

APSAALOOKE (CROW) TRIBAL LEGISLATURE
OCTOBER, 2008, REGULAR SESSION
JOINT ACTION RESOLUTION NO. JAR08-08

INTRODUCED BY CARL E. VENNE, CHAIRMAN
APSAALOOKE (CROW) TRIBAL EXECUTIVE BRANCH

JOINT ACTION RESOLUTION OF THE APSAALOOKE (CROW)
TRIBAL LEGISLATURE AND THE APSAALOOKE (CROW)
TRIBAL EXECUTIVE BRANCH ENTITLED:

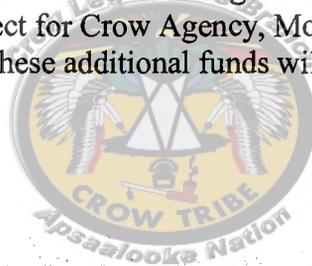
“A RESOLUTION AMENDING JOINT ACTION RESOLUTION JAR06-13 BY INCREASING THE AUTHORITY OF THE CHAIRMAN AND THE AD HOC LEGISLATIVE COMMITTEE TO BORROW UP TO \$2.3 MILLION INSTEAD OF \$1.8 MILLION ALREADY APPROVED TO BE USED BY THE APSAALOOKE (CROW) TRIBE TO COVER THE COSTS AND EXPENSES OF BUILDING PHASE II. OF THE WATER AND WASTE WATER SYSTEM IN AND FOR THE COMMUNITY OF CROW AGENCY, MONTANA AND THE REMAINDER OF JAR06-13 TO REMAIN IN FULL FORCE AND EFFECT EXCEPT THE MINOR ADJUSTMENTS THAT NEED TO BE MADE SUCH AS THE ANNUAL LOAN REPAYMENT”.

WHEREAS, phase I. of the Apsaalooke (Crow) Tribe’s water and waste water project is substantially completed; however, there is a minor dispute as to the removal of a storm drain and pipe in southwest Crow Agency, Montana;

WHEREAS, the Apsaalooke (Crow) Tribe is now ready to undertake Phase II. of this project consisting of completion of the lagoon and its infrastructure a vital phase to this overall project, but it is in need of a contingency fund in an amount to be set forth below;

WHEREAS, Apsaalooke Water and Waste Water Authority and the ad hoc Legislative Infrastructure Committee would like to bid Phase II. of this project no later than December, 2008, as this is a slow time for potential construction contractors and this will in all probability (better than a 50% chance) result in a better price with lower costs for the Apsaalooke (Crow) Tribe;

WHEREAS, this additional loan authority of \$500,000.00 is a contingency or “just in case fund”, and in all probability the Apsaalooke Water and Waste Water Authority will be able to supplement the funds it already has secured with grant funds from the Montana Coal Board, Montana Department of Transportation and other grant sources to totally fund Phase II. of this water and waste water project for Crow Agency, Montana, headquarters of the Apsaalooke (Crow) Tribe, and these additional funds will not have to be borrowed;



WHEREAS, it is best not to emphasize the negative but by way of explanation Phase II. was shorted in funding as the expected imminent threat grant funds of around \$400,000.00 were not secured and the grant from the Montana Department of Transportation of around \$250,000.00 were not secured but these funds are still being pursued;

WHEREAS, the Apsaalooke (Crow) Tribe's other funding sources such as the Rural Development, USDA, EPA and IHS still require that this project be sufficiently capitalized or funded, prior to committing their respective grant and loan funds and, therefore, to be safe or to insure that there is sufficient capital or funds to build Phase II. of this project the loan authorization should be increased by \$500,000.00 and capped at \$2.3 instead of \$1.8 million;

WHEREAS, the loan details to be worked out with the lender, USDA, are set forth in the loan documents, and USDA is willing to give due consideration to loaning these funds to the Apsaalooke (Crow) Tribe;

WHEREAS, if the funds are borrowed at the going interest rate (probably 4.25 %) and if this loan is repaid or amortized over a fifteen (15) year period the annual payment will be increased somewhat from the initial amount of \$156,000.00 and if the Apsaalooke (Crow) doesn't need to utilize the entire authorization of \$2.3 and hopefully it will not in borrowing capacity the annual loan payment will be less, and the principal and interest will be paid from the Apsaalooke (Crow) Tribe's gasoline tax revenue;

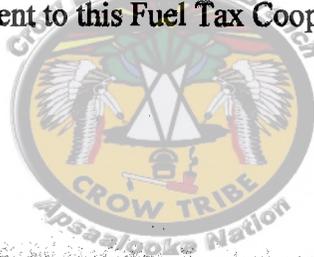
WHEREAS, USDA, the lender, still requires that a source of unencumbered tribal income be used as collateral for the loan, and the borrower, Apsaalooke (Crow) Tribe, agrees to collateralize this loan with the unencumbered tribal income derived from the gasoline tax revenue, and this collateral will only be called upon in the event payment cannot and is not made;

WHEREAS, the State of Montana and the Apsaalooke (Crow) Tribe share the gasoline tax revenue and this sharing is based upon a Fuel Tax Cooperative Agreement, dated the November 8, 2000, as amended;

WHEREAS, the Apsaalooke (Crow) Tribe will use part of the revenue it derives from the Fuel Tax Cooperative Agreement with the State of Montana to make the annual loan payment to Rural Development, USDA, in an increased amount from the initial figure of \$156,000.00 or whatever annual payment is due depending upon the amount of the loan until said loan has been paid in full as stated above and foregoing;

WHEREAS, the lender has requested that in the event the unencumbered tribal funds derived from the sharing of the gasoline tax revenue have to be called upon for repayment of the loan that the State of Montana make direct payment to the lender, USDA, provided however that a modification must be made to the Fuel Tax Cooperative Agreement; and,

WHEREAS, the Apsaalooke (Crow) Tribe by and through its law making branch or body, the Apsaalooke (Crow) Legislature, and the law enforcing branch or body, Executive, agreed to this modification or amendment to this Fuel Tax Cooperative Agreement



WHEREAS, not all of JAR06-13 is being amended but only certain provisions or parts and those that are not specifically amended shall remain in full, force and effect.

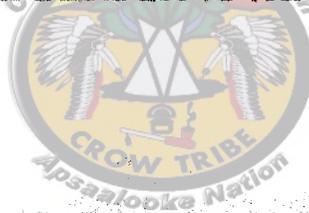
NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE AND THE EXECUTIVE BRANCH OF THE APSAALOOKE (CROW) TRIBE:

1. The Apsaalooke (Crow) Tribal Chairman is hereby granted authority to borrow up to \$2.3 million dollars subject to review and approval by the affirmative vote of the ad hoc Legislative Water/Sewer Construction Committee from the United States Department of Agriculture, USDA, and the Apsaalooke (Crow) Tribal Chairman shall borrow at a rate of interest most advantageous to the Apsaalooke (Crow) Tribe and also work out a repayment schedule or time period most advantageous to the Apsaalooke (Crow) Tribe but no longer than fifteen (15) years, and the Apsaalooke (Crow) Tribal Chairman is hereby authorized to sign on behalf of the Apsaalooke (Crow) Tribe all necessary loan documents consisting of a promissory note, security agreement and the other documents evidencing the loan and the indebtedness;
2. Further, that the above referred to loan shall be amortized and repaid over a period of time most advantageous to the Apsaalooke (Crow) Tribe but no longer than a fifteen (15) years period, with revenue from the Apsaalooke (Crow) Tribe's share of the fuel tax revenue being allocated to the repayment of this loan;
3. Further, that the fuel tax revenue being unencumbered tribal income shall be used as collateral for the loan, and the Fuel Tax Cooperative Agreement with the State of Montana shall be amended accordingly; and,
4. Funds to build this project being derived from various grant and loan sources shall be properly accounted for within the Tribe's accounting system and programmed and budgeted in accordance with the Tribe's budgetary process.
5. Those provisions or parts of JAR06-13 not specifically amended shall remain in full, force and effect.

CERTIFICATION

I hereby certify that this Joint Action Resolution entitled:

“A RESOLUTION AMENDING JOINT ACTION RESOLUTION JAR06-13 BY INCREASING THE AUTHORITY OF THE CHAIRMAN AND THE AD HOC LEGISLATIVE COMMITTEE TO BORROW UP TO \$2.3 MILLION INSTEAD OF \$1.8 MILLION ALREADY APPROVED TO BE USED BY THE APSAALOOKE (CROW) TRIBE TO COVER THE COSTS AND EXPENSES OF BUILDING PHASE II. OF THE WATER AND WASTE WATER SYSTEM IN AND FOR THE COMMUNITY OF CROW AGENCY, MONTANA AND THE REMAINDER OF JAR06-13 TO REMAIN IN FULL

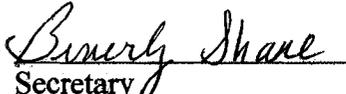


FORCE AND EFFECT EXCEPT THE MINOR ADJUSTMENTS THAT NEED TO BE MADE SUCH AS THE ANNUAL LOAN REPAYMENT”.

Was duly enacted by the Crow Tribal Legislature with a vote of 15 in favor and 0 opposed and 0 abstaining and that a quorum was present on this 15 day of October, 2008.


Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary
Crow Tribal Legislature

EXECUTIVE ACTION

I hereby  approve, or

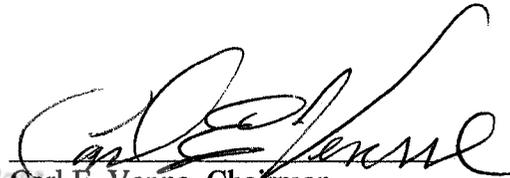
_____ veto.

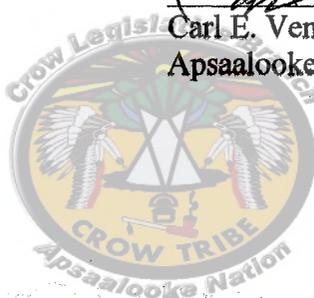


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Pursuant to the authority vested in the Chairman of the Apsaalooke (Crow) Tribe by Article V, Section 8 of the Constitution and Bylaws of the Apsaalooke (Crow) Tribe of Indians on this 22 day of October, 2008.


Carl E. Venne, Chairman
Apsaalooke (Crow) Tribe



"INCREASING LOAN AUTHORITY"

Bill or Resolution Number JAR 08-08 **Introduced by:** Cedric Black Eagle
Date of Vote: Wednesday 10-15-2008

Senators	Yes	No	Abstain
L. Plain Bull Sr.	_____	_____	_____
C. Goes Ahead	<u>✓</u>	_____	_____
O. Costa	<u>✓</u>	_____	_____
V. Crooked Arm	<u>✓</u>	_____	_____
M. Not Afraid	<u>✓</u>	_____	_____
P. Alden, Jr.	<u>✓</u>	_____	_____
B. House	<u>✓</u>	_____	_____
E. Fighter, Sr.	<u>✓</u>	_____	_____
C.J. Stewart	<u>✓</u>	_____	_____
L. Hogan, Jr.	<u>✓</u>	_____	_____
S. Fitzpatrick, Sr.	_____	_____	_____
O. Half, Jr.	<u>✓</u>	_____	_____
R. Old Crow, Sr.	<u>✓</u>	_____	_____
W. Plainfeather	<u>✓</u>	_____	_____
J. Stone, Sr.	<u>✓</u>	_____	_____
D. Wilson	_____	_____	_____
B. Shane <i>Secretary of the House</i>	<u>✓</u>	_____	_____
M. Covers Up, Sr. <i>Speaker of the House</i>	<u>✓</u>	_____	_____
Totals:	<u>15</u>	<u>0</u>	<u>0</u>

Result of Vote: Passed Not Passed Tabled Veto Override

Manuel Covers Up, Sr.
Senator Manuel Covers Up, Sr
Speaker of the House

Date

Beverly M. Shane
Senator Beverly M. Shane
Secretary of the House

Date





Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

P.O. Box 309 – MAKAWASHA Avenue

Crow Agency, Montana 59022

Phone: (406) 638-2023/2025/2238

Fax: (406) 638-2030

Legislative Branch

Prvor:

Arrow Creek

Larry Plain Bull, Sr.
Oliver Costa
Carlson Goes Ahead

Big Horn:

Valley of the Give Away

Vincent Crooked Arm
Marlin D. Not Afraid
Pat Alden, Jr.

Dunmore:

Black Lodge

Bruce R. House
Ertis Fighter, Sr.
Conrad J. Stewart

Renor:

Center Lodge

Lloyd Hogan, Jr.
Sidney Fitzpatrick, Jr.
Oliver Half, Jr.

Lodge Grass:

Valley of the Chief

Manuel Covers Up, Sr.
Speaker of the House
Rudolph K. Old Crow
Woodrow Plainfeather

Wyola:

Mighty Few

Beverly M. Shane
Secretary of the House
Jonathan D. Stone
Dana Wilson

Staff

Jackie Blacksmith,
Administrative Officer

William Old Crow
Finance Officer/Admin.
Assist.

Noel Two Leggins
Legal Assistant

Kenny Pretty On Top
Maintenance/Custodian
Sergeant at Arms

Ronald Arneson, Esq.,
Attorney At Law

OFFICIAL CERTIFICATE OF DELIVERY

I, Beverly M. Shane, Secretary of the Legislative Branch of the Crow Tribal Government hereby this Transitional Action do deliver a True and Correct Official copy Of the Final Approval for the following Bill:

INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

A BILL FOR AN ACT ENTITLED:

“A RESOLUTION AMENDING JOINT ACTION RESOLUTION JAR06-13 BY INCREASING THE AUTHORITY OF THE CHAIRMAN AND THE AD HOC LEGISLATIVE COMMITTEE TO BORROW UP TO \$2.3 MILLION INSTEAD OF 1.8 MILLION ALREADY APPROVED TO BE USED BY THE APSAALOOKE (CROW) TRIBE TO COVER THE COSTS AND EXPENSES OF BUILDING PHASE II OF THE WATER AND WASTE WATER SYSTEM IN AND FOR THE COMMUNITY OF CROW AGENCY, MONTANA AND THE REMAINDER OF JAR06-13 TO REMAIN IN FULL FORCE AND EFFECT EXCEPT THE MINOR ADJUSTMENTS THAT NEED TO BE MADE SUCH AS THE ANNUAL LOAN REPAYMENT.

No. JAR08-08 to Walter C. Matt in the

Position of: Cree. Branch attorney for the

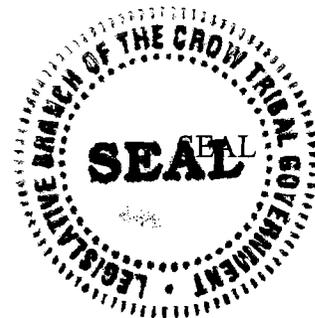
Crow Tribal Executive Branch.

Done and dated this 12th day of Nov., 2008 @ 11:45 a.m./p.m.

Beverly M. Shane
Beverly M. Shane
Secretary of the House
Legislative Branch of the
Crow Tribal Government

Served by:
Jackie Blacksmith
Legislative Branch Staff

Cc: file





LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

P.O. Box 309 – ITCHIK BLDG., MAKAWASHA Avenue
Crow Agency, Montana 59022
Phone: (406) 638-2023/2025 Fax: (406) 638-2030

Crow Country

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Vincent Crooked Arm
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Speaker of the House
R.Knute OldCrow, Sr
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Beverly M. Shane Secretary of the House

Dana Wilson
Jonathan D. Stone,

Staff

Jackie Blacksmith,
Administrator

Bill Old Crow
Finance Officer/Admin. Asst.

H. Noel Two Leggins,
Legal Assistant/Editor

Kenny Pretty On Top,
Sergeant At Arms/Custodial

Ronald Arneson, Esq.
Attorney At Law

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I, Beverly M. Shane, Secretary of the Crow Tribal Legislative Branch of Government hereby this Transitional Action do deliver a True and Correct Official copy Of the Final Approval for the Following Bill:

INTRODUCED BY: CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

“A RESOLUTION AMENDING JOINT ACTION RESOLUTION JAR06-13 BY INCREASING THE AUTHORITY OF THE CHAIRMAN AND THE AD HOC LEGISLATIVE COMMITTEE TO BORROW UP TO \$2.3 MILLION INSTEAD OF 1.8 MILLION ALREADY APPROVED TO BE USED BY THE APSAALOOKE (CROW) TRIBE TO COVER THE COSTS AND EXPENSES OF BUILDING PHASE, II. OF THE WATER AND WASTE WATER SYSTEM IN AND FOR THE COMMUNITY OF CROW AGENCY, MONTANA AND THE REMAINDER OF JAR06-13 TO REMAIN IN FULL FORCE AND EFFECT EXCEPT THE MINOR ADJUSTMENTS THAT NEED TO BE MADE SUCH AS THE ANNUAL LOAN REPAYMENT.”

Bill No. JAR08-08 to _____ in the

Position of _____ for the

Crow Tribal Executive Branch.

Done and dated this _____ day of _____, 2008 @ _____ : _____ a.m/p.m.

Beverly M. Shane
Secretary of the House
Crow Tribal Legislative Branch of Government

Done and dated this _____ day of _____, 2008.

Served by:

H. Noel Two Leggins
Legal Assistant/Editor
Crow Tribal Legislative Branch of Government

(SEAL)

Cc: File

