



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

A Resolution Entitled: *“Approval of CMAR services with McGough Construction for the Emergency Operations Center and Fire Management Construction Project with a GMP to be established by May 2022 and a waiver of the 2.5% TERO fee.”*

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes, also known as the Mandan, Hidatsa, and Arikara Nation (“Tribes” or “MHA Nation”) 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, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article VI, Section 5(l) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation.

WHEREAS, The Tribes seek to protect the Tribes’ interests when there is a disaster, pandemic or other emergency declaration that affect the lives and livelihood of enrolled members and community members surrounding the Fort Berthold Indian Reservation,

WHEREAS, The Tribes seek to provide disaster mitigation, disaster recovery, education of first responders and the general public, improve communication systems with other agencies, provide a storm shelter and a safe room, logistical support for the Emergency Operations Centers staff to respond to emergency declarations, pandemic support and other emergencies as declared by the Tribal Business Council; and

WHEREAS, The Tribes seek to maintain their wildland fire program, the Three Affiliated Tribes Fire Management Program, with a new and updated facility to conduct wildland fire mitigation and suppression activities for the Fort Berthold Indian Reservation and surrounding communities; and



WHEREAS, The Tribal Business Council has approved the Emergency Operations and Fire Management Construction Project (or “Project”) and has been apprised of a proposed Agreement with McGough Construction Co., LLC (or “McGough”) of St. Paul, MD which provides that McGough will be the Construction Manager as Constructor of the Project, with a Construction Manager’s Fee of 2.5% of the Cost of the Work. Guaranteed Maximum Price will be presented to the Tribal Business Council by May 31, 2022; and

WHEREAS, There is a request for waiver of the 2.5% TERO fees for the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes based upon the above hereby authorizes and approves the Agreement with McGough Construction Co., LLC as the Construction Manager as Constructor for the Emergency Operations and Fire Management Construction Management Project pending final legal review; and

BE IT FURTHER RESOLVED, that the 2.5% TERO fee for this Project will be waived; and

BE IT FINALLY RESOLVED, that the Tribal Chairman is hereby authorized to execute such documents and take such action as is necessary to carry out the terms and intent of this Resolution.

<SIGNATURE PAGE TO FOLLOW>



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 9th day of March, 2022, 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 [X] Voting. [] Not Voting.

Dated this 9th day of March, 2022.

ATTEST:


Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes


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

