

**JANUARY 2015 CROW TRIBAL LEGISLATURE**

**CLB No. 15-01**

Introduced by Senator Brandon Good Luck  
Mighty Few District

A Bill for an Act Titled:

**AN ACT TO ESTABLISH THE MIGHTY FEW COMMUNITY DEVELOPMENT  
AUTHORITY AS A TRIBAL INSTRUMENTALITY FOR THE PURPOSE OF  
DEVELOPING AND IMPROVING COMMUNITY INFRASTRUCTURE IN WYOLA**

**WHEREAS**, pursuant to Article V, Section 2(a) of the Crow Tribal Constitution, the Crow Tribal Legislature (hereinafter “Legislature”) has the power and the duty to promulgate and adopt laws, resolutions, ordinances, codes, regulations and guidelines in accordance with the Tribal Constitution and federal laws for the governance of the Crow Tribe, providing for the manner of sale disposition, lease or encumbrance of Tribal assets; and

**WHEREAS**, pursuant to Article V, Section 2(c) of the Crow Tribal Constitution, the Legislature has the power and the duty to adopt legislation chartering instrumentalities of the Crow Tribe for the purposes of economic development, housing, education or other purposes not inconsistent with the Tribal Constitution; and

**WHEREAS**, pursuant to Article IV, Section 4(a) of the Crow Tribal Constitution, the Executive Branch Officials have the general duty to implement all laws, resolutions, codes and policies duly adopted by the Legislature; and

**WHEREAS**, the Town of Wyola in the Mighty Few District of the Crow Reservation currently has a major housing shortage and lacks adequate public infrastructure and services for proper residential development and expansion; and

**WHEREAS**, the Legislature established a special Economic Development Account at First Interstate Bank through enactment of Tribal Joint Action Resolution No. 13-19, which authorized a \$10 million loan secured by interest earnings from the 107th Settlement Trust Fund and which is available for land acquisition and economic development projects; and

**WHEREAS**, the Legislature, through adoption of Tribal Joint Action Resolution No. 14-06, approved four categories of expenditures from the Economic Development Account, including land purchases with drawdown authorizations by future Legislative Resolutions pursuant to approved business plans or project budgets.

**NOW THEREFORE, BE IT HEREBY ENACTED AS CROW TRIBAL LAW BY THE  
CROW TRIBAL LEGISLATURE IN REGULAR SESSION:**

**Section 1. Approval of Articles of Incorporation.** The Articles of Incorporation of the Mighty Few Community Development Authority (hereinafter “Mighty Few CDA”)

attached to this Act and incorporated herein by reference, are hereby approved. The Tribal Secretary is authorized and directed to file the Company's Articles of Incorporation as a permanent public record of the Crow Tribe.

**Section 2. Codification of Articles of Incorporation.** The Secretary of the Legislature shall include the Articles of Incorporation of the Mighty Few CDA, along with the Articles of Incorporation of the Many Arrows Community Development Corporation, the Black Lodge Community Development Corporation, Little Big Horn College, the Apsaalooke Casino Enterprise, the Crow Tribal Housing Authority, and the Apsaalooke Cattle Company as an appendix titled "Tribal Corporate Charters."

**Section 3. Cooperative Relationship with Tribal Government Agencies and Instrumentalities.** The Mighty Few CDA shall work cooperatively with the Crow Tribal Housing Authority, the Apsaalooke Water and Wastewater Authority, the Crow Tribal Department of Public Safety, and the Crow Tribal Employment Rights Office to ensure compliance with Crow tribal law and applicable federal law, and as may be necessary to facilitate community infrastructure development projects.

**Section 4. Non - Compete Clause.** The Mighty Few CDA shall defer to the Apsaalooke Nation Housing Authority when applying for and receiving any funds which are, or may be, available for residential tribal housing projects. It is the goal of this legislation that the Apsaalooke Nation Housing Authority be available to consult with the Might Few CDA on identifying and accessing any funds which may be appropriate to meet the goals of the Mighty Few District, but that the Wyola CDA shall not compete with the Apsaalooke Nation Housing Authority for funding.

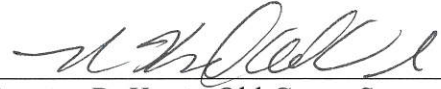
**Section 5. Financial Reporting Requirements.** The Mighty Few CDA shall be required to provide a complete financial report on corporate finances to the Legislature and Tribal Secretary on or about the first day of each quarterly session and a full, external audit of Mighty Few CDA finances shall be made during the Crow Tribe's annual general accounting audit as provided under Crow tribal and federal law. All documents associated with any funds within the control of the Mighty Few CDA shall at all times be open to inspection and copy by any member of the Crow Tribal General Council.

**Section 6. Crow Tribal Land Dedicated to Mighty Few CDA Use.** The authority for acquisition of lands under this legislation is given under JAR 14-06 titled "Resolution authorizing Project Expenditures from the Economic Development Account Loan Fund at First Interstate Bank for Reservation Economic Development Projects, Renewable Energy Project, and Land Purchases, provided that any drawdown from the Economic Development Account is subject to final approval of an expenditure plan by Legislative Resolution; further, all lands acquired for the Crow Tribe pursuant to this Act shall not be subject to the 2009 Crow Tribal Leasing Ordinance and shall be reserved and zoned for beneficial owner's use for the Mighty Few CDA as an instrumentality of the Tribe for such purposes as provided in this Act.

**Section 7. Effective Date.** This Act shall be effective immediately upon being duly adopted by the Legislature and approved by the Tribal Chairman.

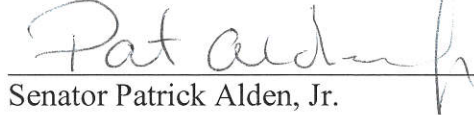
### CERTIFICATION

I hereby certify that this Bill for an Act titled **AN ACT TO ESTABLISH THE MIGHTY FEW COMMUNITY DEVELOPMENT AUTHORITY AS A TRIBAL INSTRUMENTALITY FOR THE PURPOSE OF DEVELOPING AND IMPROVING COMMUNITY INFRASTRUCTURE IN WYOLA** was duly approved by the Crow Tribal Legislature with a vote of 15 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 23rd day of January, 2015.



Senator R. Knute Old Crow, Sr.  
Speaker of the House  
Crow Tribal Legislature

**ATTEST:**



Senator Patrick Alden, Jr.  
Secretary  
Crow Tribal Legislature



### EXECUTIVE ACTION

I hereby:

X **APPROVE**

       **VETO**

This Bill for an Act titled **AN ACT TO ESTABLISH THE MIGHTY FEW COMMUNITY DEVELOPMENT AUTHORITY AS A TRIBAL INSTRUMENTALITY FOR THE PURPOSE OF DEVELOPING AND IMPROVING COMMUNITY INFRASTRUCTURE IN WYOLA** pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Crow Tribal Constitution on this 11 day of Feb, 2015.



Darrin Old Coyote  
Chairman  
Crow Tribe of Indians

A Bill for an Act Titled:  
AN ACT TO ESTABLISH THE MIGHTY FEW COMMUNITY DEVELOPMENT AUTHORITY AS A TRIBAL INSTRUMENTALITY FOR THE  
PURPOSE OF DEVELOPING AND IMPROVING COMMUNITY INFRASTRUCTURE IN WYOLA

**Bill or Resolution:** CLB15-01 **Introduced by:** Sen. Brandon Good Luck **Date of Vote:** 1/23/2015  
**Number**

<b><u>Representative:</u></b>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>
G. Three Irons	<u>  X  </u>	<u>          </u>	<u>          </u>
B. Rogers	<u>  X  </u>	<u>          </u>	<u>          </u>
C. J. Stewart	<u>  X  </u>	<u>          </u>	<u>          </u>
P. Hill	<u>  X  </u>	<u>          </u>	<u>          </u>
E. Birdinground	<u>  X  </u>	<u>          </u>	<u>          </u>
A. Coyote-Runs, Sr.	<u>  X  </u>	<u>          </u>	<u>          </u>
V. Nomee	<u>          </u>	<u>          </u>	<u>          </u>
T. Gros Ventre	<u>  X  </u>	<u>          </u>	<u>          </u>
V. Crooked Arm	<u>  X  </u>	<u>          </u>	<u>          </u>
P. Spotted Horse, Sr.	<u>  X  </u>	<u>          </u>	<u>          </u>
L. DeCrane	<u>  X  </u>	<u>          </u>	<u>          </u>
C. Goes Ahead	<u>  X  </u>	<u>          </u>	<u>          </u>
B. Hugs	<u>          </u>	<u>          </u>	<u>          </u>
G. Real Bird, Jr.	<u>  X  </u>	<u>          </u>	<u>          </u>
B. Good Luck	<u>  X  </u>	<u>          </u>	<u>          </u>
G. Stewart	<u>          </u>	<u>          </u>	<u>          </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u>  X  </u>	<u>          </u>	<u>          </u>
R. Old Crow, Sr. <i>Speaker of the House</i>	<u>  X  </u>	<u>          </u>	<u>          </u>
<b>Totals:</b>	<u>  15  </u>	<u>    0    </u>	<u>    0    </u>


Result of Vote:

**Passed**


**Not Passed**

**Tabled**

**Veto-Override**

  
Senator R. Knute Old Crow, Sr.  
Speaker of the House

Date

  
Senator Pat Alden, Jr.  
Secretary of the House

Date



**MIGHTY FEW COMMUNITY DEVELOPMENT AUTHORITY  
A Crow Tribal Corporation**

**ARTICLES OF INCORPORATION**

The Crow Tribe of Indians, a federally-recognized treaty tribe, pursuant to its inherent sovereign powers and pursuant to CLB No. 15-\_\_\_\_, approved on\_\_\_\_\_, hereby authorizes and charters the Mighty Few Community Development Authority as a tribally-owned non-profit corporation pursuant to these Articles of Incorporation (hereinafter "Articles").

**ARTICLE I.  
NAME.**

The name of the Corporation is the Mighty Few Community Development Authority (hereinafter "CDA").

**ARTICLE II.  
PERIOD OF EXISTENCE.**

The period of existence of the CDA is perpetual.

**ARTICLE III.  
CORPORATE PURPOSES AND POWERS.**

The purpose for which the CDA is organized is to carry out activities associated with development and improvement of community infrastructure in the town of Wyola. Carrying out this purpose is intended to increase the availability of quality housing in the area, increase employment and local service demands, increase property values, raise the standard of living for-tribal members, and lower local incidents of crime.

In addition to any other powers, privileges and immunities set forth in these Articles or provided under Crow tribal law, and subject to any limitations in Crow tribal law or in these Articles, the CDA by and through the Board of Directors has the following powers:

- (a) To draft and promulgate corporate bylaws for managing the business and activities of the CDA;
- (b) To manage and administer for corporate purposes all such lands owned by the Crow Tribe as may be designated by tribal law for such use and to hold leasehold interests in any lands located in or near the town of Wyola. Further, the Corporation



shall have authority to lease, sublease, assign, mortgage, pledge, sell, convey, or otherwise encumber any right, title, or interest in any real property acquired by the Corporation, but shall not have authority to dispose of or encumber any existing Tribal land that may be designated for its use without further authorization by the Crow Tribal Government as provided in the Constitution and applicable tribal law;

(c) To sell, convey, mortgage, pledge, lease, exchange and otherwise dispose of all or any part of its personal property subject to the limitations set forth in these Articles or the law of the Tribe;

(d) To, in the name of the CDA, make contracts and guarantees, incur liabilities, borrow or otherwise raise funds and capital, issue notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of any of its personal property;

(e) To invest and reinvest its funds and receive and hold personal property as security for repayment;

(f) To appoint officers, employees and agents of the CDA, define their duties and fix their compensation;

(g) To transact any lawful business that furthers the business and affairs of the CDA.

#### **ARTICLE IV. PRIVILEGES & IMMUNITIES.**

The CDA shall be considered an instrumentality of the Crow Tribe, created for carrying out authorities and responsibilities of the Tribe for economic development and the advancement of Crow tribal members. Accordingly, the Crow Tribe hereby confers on the Corporation, its directors, officers and employees, all of the Tribe's rights, privileges and immunities, including but not limited to immunities from Federal, state, and local taxes, regulation and jurisdiction, and sovereign immunity from suit in Federal, state and tribal courts to the same extent that the Crow Tribe would have such rights, privileges and immunities if it engaged in the activities undertaken by the Corporation.

The CDA shall have the power to sue and shall be authorized to consent to be sued only pursuant to its consent as set out in contracts directly associated with the Corporation's business and approved by the Board; *Provided*, that: (a) consent to suit by the CDA shall in no way extend to any action against the Crow Tribe or the Crow Tribal Government, nor shall such a waiver constitute any waiver whatsoever of the Crow Tribe's sovereign immunity from suit; and (b) any recovery against the CDA shall be limited to the assets of the CDA, and no recourse shall be had against any assets of the Crow Tribe or Crow Tribal Government in order to satisfy any obligation of or judgment against the CDA.

**ARTICLE V.  
REGISTERED AGENT.**

The Corporation shall be a resident of and maintain its headquarters in the Mighty Few District of the Crow Indian Reservation.

The street address of the corporation's registered office is [address to be determined by the Board], Wyola, Montana, and the name of its initial registered agent at that address is [to be determined by the Board].

**ARTICLE VI.  
BOARD OF DIRECTORS.**

The Board of Directors (hereinafter "Board") shall consist of three (3) members serving fixed, staggered 4-year terms as follows:

Director No. 1: Initial four (4) year term.  
Director No. 2: Initial four (4) year term.  
Director No. 3: Initial two (2) year term.

**Qualifications.** Directors of the Corporation must be at least twenty-five (25) years of age, possess a high school diploma or a General Equivalency Diploma, and have no felony convictions. All of the Directors shall be enrolled members of the Crow Tribe registered to vote in the Mighty Few District and shall have substantial business, financial or government experience. Directors may not be elected officials of the Crow Tribe.

**Appointment.** Directors shall be appointed as follows:

Director No. 1: Appointed by the Tribal Chairman.  
Director No. 2: Appointed by majority consensus of the Mighty Few District Representatives.  
Director No. 3: Elected by the Mighty Few District General Council members.

If no appointments to the Director No. 1 or No. 2 positions are made within thirty (30) days of a vacancy, the appointment power shall temporarily vest in the Tribal Secretary for such time as the vacancy exists.

The Mighty Few District General Council election shall be by secret ballot at an election held at the District Community Hall with at least ten (10) days advance public notice. The Mighty Few District Representatives shall administer the election. Candidate filing shall be done on affidavit prior to the election and no limitation on the number of candidates may be made, provided that the District Representatives shall ensure the election provides that a candidate receives a majority of votes cast.

**Meetings.** The Board shall conduct meetings in accordance such rules as provided for in the bylaws. The Board shall meet regularly at least twice a month. A quorum shall consist of all three Directors. The Board shall designate one of its members as the presiding officer.

**Compensation.** Directors shall be paid two-hundred dollars (\$200) per month for each month in which at least two meetings take place. Such compensation shall be paid from funds made available to the Corporation, and shall not be a general obligation of the Crow Tribe.

**Resignation and Removal.** Any Director may resign from office at any time by notifying the Corporation in writing, and such resignation shall take effect immediately without need of formal acceptance. A Director may be removed, for cause, by a two-thirds vote of the Tribal Legislature or four-signature Executive order from the Executive Officers.

## **ARTICLE VII. AUTHORITY RESERVED TO CROW TRIBAL GOVERNMENT**

The Crow Tribe, acting through the Executive Branch, shall have the exclusive, reserved tribal authority to manage all of the business and affairs of the Corporation in the event that the Board, due to absence, unavailability, cannot conduct business. Provided that such management authority shall only last during such time as the absence or unavailability exists and shall require an order of the Crow Tribal Court to verify that such Board status exists.

## **ARTICLE VIII. REGULATION UNDER TRIBAL CORPORATION CODE.**

The Corporation shall be subject to all Crow tribal laws which specifically govern tribally-owned corporations, as provided in Title 18 of the Crow Law and Order Code.

## **ARTICLE IX. AMENDMENTS.**

These Articles shall only be subject to amendment through duly-adopted legislation by the Crow Tribal Legislature or the Crow Tribal General Council.

## **ARTICLE X. DISSOLUTION.**

The Corporation shall only be dissolved by legislative act. Under no circumstances may the Corporation be administratively dissolved.



**ARTICLE XI.**

**INCORPORATOR.**

The name and address of the Incorporator of the Corporation is

Alvin Not Afraid, Jr., Tribal Secretary  
Crow Tribal Secretary  
P.O. Box 159  
Crow Agency, MT 59022

***IN WITNESS WHEREOF***, these Articles have been executed by the Incorporator on  
\_\_\_\_\_, 2015.

\_\_\_\_\_  
Alvin Not Afraid, Jr.,  
Tribal Secretary  
Incorporator

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