

CROW TRIBAL LEGISLATURE

NOVEMBER 21, 2023 SPECIAL SESSION

JOINT ACTION RESOLUTION (JAR) NO. 23-06

Introduced by Frank Whiteclay, Chairman
Crow Tribal Executive Branch

**A JOINT ACTION RESOLUTION OF THE CROW TRIBAL EXECUTIVE
BRANCH AND THE CROW LEGISLATIVE BRANCH ENTITLED:**

**“A RESOLUTION TO ADOPT A REVISED CHARTER FOR THE LITTLE BIG HORN
COLLEGE.”**

WHEREAS, the Chairman of the Executive Branch, pursuant to the “enumerated powers” of the Executive Branch in Article IV, Section 3(a) of the Constitution and Bylaws of the Crow Tribe of Indians (the “Constitution”) to represent the Crow Tribe of Indians in negotiations with Federal, State and local governments and other agencies, corporations, associations, or individuals in matters of welfare, education, recreation, social services and economic development affecting the Crow Tribe of Indians; and

WHEREAS, the Crow Legislature has the authority and responsibility pursuant to Article V, Section 2(c) of the Constitution and Bylaws of the Crow Tribe of Indians Section to adopt legislation chartering instrumentalities of the Crow Tribe for the purposes of economic development, housing, education or other purposes not inconsistent with this Constitution; and

WHEREAS, the Crow Tribe of Indians, acting through the Crow Indian Tribal Council, pursuant to the powers vested by Resolution 72-26c, approved January 8, 1972, initially chartered and organized the Little Big Horn College, as a non-profit corporation; and

WHEREAS, the Crow Tribe, through further actions of the Crow Indian Tribal Council and a Joint Action Resolution adopted in 2006, modified the Original Little Big Horn College Charter; and

WHEREAS, the various documents modifying the Original Little Big Horn College Charter resulted in perceived ambiguities that prevented timely elections for the LBHC Board of Trustees; and

WHEREAS, an election has not been conducted by Little Big Horn College since 2016 raising a concern that LBHC does not have a legal Board of Trustees; and

WHEREAS, the current election notice by LBHC attempts to unreasonably limit candidates which impedes on the opportunity for interested Tribal members to file as candidates for the Board of Trustees election; and

WHEREAS, the Legislative and Executive Branches of the Crow Tribe have determined that it is in the best interests of the Crow Tribe, its members, students, and community, and the administrative and academic integrity of the Little Big Horn College, that the LBHC Charter be amended, and these perceived ambiguities be clarified.

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

Section 1. The Original Charter, adopted under the authority of Resolution 72-26c, approved on January 8, 1972, is replaced with the attached Charter for the Little Big Horn College; and

Section 2. All elections for members of the LBHC Board of Trustees will be conducted by the Crow Tribal Executive Branch, Crow Tribal Secretary's Office; and

Section 3. Pursuant to this Joint Action Resolution and the attached Charter, the current advertised election for the LBHC Board of Trustees by the Little Big Horn College shall be nullified and rescinded; and

Section 4. The Crow Tribal Secretary's Office will post a notice of LBHC Board of Trustees Election, with required qualifications for candidates as outlined in the Charter, by _____, 2023 with such election to occur within 45 days; and

Section 5. The Crow Tribal Secretary's Office will obtain the list of current candidates that filed by November 17th, 2023 for the LBHC election and include such candidates in the upcoming Tribally conducted election for the LBHC Board of Trustees; and


Section 6. All persons who paid the filing fee to run for the LBHC Board of Trustees in this most recent advertised election will be credited for such fee; and

Section 7. This Joint Action Resolution, and the Charter of the Little Big Horn College attached hereto, will be effective immediately upon its passage and signature by the requisite officials; and

Section 8. Based on this revised LBHC Charter, the Crow Tribal Executive Branch will withdraw the Writ of Mandamus filed with the Crow Tribal Court to mandate that the College conduct the election for the Board of Trustees.


CERTIFICATION

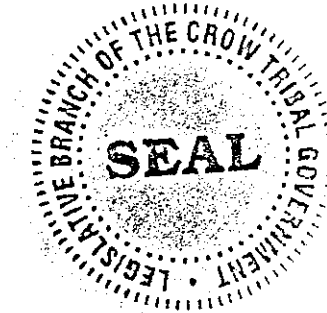
I hereby certify that this Joint Action Resolution **“A RESOLUTION TO ADOPT A REVISED CHARTER FOR THE LITTLE BIG HORN COLLEGE”**, was duly approved by the Crow Tribal Legislature pursuant to Article V, Section 2(d) of the Constitution and Bylaws of the Crow Tribe with a vote of 18 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 21st day of November, 2023.



Senator Sampson DeCrane
Speaker of the House
Crow Tribal Legislature

ATTEST:


Senator Charla Takes Enemy
Secretary, Crow Tribal Legislature



EXECUTIVE ACTION

I hereby

X approve or
_____ veto.

This Joint Action Resolution entitled **“A RESOLUTION TO ADOPT A REVISED CHARTER FOR THE LITTLE BIG HORN COLLEGE”** 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 21 day of November, 2023.



Frank Whiteclay, Chairman
Crow Tribal Executive Branch

CHARTER
OF
LITTLE BIG HORN COLLEGE
(A Non-Profit Tribal Corporation)

The Crow Tribe of Indians (hereinafter the “Tribe”), acting through the Crow Indian Tribal Council (hereinafter the “Tribal Council”), pursuant to the powers vested by Resolution No. 72-26c, approved January 8, 1972, by the Crow Tribal Council, initially chartered and organized the Little Big Horn College, a non-profit corporation (hereinafter referred to as the “College”).

On November 21, 2023, this Charter for the College was approved and adopted by the Tribe under Joint Action Resolution (JAR) 23-06.

Article 1. PURPOSES. The college is organized exclusively for educational purposes, within the meaning of Section 501 (c) (3) of the Internal Revenue Code of 1954, or the corresponding provision of any future United States Internal Revenue Law. Such purposes include establishing, maintaining and operating educational institutions at the post-secondary level on the Crow Indian Reservation, with educational, vocational, and technical programs and curricula leading to degrees and certificates that may be granted by the College.

Article 2. PRINCIPAL OFFICE. The address of the principal office of the College is Little Big Horn College, 8645 South Weaver Dr, Crow Agency, MT 59022.

Article 3. BOARD OF TRUSTEES.

- (a) The Board of Trustees of the College shall consist of two (2) tribal member residents of each of the six reservation districts elected by the eligible voters of each district for a total of (12) enrolled tribal members.
- (b) Elections for the Board of Trustees shall be conducted by the Crow Tribal Secretary’s Office in accordance with the Election Procedures of the Crow Tribe.
- (c) Qualifications for the Board of Trustees shall be limited to the following:
 - 1. Twenty-five (25) years of age or older;
 - 2. No felony convictions;
 - 3. Voter Registration pursuant to the Crow Voter Registration procedures in the Crow Reservation District they are seeking election;
 - 4. High School Diploma or Equivalent Certificate and one year of additional training or college;

5. Not an elected member of the Crow Tribal Executive or Legislative Branch.
- (d) The Terms of the Board shall be for four years from the date of election with the six (6) candidates with the highest number of votes in each district serving an initial term of four (4) years and the candidate with the second highest number of votes serving a two (2) year term to effectuate staggered terms for the Board of Trustees.
 - (e) The Board of Trustees shall meet once per month on the third Wednesday of each month, unless a majority of the Board agrees to move the date to another suitable date in the same month;
 - (f) The Chairman of the Board may schedule an emergency board meeting upon forty-eight (48) hours notice to the Board members with written notice of agenda items;
 - (g) A quorum of the Board shall be a simple majority of the Board or seven (7) members;
 - (h) The Board of Trustees shall elect officers at the first meeting after election including a President, Vice-President and Secretary;
 - (i) The Secretary shall ensure a five-day meeting notice with an agenda is delivered to each Board member and posted in public places prior to each regular Board meeting.
 - (j) The Board of Trustees shall keep a full and permanent record of all adopted policies and all other acts of the Board. Minutes of each regular and special board meeting shall be made available within 5 working days following the approval of the minutes by the board. The board shall approve the minutes of each special and regular meeting no later than 1 month following the meeting or at the next regular or special meeting.
 - (k) The Board of Trustees shall conduct meetings open to the public unless an executive session is necessary for issues that involve litigation or personnel matters unless the employee involved in the matter requests an open session;
 - (l) A Board member may be removed by a three-fourths majority (9) vote of the Board members upon a motion of another Board member;
 - (m) Upon a vacancy on the Board, the candidate with the next highest votes in the previous district election shall be eligible to serve as a Board member for the remainder of the vacated term. If there is not another candidate, or such candidate declines to serve for the remaining term, the Chairman of the Executive Branch shall appoint a Board member to fill the vacancy, subject to final confirmation by the Legislature.

Article 4. LIMITATIONS ON INCOME. No part of the net earnings of the College shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private person, except that the College shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article 1 hereof. No substantial part of the activities of the College shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the College shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the College shall not carry on any other activities not permitted to be carried on by: (a) a corporation exempt from Federal Income Tax under section 501(c)(3) of the

Internal Revenue Law, or (b) a corporation, contributions to which are deductible under section 170 (c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

Article 5. DISSOLUTION. The College may not be dissolved or liquidated except by a Joint Action Resolution of the Crow Tribal Executive Branch and the Crow Legislative Branch. Upon the dissolution of the College, the Board of Trustees shall, after paying or making provision for the payment of all of the liabilities of the College, dispose of all of the assets of the College exclusively for the purposes of the College in such manner, or to such organization or organizations organized and operated exclusively for charitable, education, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

Article 6. POWERS OF BOARD OF TRUSTEES. The Board of Trustees is hereby vested with all authority necessary to carry out the purposes and powers of the College including:

- (a) To ratify all hiring and firing of employees recommended by the College President upon satisfaction of College employment policies, unless such authority in whole or in part is delegated to the College President by formal Board action;
- (b) To enter into contracts and agreements with governmental entities and non-governmental entities on behalf of the College to accomplish its purposes unless such authority, in whole or in part, is delegated to the College President by formal Board action;
- (c) To establish and maintain bank accounts as may be necessary or convenient and to execute such funds instruments to expend funds pursuant to a process that may delegate signatory authority to the College Administration;
- (d) To borrow money, to acquire assets, mortgage, pledge, sell, lease, assign transfer or otherwise dispose of such real property, or mixed assets to accomplish the College purposes;
- (e) To purchase adequate insurance for College property, errors and omissions of the Board, personnel for protection against claims against the College;
- (f) To sue and be sued in a court of competent jurisdiction and to consent to a limited waiver of the sovereign immunity of the College as an instrumentality of the Tribe for business purposes but such waiver shall not obligate the Tribe in any manner unless the Tribe consents pursuant to Tribal law;
- (g) To approve an annual budget, long-range financial plan for the College management and to approve annual audit reports before submission to required federal entities;
- (h) To approve admission policies, programs of study, tuition/fees, student instruction or activity fees or other such fees as necessary to operate the College;
- (i) To select, employ and regularly evaluate the College President;

- (j) To approve salary schedules developed by the President and approve salary adjustments recommended by the College President;
- (k) To develop a Grievance Process for employees and students that provides timely due process;
- (l) To adopt Bylaws and other necessary and appropriate policies for the efficient management of the College that do not conflict with this Charter.

Article 7. REPORTING. The Board of Trustees shall cause a quarterly report to be presented to the Legislative Branch of the Crow Tribe at each regularly scheduled Legislative Session. This report shall include, but is not limited to: significant activities and events occurring during the preceding quarter, enrollment numbers, general personnel information, student statistics, status of ongoing projects, upcoming or planned projects, general financial information, and accreditation status.

Article 8. AMENDMENTS. This charter may not be amended except by a Joint Action Resolution of the Executive and Legislative Branches of the Apsaalooke Nation.

Article 9. EFFECTIVE DATE. This charter became effective immediately upon its approval by the Crow Tribe on the 21st day of November, 2023, pursuant to JAR 23-06.

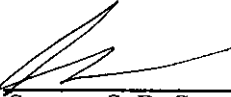
A RESOLUTION TO ADOPT A REVISED CHARTER FOR THE LITTLE BIG HORN COLLEGE

Bill or Resolution: **JAR 23-06** Introduced by: **Chairman White Clay** Date of Vote **Nov. 21, 2023**

REPRESENTATIVE:

| | Yes | No | Abstain |
|---|--------------------------|-----------------------------|-----------------------------|
| V. Pickett | <u> X </u> | <u> </u> | <u> </u> |
| D. Spotted | <u> X </u> | <u> </u> | <u> </u> |
| C. Other Medicine | <u> X </u> | <u> </u> | <u> </u> |
| Y. Little Light, Jr | <u> X </u> | <u> </u> | <u> </u> |
| L. Hogan III | <u> X </u> | <u> </u> | <u> </u> |
| C. Meeks | <u> X </u> | <u> </u> | <u> </u> |
| D. Don't Mix | <u> X </u> | <u> </u> | <u> </u> |
| H. Small | <u> X </u> | <u> </u> | <u> </u> |
| T. Gros Ventre | <u> X </u> | <u> </u> | <u> </u> |
| P. Alden, Jr | <u> X </u> | <u> </u> | <u> </u> |
| T. Plainfeather | <u> X </u> | <u> </u> | <u> </u> |
| J. Kills Pretty Enemy | <u> X </u> | <u> </u> | <u> </u> |
| B. Hugs | <u> X </u> | <u> </u> | <u> </u> |
| N. Old Crow, Jr | <u> X </u> | <u> </u> | <u> </u> |
| B. Good Luck | <u> X </u> | <u> </u> | <u> </u> |
| H. MaleBear-Stone | <u> X </u> | <u> </u> | <u> </u> |
| S. DeCrane <i>Speaker of the House</i> | <u> X </u> | <u> </u> | <u> </u> |
| C. Takes Enemy <i>Secretary of the House</i> | <u> X </u> | <u> </u> | <u> </u> |
| TOTAL | <u> 18 </u> | <u> 0 </u> | <u> 0 </u> |

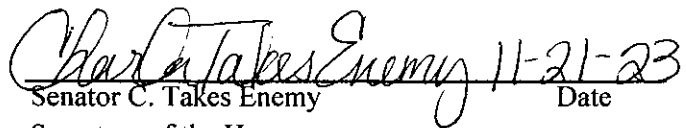
Result of Vote: **Passed** **Not Passed** **Tabled** **Veto-Override**



 Senator S. DeCrane
 Speaker of the House
 Crow Tribal Legislative Branch

 11/21/23

 Date



 Senator C. Takes Enemy
 Secretary of the House
 Crow Tribal Legislative Branch