



TBC Four Bears News Letter

March 2013

V. Judy Brugh, Four Bears Segment Rep.

Publication No. 13-3



"Mandan Chief Four Bears"

Inside this issue:

- Bismarck, ND Hyatt Hotel Funded **1**
- Financial Advisors **2**
- Housing Checklist for Infrastructure **2**
- Inheritance Code Input Encouraged **3**
- April Menu **4**
- Four Bears Staff **5**

"TRIBAL BUSINESS COUNCIL INVESTS IN THE UNITED TRIBES HOTEL"

"COUNCIL SUPPORTS NEW HOTEL DEVELOPMENT FOR THE UNITED TRIBES TECHNICAL COLLEGE"

The Tribal Business Council approved the Tribal Resolution entitled; "Approval of equity investment in hotel to be located on the property of the United Tribes Technical College in Bismarck, North Dakota"

Which state in part the following:

"WHEREAS, The Three Affiliated Tribes is a founding member of the Board of Directors of United Tribes Technical College (United Tribes) in Bismarck, North Dakota, a Board of Directors which includes the Chairman and one other Tribal Representative from each of the five federally recognized Tribes with a presence in North Dakota; and

WHEREAS, United Tribes has engaged All Nations Development, LLC; along with Mortenson Development and Thor Construction, Inc., to provide a turnkey hotel development including development, design, construction and structuring financing for a hotel to be located on the northwest corner of the land owned in fee simple by United Tribes on an approximately 10 acre parcel immediately adjacent to the Bismarck Municipal Airport; and

WHEREAS, United Tribes has commissioned feasibility studies which show that the hotel will be profitable in its first year of operation due to the demand that has grown substantially over the past five years, and due to its unique location adjacent to the airport in Bismarck; and

WHEREAS, the hotel, as designed, would be 160 rooms approximately six stories, and would feature 10,000 sq. ft. of meeting space, a full service dining facility, and a pool, among other amenities; and

WHEREAS, United Tribes has submitted a franchise application, along with the requisite fee of \$64,000, for a "Hyatt Place" hotel, an upscale hotel that would be a part of the Hyatt Hotel chain, and which would be in the first Hyatt Hotel in the Bismarck area; and

WHEREAS, the hotel would be operated by a Hyatt-qualified hotel management firm, in accordance with a management agreement that is yet to be negotiated; and

WHEREAS, the entire cost of the hotel project is \$31.3 million, including development costs; and

WHEREAS, Dougherty Financial Group of Minneapolis has conducted financing options for the hotel, with the express goal of minimizing the cost of capital and seeking to retain inter-tribal ownership of the hotel; and...

NOW THEREFORE BE IT RESOLVED that the Tribal Business Council does hereby approve the contribution of 9.1 million dollars to the equity needed to develop a hotel, as described above, on land owned by United Tribes Technical College in partnership with the Three Affiliated Tribes and a lease agreement to be approved by both parties, of which the Three Affiliated Tribes is a member and represents two of the ten members on the Board of Directors, and does accept the conditions stated above for making such an equity contribution, subject to final approval by the Tribal Business Council of an equity and ownership agreement between the Tribe, United Tribes and an appropriate set of agreement for operation and construction of the hotel, and subject to the proviso that once a Hyatt hotel franchise is secured by United Tribes, certain funds shall be made available from the equity contributions authorized by this resolution for the purposes of accomplishing the development tasks needed as stated above; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Tribal Business Council understands that its equity contribution will give the Tribe ownership interest along with the United Tribes Technical College in the hotel in proportion to the percentage of its contribution to the total amount of equity required for the aforementioned hotel project, and will also require that the Tribe guarantee the construction loan required for the project in proportion to the percentage of its equity contribution of the total equity required; and..."

TRIBAL BUSINESS COUNCIL APPROVES A INVESTMENT ADVISOR—VANGUARD ADVISORS

The Tribal Business Council approves Resolution No. 13-33 -VBJ entitled “Approval of Tribal Investment Advisor—Vanguard Advisors, Inc., PO Box 2900, Valley Forge, PA 19842-2900 which states in part the following:

“WHEREAS, Article IV, Section 5(l) of the Constitution of the Three Affiliated Tribes provide the Tribal Business Council authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation.

WHEREAS, The Tribal Business Council desires to engage investment advisors to assist the Tribe in the investment of Tribal Funds for the benefit of the

Tribe and its enrolled members; and

WHEREAS, The Tribal Business Council has interviewed potential firms to provide investment advice and services to the Tribe; and

WHEREAS, The Tribal Business Council has selected Vanguard Advisors, Inc., PO Box 2900, Valley Forge, PA 19842-2900 (“Vanguard”) as one of two firms engaged to serve as investment advisor to the Three Affiliated Tribes.

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes has selected Vanguard to provide investment services to the Three Affiliated Tribes

with regard to the investment of tribal funds; and

BE IT FURTHER RESOLVED, the terms of the engagement of Vanguard is contained in the attached “Discretionary Investment Management Agreement” and said terms have been negotiated by the Tribes’ Chief Financial Officer; and

BE IT FINALLY RESOLVED, pursuant to this Resolution approving the selection of Vanguard, the Chairman and the Treasurer of the Three Affiliated Tribes are hereby authorized to execute all relevant documents required to engage Vanguard as an Investment Adviser for the Tribes.”

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TRIBAL BUSINESS COUNCIL APPROVES CHECKLIST GUIDELINE FOR HOUSING DEVELOPMENT

TRIBAL COUNCIL APPROVES THE CHECKLIST GUIDELINE FOR HOUSING DEVELOPMENT

The Tribal Council duly passed Tribal Resolution no. 13-034-VJB entitled “Approval of the Checklist Guideline for Housing Development for the line item “Mortgage Loan Program” of the Three Affiliated Tribes Budget Allocation for FY 2013” which states in part the following:

“WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article IV, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council authority to adopt resolutions

regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation; and

WHEREAS, The Tribal Business Council approved the Mortgage Loan Program Policies on December 12, 2012; and

WHEREAS, The Tribal Business Council approved (FY 2013) budget that included “Special Projects” with the line item of eighteen million dollars (\$18,000,000) for the “Mortgage Loan Program;” and

WHEREAS, The Tribal Business Council approved the \$18,000,000 based on the formula of three million dollars (\$3,000,000) per segment multiplied by six (6) segments; and

WHEREAS, The Tribal Business Council desires that a portion of

the \$3,000,000 designated to each segment be utilized for infrastructure development.

THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby approves 1.5 million (\$1,500,000), one-half (1/2) of the \$3,000,000, for infrastructure development of each segments’: North Segment, North-East Segment, East Segment and South Segment Allocation of the aforementioned formula of the Mortgage Loan Program line item under the “Special Projects” category of the (FY 2013) Budget of the Three Affiliated Tribes if necessary; and

BE IT FINALLY RESOLVED, that the Tribal Business Council approves the attached Checklist Guidelines for Housing Development including definitions.”

TRIBAL COUNCIL TO HOLD COMMUNITY INPUT MEETINGS ON INHERITANCE CODE

TRIBAL BUSINESS COUNCIL WORKING ON "INHERITANCE CODE" ON THE BEHALF OF THE PEOPLE OF THE MANDAN, HIDATSA AND ARIKARA

March 2013

"Hello to You All":

I hope this finds you in good health and that your days be blessed with good things.

On April 2nd, 2013 the North Segment and Four Bears (communities) hosted an informal meeting on the Probate Code that is being proposed for our people.

Probate affects every person here and elsewhere and by having the public discussion it afforded us, as individuals, to have input in it.

If you were not able to make such meeting; please be invited to provide written comments or if you need another full copy of the Inheritance Code, please contact My office at 701-627-4781, and we will gladly give you another copy. Thank You (Mod-Zi-Gidaz).

V. Judy Brugh, Secretary of TBC—Four Bears Segment Representative of the Tribal Business Council

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For Your Information:

Please find "Part I—Title, Declaration of Purpose, Effective Date and Application of Code

Section 1.00 Title. This code shall be known as the Inheritance Code of the Three Affiliated Tribes of the Fort Berthold Indian Reservation ("Code").

Section 1.01. Declaration of Purpose. The Three Affiliated Tribes does hereby find and declared:

- a) The Fort Berthold Indian Reservation was established as the permanent homeland of the Three Affiliated Tribes by the Treaty of September 17, 1851 between the United States and the Mandan, Hidatsa and Arikara Tribes;
- b) That the preservation of the land base of the Three Affiliated Tribes is critical to the vitality of the economy and sovereignty of the Three Affiliated Tribes;
- c) The Federal Allotment Policy and subsequent executive orders and congressional acts have diminished the total amount of trust lands by the Three Affiliated Tribes on the Fort Berthold Reservation created by the Treaty of September 17, 1851;
- d) The Three Affiliated Tribes are dedicated to the policy of restoring lands within the Fort Berthold Indian Reservation to trust status and to insuring that those Reservation lands currently in trust status do not leave trust status upon the death of their current owners;
- e) The Transfer of trust lands by tribal members and other owners of trust lands upon their death either by devise or descent to persons who are not enrolled members of the Three Affiliated Tribes is inconsistent with the economic well-being and future prosperity of the Three Affiliated Tribes;
- f) The Three Affiliated Tribes seek to encourage and consolidate Tribal member ownership of trust lands on the Fort Berthold Indian Reservation;
- g) Pursuant to 25 U.S.C. § 2205, "any Indian tribe may adopt probate code to govern descent and distribution of trust or restricted lands that are (a) located within that Indian tribe's reservation; or (b) otherwise subject to the jurisdiction of that Indian tribe."
- h) Pursuant to Article VI, Section 5, "the Tribal Business Council has the power to manage all economic affairs and enterprises of the Three Affiliated Tribes in accordance with the terms of a charter to be issued to them by the Secretary of Interior."
- i) Pursuant to Article VI, Section 7, "any rights and powers heretofore vested in the [Three Affiliated Tribes] of the Fort Berthold Reservation, but not expressly referred to in this Constitution, shall not be abridged by the Article, but may be exercised by the people of the Fort Berthold Reservation through the adoption of appropriate bylaws and constitutional amendments."

Section 1.03 Effective date and application of code. This Code shall become effective 180 days after the date of approval by the Secretary of the Interior or his designee pursuant to 25 U.S.C. § 2205(b)(3)(B). The provisions of this Code shall apply to all estates of decedents that are subject to the jurisdiction of the Three Affiliated Tribes whose deaths occur on or after the effective date of this Code."

**Four Bears Segment
Representative of
the Three Affiliated
Tribes of the Fort
Berthold Indian
Reservation; Home
of the Mandan,
Hidatsa and Arikara**



**V. Judy Brugh -
“Woman Goes Out”,
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Tribal Business
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**“Working Towards a Better
Tomorrow for Our Children”**

The Four Bears Segment Representative News Letters is a monthly newsletter that will be published and distributed approximately two weeks after each Council meeting to insure the timely communication of official action of the Tribal Business Council the Governing Body of the Three Affiliated Tribes; the Mandan, Hidatsa and Arikara of the Fort Berthold Indian Reservation as well community updates.

The information for the Four Bears News Letter will be derived from the Official Actions of the Tribal Business Council and the Four Bears Community Events and Activities. Community Board Meetings are held every second Monday of the Month; All Are Welcome to Attend.

If, you have any suggestions or recommendations for the Four Bears News Letter, please don't hesitate to give the Four Bears Segment Staff a call at 701-627-4781, extension no. 8109. Thank You.

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