



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

A Resolution Entitled, “Authorizing Funding to Fort Berthold Rural Water for the Construction of Necessary Improvements to Supply Water to Tribal Facilities in the New Town Area.”

- 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 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; and
- WHEREAS,** The Four Bears Segment has experienced substantial development and growth which has stressed its existing water supply capacity, the Four Bears Segment has identified major economic development opportunities that could exhaust its water supply capacity entirely, and total costs for a new Four Bears water treatment plant, raw water intake, and raw water transmission line are estimated at \$50 million.



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 a new Four Bears Water Treatment Plant project in an effort to reduce the tribal funds required to build said project:

- **Four Bears Water Treatment Plant Estimated Cost - \$50,000,000.00**
 - Potential SWC Cost-Share (up to 75%) – Up to \$37,500,000; and

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

BE IT FINALLY RESOLVED, that 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

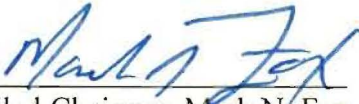
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting there of duly called, noticed, convened, and held on the 7th day of December, 2023; 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 7th day of December, 2023.

ATTEST:


 Tribal Secretary Fred Fox
 Tribal Business Council
 Three Affiliated Tribes


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