



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

**A Resolution Entitled, “*Authorizing and Approving U.S. Department of Housing and Urban Development ICDBG-CARES Grant Amendment*”**

**WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated 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(l) 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,** Pursuant to the authority provided under Resolution No. 20-109-FWF, the MHA Nation pursued and secured U.S. Department of Housing and Urban Development (HUD) Indian Community Development Block Grant Imminent Threat Coronavirus Aid, Relief, and Economic Security Act (ICDBG-CARES) funding to purchase and renovate a health clinic in Halliday, ND and complete the emergency response center in Twin Buttes, ND; and

**WHEREAS,** The MHA Nation has determined that applying for an amendment to this grant to redirect funds intended for completing the emergency response center toward expanding cell service coverage through constructing a cell tower project would better serve the needs of tribal members by providing infrastructure to support community critical services, distance learning, and telehealth in response to the COVID-19 pandemic; and



**WHEREAS,** Baker Tilly US, LLP (Baker Tilly), who was retained by the South Segment Community Development Corporation (SSCDC) to administer this grant, prepared documents and forms necessary to apply for federal approval to amend the original ICDBG-CARES grant agreement 20IV3806940 (Amendment Package) to include all necessary changes per HUD Notice PIH 2021-06 guidelines; and

**WHEREAS,** Baker Tilly has represented to the Tribe that the Tribe complied with the citizen participation requirements identified in 24 C.F.R. § 1003.604(a), Notice PIH 2020-11, and Notice PIH 2021-06 for the ICDBG-CARES amendment proposed by posting flyers in public facilities within the community for at least six (6) days and by providing adequate platforms to receive feedback and comments; and

**WHEREAS,** The Tribe has a need to authorize and approve the Amendment Package to receive federal approval to amend the Tribe's ICDBG-CARES grant within required timeframes and secure necessary funding for constructing the cell tower.

**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council hereby authorizes, subject to federal approval, transferring administrative responsibilities associated with grant 20IV3806940 from the SSCDC to the Tribe, allowing Baker Tilly to continue on with its grant administration and project management responsibilities as budgeted under the amended grant, and the use of grant 20IV3806940 funds to construct a cell tower project to support the Tribe's response to COVID-19.

**BE IT FINALLY RESOLVED,** The Chairman of the Tribal Business Council is authorized to execute all documents in the Amendment Package required to pursue federal approval to amend the MHA Nation's ICDBG-CARES grant, and to take such further action as is 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 8<sup>th</sup> day of February, 2023, 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 8<sup>th</sup> day of February, 2023.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Tribal Chairman, Mark N. Fox  
Tribal Business Council