHEREAS, Moore Engineering, Inc. is a North Dakota engineering firm; and

WHEREAS, The White Shield Segment has negotiated with Moore Engineering. and reached agreement on terms for design, bid letting, and related pre-construction services for two of the Segment’s high priority projects with engineering fees based on 6% of the Construction Bid Amounts. The total costs for the two projects (Street Improvements (Awahu Village), and Citywide Asphalt Street Repairs - Full Depth Patching) is estimated to be \$2,300,000; thus, engineering fees are anticipated to be \$138,000 (6% x \$2,300,000). The terms have been reduced to writing as shown in the *Engineer Consultant Contract*, as presented, and the Segment requests the Tribal Business Council approval thereof; and



NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and approves the *Engineer Consultant Agreement* between White Shield Segment/Three Affiliated Tribes and Moore Engineering, Inc., for the design, bid letting, and related pre-construction engineering services for two of its priority projects: Street Improvements – Awahu Village; and Citywide Asphalt Street Repairs (Full Depth Patching), in form as presented; and

BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby approves the appropriation and the expenditure of Tribal funds required to fulfill the aforementioned Contract and to complete the two projects, that being \$2,700,000 total cost (which includes \$138,000 in engineering fees) from the MHA FY2023 budgets under “Special Projects”); and

BE IT FINALLY RESOLVED, That the White Shield (East) Segment Representative and Chairman of the Tribal Business Council of the Three Affiliated Tribes are hereby authorized to execute the aforementioned Contract and take such further action as necessary to carry out the terms and intent thereof.


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 11th day of January, 2023, 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 11th day of January, 2023.

ATTEST:


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


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