



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

***A Resolution Entitled, "Approval and Authorization of Fort Berthold Rural Water to Proceed with Four Bears Segment Water System Expansion and Upgrades, Not to Exceed \$5,000,000.00 for the Immediate Needs of the Four Bears Segment and The Three Affiliated Tribes within the Fort Berthold Indian Reservation."***

**WHEREAS,** The Mandan Hidatsa and Arikara Nation, also known as the Three Affiliated Tribes ("MHA Nation" or "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 constructs, operates, maintains, and replaces (OM&R) the Fort Berthold Rural Water Supply (FBRWS) system under Indian Self-determination and Education Assistance Act contracts in order to provide safe drinking water throughout the Fort Berthold Indian Reservation (Reservation); and

**WHEREAS,** The Tribal Business Council completed the Four Bears Intake and Treatment Plant in 1991 to serve the Tribal Headquarters of Three Affiliated Tribes, the Indian Health Services Minne Tohe Building, and other Tribal Entities within the Four Bear Segment of the Fort Berthold Indian Reservation; and

**WHEREAS,** The Tribes have completed numerous Economic Development Enterprises and Tribal Government Buildings drawing on the Four Bears Water and Sewer Infrastructure, with the system nearly reaching capacity since being expanded and upgraded in 2006 and then in 2009; and



**WHEREAS,** Fort Berthold Rural Water has informed the Tribal Business Council of the immediate needs for upgrades to the Four Bears Segment Water system which include needed upgrades to the intake, water treatment plant, and finished water storage capacity; and

**WHEREAS,** The Fort Berthold Rural Water System Master Plan of August 2021 provides that upgrades and system expansions are deemed paramount for the Four Bears Segment of the Fort Berthold Indian Reservation; and

**WHEREAS,** Fort Berthold Rural Water, a division of the MHA Nation, intends to increase the WTP and intake capacity by upgrading the existing facilities, and plans to increase the finished water storage capacity by constructing a new storage reservoir at an estimated total cost of \$5,000,000.00; and

**WHEREAS,** Total costs of \$5,000,000.00 include \$3,500,000.00 to design and construct a 500,000-gallon storage tank, \$500,000.00 to design and construct an upgraded intake, and \$1,000,000.00 to design and construct upgrades to the WTP to expand the facility capacity.

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Business Council of the MHA Nation hereby authorizes the expenditure of up to \$5,000,000.00 to go toward funding the Four Bears Water System Upgrade project to be completed in accordance with the following construction schedule:

- **FY 2023 - \$4,000,000.00**
  - \$3,000,000.00 – 500,000-gallon storage tank design, bidding, and initial construction.
  - \$350,000.00 – Intake upgrades design, bidding, and initial construction
  - \$650,000.00 – WTP upgrades design, bidding, and initial construction
- **FY 2024 – \$1,000,000.00**
  - \$500,000.00 – 500,000- gallon storage tank construction and facility completion.
  - \$150,000.00 – Intake upgrades completion
  - \$350,000.00 – WTP upgrades completion

**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.



**BE IT FINALLY RESOLVED**, that the Tribal 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 October, 12<sup>th</sup> day of October, 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 12<sup>th</sup> day of October, 2022.

**ATTEST:**

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

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