

CROW TRIBAL LEGISLATURE

APRIL 23, 2024 SPECIAL SESSION

JOINT ACTION RESOLUTION (JAR) NO. 24-03

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 ENTER INTO A PIPELINE LICENSE AGREEMENT WITH
BURLINGTON NORTHERN RAILROAD TO ACCESS THE BURLINGTON
NORTHERN RIGHT OF WAY FOR THE CROW WASTEWATER IMPROVEMENT
PROJECT.”**

WHEREAS, the Executive Branch shall exercise the powers and responsibilities specifically enumerated in Article IV, Section 3(a) of the Constitution and Bylaws of the Crow Tribe of Indians (the “Constitution”) to represent the Crow Tribe 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 Legislative Branch, pursuant to Article V, Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians has the powers and duties to promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with this Constitution and federal laws for the governance of the Crow Tribe of Indians and for providing for the manner of the sale, disposition, lease or encumbrance of tribal lands, interests in land, or other assets of the Crow Tribe of Indians; for providing for the levying of taxes, licensing of members and non-members for various purposes; for the exclusion of persons not legally entitled to reside or remain within the exterior boundaries of the Crow Indian Reservation; and

WHEREAS, the Crow Tribe has commenced Phase 3 (c) of the Water and Wastewater Improvement Project for the Crow Agency Community that proposes to construct a new sewer lift station and replacement of existing pipelines to improve the wastewater system for the community including household and businesses including the Crow-Northern Cheyenne Hospital; and

WHEREAS, the Crow Phase 3 (c) Wastewater Improvement Project is fully funded by the United States Department of Agriculture, the State of Montana and the Indian Health Service; and

WHEREAS, the existing wastewater pipeline is within the Burlington Northern Santa Fe Railway (BNSF) right-of-way and BNSF requires entry into a Pipeline License Agreement to access the BNSF right of way for pipeline replacement; and

WHEREAS, the BNSF Pipeline License includes insurance requirements including an option for the Tribe to participate in BNSF's Licensor's Blanket Policy for one-year at a cost of \$1,266.00 which is less costly than the Crow Tribe independently purchasing the required insurance; and

WHEREAS, the BNSF Pipeline License also includes a waiver of the Tribe's sovereign immunity through the application of Texas State law and venue for interpretation of the Pipeline License and any disputes that arise therefrom; and

WHEREAS, the Crow Tribal Executive and Legislative Branches of Government desire to complete the critical Phase 3 (c) Wastewater Improvement Project to improve existing infrastructure and mitigate on-going sewer back-up issues that have seriously impacted the Crow Agency community creating health risks.

NOW THEREFORE, BE IT RESOLVED THAT THE CROW LEGISLATIVE BRANCH AND THE CROW TRIBAL EXECUTIVE BRANCH do hereby agree to enter into the BNSF Pipeline License agreement that includes participation in the Licensor's Blanket Insurance Policy and waives the Crow Tribe's sovereign immunity through application of Texas law and venue for any disputes related to the license agreement; and

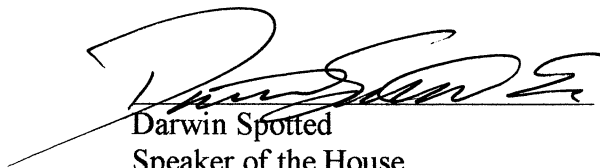
BE IT FURTHER RESOLVED that the Crow Tribal Executive Branch is authorized to execute the BNSF Pipeline License Agreement; and

BE IT FINALLY RESOLVED that this Joint Action Resolution shall be codified in the Crow Law and Order Code under the appropriate Title to preserve record of this action.

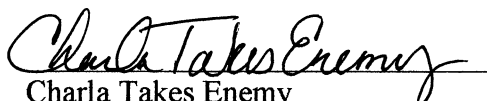
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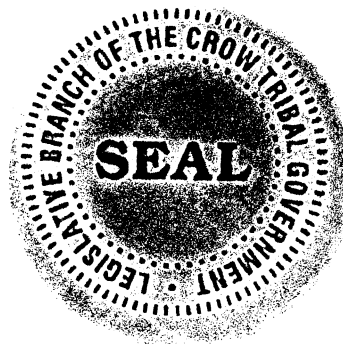
CERTIFICATION

I hereby certify that this Joint Action Resolution **“A RESOLUTION TO ENTER INTO A PIPELINE LICENSE AGREEMENT WITH BURLINGTON NORTHERN RAILROAD TO ACCESS THE BURLINGTON NORTHERN RIGHT OF WAY FOR THE CROW WASTEWATER IMPROVEMENT PROJECT”**, 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 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 23rd day of April, 2024.


Darwin Spotted
Speaker of the House
Crow Tribal Legislature

ATTEST:

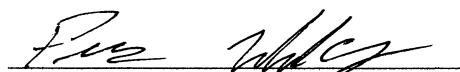

Charla Takes Enemy
Secretary, Crow Tribal Legislature



EXECUTIVE ACTION

I hereby
 X Approve or
 Veto

This Joint Action Resolution entitled **“A RESOLUTION TO ENTER INTO A PIPELINE LICENSE AGREEMENT WITH BURLINGTON NORTHERN RAILROAD TO ACCESS THE BURLINGTON NORTHERN RIGHT OF WAY FOR THE CROW WASTEWATER IMPROVEMENT PROJECT”** 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 ___ day of April, 2024.


Frank Whiteclay, Chairman
Crow Tribe Executive Branch


A RESOLUTION TO ENTER INTO A PIPELINE LICENSE AGREEMENT WITH BURLINGTON NORTHERN RAILROAD TO ACCESS THE BURLINGTON NORTHERN RIGHT OF WAY FOR THE CROW WASTEWATER IMPROVEMENT PROJECT

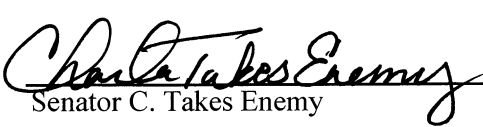
Bill or Resolution: JAR 24-03 Introduced by: Chairman White Clay Date of Vote Apr. 23, 2024

REPRESENTATIVE:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
V. Pickett	<u>X</u>		
C. Other Medicine	<u>X</u>		
J. Passes	<u>X</u>		
L. Hogan III			
C. Meeks	<u>X</u>		
G. Plenty Hawk	<u>X</u>		
D. Don't Mix	<u>X</u>		
T. Gros Ventre	<u>X</u>		
P. Alden, Jr	<u>X</u>		
T. Plainfeather	<u>X</u>		
J. Kills Pretty Enemy	<u>X</u>		
J. Demontiney	<u>X</u>		
B. Hugs			
N. Old Crow, Jr	<u>X</u>		
B. Good Luck	<u>X</u>		
H. MaleBear-Stone	<u>X</u>		
D. Spotted <i>Speaker of the House</i>	<u>X</u>		
C. Takes Enemy <i>Secretary of the House</i>	<u>X</u>		
TOTAL	<u>16</u>	<u>0</u>	<u>0</u>

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


 Senator D. Spotted 4/23/2024
 Speaker of the House Date
 Crow Tribal Legislative Branch


 Senator C. Takes Enemy 4/23/2024
 Secretary of the House Date
 Crow Tribal Legislative Branch