

**CROW TRIBAL LEGISLATURE
FEBRUARY 10, 2014 SPECIAL SESSION**

JOINT ACTION RESOLUTION NO. JAR14-04

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 RATIFYING AND APPROVING THE TEMPORARY TRANSFER OF
\$1.5 MILLION FROM THE ECONOMIC DEVELOPMENT ACCOUNT LOAN FUND
TO THE GENERAL FUND FOR TRIBAL OPERATIONS PURPOSES, TO BE
RESTORED BY MONTHLY PAYMENTS OVER A ONE-YEAR PERIOD.”**

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the “enumerated powers” in Article IV, Section 3(d) of the Constitution and Bylaws of the Crow Tribe of Indians to “administer any funds within the control of the Tribe and make expenditures from available funds for tribal purposes, including salaries and expenses of Tribal Officials or employees”; and

WHEREAS, the Crow Tribal Legislature and the Crow Tribal Executive Branch enacted Joint Action Resolution No. JAR13-19 on October 24, 2013 to approve a loan agreement for a loan from First Interstate Bank in the amount of Ten Million Dollars (\$10,000,000.00), secured by interest from the 107th Settlement Trust Fund (the “Loan”), for the purposes of funding land purchases and economic development projects, and paying off the 2013 Unsecured Line of Credit, and such Loan closed on November 1, 2013 and all BIA and OST approvals have been obtained; and

WHEREAS, pursuant to Joint Action Resolution No. JAR13-19, the balance of the Loan proceeds, after repayment of the 2013 Unsecured Line of Credit and transaction costs for the Loan, have been deposited in a separate Economic Development Account with First Interstate Bank; and

WHEREAS, JAR13-19 requires that all future expenditures from the Economic Development Account be approved by additional Joint Action Resolutions; and

WHEREAS, in order to provide immediate funding for Tribal Government operations during the week of January 20, 2014, the Executive Branch Officials, in close consultation with the Officers and Finance Committee of the Legislative Branch, and with First Interstate Bank, have determined that the best interests of the Tribe will be served by temporarily transferring

\$1.5 million from the Economic Development Account to the Tribal General Fund, and restoring such amount to the Economic Development Account by monthly payments from the General Fund as monies become available during the following year; and

WHEREAS, the Chairman of the Executive Branch has made arrangements with First Interstate Bank to transfer \$1.5 million from the Economic Development Account to the General Fund, and such transfer was completed on January 23, 2014;

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

Section 1. The transfer of \$1.5 million from the Economic Development Account to the Tribal General Fund during the week of January 20, 2014 for the purpose of meeting immediate funding needs for Tribal Government operations is hereby ratified and approved, subject to Section 2 below.

Section 2. The Executive Branch shall ensure that the funds transferred pursuant to Section 1 above shall be restored to the Economic Development Account by means of monthly payments, plus 5.0% interest, in the approximate amount of \$128,500 per month, over a period of 12 months from the date of approval of this Resolution, with the first such payment to be made within 30 days after approval of the Resolution, provided that:

(a) the remaining balance to be restored may be prepaid at any time when General Fund monies are available, without further interest; and

(b) any deferrals of the monthly payments during such 12-month restoration period, if necessary to sustain Tribal Government operations, shall be subject to review and approval by the Finance Committee of the Legislature; and

(c) the Tribal Comptroller shall ensure that on or before the first day of each month a certified copy of a bank receipt or bank account statement indicating the date and amount of all such payments, if any, made by the Executive Branch in accordance with this Section shall be provided to the Speaker of the House and Finance Committee of the Legislature.

Section 3. The effective date of this Resolution is January 22, 2014.

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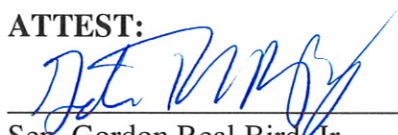
CERTIFICATION

I hereby certify that this Joint Action Resolution entitled **“RESOLUTION RATIFYING AND APPROVING THE TEMPORARY TRANSFER OF \$1.5 MILLION FROM THE ECONOMIC DEVELOPMENT ACCOUNT LOAN FUND TO THE GENERAL FUND FOR TRIBAL OPERATIONS PURPOSES, TO BE RESTORED BY MONTHLY PAYMENTS OVER A ONE-YEAR PERIOD”** was duly enacted by the Crow Tribal Legislature with a vote of 10 in favor 0 opposed, and 5 abstaining and that a quorum was present on this 10th day of February, 2014.



Sen. R. Knute Old Crow
Speaker of the House
Crow Tribal Legislature

ATTEST:



Sen. Gordon Real Bird, Jr.
Secretary
Crow Tribal Legislature

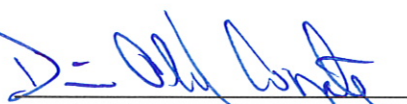


EXECUTIVE ACTION

I hereby:

X approve or
_____ veto.

This Joint Action Resolution entitled **“RESOLUTION RATIFYING AND APPROVING THE TEMPORARY TRANSFER OF \$1.5 MILLION FROM THE ECONOMIC DEVELOPMENT ACCOUNT LOAN FUND TO THE GENERAL FUND FOR TRIBAL OPERATIONS PURPOSES, TO BE RESTORED BY MONTHLY PAYMENTS OVER A ONE-YEAR PERIOD”** pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 13 day of February, 2014.



Darrin Old Coyote, Chairman
Crow Tribal Executive Branch

JOINT ACTION RESOLUTION ENTITLED: "RESOLUTION RATIFYING AND APPROVING THE TEMPORARY TRANSFER OF \$1.5 MILLION FROM THE ECONOMIC DEVELOPMENT ACCOUNT LOAN FUND TO THE GENERAL FUND FOR TRIBAL OPERATIONS PURPOSES, TO BE RESTORED BY MONTHLY PAYMENTS OVER A ONE-YEAR PERIOD."

Bill or Resolution: JAR14-04 Introduced by: Chairman Darrin Old Coyote Date of Vote: 2/10/2014
Number

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
G. Three Irons	_____	_____	<u>X</u>
B. Rogers	_____	_____	<u>X</u>
C. J. Stewart	_____	_____	<u>X</u>
P. Hill	_____	_____	<u>X</u>
E. Birdinground	<u>X</u>	_____	_____
A. Coyote-Runs, Sr.	_____	_____	_____
(Vacant)	_____	_____	_____
T. Gros Ventre	<u>X</u>	_____	_____
P. Alden, Jr.	_____	_____	_____
V. Crooked Arm	<u>X</u>	_____	_____
P. Spotted Horse, Sr.	<u>X</u>	_____	_____
L. DeCrane	<u>X</u>	_____	_____
C. Goes Ahead	<u>X</u>	_____	_____
B. Hugs	<u>X</u>	_____	_____
B. Good Luck	_____	_____	<u>X</u>
G. Stewart	<u>X</u>	_____	_____
G. Real Bird, Jr. <i>Secretary of the House</i>	<u>X</u>	_____	_____
R. K. Old Crow, Sr. <i>Speaker of the House</i>	<u>X</u>	_____	_____
Totals:	<u>10</u>	<u>0</u>	<u>5</u>


Result of Vote:

Passed

Not Passed

Tabled

Veto-Override



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



Senator Gordon Real Bird, Jr. Date
Secretary of the House

CROW TRIBE CASH LIABILITIES

1	GENERAL CASH ON HAND	1,500,000	cushion to operate on
2	ROADS/TRANSIT	3,200,000	
3	AKIN GUMP	2,000,000	new work per year
4	PER CAP LIABILITY	783,000	probably not full 'cash' need during fiscal year, could span multi years
5	DISTRICT DONATION	300,000	amount yet either
6	DOJ LIAB	300,000	
7	GOOD EARTH	1,000,000	
8	CREDIT LOANS	600,000	
9	IHS / BIA ADVANCE	2,500,000	out \$280K at 12/31/13
Total Liability		12,183,000	

1 this would have been an estimated cash on hand to keep to pay for Reimbursable Federal Programs, to cover in the interim to pay bi weekly wages and operating costs. Most of the State of Montana Programs reimburse Monthly so the estimate is a two month turn around period.

2 The carryover at 09/30/12 of Transportation G2G award is \$3,389,379.84. Included in this figure is \$2,267,469 rec'd on 09/25/12 to construct the Transit/Transportation Facility. Based upon the FY2013 Transportation program award draws in and expenditures out the Cash on Hand at 09/30/13 will be at least \$3.2 million total

3 Akin Gump: Attorney contract assisting with the Crow Water Settlement ratification signed 03/25/08 by Chairman Carl Venne under DEMD funding. Additional work was necessary and agreement was to pay \$20k per month for Tribal Compact Administration Work, Water Settlement Implementation Activities, 638 CIP Contract work, 638 MR&I Contract work. Billing received in Fiscal year 2011 for \$2,130,140 for work 05/13/09 thru 03/18/11

4 Book balance for Per Capita Holds from six (6) years. The amounts are drawn down each Per Capita, and the invoices (obligations) are recorded per enrolled member with an 04 hold. Once the documentation needed to release the 04 hold is received. The payment is released

5 This would be for expenditures within fund 101 for the districts to operate Utilities, donations for community support and events

6 to repay \$266,446 for vehicles and equipment purchased for use by 'non enforcement' officers 2. 09/01/07-08/31/11 had to repay \$3,784 for training attended by non grant related staff 3. 07/01/09-06/30/12 had to repay \$25,593 for wages and payroll taxes paid to the grant officers that was above Tribal police officer wage rates. There is a pending decision on a Judicial System Enhancement project 09/01/05-08/31/08 at \$213,450 presenently. Last word is possibly have to repay \$60K for inadequate procurement of contractors

7 feasibility study, the purchase of the brick machine, materials to get the correct consistency etc, and the labor to fabricate bricks. Funding also awarded to construct a "pilot brick building" from DEMD funds. Total construction was over budget by \$135,450. BIA HIP ARRA funding to construct Brick units project over budget by \$182,543. ANHA received a HUD award to construct 7 Brick units. This project not reimbursable from ANHA, needed completion still to meet HUD requirements so ANHA would not lose out on grant and have to refund HUD. Costs involved to initially construct the units prior to Nov 2012 showed balance due & costs to bring units to completion required cash payments for labor and materials. Total of all items above = \$1m as of 09/30/13 to bring the enterprise fund to a break even

8 This is an estimate of the net cash monthly for credit loans given out and collections received.

9 An estimate prepared with the Health Director 08/28/13 based upon maximum expenditure needs showed I.H.S. cash on hand would be \$1.487M by 09/30/13. Expenditures did not come in at that high of a level, and 2 additional draw down were rec'd totalling \$143K. Access to Recovery program income on hand is also at approximately \$50K. Total I.H.S. carryover 09/30/13 Approx \$1.68M

BIA 638 programs with advance funds: Education, HIP, DEMD, Appraisal, Aide to Tribal Government, Judicial, Fish & Game management @ 09/30/12 = 2,301,181. Draws rec'd in 2013 = 1,982,301 less expenditures estimated of \$2.5m leaves balance due on hand of approx \$1.78m

total BIA and I.H.S. May be around 3M instead of 2.5

**Crow Tribe
FY 2014**

		REVENUES	EXPENSES	BALANCE
January				
	Overdraft		500,000	(500,000)
	22 Cloud Peak	750,000		250,000
	BOR Reimb	200,000		450,000
	22 Payroll		1,200,000	(750,000)
	25 WC Loan	1,500,000		750,000
	27 a/p		150,000	600,000
	27 Committees		40,000	560,000
	31 Seniors		200,000	360,000
	29 Westmoreland Tax Credit	850,000		1,210,000
February				
appen by 1/24	3 Severance/Gross Proceeds	1,725,000		2,935,000
	2 Fed Drawdown	350,000		3,285,000
	5 Payroll		800,000	2,485,000
	16 Fed Drawdown	350,000		2,835,000
	19 Payroll		650,000	2,185,000
	25 Property Tax	120,000		2,305,000
	25 WC Loan Payment		130,000	2,175,000
	27 a/p		300,000	1,875,000
	27 Committees		80,000	1,795,000
	28 Seniors		200,000	1,595,000
March				
	2 Fed Drawdown	350,000		1,945,000
	5 Payroll		650,000	1,295,000
	16 Fed Drawdown	350,000		1,645,000
	19 Payroll		650,000	995,000
	25 WC Loan Payment		130,000	865,000
	25 Loan Payment		460,000	405,000
	27 a/p		100,000	305,000
	27 Committees		80,000	225,000
	31 Seniors		200,000	25,000
April				
	2 Fed Drawdown	350,000		375,000
	2 Payroll		650,000	(275,000)
	10 gas/tobacco tax	500,000		225,000
	15 OST	750,000		975,000
	16 107th	150,000		1,125,000
	20 AML	200,000		1,325,000
	16 Fed Drawdown	350,000		1,675,000
	16 Payroll		650,000	1,025,000
	25 WC Loan Payment		130,000	895,000
	25 Westmoreland Tax Credit	850,000		1,745,000

	27 a/p		300,000	1,445,000
	27 Committees		80,000	1,365,000
	30 Seniors		200,000	1,165,000
	30 Payroll		650,000	515,000
May				
	2 Fed Drawdown	350,000		865,000
	5 Severance/gross Proceeds	1,000,000		1,865,000
	14 Payroll		650,000	1,215,000
	15 OST	500,000		1,715,000
	16 Fed Drawdown	350,000		2,065,000
	16 107th	300,000		2,365,000
	25 WC Loan Payment		130,000	2,235,000
	28 Payroll		650,000	1,585,000
	27 a/p		300,000	1,285,000
	27 Committees		80,000	1,205,000
	31 Seniors		200,000	1,005,000
June				
	2 Fed Drawdown	350,000		1,355,000
	5 Severance/gross Proceeds	1,000,000		2,355,000
	11 Payroll		650,000	1,705,000
	15 Cloud Peak	750,000		2,455,000
	16 107th	350,000		2,805,000
	20 Native Days		150,000	2,655,000
	16 Fed Drawdown	350,000		3,005,000
	25 WC Loan Payment		130,000	2,875,000
	25 Loan Payment		460,000	2,415,000
	25 Payroll		650,000	1,765,000
	27 a/p		750,000	1,015,000
	27 Committees		80,000	935,000
	30 Property Tax	165,000		1,100,000
	30 Seniors		200,000	900,000
July				
	2 Fed Drawdown	350,000		1,250,000
	5 Severance/gross Proceeds	650,000		1,900,000
	9 Payroll		650,000	1,250,000
	10 gas/tobacco tax	500,000		1,750,000
	15 Conoco	1,000,000		2,750,000
	15 Westmoreland tax cred	850,000		3,600,000
	16 Fed Drawdown	350,000		3,950,000
	23 Payroll		650,000	3,300,000
	25 WC Loan Payment		130,000	3,170,000
	27 a/p		750,000	2,420,000
	27 Committees		80,000	2,340,000
	31 Seniors		200,000	2,140,000
August				
	2 Fed Drawdown	350,000		2,490,000
	5 Severance/gross Proceeds	1,500,000		3,990,000

6 Payroll		650,000	3,340,000
10 Crow Fair		330,000	3,010,000
16 107th	185,000		3,195,000
16 Fed Drawdown	350,000		3,545,000
18 OST	550,000		4,095,000
20 Payroll		650,000	3,445,000
25 WC Loan Payment		130,000	3,315,000
27 a/p		500,000	2,815,000
27 Committees		80,000	2,735,000
31 Seniors		200,000	2,535,000
September			
2 Fed Drawdown	350,000		2,885,000
5 Severance/gross Proceeds	800,000		3,685,000
3 Payroll		650,000	3,035,000
16 Fed Drawdown	350,000		3,385,000
17 Payroll		650,000	2,735,000
25 WC Loan Payment		130,000	2,605,000
27 a/p		500,000	2,105,000
27 Committees		80,000	2,025,000
30 Seniors		200,000	1,825,000
	23,295,000	21,470,000	1,825,000

1,500,000.00	0.05	12
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(\$128,411.22)