



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

A Resolution Entitled, “*Distribution of Net Revenue from the Section 17 Corporation’s Water Sales to the Water Infrastructure Development Account and Segments*”

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(l) 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, Resolution No. 12-049-VJB authorized the Three Affiliated Tribes Section 17 Corporation (Section 17), established pursuant to 25 U.S.C. § 477 as the Tribe’s separate business arm, to buy water from Fort Berthold Rural Water and to market and sell such water for industrial and other authorized purposes; and

WHEREAS, Pursuant to Resolution No. 12-137-VJB the Three Affiliated Tribes adopted a distribution scheme for the net revenue generated from Section 17’s water sales, which was subsequently amended pursuant to Resolution No. 13-068-VJB; and

WHEREAS, The current distribution scheme provides for all net revenue from Section 17’s water sales to be paid to the Tribal Treasurer who then deposits 50% of those net revenues into a separate MHA Nation Water and Infrastructure Development Account and allocates the remaining 50% to the Segment where the water was extracted for delivery to Section 17; and



WHEREAS, The Tribal Business Council finds that the distribution procedure of Section 17's net revenues from water sales should be updated to allow all Segments to benefit from water sale revenue.

NOW THEREFORE BE IT RESOLVED, That all net revenue derived from Section 17's water sales shall be paid to the Tribal Treasurer. The Treasurer shall deposit 50% of the net revenue from Section 17's water sales into a separate MHA Nation Water and Infrastructure Development Account to be used for authorized water and infrastructure development projects, and the remaining 50% shall be distributed as follows: 15% to the Segment where the water was extracted for delivery to Section 17 and 7% to each of the five remaining Segments.

BE IT FURTHER RESOLVED, That each Segment receiving revenue under this Resolution shall use such revenue for public purposes that benefit the members of such Segment, in accordance with a plan approved by the Tribal Business Council.

BE IT FURTHER RESOLVED, The term "net revenue", as used in this Resolution, is defined as the income remaining after all expenses, determined in accordance with generally accepted accounting principles, have been accrued in connection with the sale of water.

BE IT FURTHER RESOLVED, That this Resolution hereby supersedes Resolution Nos. 12-137-VJB and 13-068-VJB.

BE IT FINALLY RESOLVED, That the Chairman of the Tribal Business Council is authorized to take such further 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 Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 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, 1 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