



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

A Resolution entitled, “Approval of Substation Lease for McKenzie Electric Cooperative.”

- 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(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 IX, Sections 1 and 3 of the Constitution, provides that the Tribal Business Council has the authority to manage and lease or otherwise deal with tribal lands and resources; and
- WHEREAS,** A lease of Tribal Trust land require the consent of the Tribal Business Council pursuant to federal and Tribal Law; and
- WHEREAS,** Leases on Tribal Land are subject to the requirements of tribal law, including, Resolution No. 15-045-LKH (Establishing a Procedure for the Approval of Leases, Rights-of-Way, Setback Variances and Permissions to Survey on Tribal Land), Resolution No. 17-117-FWF (Approval of Fee Structure), and Resolution No. 18-212-FWF and 21-082-FWF (Amending Fee Structure); and
- WHEREAS,** McKenzie Electric Cooperative Inc. submitted a Lease for electric substations, on and across certain Tribal tracts, Allotment T5490 (1.0000000000% Tribal Interest), located in Section 35, of Township 149 North, Range 95 West, in McKenzie County, North Dakota and Allotment T5462 (1.0000000000% Tribal Interest), located in Section 5, of Township 148 North, Range 95 West, in Dunn County, North Dakota as the Figure 4 Substation; and Allotment T690A-B (1.0000000000% Tribal Interest), located in Section 16, of Township 149 North,



Range 93 West, in Dunn County, North Dakota as the Mandaree Substation; and Allotment T1799 (1.0000000000% Tribal Interest), located in Section 4, of Township 148 North, Range 93 West, in Dunn County, North Dakota as the Loop 17 substation; and

WHEREAS, The Lease, has been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing Leases of Tribal Land.

NOW THEREFORE BE IT RESOLVED, Subject to the Terms of the Substation Premises Lease and payment of applicable fees, the Tribal Business Council hereby approves the Lease, and consents to the leasing of the following lands:

- McKenzie Electric Cooperative Inc.– Substation Premises Lease:
 - **Figure 4 Substation**-being 8.28 acres and an access road being 2.67 acres in size, across certain tribal tracts in Allotment T5490 in Section 35, of Township 149 North, Range 95 West, in McKenzie County, North Dakota, with 1.0000000000% tribal interest and Allotment T5462 in Section 5, of Township 148 North, Range 95 West, in Dunn County, North Dakota, with 1.0000000000% tribal interest.
 - **Mandaree Substation**-being 3.11 acres in size, across certain tribal tracts in Allotment T690A-B in Section 16, of Township 149 North, Range 93 West, in Dunn County, North Dakota, with 1.0000000000% tribal interest.
 - **Loop 17 Substation**-being 12.23 acres in size, across certain tribal tracts in Allotment T1799 in Section 4, of Township 148 North, Range 93 West, in Dunn County, North Dakota, with 1.0000000000% tribal interest.

BE IT FURTHER RESOLVED, Pursuant to the terms of the Lease, the Lease shall have a term of twenty-five years with an automatic renewal term of an additional twenty-five years.

BE IT FURTHER RESOLVED, Pursuant to the Lease, the Tribe does not consent to waive any bond, insurance, or alternative form of security.

BE IT FURTHER RESOLVED, The Tribe retains the authority to issue fines and set conditions to address and resolve trespass outside of the bounds of the lease or other violations of tribal law.



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.

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 13th day of September, 2018, 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 13th day of September, 2023.

ATTEST:

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

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