



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

A Resolution Entitled, “*Authorizing Fort Berthold Rural Water to apply for State Water Commission funding.*”

- 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 Tribal Council has previously adopted resolutions to provide the necessary funding to complete the 2nd Elevated Mandaree Reservoir and the Varloe Subdivision water service; and
- WHEREAS,** The total anticipated costs to MHA Nation to complete both of the projects is estimated to be a combined total of 5,500,000; and
- WHEREAS,** The North Dakota Legislature, having passed House Bill 1385, made “Federally Recognized Indian Tribes or any agency, department, or officer thereof” eligible to apply for cost-share assistance through a contract with the State Water Commission.



NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the MHA Nation hereby authorizes Fort Berthold Rural Water, on behalf of MHA Nation, to pursue State Water Commission (SWC) cost-share grants for the 2nd Mandaree Reservoir and Varloe Subdivision projects in an effort to reduce the Tribal funds required to build said projects:

- **2nd Mandaree Reservoir Estimated Cost - \$5,000,000.00**
 - Potential SWC Cost-Share (75%) – Up to \$3,750,000
- **Varloe Subdivision Estimated Cost – \$500,000**
 - Potential SWC Cost-Share (75%) – Up to \$375,000

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, That the Tribal 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 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 13th day of July, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman [] Voting. [X] Not Voting.

Dated this 13th day of July, 2023.

ATTEST:



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



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