

**RESOLUTION
OF THE
GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN 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 members thereof; and

WHEREAS, The Tribe has enacted a Tribal Employment Rights Ordinance (TERO), pursuant to Resolutions No. 83-122-S and No. 93-40-JJR, which requires that Indian people, and particularly members of the Three Affiliated Tribes, be preferred in employment opportunities and contracting projects that occur within the Fort Berthold Indian Reservation; and

WHEREAS, The TERO also imposes a TERO fee on contracting activities which occur within the Fort Berthold Indian Reservation, which is used, in part, for funding of the TERO Office, and the fee has an adverse impact on the MR&I water treatment plant construction projects, as no allowance is made by the funding sources for such projects for the TERO fee, and imposing such a fee reduces what can be constructed with the funds available; and

WHEREAS, The Tribe does not want to impose unnecessary burdens on construction projects benefiting the residents of the Fort Berthold Indian Reservation; and

WHEREAS, The Three Affiliated Tribes' position is to complete the remaining water treatment plants, by supplementing the MR&I Phase I Construction Project with Tribal funds; and

NOW, THEREFORE, BE IT RESOLVED, That the TERO two and one half percent (2.5%) prime contractor fee shall not be imposed directly against either of the respective contracts under which the Twin Buttes and Four Bears water treatment plants will be constructed.

BE IT FURTHER RESOLVED, That, in lieu of imposing the TERO fee directly against the respective construction contracts for the Twin Buttes and Four Bears water treatment plants projects, the MR&I Water Project shall direct to the TERO Office a separate initial payment in the amount of \$5,000.00 on each of the two projects and pay the balance of the respective TERO fee amount on each project, when funding becomes available under the Dakota Water Resources Act of 1997 through the Bureau of Reclamation.

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 7 members of whom 6 constitute a quorum. 6 were present at a Regular Meeting thereof duly called, notice, convened, and held on the 18th day of June, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 0 members abstained, 1 members not voting, and that said resolution has not been rescinded or amended in any way.

Chairman voting (not voting).

Dated this 18th day of June, 1998

ATTEST:

Daylon Spotted Bear
Secretary, Tribal Business Council

[Signature]
Chairman, Tribal Business Council