

**OCTOBER 24, 2013 SPECIAL SESSION  
CROW TRIBAL LEGISLATURE**

**JOINT ACTION RESOLUTION NO. JAR13-19**

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 AUTHORIZING THE CHAIRMAN OF THE EXECUTIVE BRANCH  
TO OBTAIN A \$10.0 MILLION LOAN FROM FIRST INTERSTATE BANK, SECURED  
BY INTEREST FROM THE 107TH SETTLEMENT TRUST FUND, TO PROVIDE  
FUNDS FOR LAND PURCHASES AND ECONOMIC DEVELOPMENT PROJECTS.”**

**WHEREAS**, the Crow Tribe is committed to securing its land base and supporting economic development within the Crow Reservation; and

**WHEREAS**, immediate opportunities exist for the purchase of agricultural land and businesses within the Reservation and to begin development of renewable energy projects; and

**WHEREAS**, Joint Action Resolution No. JAR13-04, enacted by the Legislature on April 8, 2013 and approved by the Chairman on April 9, 2013, granted approval and authorization for the Chairman of the Executive Branch to obtain a \$3.0 million unsecured Line of Credit from First Interstate Bank (the “2013 Unsecured Line of Credit”) in order to provide immediate funding for the foregoing land purchase and economic development opportunities, and to provide additional operating funds for the Tribal Government, to be drawn down and fully repaid within 120 days from the date of the issuance of the Line of Credit, and it was anticipated that this Unsecured Line of Credit would be repaid from other longer-term financing obtained by the Tribe before the due date for repayment; and the Chairman has obtained an extension pending approval of a new Loan as set forth below; and

**WHEREAS**, the Executive Branch has made arrangements with First Interstate Bank for a new loan in the amount of Ten Million Dollars (\$10,000,000.00), to be repaid in semi-annual installments over a fifteen (15) year term with interest at a variable rate adjusted annually equal to the lesser of (i) the Prime Rate plus 1.00% (currently 4.25%), or (ii) eight and one-half percent (8.50%) per annum, in order to pay off the 2013 Unsecured Line of Credit and all accrued interest, and to provide funds for land purchases and Economic Development projects (hereinafter, the “Loan”); and

**WHEREAS**, interest income from the Crow Tribal Trust Fund established by the Crow Boundary Settlement Act of 1994 (25 U.S.C. § 1776, *et seq.*) (the “107<sup>th</sup> Settlement Trust Fund”) is available to collateralize the Loan and provide sufficient debt service, and this purpose qualifies as a use “for education, land acquisition, economic development, youth and elderly programs or other tribal purposes” as required by 25 U.S.C. §§ 1776d(d)(1) and (e); 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; to “negotiate and approve or prevent any sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Tribal assets, including buffalo, minerals, gas and oil with final approval granted by the Legislative Branch;” and to “negotiate and approve 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(d) of the Constitution “to grant final approval or disapproval of items negotiated by the Executive Branch of Government pertinent to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or mineral assets,” and in Article V, Section 2(f) to “grant final approval or disapproval of limited waivers of sovereign immunity by the Executive Branch when waivers are necessary for business purposes;” and

**WHEREAS**, the Chairman of the Executive Branch has negotiated the terms of the Loan and the loan documents with First Interstate Bank, including a limited waiver of the Tribe’s sovereign immunity, and copies of those documents as listed below have been provided to the Legislature for review and are attached hereto and incorporated by reference (the “Loan Documents”):

1. Loan Agreement;
2. Fourth Supplemental Pledge and Assignment Agreement (including approvals by the Bureau of Indian Affairs and the Office of the Special Trustee); and
3. Promissory Note; and

**WHEREAS**, the Loan is in the best interests of the Crow Tribe, and the limited waiver of sovereign immunity is necessary for the business purpose of obtaining the Loan;

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

**Section 1. That the Loan in the amount of Ten Million Dollars (\$10,000,000.00), for the purposes of funding land purchases and economic development projects, and paying off the 2013 Unsecured Line of Credit, including the pledge and assignment of a**

portion of the interest from the 107<sup>th</sup> Settlement Trust Fund as security for the Loan, all in substantial accordance with the Loan Documents attached hereto and incorporated herein by reference, is hereby approved;

**Section 2.** That the limited waiver of sovereign immunity in substantially the form set forth as Appendix C to the Loan Agreement and Exhibit A to the Fourth Supplemental Pledge and Assignment Agreement, attached hereto and incorporated by reference, is hereby approved;

**Section 3.** That the Chairman of the Executive Branch is hereby authorized to execute the Loan Documents and such additional documents and agreements and take such further actions on behalf of the Crow Tribe of Indians that are necessary to complete and to administer the loan transaction authorized in Sections 1 and 2 above;

**Section 4.** That expenditure of the funds from the Loan approved by this Resolution, after payment of all transaction costs for the Loan and payoff of the 2013 Unsecured Line of Credit and interest thereon (the "Initial Expenditure"), shall be subject to the following:

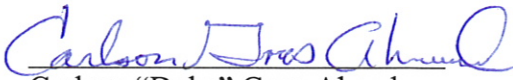
(a) After the Initial Expenditure, subsequent expenditures of the available Loan funds ("Future Project Expenditures") shall be authorized only by a Joint Action Resolution of the Executive and Legislative Branches. Authorization for each Future Project Expenditure will be proposed by the Chairman of the Executive Branch on a project-by-project basis, by submitting business plans and project budgets for the proposed economic development project(s) to the appropriate Committee(s) of the Legislature, along with a request for a Special Session of the Legislature. Upon receipt and review of the business plans and budgets for the projects to be financed by each Future Project Expenditure, the Speaker of the House will promptly call a Special Session for approval or disapproval of the proposed Future Project Expenditure.

(b) After the Initial Expenditure, all Loan proceeds will be placed in a separate Tribal bank account (the "Economic Development Account"). All expenditures from the Economic Development Account will be made only pursuant to the project budgets approved pursuant to Section 4(a) above. Within 15 days after the end of each calendar month, the Executive Branch will provide a copy of the Economic Development Account statement, including all expenditures from the Economic Development Account, to the Speaker of the House and the Revenue Committee Chair of the Crow Tribal Legislature.


**Section 5.** That the approval granted herein is effective on the date of approval of this Resolution, and is subject only to such further approvals, acknowledgements or concurrences as are required by Federal law for the pledge or assignment of the Crow Tribal Trust Fund income as security and the source of repayment for the Loan.

### CERTIFICATION

I hereby certify that this Joint Action Resolution entitled **“RESOLUTION AUTHORIZING THE CHAIRMAN OF THE EXECUTIVE BRANCH TO OBTAIN A \$10.0 MILLION LOAN FROM FIRST INTERSTATE BANK, SECURED BY INTEREST FROM THE 107TH SETTLEMENT TRUST FUND, TO PROVIDE FUNDS FOR LAND PURCHASES AND ECONOMIC DEVELOPMENT PROJECTS”** was duly enacted by the Crow Tribal Legislature with a vote of 16 in favor 0 opposed, and 0 abstaining and that a quorum was present on this 24th day of October, 2013.

  
Carlson “Duke” Goes Ahead  
Speaker of the House

**ATTEST:**

  
R. Knute Old Crow, Sr.  
Secretary of Legislature



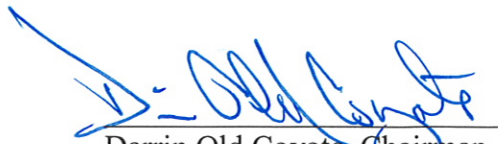
### EXECUTIVE ACTION

I hereby:

X approve

\_\_\_\_\_ veto

This Joint Action Resolution entitled **“RESOLUTION AUTHORIZING THE CHAIRMAN OF THE EXECUTIVE BRANCH TO OBTAIN A \$10.0 MILLION LOAN FROM FIRST INTERSTATE BANK, SECURED BY INTEREST FROM THE 107TH SETTLEMENT TRUST FUND, TO PROVIDE FUNDS FOR LAND PURCHASES AND ECONOMIC DEVELOPMENT PROJECTS”** 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 25 day of OCTOBER, 2013.

  
Darrin Old Coyote, Chairman  
Crow Tribal Executive Branch

A JOINT ACTION RESOLUTION ENTITLED:  
 "RESOLUTION AUTHORIZING THE CHAIRMAN OF THE EXECUTIVE BRANCH TO OBTAIN A \$10.0 MILLION LOAN  
 FROM FIRST INTERSTATE BANK , SECURED BY INTEREST FROM THE 107<sup>TH</sup> SETTLEMENT TRUST FUND, TO PROVIDE  
 FUNDS FOR LAND PURCHASES AND ECONOMIC DEVELOPMENT PROJECTS."

**Bill or Resolution:** JAR13-19 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 10/24/2013  
**Number**

<u><b>Representative:</b></u>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>
H. Two Leggins	_____	_____	_____
V. Pretty Paint	<u>  X  </u>	_____	_____
C. J. Stewart	<u>  X  </u>	_____	_____
K. Shane	_____	_____	_____
L. Other Medicine	<u>  X  </u>	_____	_____
A.Coyote-Runs, Sr.	<u>  X  </u>	_____	_____
L. Not Afraid.	<u>  X  </u>	_____	_____
M. Covers Up, Sr.	<u>  X  </u>	_____	_____
P. Alden, Jr.	<u>  X  </u>	_____	_____
M. Not Afraid	<u>  X  </u>	_____	_____
V. Crooked Arm	<u>  X  </u>	_____	_____
L. DeCrane	<u>  X  </u>	_____	_____
B. Hugs	<u>  X  </u>	_____	_____
G. Real Bird, Jr.	<u>  X  </u>	_____	_____
M. Backbone	<u>  X  </u>	_____	_____
G. Stewart	<u>  X  </u>	_____	_____
R. K. Old Crow, Sr.	<u>  X  </u>	_____	_____
<i>Secretary of the House</i>			
C. Goes Ahead	<u>  X  </u>	_____	_____
<i>Speaker of the House</i>			
<b>Totals:</b>	<u>  16  </u>	<u>    0    </u>	<u>    0    </u>

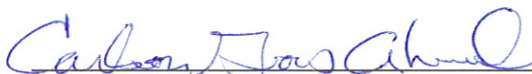
Result of Vote:

**Passed**

**Not Passed**

**Tabled**

**Veto-Override**

  
 Senator Carlson Goes Ahead \_\_\_\_\_ Date

  
 Senator R. Knute Old Crow, Sr. \_\_\_\_\_ Date