

OCTOBER 5th SPECIAL SESSION OF THE CROW TRIBAL LEGISLATURE

LR No. 10-24

Introduced by Senator Conrad J. Stewart, Black Lodge District

A Legislative Resolution Titled:

A Resolution of the Crow Tribal Legislature to Make Clear the Intent of CLB 10-02 and to Request the Executive Branch and Judicial Branch to Seek Future Self-Determination Contracts and to Seek Any New Federal Grants and Any Other Outside Source Funds

WHEREAS, the Crow Tribal Legislature ("Legislature") has the power and duty under Article V, Section 2 of the 2001 Crow Constitution to promulgate and adopt resolutions and guidelines in accordance with the 2001 Constitution and federal laws for the governance of the Crow Tribe; and

WHEREAS, during the April 2010 Regular Session the Legislature passed CLB 10-02 (The Crow Tribal Self-Determination Contract and Outside Source Funding Authorization and Reporting Act), which rescinds Joint Action Resolution 04-05 and requires a Tribal Resolution in order for the Crow Tribal Government to enter into any future self-determination contracts under federal law, effective the first day of the October 2010 Regular Session; and

WHEREAS, Tribal Resolutions are defined under CLB 10-02 as Joint Action Resolutions or Legislative Resolutions in accordance with the Legislature's constitutional power and duty; and

WHEREAS, the clear intent of the Legislature in passing CLB 10-02 was to restore public faith and confidence in the operations of Crow Tribal Government by increasing accountability and transparency for all tribal programs receiving outside source funding or administered under a self-determination contract; and

WHEREAS, there have been concerns expressed by the Crow Tribal Executive Branch Chairman and tribal employees currently working for tribal programs funded in whole or in part from federal grants and/or administered under a self-determination contract that as of the effective date of CLB 10-02 all federal grants and self-determination contracts entered into under the authority of Joint Action Resolution 04-05 will become null and void; and

WHEREAS, such concerns as expressed by the Executive Branch Chairman are not supported by the language of CLB 10-02 and are contrary to the expressed intent of the Legislature in passing CLB 10-02 but are duly-noted by the Legislature as concerns that require immediate attention and action; and

WHEREAS, the Legislature seeks to fulfill its constitutional responsibility to advocate the best interests of the Crow Tribal General Council as the "People's Branch of Government" that is responsive to the concerns of the public; and

WHEREAS, the Legislature now seeks to make absolutely clear its policy and intent behind passage of CLB 10-02 and to reinforce the principle that as a Branch of Crow Tribal Government it has always fully supported the enhancement of Crow tribal sovereignty and Crow tribal self-determination to the fullest extent of federal law.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CROW TRIBAL
LEGISLATURE IN SPECIAL SESSION:**

Section 1. The clear and unequivocal intent of the Legislature in passing CLB 10-02, and in all legislative actions following, is to maximize the Crow Tribal Government's access to federal grants and other outside source funding and for the enhancement of the Crow Tribal Government's utilization of any and all federal laws, including but not limited to the Indian Self-Determination and Education Assistance Act (Public Law 93-638, as amended) to the fullest extent of Crow tribal law and federal law.

Section 2. The clear and unequivocal intent of the Legislature in passing CLB 10-02 was not to repeal, terminate, rescind, or otherwise negatively affect the validity of any federal grant or any self-determination contract entered into under the authority of Joint Action Resolution 04-05 or any other lawful Crow Tribal Government action or Tribal General Council action carried out prior to enactment of the 2001 Crow Constitution.

Section 3. This Resolution shall be considered an authorizing Tribal Resolution under Section 4 (a)(1) of CLB 10-02 for purposes of any Crow Tribal organization to seek, negotiate, and apply for any new federal grant or award or any new outside source funding, provided that the following conditions are met:

- (a) Any federal grant or award or other outside source funding sought under authority of this Resolution shall be negotiated by *the four elected Executive Branch officials* in accordance with their constitutional authority; and
- (b) Any federal grant or award or other outside source funding sought under authority of this Resolution shall be considered validly authorized only when signed by *the four elected Executive Branch officials*; and

- (c) Any application for a federal grant or award or other outside source funding shall be copied in full to the Secretary of the Legislature on or before its date of submission to the appropriate third-party federal agency or grantor; and
- (d) Notwithstanding subsections (a) and (b) of this Section, the Crow Judicial Branch shall not need any authorization from the Executive Branch to apply for and seek any new federal grant or award or other outside source funding in accordance with separation of powers. The Chief Judge shall have signatory authority to submit any such application in accordance with 2005 CLOC 3-3-302(2).

Section 4. This Resolution shall not be considered an authorizing Tribal Resolution under Section 3 (a)(1)(A) of CLB 10-02 for purposes of authorizing a Crow Tribal organization to apply for any new self-determination contract. The following conditions shall govern the approval of any new self-determination contract:

- (a) Any new self-determination contract sought under authority of federal law shall be negotiated by *the four elected Executive Branch officials*, in accordance with their constitutional authority; and
- (b) Any new self-determination contract sought under authority of federal law shall be considered validly authorized only when signed by *the four elected Executive Branch officials and given a final approval resolution by the Legislature*, and
- (c) Any application for a new self-determination contract shall be copied in full to the Secretary of the Legislature at least thirty (30) calendar days before the intended date of submission; and
- (d) Notwithstanding subsections (a) and (b) of this Section, the Crow Judicial Branch shall not need any authorization from the Executive Branch to negotiate any new self-determination contract, in accordance with separation of powers. No application for a new self-determination contract for the Judicial Branch shall be accepted by the Secretary of the Legislature unless signed by the Chief Judge.

Section 5. The Executive Branch and Judicial Branches are strongly encouraged to diligently seek out any and all federal grants and other outside source funding, and to conduct a comprehensive review of the operations of Crow Tribal Government to determine how many self-determination contracts the Crow Tribe has not exercised authority to enter into and to immediately take all appropriate measures to maximize tribal self-determination contracts to the fullest extent of federal law.

Section 6. The Legislature at all times welcomes and encourages any and all feedback and/or suggestions from the Executive Branch, Judicial Branch, and from any member of the Crow Tribal General Council regarding tribal policy contained in CLB 10-02 or other tribal law concerning federal grants, outside source funds, and self-determination contracts.

Section 7. This Resolution, upon passage by the Legislature, shall be immediately made public and posted in a public place in every District of the Crow Reservation for a period of not less than thirty (30) calendar days.

Section 8. This Resolution shall take effect immediately on October 11th, 2010, in accordance with the effective date of CLB 10-02.

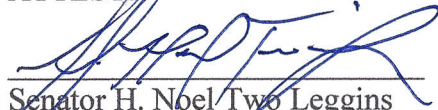
CERTIFICATION

I hereby certify that this Legislative Resolution titled **A Resolution of the Crow Tribal Legislature to Make Clear the Intent of CLB 10-02 and to Authorize the Executive Branch and Judicial Branch to Seek Future Self-Determination Contracts and to Seek Any New Federal Grants and Any Other Outside Source Funds** was duly enacted by the Crow Tribal Legislature with a vote of 17 in favor 0 opposed, and 0 abstaining and that a quorum was present on this 5th day of October, 2010.



Senator Manuel Covers Up, Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator H. Noel Two Leggins
Pro-Tem Secretary
Crow Tribal Legislature



Attachment:

May 3, 2002 Executive Order signed by all four elected Executive Officials (to serve as a suggested template for Executive Branch authorizations under Section 3(b) and 4(b) of this resolution).

Bill or Resolution: **LR10-24** Introduced by: **Senator Conrad J. Stewart** Date of Vote: **10/5/2010**
Number

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	<u> X </u>	<u> </u>	<u> </u>
V. Pretty Paint	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
K. Shane	<u> X </u>	<u> </u>	<u> </u>
S. Backbone	<u> X </u>	<u> </u>	<u> </u>
O. Half, Jr.	<u> X </u>	<u> </u>	<u> </u>
W. Plainfeather	<u> X </u>	<u> </u>	<u> </u>
R. Old Crow, Sr.	<u> X </u>	<u> </u>	<u> </u>
M. Not Afraid	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<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> X </u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u> X </u>	<u> </u>	<u> </u>
M. Backbone	<u> X </u>	<u> </u>	<u> </u>
D. Wilson	<u> </u>	<u> </u>	<u> </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 17 </u>	<u> 0 </u>	<u> 0 </u>


Result of Vote:

Passed

Not Passed

Tabled

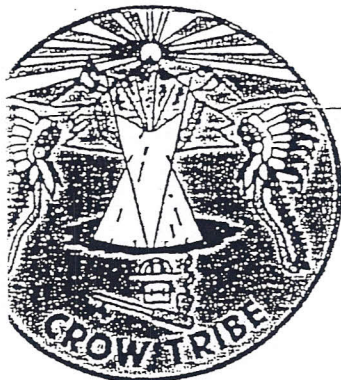
Veto-Override


Manuel Covers Up, Sr.
Speaker of the House

Date


H. Noel Two Leggin
Secretary Pro-Tem

Date



Crow Country

CROW TRIBE EXECUTIVE BRANCH

P.O. Box 159
Crow Agency, Montana 59022
Ph: 406-638-3700
Fax: 406-638-3885

Clifford Birdinground, Sr.
CHAIRMAN

Vincent Goes Ahead, Jr.
VICE-CHAIRMAN

Larry Little Owl
SECRETARY

Hubert B. Two Leggins
VICE-SECRETARY


ADOPTION OF POLICIES AND PROCEDURES BY EXECUTIVE BRANCH

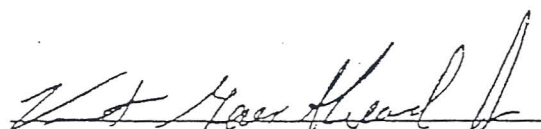
By the powers and authorities vested in the Executive Branch Officials to manage, operate and oversee all departments, branches and entities of the Executive Branch of Crow Tribal Government including the fiscal management of the Crow Tribe of Indians, the four duly elected officials of the Executive Branch hereby adopt the following:

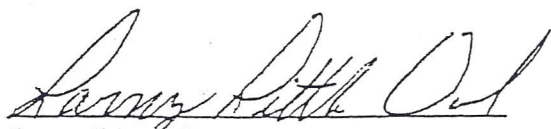
The Crow Tribe of Indians Financial Management Systems Policies and Procedures.
The Crow Tribe of Indians Personnel Management Systems Policies and Procedures.

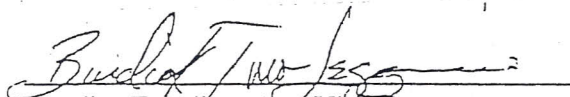
The above Policies and Procedures shall insure that the Crow Tribe exercises sound fiscal management in compliance with all federal guidelines and requirements and for the protection of the Crow Tribal assets.

The above Policies and Procedures are effective this 3 day of May, 2002
by the elected officials of the Executive Branch of Government of the Crow Tribe.


Clifford Birdinground, Sr., Chairman


Vincent Goes Ahead, Jr., Vice-Chairman


Larry Little Owl, Secretary


Burdick Two Leggins, Vice-Secretary