

Resolution No. 91-35-JJR

**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 of the Three Affiliated Tribes generally 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 Tribes and of the enrolled member thereof; and
- WHEREAS,** The Three Affiliated Tribes, by virtue of the Memorandum of Understanding (MOU) No. 8-AG-60-00580, Section c.(2) The Tribe shall retain an engineering firm (or firms) experienced in the design and construction of MR&I project for the purpose of:
preparation of construction contract documents including designs and specifications, administrating construction contract and assuring construction is performed in accordance with the contract documents (designs and specifications) and acceptable construction standards.
- WHEREAS,** The Three Affiliated have initiated design work through agreement and approval of the engineering design proposals submitted October 1989, these proposals include all four of the project areas.
- WHEREAS,** The Project Bidding of the Lake Intakes for Four Bears and White Shield is included within said engineering design proposals. The Consultant, HKM will provide assistance to the Tribes in Bid Advertisement and Solicitation. Further, there will be cooperation in the selection of the Prime Contractor for the Lake Intakes.

NOW THEREFORE BE IT RESOLVED, That the Three Affiliated Tribes Tribal Business Council:

1. Approves HKM, the Tribe's Consultant to began advertisement for bids on the Lake Intakes for Four Bears and White Shield areas.
2. Approves active Tribal participation in the bidding phase.
3. Affirms that the Three Affiliated Tribes' performance of its contracted responsibilities will be subject to the availability of Congressionally appropriated and/or allocated funds for these purposes.

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 7 members of whom 5 constitute a quorum, 7 were present at a General Meeting there duly called, noticed, convened, and held on the 14th day of February, 1991; 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.

Dated the 14th day of February, 1991.

John J. Rabbithead Jr.
Secretary, Tribal Business Council

ATTEST

Chairman, Tribal Business Council

M, R, & I (CON'T):
continue working with Housing."

Chairman Wilkinson stated "it's the time now to involve the Council and Housing Staff to set up a meeting to deal with this water issue."

Resolutions read by Secretary. #1 dealt with the consulting firm to began bid advertising on the intakes.

Vice Chairman Lone Fight made a motion to approve the resolution to begin bid advertising, seconded by Councilman Gillette. Resolution #91-35.

Discussion: Anson Baker stated that "in the future, when there is a general council meeting, would you have copies of the resolutions available for the public because that's the purpose of the meeting."

John Danks questioned "how have they arrived with HKM? Are we satisfied with the previous work that HKM has performed on the reservation? I would like for the tribe to look at this seriously. We've been associated with that consulting firm for a long time but I'm not sure that we have seen values for the dollars paid."

Chairman Wilkinson stated that "Mr. Danks is correct. We have had HKM for a long time since 1966."

Councilman Gillette stated that "based on cost per engineering project, HKM's figures are statewide and at the national level they are lower than other firms in our area.

John Danks stated that "perhaps, at this stage of such an important project, we should be looking at the engineering and design aspect of this project very thoroughly. We have had continuous problems with operation of our intake systems in Mandaree, Twin Buttes and Four Bears."

Sharon Blake stated "it's true. We can access free market/open competition. When this project first entered, the Council got their recommendation of HKM from the BIA. There really was no competition involved when it came to HKM. The free market concept--we can specify to HKM, what exactly we want to do on the project. They can come in like any other potential firm and quote a price but that depends on the Council, and of course, the Council are open to your comments. I see nothing wrong with open competition. Going out on the market and getting other firms to come in and quote a price on what they can perform per project."

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M, R, & I (CON'T):

Felicia Felix, further stated that "because the contract is 638, there is certain regulations we have to follow."

Elgin Crows Breast stated that "the tribe received \$100,000 for Cultural Resource Studies, at that point, through the Natural Resources Administrator, the money was given to HKM, who in turn, subcontracted that money out to archeological firms. We, as tribal people should have been able to keep that money with us and subcontract ourselves. We could start an office with \$30,000.00, hire an Office Manager and Secretary. We need to look into these."

Paul Goodiron informed the general public that when you go to Federal Court-Washington DC or the State Capitol--when you deliver documentation or data, these organizations already know you but what they want is verification from someone in the expert category. HKM is still in that category in being an expert and when the people in DC look at the documentation, they know this. It's not just made up by any firm trying to make a dollar. When they see this, they are more apt to accept this.

Vote: 7 for, 0 opposed. Unanimous--Motion Carried.

#2 Resolution deals with authorizing the Bureau of Reclamation to give us a financial detailed breakdown of their costs.

Councilman Gillette made a motion to approve authorization, seconded by Councilman Hall. Resolution #91-36.

Vote: 7 for, 0 opposed. Unanimous--Motion Carried.

ITEM 05: NORTH SEGMENT GROCERY STORE:

Chairman Wilkinson explained we've established an Economic Development Committee. "Their job is to assist the segments to put together a business for individuals of the segment or the tribe itself. What we're putting together is to purchase the Jack & Jill store here and set it up as a business owned by North Segment Community. We're seeking to finance this project through the Small Business Administration."

ITEM 06: ROADS CONTRACT:

Chairman Wilkinson explained "The previous Council authorized the contracting of the BIA Roads Program. We made a commitment to you people that before we went ahead with any 638 contract, we would get input from you first. Councilman Mossett will give a report on the Roads Program Contract."

Councilman Mossett stated "the contract was just getting the