



**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 V. Judy Brugh Community Center.*”

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 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 has contracted with Woodstone Inc., to construct the V. Judy Brugh Community Center; and

WHEREAS, The TERO Ordinance requires a TERO Employment Rights Fee equal to two-and-one-half percent (2.5%) of the total amount of a construction contract; and

WHEREAS, Construction projects within the Reservation are subject to the MHA Disposal Fee in an amount equal to one percent (1%) of the construction contract; and

WHEREAS, A request has been made to waive both fees for the V. Judy Brugh Community Center project.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council waives the TERO Fee and the MHA Disposal Fee for the V. Judy Brugh Community Center Project.



BE IT FURTHER RESOLVED, That the aforementioned fee waiver shall apply to all contractors, subcontractors, and other persons or entities working on the V. Judy Brugh Community Center Project.

BE IT FURTHER RESOLVED, That any cost savings created by this waiver shall be applied to other costs on the V. Judy Brugh Community Center Project.

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 Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting there of duly called, noticed, convened, and held on the 7th day of December, 2023; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 7th day of December, 2023.

ATTEST:


Tribal Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes


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