



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

A Resolution Entitled, "MHA Nation P.L. 93-638 Contract with the Bureau of Reclamation for Bipartisan Infrastructure Law, Aging Infrastructure Funding."

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, 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 System (FBRWS) under Indian Self-determination and Education Assistance Act (P.L. 93-638 as amended) contracts with the Bureau of Reclamation (Reclamation) in order to provide safe drinking water throughout the Fort Berthold Indian Reservation (Reservation); and

WHEREAS, The MHA Nation on behalf of the FBRWS submitted Bipartisan Infrastructure Law, Aging Infrastructure FY2023 funding applications for twelve (12) projects to Reclamation. In March of 2023, the MHA Nation was notified that all twelve (12) projects were approved for funding totaling \$54.38 million; and



WHEREAS, The MHA Nation understands the Bipartisan Infrastructure Law provided Reclamation with Aging Infrastructure (Extraordinary Maintenance) funding which is administered through Reclamation's OM&R program; and

WHEREAS, The MHA Nation understands that a new P.L. 93-638 contract between the Tribes and Reclamation needs to be executed so that the Aging Infrastructure funding may be awarded to the Tribes; and

WHEREAS, The MHA Nation understands that 93-638 contract needs to be a non-construction contract since the Aging Infrastructure funding source is administered through Reclamation's OM&R program. A new contract is required because the Bipartisan Infrastructure Law requires enhanced progress and financial reporting, which terms need to be included in the new 93-638 contract.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the MHA Nation hereby authorizes the Tribes to enter into a new 93-638 non-construction contract with the Bureau of Reclamation so the Tribes may be awarded \$54.38 million for the twelve approved Aging Infrastructure projects to be administered by Fort Berthold Rural Water; and

BE IT FURTHER RESOLVED, that the new Aging Infrastructure 93-638 non-construction contract may be modified if the MHA Nation is approved for additional Aging Infrastructure projects in the future; and

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.

<SIGNATURE PAGE TO FOLLOW>




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 9th day of August, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman [X] Voting. [] Not Voting.

Dated this 9th day of August, 2023.

ATTEST:



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



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