

**CROW TRIBAL LEGISLATURE
FEBRUARY 6, 2009 SPECIAL SESSION**

JOINT ACTION RESOLUTION NO. JAR09-01

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

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

“APPROVAL OF CONFIDENTIALITY AGREEMENT”

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the enumerated powers in Article IV, Section 3(a) of the Constitution of the Crow Tribe of Indians to represent the Crow Tribe in negotiations in matters of economic development, in Section 3(f) to negotiate and approve or prevent any sale, disposition, lease or encumbrance of Tribal lands or other Tribal assets, including minerals, with final approval granted by the Legislative Branch, and in Section 3(k) to negotiate and approve limited waivers of sovereign immunity when such a waiver is necessary for business purposes, subject to final approval by the Legislative Branch; and

WHEREAS, a potential business opportunity has arisen, and in order to pursue the opportunity, the Crow Tribe must execute a confidentiality agreement which includes a limited waiver of the Crow Tribe’s sovereign immunity; and

WHEREAS, the limited waiver of sovereign immunity in the attached Confidentiality Agreement (the “Confidentiality Agreement”), provides for enforcement in any state or federal district court in the city of Denver, Colorado, which are forums neutral to both parties, and does not allow for the encumbrance of any Tribal trust assets; and

WHEREAS, the fact of the Confidentiality Agreement and the identity of the other party to the Agreement are Confidential Information under the terms of the Confidentiality Agreement; and

WHEREAS, the Legislative Branch has authority and responsibility pursuant to its “powers and duties” in Article V, Section 2(d) to “grant final approval or disapproval of items negotiated by the Executive Branch of Government pertinent to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or mineral assets,” and in Section 2(f) to “grant final approval or disapproval of limited waivers of sovereign immunity by the Executive Branch when waivers are necessary for business purposes”; and



WHEREAS, the limited waiver of sovereign immunity in the Confidentiality Agreement is necessary for the business purpose of pursuing the potential business opportunity;

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

Section 1. That the “Confidentiality Agreement” attached hereto and incorporated by reference, and the limited waiver of sovereign immunity contained therein, is hereby granted final approval pursuant to Article V, Section 2(f) of the Constitution and Bylaws of the Crow Tribe.

Section 2. That the authority of the Chairman of the Executive Branch to enter into the Confidentiality Agreement, including the limited waiver of sovereign immunity contained therein, is hereby reaffirmed and ratified.

Section 3. That the Chairman of the Executive Branch is authorized to sign and execute the Confidentiality Agreement on behalf of the Crow Tribe, and to take such further actions as are necessary to implement and administer the Agreement.

Section 4. That the final approval granted herein is effective on the date of approval of this Resolution.

Section 5. Except for this Resolution, which may be published on the Legislature’s Website and provided to members of the public, members and staff of the Crow Tribal Executive and Legislative Branches shall not disclose the Confidentiality Agreement approved hereby or any Confidential Information obtained thereunder to any other persons or entities.

Section 6. The Executive Branch agrees to provide quarterly reports on progress or lack thereof to designated representatives of the Legislative Branch and counsel, and the Branches shall work together to establish a process to ensure the safeguarding of all Confidential Information and full compliance with the Confidentiality Agreement.



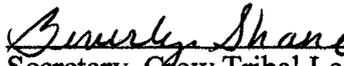
CERTIFICATION

I hereby certify that this Joint Action Resolution, "APPROVAL OF CONFIDENTIALITY AGREEMENT", was duly approved by the Crow Tribal Legislature with a vote of 15 in favor, 1 opposed, and 0 abstained, and that a quorum was present on this 6th day of February, 2009.



Speaker of the House
Crow Tribal Legislature

ATTEST:



Secretary, Crow Tribal Legislature

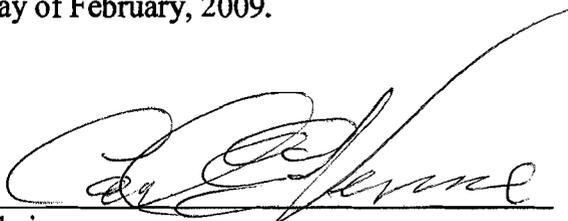


EXECUTIVE ACTION

I hereby

approve
 Veto

this Joint Action Resolution, "APPROVAL OF CONFIDENTIALITY AGREEMENT", pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 and Article IV, Section 3(k) of the Constitution and Bylaws of the Crow Tribe of Indians, on this 12 day of February, 2009.



Chairman
Crow Tribal Executive Branch



"Approval of Confidentiality Agreement"

Bill or Resolution Number JAR09-01 Introduced by Executive Date of Vote 2/6/2009

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
L. Plain Bull, Sr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Goes Ahead	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O. Costa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
V. Crooked Arm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. Not Afraid	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
P. Alden, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. House	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Fighter, Sr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C.J. Stewart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L. Hogan, Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S. Fitzpatrick, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O. Half, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R. Old Crow, Sr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
W. Plainfeather	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J.D. Stone, Sr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Shane <i>Secretary of the House</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. Covers Up, Sr. <i>Speaker of the House</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>15</u>	<u>1</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

2/12/09
 Date

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

2-6-09
 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

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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

Reno:

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.

Sheri Chandler
Office Assist./Receptionist

Sheila Wilkinson
Legal Assistant

Kenny Pretty On Top
Maintenance/Custodian
Sergeant at Arms

Ronald Ameson, 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:

“APPROVAL OF CONFIDENTIALITY AGREEMENT”

No. JAR09-01 to Carla Hider in the
Position of: Court Court for the
Crow Tribal Judicial Branch.

Done and dated this 9 day of March, 2009 @ 1:56 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

