



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

***A Resolution Entitled, “Approval of Water Purchase Agreements between the City of New Town and the Tribe for the new EOC Building and EMHC Campus.”***

**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 Dakota Water Resources Act (DWRA) as amended authorized a \$70 million construction ceiling for the MHA Nation FBRWS project which ceiling will be reached in the next couple years. Once the FBRWS construction ceiling is reached, the MHA Nation will no longer received federal construction funding for the project; and

**WHEREAS,** The Tribes’ Fort Berthold Rural Water (FBRW), a division of MHA Nation, continues to receive water service connection (Subsequent Users) requests from individuals and businesses on the Fort Berthold Reservation and expects these water service requests to continue well after the FBRWS construction ceiling has been reached and federal funding has ceased. FBRW also continues to receive water service and water system improvement requests from the Fort Berthold Reservation



Segments and the MHA Nation to provide potable drinking water for planned Tribal facilities; and

**WHEREAS,** FBRW also uses federal FBRWS construction funding to complete environmental and cultural resource compliance requirements and easement acquisition to facilitate the use of Indian Health Service (IHS) funding to provide water service connections to Native Americans living on the Fort Berthold Reservation; and

**WHEREAS,** The FBRWS Master Plan of August 2021 identifies the need for water system upgrades and expansions through 2050, including FBRWS water service connections and system improvements which are essential for future economic development of the Fort Berthold Indian Reservation; and

**WHEREAS,** FBRW intends to continue providing water service connections (subsequent users) and system improvements after the FBRWS construction ceiling has been reached; and

**WHEREAS,** FBRW is planning on system improvements to be able to adequately serve the needs of the new Tribal Emergency Operations Center (EOC) Building and all facilities associated with the Elbowoods Memorial Health Center and adjacent area (EMHC Campus). For the period of this planned build out, the FBRW has negotiated with the City of New Town for this municipality to provide domestic and fire suppression services to the new EOC Building and the EMHC Campus until December 31<sup>st</sup>, 2026, if necessary, by which time FBRW should be able to serve the needs of both.

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the Tribes to enter into water purchase agreements with the City of New Town for domestic and fire suppression needs at the new EOC Building and EMHC Campus until such time the FBRW will have the necessary infrastructure in place to take over these water flow requirements; 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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 13<sup>th</sup> day of September, 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 [ ] Voting. [ X ] Not Voting.

Dated this 13<sup>th</sup> day of September, 2023.

**ATTEST:**

Handwritten signature of Fred W. Fox in blue ink.

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

Handwritten signature of Mark N. Fox in blue ink.

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