



**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 White Shield from Parshall.*”

- 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, through Fort Berthold Rural Water (FBRW), constructs, operates, maintains, and replaces (OM&R) the Fort Berthold Rural Water Supply (FBRWS) system under Public Law 93-638 Indian Self-determination and Education Assistance Act contracts with the Bureau of Reclamation (Reclamation) in order to provide safe drinking water throughout the Fort Berthold Indian Reservation (Reservation); and
- WHEREAS,** It has been identified through the FBRW’s Master Plan that due to the development and anticipated growth of the area, the current White Shield Water Treatment Plant (WTP) does not have sufficient capacity to meet the anticipated future water demands of the Segment; and
- WHEREAS,** It has been estimated that the costs to design and construct a new WTP capable of meeting the water needs would approach \$17,500,000; and



WHEREAS, To reduce these anticipated costs FBRW has identified the option of constructing infrastructure to convey potable water from the Parshall-Lucky Mound water system to the White Shield water system as a more cost effective alternative; and

WHEREAS, The Parshall-Lucky Mound system is currently supplied water from a WTP facility that is owned and operated by the City of Parshall; and

WHEREAS, MHA Nation is in negotiations with the City of Parshall to purchase the WTP facility by which the initial terms of the purchase have been agreed and a contract is in development; and

WHEREAS, The infrastructure required to convey the necessary amount of water from the Parshall-Lucky Mound System to the White Shield system would include a booster pump station, additional pipelines, pressure reducing valve, control valve, and other associated appurtenances; and

WHEREAS, Estimated project costs, including design and construction is \$6,560,000.00. \$850,000.00 of Bipartisan Infrastructure Law “Aging Infrastructure” funds from the Reclamation has been approved for this project and would be available after the Tribe and Reclamation enter into a Public Law 93-638 contract for those federal funds; and

WHEREAS, Funding from the MHA Nation is being requested since the MHA Nation’s construction ceiling under the Dakota Water Resources Act is nearly reached. The MHA Nation will request reimbursement of these funds if legislation is passed that increases the Fort Berthold Rural Water System construction ceiling.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the MHA Nation hereby authorizes, in accordance with the schedule shown below, the expenditure of up to \$5,710,000.00 by FBRW for costs associated with constructing the infrastructure:

- **FY 2024 Survey & ROW Acquisition - \$200,000.00**
- **FY 2025 Design & Construction Start Up – \$750,000.00**
- **FY 2026 Construction Completion & Project Wrap Up - \$4,760,000; and**

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; and

BE IT FINALLY RESOLVED, that the MHA Nation 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.



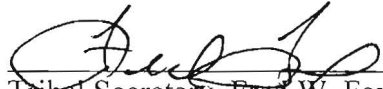
CERTIFICATION


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 1st day of February, 2024, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members for, 0 members opposed, 0 members abstained, and 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman () Voting, (X) Not Voting.

Dated this 1st day of February, 2024.

ATTEST:


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


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