



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

A Resolution Entitled, “*Authorize the Fort Berthold Rural Water System to Install Water Meters on Existing Un-metered Water Service Connections on the Fort Berthold 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 (or “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 Dakota Water Resources Act (or “DWRA”) as amended authorized Secretary of the Interior to construct, operating and maintain the Fort Berthold Rural Water Supply (or “FBRWS”) project; and
- WHEREAS,** The MHA Nation constructs, operates, maintains, and replaces (or “OM&R”) the FBRWS under Indian Self-determination and Education Assistance Act contracts in order to provide safe drinking water throughout the Fort Berthold Indian Reservation (or “Reservation”); and
- WHEREAS,** The FBRWS Policy and Procedures for Water Service (or “P&P”), as amended, states in Section 9 (or “Metering of Service”) that all water connections to the FBRWS shall be metered. In accordance with the P&P, Fort Berthold Rural Water (or “FBRW”) installs water meters on all newly constructed water service connections; and



WHEREAS, There are approximately 500 un-metered homes, businesses, and facilities on the Reservation that are indirectly served by the FBRWS, however, these water connections were installed prior to the establishment of the FBRWS or without FBRW involvement. The un-metered connections are located on either Tribally owned land (public housing and Segment subdivisions), Tribal allotted lands, or privately-owned lands. This Resolution addresses un-metered water connections on “Tribally owned land”; and

WHEREAS, FBRW is in the process of securing funding to meter the un-metered water connections on the Reservation and is seeking authorization from the Tribal Business Council to allow FBRWS to enter into “Tribally owned land” to install meters (in meter pits located adjacent to homes); and

WHEREAS, In some situations, the best location for the meter may be inside public housing so FBRW is also seeking authorization to work cooperatively with the Fort Berthold Housing Authority (or “Housing Authority”) to install in-home meters. During the process of installing meters inside public housing units, FBRW or the FBRW’s contractor may discover other plumbing issues beyond the scope of the meter installation. FBRW will promptly bring these plumbing issues to the attention of the Housing Authority for resolution.

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the MHA Nation hereby authorizes FBRW to enter into Tribally owned lands where public housing and Segment subdivisions have been constructed to install water meters on existing unmetered water connections to the FBRWS as described herein; and

BE IT FINALLY RESOLVED, That the 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.

<SIGNATURE PAGE TO FOLLOW>



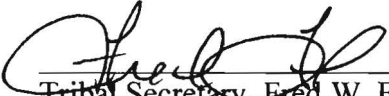
CERTIFICATION


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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 17th day of May, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members for, 0 members opposed, 0 members abstained, and 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman () Voting, (X) Not Voting.

Dated this 17th day of May, 2023.

ATTEST:


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


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