



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

A Resolution Entitled: “*Approving Waiver of the TERO Fee and the MHA Disposal Fee for the MHA Community Health Resources Center and Maintenance Building (also known as the “Public [Health] Nursing Facility”) Project.*”

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 Arikara Nation (“Tribes” or “MHA”), 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 IV, 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; and

WHEREAS, The Tribes have contracted with RML Architects and Consolidated Construction Company, Inc. to complete architectural plans and construction for the “MHA Community Health Resources Center and Maintenance Building Project” (previously referred to as the “Public [Health] Nursing and Maintenance Facility”); and

WHEREAS, Pursuant to Resolution No. 23-141-FWF the Tribal Business Council approved construction of the Project - with an estimated total cost of \$43,977,645, which included estimated TERO and Disposal Fees - to improve the health and wellness of Tribal members; and

WHEREAS, Title VI, Section 601 of the Tribes’ TERO Ordinance requires a TERO Employment Rights Fee (TERO Fee) equal to two- and one-half percent (2.5%) of the total amount of a construction contract for contracts of \$1,000 or more; and

WHEREAS, Construction projects within the Reservation are also subject to the MHA Disposal Fee equal to one percent (1%); and



WHEREAS, The Tribal Business Council has the authority to waive the aforementioned TERO and Disposal Fees for public benefit purposes; and

WHEREAS, The Tribal Business Council has considered this request with regard to the MHA Community Health Resources Center and Maintenance Building Project and has determined it is in the best interests of the Tribes to approve a waiver of the aforementioned fees.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated hereby approves waivers of the 2.5% TERO Fee and the 1% MHA Disposal Fee for the MHA Community Health Resources Center and Maintenance Building Project; and

BE IT FURTHER RESOLVED, that the aforementioned fee waiver shall also apply to all contractors, subcontractors, and other persons or entities for work on the MHA Community Health Resources Center and Maintenance Building Project; 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.

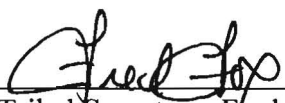
CERTIFICATION

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 August, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 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 August, 2023.

ATTEST:



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



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