



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

***A Resolution Entitled, "Approving MHA Nation FBRWS Operation, Maintenance, and Replacement (OM&R) Transfer Contract with the Bureau of Reclamation."***

- 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 currently constructs, operates, maintains, and replaces (OM&R) the Fort Berthold Rural Water Supply System (FBRWS) under Indian Self-determination and Education Assistance Act (P.L. 93-638 as amended) contracts with the Bureau of Reclamation to provide safe drinking water throughout the Fort Berthold Indian Reservation; and
- WHEREAS,** The MHA Nation has completed negotiations with the Bureau of Reclamation in developing a new OM&R Transfer Contract to replace the existing P.L. 93-638 OM&R Contract, No. R04AV60114; and



**WHEREAS,** The MHA Nation understands the new OM&R Transfer Contract will be used to award OM&R funding from the Bureau of Reclamation for FY2026 and thereafter. The existing OM&R Contract No. R04AV60114 will continue until the funding issued to it via contract modifications have been expended, including the funds to complete ongoing replacement, additions and extraordinary (RAX) projects; and

**WHEREAS,** The MHA Nation acknowledges and understands that execution of a new OM&R Transfer Contract between the Tribes and Reclamation is required prior to the award and distribution of Fiscal Year 2026 OM&R funding to the Tribes.

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Business Council hereby authorizes the Tribes to enter into a new OM&R Transfer Contract with the Bureau of Reclamation so the Tribes can continue to operate, maintain, and replace the FBRWS as administered by Fort Berthold Rural Water; and

**BE IT FURTHER RESOLVED,** that the new OM&R Transfer Contract may be modified as necessary in the future; and

**BE IT FINALLY RESOLVED,** that the Tribal Chairman is hereby authorized, subject to legal review, to execute such documents and take such further actions as are necessary to carry out the terms and intent of this Resolution.

*(SIGNATURE PAGE FOLLOWS)*



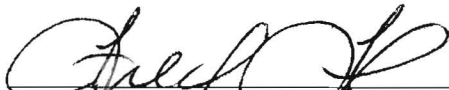
**CERTIFICATION**

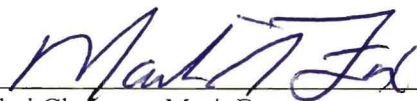
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8<sup>th</sup> day of January, 2026, 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 7<sup>th</sup> day of May, 2026.

**ATTEST:**

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

  
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Tribal Chairman Mark Fox  
Tribal Business Council  
Three Affiliated Tribes