

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

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, The Constitution and By-laws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the tribes and tribal members; and
- WHEREAS, The Three Affiliated Tribes requested assistance under Public Law 96-121 to provide water and waste disposal facilities for 40 HUD housing units to be constructed in Parshall, New Town, Twin Buttes, White Shield, and Mandaree; and
- WHEREAS, The Memorandum of Agreement is made among agencies and outlines the responsibilities of each agency on DHUD Project ND 5-11; and
- THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby approves the Memorandum of Agreement among the Indian Health Service, Bureau of Indian Affairs, Fort Berthold Housing Authority, and the Three Affiliated Tribes for sanitary facilities construction of Project ND 5-11 for 40 DHUD housing units.

C E R T I F I C A T I O N

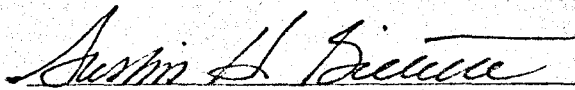
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members of whom 7 constitutes a quorum, 7 were present at a Special Meeting, thereof duly called, noticed, convened and held on the 16th day of April, 1981; 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vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said resolution has not been rescinded or amended in any way.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 (Voting) (~~Not Voting~~).

DATED THIS 16th DAY OF APRIL, 1981.


SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:


CHAIRMAN, TRIBAL BUSINESS COUNCIL

THREE AFFILIATED TRIBES • FORT BERTHOLD RESERVATION

Mandan, Hidatsa and Arikara Tribes

TRIBAL BUSINESS COUNCIL

P.O. Box 220 • New Town, North Dakota 58763 • (701)627-4781

April 17, 1981

Mr. Terry Housken
Aberdeen Area
Indian Health Service
Federal Building
Aberdeen, SD 57401

Dear Mr. Housken:

Enclosed herewith is Memorandum of Agreement among the Fort Berthold Housing Authority, Bureau of Indian Affairs, Indian Health Service, and the Three Affiliated Tribes for sanitary facilities for construction of Project ND 5-11 for 40 DHUD housing units.

The agreement was approved by the Tribal Business Council per Resolution #81-114, and has been signed by the Tribal Chairman, Austin Gillette.

Sincerely,



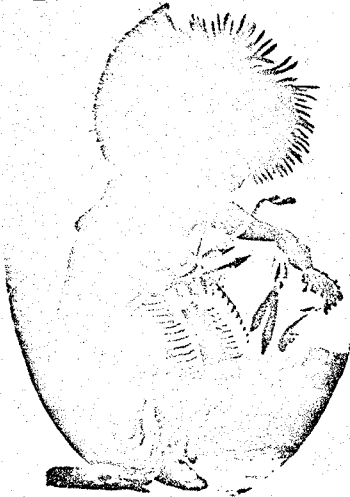
TILLIE WALKER,

Secretary

Three Affiliated Tribes

TW/rhw

Enclosure



Austin H. Gillette
Chairman

August Little Soldier
Vice-Chairman
South Segment

Tillie Walker
Secretary
West Segment

Wald White, Sr.
Treasurer
East Segment

Matthew Mason
North Segment

Roy Bird Bear
West Segment

Nathan P. Goodiron
West Segment

Thomas Eagle, Jr.
East Segment

Willard Little Owl
South Segment

Marie D. Wells
Northeast Segment

Willard Yellow Bird, Sr.
East Segment

MEMORANDUM OF AGREEMENT
among
THE INDIAN HEALTH SERVICE
THE FORT BERTHOLD HOUSING AUTHORITY
THE CITY OF NEW TOWN
THE BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD INDIAN RESERVATION
NORTH DAKOTA

This agreement is made among Indian Health Service, Department of Health and Human Services under and pursuant to the provisions of Section 7(a) (3) of Public Law 86-121 (42 U.S.C. 2004(a) - 73 Stat. 267); the Three Affiliated Tribes, hereinafter called the Tribes, acting through the Chairman of the Three Affiliated Tribes Business Council; the Bureau of Indian Affairs, acting through its Area Director; the Fort Berthold Housing Authority, hereinafter called the Authority, acting through its Chairman.

WHEREAS, the Tribes, acting through the Chairman of the Three Affiliated Tribes Business Council, by a project proposal dated November 24, 1980, requested assistance under Public Law 86-121 in the provision of water supply and waste disposal facilities to serve the 40 units of DHUD sponsored housing units to be constructed in Parshall, New Town, Twin Buttes, White Shield, and Mandaree communities on the Fort Berthold Indian Reservation; and

WHEREAS, the Indian Health Service is desirous of assisting in the provision of water supply and waste disposal facilities to serve the DHUD sponsored housing units on the reservation; and

WHEREAS, the Interdepartmental Agreement on Indian Housing states the responsibilities of the various Government agencies in the provision of such sanitation facilities;

NOW THEREFORE, in order to carry out the project as set forth in the attached project summary entitled "Project Summary for Sanitation Facilities Construction to serve 40 units of DHUD Housing, Project ND-5-11, Fort Berthold Reservation, North Dakota AB-81-200," dated December, 1980, and any amendments which may be made thereto, the parties mutually agree:

1. That the Tribes will appoint a representative who will perform the following functions:
 - a. coordinate the conduct of Tribal participation in the project under this agreement;
 - b. act as liaison among the various Governmental agencies participating in the project;

2. That the Indian Health Service will provide without charge to the Indian Tribes:
 - a. all materials, supplies, equipment, and labor for the installation of off-site water supply and waste disposal facilities as provided for in the attached project summary and not otherwise provided for in this agreement;
 - b. the instructions as to the proper utilization, maintenance, operation, and protection of the facilities provided for herein.
3. That in the event actual construction of this project cannot be initiated for any reason by July 31, 1981, the Indian Health Service reserves the right to cancel the project and use the funds earmarked therefor for other projects which lack impediments to prompt construction. If the condition which impeded construction is resolved following such cancellation, the Indian Health Service Aberdeen Area will give high priority to funding the project from appropriated sanitation facilities' funds available at that time or from future appropriations for sanitation facilities.
4. That the Tribes hereby grant permission for the Indian Health Service and its representatives to enter upon or cross Tribal lands of the Fort Berthold Indian Reservation for the purpose of carrying out the project as outlined in the attached project summary and provided for in this agreement and further agrees to waive all claims which may arise by reason of such entry, but includes only surface ground damage to the entry area, and does not waive claim to intentional or negligent conduct giving rise to a claim.
5. That the Authority hereby grants permission for the Indian Health Service and its representatives to enter upon or cross lands under the jurisdiction of the Authority for the purpose of carrying out the project as outlines in the attached project summary and provided for in this agreement and further waives all claims which may arise by reason of such entry, but includes only surface ground damage to the entry area and does not waive claim to intentional or negligent conduct giving rise to a claim.
6. That the Tribes will grant without charge to the Indian Health Service all easements and/or rights-of-way required for the construction of the water treatment plant and its lagoon for the Twin Buttes community.
7. That it is understood that the Tribes and Authority will abide by the recommendations based on the testing, the construction inspection, and final review of facilities by the Indian Health Service, in order to assure facilities which will function properly and meet the minimum public health standards.

8. That it is understood that the Authority will require the Housing Developer to coordinate the installation of sanitation facilities with the Indian Health Service and notify the Indian Health Service Project Engineer at the appropriate times in order for the necessary inspection of the sanitation facilities during the construction.
9. That it is understood that the Three Affiliated Tribes will administer the construction contract to provide the 500 feet of 6-inch water main with appurtenances and connection to existing mains in Mandaree, and 375 feet of 6-inch water main and 380 feet of 8-inch sanitary sewer main with appurtenances and connection to the existing mains in the New Town community.
10. That it is understood that the Indian Health Service will contribute the amount of funds necessary for the construction of the off-site water and sewer facilities to be constructed by the Three Affiliated Tribes through its Material Resource Department at the communities of Mandaree and New Town, as stated in the project summary and in clause 9 of this agreement, not to exceed a maximum of \$20,000.00. Payments will be made to the Three Affiliated Tribes upon receipt of an itemized statement of work completed, processed through and approved by the Indian Health Service Project Engineer.
11. That it is understood that the Authority will negotiate with the community of New Town a hook-up fee for water and sewer extensions as stated in the project summary and clause 9 of this agreement and that the Indian Health Service will provide financial assistance not to exceed \$22,000.00. Payments will be made to the Authority upon notification of work completed, processed through and approved by the Indian Health Service Project Engineer.
12. That it is understood by all parties to this agreement that as-built plans and well logs and tests results will be provided to the Indian Health Service Project Engineer in a timely manner.
13. That in consideration of the contributions made and the maintenance responsibilities undertaken herein by the Bureau of Indian Affairs, upon completion of the project, the Indian Health Service will transfer to the Bureau of Indian Affairs without charge, the water treatment plant and its holding lagoon in the community of Twin Buttes, including all materials, supplies, and equipment provided for and incorporated therein pursuant to this agreement.

14. That the Bureau of Indian Affairs agrees with the water treatment plant renovation and improvements proposed by the Indian Health Service in the community of Twin Buttes, and will continue to own, operate, and maintain said treatment plant when replaced into service.
15. That in consideration of the contributions made and the maintenance responsibilities undertaken herein by the Tribes, upon completion of the project, the Indian Health Service will transfer to the Tribes the community facilities including the water distribution system extension at Mandaree and New Town communities, and all materials, supplies, and equipment provided for and incorporated therein pursuant to this agreement.
16. That the Tribes hereby agree to accept the transfer of such community facilities, and to properly operate, maintain, and repair these facilities and equipment as the property of the Tribes so as to keep them in an effective and operating condition.
17. That upon acceptance by the Tribes, the Tribes agree to provide water and sewer services to the housing units, and user rates for these services will be based upon rates charged for various classes of service. The housing units will be considered an integral part of the community wherein constructed and all rules for operation and maintenance of the facilities will apply.
18. The Tribes agree to enforce the appropriate ordinances and regulations of the utilities organization for the Fort Berthold Reservation to assure continued operation, maintenance, and protection of the sanitation facilities provided as the property of the persons served thereby.
19. That upon completion of the contributions to the Tribes, the participation of the Indian Health Service in the provision of specified equipment, training and facilities be considered concluded, and no separate mention will be necessary in the transfer agreement which will be executed at the conclusion of the total project.

IN WITNESS WHEREOF, the parties have hereto subscribed their names.

FOR THE THREE AFFILIATED TRIBES:

4/16/81
Date

James H. Biecker
Chairman, Three Affiliated Tribes Business Council, having been duly authorized to enter into this agreement on behalf of the Tribes as evidenced by the attached certified copy of a resolution made by said Council.

FOR THE FORT BERTHOLD HOUSING AUTHORITY:

4-17-81
Date

Ellie Haller
Chairwoman, Fort Berthold Housing Authority, having been duly authorized to enter into this agreement on behalf of the Authority as evidenced by the attached certified copy of a resolution made by said Authority.

FOR THE BUREAU OF INDIAN AFFAIRS:

Date

Director, Bureau of Indian Affairs, Aberdeen Area

FOR THE INDIAN HEALTH SERVICE:

Date

Director, Aberdeen Area Indian Health Service, Department of Health and Human Services