

RESOLUTION NO. 86-62
OF THE ROSEBUD SIOUX TRIBE

WHEREAS: The Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent Amendments thereof; and

WHEREAS: There is a need to implement an Ordinance to enforce the Bylaws of the Rosebud Sioux Tribe's Constitution and to hold accountable the Members of the Tribal Council and elected or appointed Officers of the Council; and

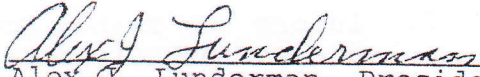
WHEREAS: There is a need to implement a Tribal Code of Ethics; and

WHEREAS: The Governmental Affairs Committee has reviewed this matter in a series of meetings; now

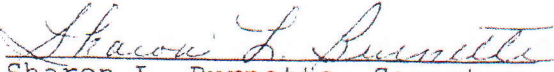
THEREFORE BE IT RESOLVED, that, as recommended by the Tribal Governmental Affairs Committee, attached Ordinance No. 86-04, entitled, "Ordinance to Implement the Bylaws of the Rosebud Sioux Tribe's Constitution," is hereby adopted by the Rosebud Sioux Tribal Council and it is in full force and effect as of this date.

C E R T I F I C A T I O N

This is to certify that the above Resolution No. 86-62 was duly passed by the Rosebud Sioux Tribal Council in session on March 31, 1986, by a vote of eighteen (18) in favor, six (6) opposed and none (0) not voting. The said Resolution was adopted pursuant to authority vested in the Council. A quorum was present.


Alex J. Lunderman, President
Rosebud Sioux Tribe

ATTEST:


Sharon L. Burnette, Secretary
Rosebud Sioux Tribe



DATE SUBMITTED 5-9-86
TO ROSEBUD AGENCY SUPT. lwm

ORDINANCE NO. 86-04
OF THE ROSEBUD SIOUX TRIBE

ORDINANCE TO IMPLEMENT THE BYLAWS OF THE ROSEBUD SIOUX TRIBE'S
CONSTITUTION

- | | |
|-------------|---|
| Section 1. | Duties of the President |
| Section 2. | Duties of the Vice-president |
| Section 3. | Duties of the Secretary |
| Section 4. | Duties of the Treasurer |
| Section 5. | Duties of the Sargeant-at-Arms |
| Section 6. | Duties of the Tribal Council Members |
| Section 7. | Duties of the Tribal Council Members and
Elected or Appointed Officers |
| Section 8. | Meetings of the Tribal Council |
| Section 9. | Sioux Councils |
| Section 10. | Tribal Code of Ethics |
| Section 11. | Tribal Ethics Commission |
| Section 12. | Penalties for Violation of this Ordinance |
| Section 13. | Decisions Resulting from this Ordinance |
| Section 14. | Previous Ordinances |
| Section 15. | Amendments to Ordinance |

The Rosebud Sioux Tribal Council hereby ordains:

Section 1.

Duties of the President

The President of the Rosebud Sioux Tribe shall:

- A. Manage and administer the affairs of the Tribe.
 1. Enforce Tribal Council Resolutions, Ordinances and instructions.
 2. Inform the Tribal Council prior to representing the Rosebud Sioux Tribe in external affairs.
 3. Report to the next Tribal Council meeting any involvement in any external affairs on behalf of the Rosebud Sioux Tribe.
- B. Supervise Tribal employees.
 1. Enforce the Personnel Policies and Procedures Manual of the Rosebud Sioux Tribe.
 2. Implement an organizational structure after review by the Tribal Council.
 3. Obtain concurrence of the Tribal Council for political appointees.

5-9-84

- C. Be subject to Tribal Council Resolutions, Ordinances and instructions.
 - 1. Report to the Tribal Council within thirty (30) days of the status of approved Resolutions, Ordinances and instructions.
- D. Preside at all meetings of the Tribal Council.
- E. Vote at Tribal Council meetings only in case of a tie.
- F. Call Special Meetings of the Tribal Council.

Section 2.

Duties of the Vice-president

The Vice-president of the Rosebud Sioux Tribe shall:

- A. Assist the President when called upon to do so.
 - 1. Be responsible for the same duties as the Tribal President when so delegated by the Tribal President or by the Tribal Council.
- B. Preside at Tribal Council meetings in the absence of the President.
- C. Have all the rights, privileges, duties and responsibilities of the President when presiding in his absence.
- D. Vote at Tribal Council meetings only when presiding in case of a tie.

Section 3.

Duties of the Secretary

The Secretary of the Rosebud Sioux Tribe shall:

- A. Keep a full report of all proceedings of each regular and special meeting of the Tribal Council.
 - 1. Review and/or issue official news releases on behalf of the Rosebud Sioux Tribal government.
- B. Perform such other duties of like nature as the Tribal Council shall provide by Resolution from time to time.
 - 1. Prepare the Tribal Council Meeting agenda and include requests from the Constitutional Officers, Tribal Council members and legitimate petitioners.

2. Request and file minutes of all Tribal community meetings and all Tribal Council Committee/Board or Commission meetings.
 3. Attest to all official Tribal documents by signature and seal.
 4. Distribute copies of proposed Resolutions or Ordinances prior to Tribal Council meetings.
- C. Transmit copies of the minutes of each meeting to the Tribal Council, the Rosebud Agency Superintendent and to the Assistance Secretary of the Interior for Indian Affairs.
1. Distribute to Tribal Council members the minutes of standing committees.

Section 4.

Duties of the Treasurer

The Treasurer of the Rosebud Sioux Tribe shall:

- A. Be the custodian of all monies which come under the jurisdiction or control of the Tribal Council.
 1. Deposit all monies under the control of the Tribe in a bank or other fully insured financial institution approved by the Tribal Council.
 2. Keep no petty cash account.
 3. Be custodian of all Tribal assets.
- B. Pay out money in accordance with the orders and Resolutions of the Tribal Council.
 1. Use checks only to pay out money and to sign all checks made on behalf of the Rosebud Sioux Tribe.
- C. Keep account of all receipts and disbursements and report the same to the Tribal Council at each regular meeting.
 1. Including Tribal taxes and Tribal bonds.
- D. Be bonded in an amount as the Tribal Council shall set by Resolution and satisfactory to the Assistant Secretary of the Interior for Indian Affairs.
 1. In lieu of such Resolution, post bond in the amount of \$250,000.
- E. Subject to the Treasurer's books to audit or inspection at the discretion of the Tribal Council or the Assistant Secretary of the Interior for Indian Affairs.

1. In lieu of any instruction, insure that the books are audited at least annually by a Certified Public Accountant.

Section 5.

Duties of the Sargeant-at-Arms

The Sargeant-at-Arms of the Rosebud Sioux Tribe shall:

- A. Maintain a sign-in sheet for each Tribal Council meeting and compel the attendance of signed in Tribal Council members for voting purposes.
- B. Record any voting by raising of hands and report the count to the Tribal Secretary.
- C. Maintain order, keep decorum, and enforce the "no smoking" and other rules approved by the Tribal Council for Council meetings.
- D. Perform such duties as the Tribal Council by Resolution shall provide.
- E. Advise the presiding officer of any parliamentary rules when so requested.
- F. Distribute pertinent information among the Tribal Council members.

Section 6.

Duties of the Tribal Council Members

The Representatives of the Rosebud Sioux Tribal Council shall:

- A. Make reports to the community from which elected concerning the proceedings of the Tribal Council.
 1. Verify such reports by minutes of community meetings or signed copy of reports so made to the community.
- B. Acting as part of the Tribal Council, may prescribe the salaries of Tribal Officers, employees or members of the Tribal Council as deemed advisable from such funds as may be available.
- C. Acting as part of the majority of the Tribal Council, may call special meeting of the Tribal Council.

Section 7.

Duties of Tribal Council Members and Elected or Appointed Officers

Tribal Council Members and Elected or Appointed Officers of the Rosebud Sioux Tribal Council shall:

- A. Attend any duly called special or regular meeting of the Tribal Council unless excused by motion of the Tribal Council in session.
 1. Prior to a Tribal Council meeting, request in writing, in person or by telephone, directly to the Tribal Secretary, to be excused, the reason thereof, provided that it will be submitted to a vote of the Tribal Council immediately after roll call.
 2. If unable to make a request prior to a Tribal Council meeting, make a request for excuse, and reason thereof, in person or in writing directly to the Tribal Council in session at its next meeting.
- B. Present to the Tribal Council in a timely manner any duly approved community resolution or any legitimate petition of Tribal members.
 1. Verification of said Resolution shall be by signature of the Community President and Community Secretary or by attached community minutes.
- C. Abide by a Tribal Code of Ethics adopted by the Tribal Council.
- D. Take an Oath of Office prior to assuming duties.
- E. Support and defend the Constitution of the United States against all enemies.
- F. Support and defend the Constitution and Bylaws of the Rosebud Sioux Tribe against all enemies.
- G. Carry out faithfully and impartially the duties of their Office to the best of their ability.
- H. Cooperate, promote and protect the best interests of the Rosebud Sioux Tribe.
- I. Carry out duties in accordance with the Tribal Constitution and Bylaws.

- J. Accept no compensation out of the Tribal funds under control of the Federal Government unless the amount and the nature of the services rendered are stated in a Resolution approved by the Assistant Secretary of the Interior for Indian Affairs.

Section 8.

Meetings of the Tribal Council

- A. Regular meetings shall be held once a month on days and at places designated by Resolution of the Tribal Council.
 - 1. In lieu of an updated annual Resolution, each monthly meeting shall be held on the first Thursday and Friday of the month unless it is a legal holiday and the second day shall be set aside for matters requiring the assistance of Tribal General Counsel.
 - 2. No further notice of regular meetings is required.
- B. Special meetings may be called by a majority of Tribal Council members or the Tribal President in writing with at least three (3) days notice in either case.
- C. A quorum for the Tribal Council to transact business shall be a majority of the Tribal Council membership, unless a larger number is required by the Constitution and Bylaws.
- D. Records and property of the Tribal Council shall be kept in a designated room or place.

Section 9.

Sioux Councils

Those delegates who are to sit in National Sioux Councils shall:

- A. Be selected by the Tribal Council.
 - 1. Provided the delegates shall submit quarterly reports to the Tribal Council in writing and in person.
 - 2. Provided that the delegates shall submit to the Secretary of the Tribe an updated copy of the Bylaws of the organization in which they serve.

3. Provided that such Sioux Nation Councils shall include the Sioux Nation Treaty Council, the Black Hills Steering Committee and the United Sioux Tribes.
4. Provided such delegates are appointed annually unless otherwise specified in the Bylaws of the organization in which they serve.

Section 10.

Tribal Code of Ethics

Code of
Ethics

There is hereby established a Rosebud Sioux Tribal Code of Ethics to cover the activities of members of the Tribal Council including elected or appointed Officers of the Tribal Council, and the following are violations of the Code:

- A. Any type of conduct or conflict of interest so designated by Resolution or Ordinance of the Tribal Council prior to the violation.
- B. Willful neglect to make a complete disclosure of any action or attempt to represent themselves in business with a particular individual or entity while at the same time representing the Rosebud Sioux Tribe.
- C. Receipt of a kickback, bribe or payment of any value from a person or corporate interest in an attempt to influence one's judgement on a particular course of action.
- D. Neglect to make a disclosure of any contribution of more than \$100 in current value.
- E. Conviction of a Class A offense in the Rosebud Sioux Tribe Law and Order Code.
- F. Blatant refusal to obey a valid instruction, Resolution or Ordinance of the Tribal Council.
- G. More than three (3) unexcused absences from a duly called meeting of the Tribal Council.
- H. Public disclosure of any matter compromising the confidentiality of an Executive Session of the Tribal Council or any information threatening Tribal security.

- I. Failure to disqualify themselves from voting when the Tribal Council or any of its' committees are considering any employment of a member of their immediate family, including husband or wife, brother or sister, son or daughter, mother or father, or a contract between the Tribe and their immediate family, or any dealing that results in personal gain for themselves or their immediate family.
- J. Acting on behalf of the Tribal Council or any of its committees without delegated authority.
- K. Refusal or failure to uphold their Oath of Office.
- L. Lack of respect for Lakota tradition, heritage and culture.
- M. Violation of this Ordinance.
- N. Misuse of Tribal funds.
- O. Holding an elected or appointed office in any state government or political sub-division thereof.
- P. Failure to disqualify themselves when voting on any issue directly affecting their employment or that of their immediate family.
- Q. Being a party in a lawsuit against the Rosebud Sioux Tribe.

Section 11.

Tribal Ethics Commission

There is hereby established a Tribal Ethics Commission appointed by the Tribal Council for lifetime terms:

- A. Consisting of five (5) Tribal members generally known for their honesty, wisdom and other Lakota valued; one of whom shall be appointed as Chairperson by the members themselves.
- B. Authorized to receive any complaints involving this Ordinance provided they are in writing and accompanied by documentation.
- C. Directed to protect the integrity of the Rosebud Sioux Tribe as well as the due process of any individuals alleged to have violated this Ordinance.

- D. Delegated to review written evidence of any alleged violations of this Ordinance and to either recommend or not recommend to the Tribal Council that it hold a hearing involving such alleged violation.
- E. Allowed to establish its own rules of procedure provided it does not violate the Constitution and Bylaws of the Rosebud Sioux Tribe or any instructions, Resolutions, and Ordinances of the Tribal Council.

Section 12.

Penalties for Violation of This Ordinance

Section 12
Penalties

The Tribal Council shall penalize those whom they find guilty of violation of this Ordinance and it shall impose one or more of the following penalties, provided it is in accordance with the Constitution and Bylaws of the Rosebud Sioux Tribe.

- A. Forfeiture of office, removal from office or recall from office.
- B. Exclusion from the Rosebud Sioux Indian Reservation or disqualification from again seeking Tribal office.
- C. Forfeiture of full or partial Tribal per diem for any length of time during the term of office or appointment.
- D. Public censure.

Section 13.

Decisions Resulting From This Ordinance

Any decisions regarding this Ordinance are within the sole jurisdiction of the Tribal Council and its' decision shall be final.

Section 14.

Previous Ordinances

This Ordinance hereby rescinds and supercedes any previous Tribal Ordinance of this nature.

Section 15.

Amendments to Ordinance

This Ordinance may be amended or rescinded by at least three-fourths (3/4) vote of the entire membership of the Tribal Council at a regular or special meeting.