

**CROW TRIBAL LEGISLATURE
MARCH 5, 2013 SPECIAL SESSION**

JOINT ACTION RESOLUTION NO. JAR13-02

Introduced by Darrin Old Coyote, Chairman
Crow Tribal Executive Branch

JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE
CROW TRIBAL EXECUTIVE BRANCH ENTITLED:

**"RESOLUTION APPROVING THE CROW TRIBE'S LIMITED WAIVER OF
SOVEREIGN IMMUNITY IN THE CONSTRUCTION CONTRACT FOR PHASE 3 OF
THE CROW TRIBE WATER AND WASTE WATER IMPROVEMENT PROJECT."**

WHEREAS, the Crow Tribe is prepared to begin the bid process for phase 3 of the water and waste water improvement project in order to make critical infrastructure improvements for the community of Crow Agency, which includes both water main and sewer main replacement; and

WHEREAS, Exhibit A in the Supplementary Conditions to the General Conditions of the Construction Contract for construction of phase 3 of the water and waste water improvement project, attached hereto and incorporated by reference, requires a limited waiver of sovereign immunity for the limited purpose of enforcing the Owner's obligations under the construction contract; and

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the "enumerated powers" in Article IV, Section 3 of the Constitution and Bylaws of the Crow Tribe of Indians to represent the Crow Tribe in negotiations with Federal, State and local governments and other agencies, corporations, associations, or individuals in matters of welfare affecting the Crow Tribe, and to "negotiate limited waivers of sovereign immunity when such a waiver is necessary for business purposes in accordance with Article V, Section 2(f) of [the] Constitution;" and

WHEREAS, the Legislative Branch has authority and responsibility pursuant to its "powers and duties" in Article V, Section 2(f) of the Constitution to "grant final approval or disapproval of limited waivers of sovereign immunity by the Executive Branch of Government when waivers are necessary for business purposes;" and

WHEREAS, the Crow Tribe and the community will greatly benefit from the infrastructure improvements from phase 3 of the water and waste water improvement project, and the limited waiver of sovereign immunity required by the contracting conditions for the construction contract is necessary for the business purpose of construction in phase 3 of the water and waste water improvement project;

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Resolution Approving the Crow Tribe's Limited Waiver of Sovereign Immunity in Construction Contract for Phase 3 of the Water and Waste Water Improvement Project

NOW THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH:

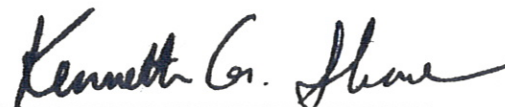
Section 1. That the limited waiver of sovereign immunity set forth in Exhibit A in the Supplementary Conditions to the General Conditions of the Construction Contract for construction of phase 3 of the water and waste water improvement project, attached hereto and incorporated by reference, is hereby approved.

Section 2. That the approval granted herein is effective on the date of approval of this Resolution.

[Remainder of Page Left Blank Intentionally]

CERTIFICATION

I hereby certify that this Joint Action Resolution for the "**RESOLUTION APPROVING THE CROW TRIBE'S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE CONSTRUCTION CONTRACT FOR PHASE 3 OF THE CROW TRIBE WATER AND WASTE WATER IMPROVEMENT PROJECT**" was duly approved by the Crow Tribal Legislature with a vote of 14 in favor, 0 opposed, and 0 abstaining, and that a quorum was present on this 5TH day of March, 2013.



Senator Kenneth G. Shane
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator R. Knute Old Crow, Sr.
Secretary
Crow Tribal Legislature



EXECUTIVE ACTION

I hereby

 X approve
 veto

this Joint Action Resolution for the "**RESOLUTION APPROVING THE CROW TRIBE'S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE CONSTRUCTION CONTRACT FOR PHASE 3 OF THE CROW TRIBE WATER AND WASTE WATER IMPROVEMENT PROJECT**" pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 and Article IV, Section 3(k) of the Constitution and Bylaws of the Crow Tribe of Indians on this 12 day of MARCH, 2013.



Darrin Old Coyote, Chairman
Crow Tribal Executive Branch

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A JAR TITLED: "RESOLUTION APPROVING THE CROW TRIBE'S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE
CONSTRUCTION CONTRACT FOR PHASE 3 OF THE CROW TRIBE WATER AND WASTE WATER IMPROVEMENT PROJECT."

Bill or Resolution: JAR13-02 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 3/5/2013
Number

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	_____	_____	_____
V. Pretty Paint	<u> X </u>	_____	_____
C. J. Stewart	<u> X </u>	_____	_____
L. Other Medicine	<u> X </u>	_____	_____
A. Coyote-Runs, Sr.	<u> X </u>	_____	_____
L. Not Afraid.	_____	_____	_____
M. Covers Up, Sr.	<u> X </u>	_____	_____
P. Alden, Jr.	<u> X </u>	_____	_____
M. Not Afraid	_____	_____	_____
V. Crooked Arm	<u> X </u>	_____	_____
L. DeCrane	<u> X </u>	_____	_____
C. Goes Ahead	<u> X </u>	_____	_____
B. Hugs	<u> X </u>	_____	_____
G. Real Bird, Jr.	<u> X </u>	_____	_____
M. Backbone	_____	_____	_____
G. Stewart	<u> X </u>	_____	_____
R. K. Old Crow, Sr. <i>Secretary of the House</i>	<u> X </u>	_____	_____
K. Shane <i>Speaker of the House</i>	<u> X </u>	_____	_____
Totals:	<u> 14 </u>	<u> 0 </u>	<u> 0 </u>

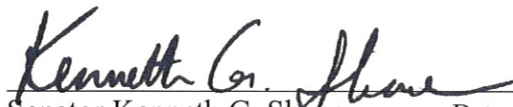
Result of Vote:

Passed

Not Passed

Tabled

Veto-Override



 Senator Kenneth G. Shane Date
 Speaker of the House



 Senator R. Knute Old Crow, Sr. Date
 Secretary of the House