

Title 19

**RULES AND PROCEDURES FOR THE
STANDING ROCK SIOUX TRIBAL COUNCIL**

Standing Rock Sioux Tribal Code of Justice

Ordinance No. 181



**Repealed and Replaced
All New Title XVII
Resolution No. 234-99
June 3, 1999
Standing Rock Sioux Tribal Council**

ORDINANCE NO. 180

BE IT FURTHER RESOLVED, that the Title XIX, Rules and Procedures for the Standing Rock Sioux Tribal Council, of the Code of justice of the Standing Rock Sioux Tribe, be and the same is hereby repealed and replaced with the attached and new Title XIX, Rules and Procedures for the Standing Rock Sioux Tribal Council.

ATTACHED PAGES

i - iii and XIX - 1 through XIX - 19

RESOLUTION NO. 234-99

BE IT FURTHER RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under the Constitution of the Standing Rock Sioux Tribe, the foregoing Ordinance No. 180 repealing Title XIX, Rules and Procedures for the Standing Rock Sioux Tribal Council of the Code of Justice of the Standing Rock Sioux Tribe and replaced with the attached Title XIX be and the same is hereby approved.

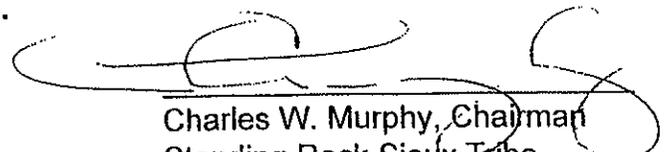
BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of **(17)** members, of whom 16 constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened and held on the 3rd day of **JUNE, 1999**, and that the foregoing resolution was duly adopted by the affirmative vote of 8 members, with 6 opposing, and with 2 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.**

DATED THIS 3rd DAY OF JUNE, 1999.

ATTEST:


Charles W. Murphy, Chairman
Standing Rock Sioux Tribe


Elaine McLaughlin, Secretary
Standing Rock Sioux Tribe

(Official Tribal Seal)

RESOLUTION NO. 462-99

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Article 16; and the recognized governing body of the Tribe known as the Standing Rock Sioux Tribal Council; and

WHEREAS, the Standing Rock Sioux Tribe, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section [f], is empowered to regulate the procedures for Tribal Council and pursuant to Section 5, is empowered to enact Ordinance; and

WHEREAS, on June 3, 1999, the Standing Rock Sioux Tribal Council, passed Resolution No. 234-99, which amended the Code of Justice, Title XIX, entitled "Rules and Procedures for the Standing Rock Sioux Tribal Council" and enacted as Ordinance No. 180; and

WHEREAS, the designation of the amendment to Title XIX, as "Ordinance No. 180", is incorrect and needs to be amended to reflect Ordinance No. 181.

NOW THEREFORE BE IT RESOLVED, that Standing Rock Sioux Tribe Resolution No. 234-99, hereby amended by deleting Ordinance No. 180 and inserting Ordinance No. 181; and

BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

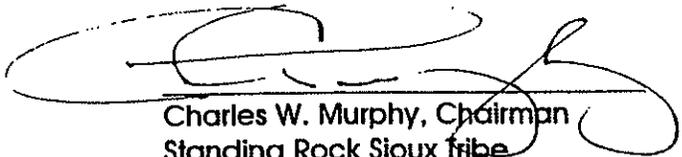
CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of (17) members of whom 12 constituting a quorum, were present at a meeting thereof, duly and regularly, called, noticed, convened and held on the 3rd day of DECEMBER, 1999, and that the foregoing resolution was duly adopted by the affirmative vote of 10 members, and 0 opposing, and with 2 not voting. THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.

DATED THIS 3rd DAY OF DECEMBER, 1999.

ATTEST:


Elaine McLaughlin, Secretary
Standing Rock Sioux Tribe


Charles W. Murphy, Chairman
Standing Rock Sioux Tribe

[Official Tribal Seal]

TITLE XIX. RULES AND PROCEDURES FOR THE
STANDING ROCK SIOUX TRIBAL COUNCIL

Chapter 1. Meetings

19-101. Regular Meetings.

Regular monthly meetings shall be held commencing on the first Wednesday of each month, at the Tribal headquarters and at such other times and places as may be designated by action of the Tribal Council or the Chairman.

19-102. Special Meetings.

Special meetings may be called by the Chairman, or Acting Chairman, on three (3) days notice in writing, in person or by telephone to all members of the Tribal Council, or such shorter notice as may be required by the circumstances, and shall be called by the Chairman upon written request of seven (7) members of the Tribal Council submitted to the Chairman or the Secretary, provided that beginning with the 1985 general election, a meeting shall be called upon written request of nine (9) members.

19-103. Quorum.

A quorum to transact business shall consist of nine (9) members of the Tribal Council, provided that beginning with the 1985 general election, a quorum to transact business shall consist of eleven (11) members.

19-104. Record.

The Tribal Council shall keep a complete and accurate record of all proceedings including reports and actions taken at every meeting.

19-105. Tribal Funds.

No tribal funds may be expended, except as authorized by resolution of the Tribal Council.

19-106. Rules of Order.

All meetings shall be governed by Roberts Rules of Order. All motions, resolutions and ordinances shall be acted on by the Tribal Council by a roll call vote in public, and the vote of each member shall be recorded in the minutes of all proceedings.

19-107. Annual Budget.

The Tribal Council shall (1) annually adopt a resolution establishing a budget for the Tribe, (2) hold hearings after at least 20 days notice to the public, posted in each District, on the budget prior to its adoption, (3) commission a formal, independent certified audit of all tribal assets, liabilities, and expenditures not less frequently than annually, the results of which shall be made available to all District organizations established under Article VII of the Tribe's Constitution, and (4) provide informal reports to the membership on Tribal finances not less frequently than once every three months.

19-108. Posting Ordinances.

All proposed ordinances shall be introduced at a Tribal Council meeting and thereafter posted in a public place at the Tribal Office and in each District for not less than ten days prior to final adoption by the Tribal Council. All enacted ordinances shall be posted in each District and made available for public inspection at the Tribal Office. All enacted ordinances shall be made available to the Local District Councils.

19-109. Powers.

No Tribal Council action shall be valid or enacted, by phone or signature solicitation. The Tribal Council shall only conduct official tribal business at regular or special meetings where a quorum is present.

Chapter 2. Committees**19-201. Powers.**

Except as specifically delegated powers by the Council, Committees shall have the power only to make recommendations to the Tribal Council together with such written report or statement of the reasons in support of such recommendations as may be necessary. The Committee shall only make recommendations for Tribal Council action during regular or special meetings where a quorum is present.

19-202. Meetings.

The regular monthly committee meetings shall be held on the Monday and Tuesday two weeks prior to the regular monthly Council meeting at the Tribal headquarters. Special meetings may be called at any time and place on the Reservation, or outside the Reservation if business requires, upon request of the Chairman of the Committee and approved by the Tribal Chairman upon reasonable notice to all members.

19-203. Record.

A complete and accurate record shall be kept of all proceedings including reports and actions at every committee meeting.

19-204. Consultation and Reports.

All Committees shall consult with tribal personnel, other committees, the Bureau of Indian Affairs and other Federal, state and tribal agencies where appropriate and such other persons as may be appropriate. In the hiring of and payment to consultants, Finance Policies and Procedures shall apply.

19-205. Jurisdiction.

- (a) Health, Education and Welfare Committee. The Health, Education and Welfare Committee shall consist of a Chairman and 4 members. The committee shall have the duty to deal with problems relating to welfare, education, health and housing. The committee shall have the following duties and responsibilities:
- (1) Promote and protect the health, education, general welfare, peace, safety and morals and administer charity and such other services as may contribute to social and cultural advancement;
 - (2) Encourage and foster the arts, crafts, traditions and culture of the Sioux Indians;
 - (3) Improve and maintain housing on the Reservation;
 - (4) Negotiations with federal, state and local governments and others on behalf of the Tribe, except where the subject of negotiations is within the jurisdiction of another committee;
- (b) Economics Committee. The Economics Committee shall consist of a Chairman four members. The committee shall have the following duties and responsibilities:
- (1) Economic improvements of the people of the Reservation and the economic development of the resources of the Reservation;
 - (2) The tribal land purchases and management programs, industrial development funds, and other economic programs;
 - (3) Negotiations with federal, state, and local governments and others on behalf of the Tribe, except where the subject of the negotiations is within the jurisdiction of another committee;
 - (4) Sales, disposal, leases or encumbrances of tribal lands or property as authorized by law;
 - (5) Management, protection and preservation of property of the Tribe and the wildlife and natural resources of the Standing Rock Reservation;
- (c) Judicial Committee. The Judicial Committee shall consist of a Chairman and four members. The committee shall have the following duties and responsibilities:
- (1) Proposed amendments to the Constitution of the Tribe;

- (2) All budgets for tribal operations, and all appropriation estimates for Federal projects for the benefit of the Tribe or the Reservation and the administration and depositing of funds within the control of the Tribe;
- (3) Rules governing nominations and elections of members of the Tribal Council, including enlarging or diminishing election districts or altering their boundaries;
- (4) Rules and procedures of the Tribal Council;
- (5) Proposed ordinances to govern the conduct of Indians on the Reservation;
- (6) Taxes and license fees upon Indians and upon non-Indians doing business on the Reservation;
- (7) The maintenance of law and order and the administration of justice by the courts on the Reservation and defining their duties and powers;
- (8) Employment of counsel or consultants for the protection and advancement of the rights and property of the Tribe and its members;
- (9) Qualifications and procedures governing enrollment into the Tribe;
- (10) Applications for membership in the Tribe;
- (11) Approval of proposed charters and bylaws of tribal corporations and amendments thereto;
- (12) Negotiations with federal, state, and local governments and others on behalf of the Tribe, except where the subject of the negotiations is within the jurisdiction of another committee;

19-206. Select Committees.

The Chairman may appoint select committees for such purposes and periods as he may deem necessary.

Chapter 3. Duties of Tribal Officers

19-301. Tribal Chairman.

The Chairman shall:

- (a) Preside at all regular and special meetings of the Tribal Council,

except those considering charges brought against him pursuant to Article III, Section 8, of the Constitution. He shall vote only in case of a tie;

- (b) Serve as the Chief Executive Officer of the Tribe responsible for administering the ordinances of the Tribe and general policies of the Tribal Council, but shall have no authority to exercise powers vested exclusively in the Tribal Council;
- (c) Exercise supervision over department directors and see that their respective duties are performed;
- (d) When absent from the office, he shall give notice at least 24 hours in advance to the Vice-Chairman to assume the duties of the Chairman;
- (e) Appoint the members of standing and select committees at the first Council meeting after each regular election or, in the case of select committees, when the committee is established, and shall fill any vacancies in such committees;
- (f) Authorize travel for members of the Council.
- (g) As Chief Executive Officer, administers all tribal programs and grants in the name of the Tribe.

19-302. Vice-Chairman.

The Vice-Chairman shall be elected by the Tribal Council by majority vote at the first meeting after the regular tribal election in 1984 at which a quorum is present. The Vice-Chairman so elected in 1984 shall serve until a new Vice-Chairman is elected and sworn in following the tribal election in 1985, unless removed from office pursuant to the Tribal Constitution and Code of Justice. The Vice-Chairman shall perform the duties of and exercise the powers of the Chairman in the absence of the Chairman, but shall not modify or change rules or policies established by the Chairman, and shall preside at Council meetings and assume the position of Acting Chairman in the Chairman's absence. Subject to the provisions of Article V, Section 6, of the Constitution, the Vice-Chairman shall fill the office of Chairman in the event of a vacancy.

19-303. Secretary.

The Secretary shall be elected by the Tribal Council by a majority vote at the first meeting after the regular tribal election in 1984 at which a quorum is present. The Secretary so elected in 1984 shall serve until a new Secretary is elected and sworn in following the tribal election in 1985, unless removed from office pursuant to the Tribal Constitution and Code of Justice. The Secretary shall cause to be made and maintained a complete and accurate record of all proceedings of each regular and special meeting of the Tribal Council and of all actions taken at such meetings, and

shall perform such other duties of like nature as the Council shall, from time to time, by resolution provide. The Secretary shall cause copies of the minutes of each meeting to be furnished to each member of the council, to the Chairman, Finance Officer, and Secretary of recognized district organizations, to the tribal attorney, to the Bureau of Indian Affairs, and to such other persons as shall be designated by the Tribal Council. The Secretary shall maintain a book of minutes for public inspection at the Tribal Office. The reporting and transcriptions of minutes may be performed by a tribal employee under the Secretary's supervision. In the event of the absence of the Chairman and Vice-Chairman, the Secretary shall assume the position of Acting Chairman.

19-304. Sergeant-At-Arms.

The Sergeant-At-Arms shall be appointed from among the Tribal Council membership by the Tribal Chairman at each meeting at which a quorum is present. The Sergeant-At-Arms shall assist the Chairman in keeping order at all meetings.

19-305. Vacancies in Office.

Should the office of Vice-Chairman or Secretary become vacant, it shall be filled by the Chairman, provided that the appointment shall not become effective until confirmed by a two-thirds vote of the Tribal Council at a meeting at which a quorum is present. In the event the office of Chairman becomes vacant before expiration of the term and the Vice-Chairman whether by reason of death, illness or resignation is unable to assume the duties of Chairman, if less than one year of the term remains the Tribal Council may in its discretion either appoint a Chairman from within the Tribal Council by a two-thirds majority vote of the Tribal Council or may order a special election, or, if one year or more remains the Tribal Council shall order a special election to be held within thirty (30) days after the date of the vacancy.

19-306. Succession to Acting Chairman.

In the event of the absence of the Chairman, Vice-Chairman, and Secretary, the position of Acting Chairman shall be assumed in the following order:

- (a) By the Chairman of the Economics Committee;
- (b) By the Chairman of the Health, Education and Welfare Committee;
- (c) By the Chairman of the Judicial Committee;
- (d) By any other member of the Tribal Council designated by the Tribal Chairman.

19-307. Council Members.

Members of the Council elected from a particular district shall attend all regular district meetings of that district and present minutes of those meetings to

the Tribal Council at the next regular Tribal Council meeting. Members elected at large by the qualified voters of the Reservation except for the Chairman, Vice-Chairman and Secretary, shall each attend one regular district meeting of one different district each month. Members of Council appointed to serve and represent the Tribe on other governing boards may not delegate that responsibility to a non-Council member.

Chapter 4. Removal from Office

19-401. Constitutional Provision.

Any member of the Tribal Council who, during the term for which he is elected, is convicted of a felony shall automatically forfeit his office. Any member of the Tribal Council found guilty of neglect of duty, misconduct in office or an offense involving dishonesty may be removed from office by the Tribal Council by a vote of two-thirds (2/3) of the members of the Tribal Council voting, provided such member is first given twenty (20) days notice in writing by the Secretary of the Tribal Council, and a chance to be heard.

19-402. Definitions (as Used in this Chapter).

- (a) Neglect of Duty. means (1) any knowing omission or refusal, without sufficient excuse, to perform the duties and obligations of office, (2) employment by the Bureau of Indian Affairs during a term of office, or (3) delinquency in the payment of any debt owed to or guaranteed by the Tribe, each tribal entity, agency of the Tribe, or any corporation owned or controlled by the Tribe during a term of office. For purposes of this Chapter, "delinquency" shall mean arrearage by a Tribal Council member of more than sixty (60) days as to any lawful payment, due and owing to the Tribe, its Revolving Credit or Short Term Loan Program, Standing Rock Housing Authority, Standing Rock Education Loan Grant Program, Standing Rock Enterprises, Standing Rock Farms, Sitting Bull College, Standing Rock Water and Sewer Company, Section 5 Land Purchase Program, Tribal Court Fines and Fees, all Districts of the Reservation, Prairie Knights Casino and Lodge, Grand River Casino and Prairie Knights Quik Mart; provided that a member of Council shall not be deemed to be delinquent under this Chapter where he has, with the written consent of the agency or corporation involved, refinanced or otherwise entered a new payment schedule with respect to a formerly delinquent debt, and has not become delinquent under such new payment schedule;

Provided further that any member of the Council who becomes delinquent after refinancing or rescheduling the payments on any single debt may not again refinance or reschedule the payments on that debt during a term of office without being deemed to be delinquent on that debt. Notwithstanding any other provision, delinquency on any debt owed to or

guaranteed by the Tribe, any agency of the Tribe or any corporation owned or controlled by the Tribe, shall not, for any term of office which began before October 15, 1984, be deemed to be neglect of duty or grounds for removal until May 17, 1985. Beginning May 17, 1985, all members of the Tribal Council are subject to removal for delinquency on any debts to the Tribe, Tribal agency or any Tribal corporation, as set forth in this subsection.

- (b) Misconduct in Office - Repeated abusive or clearly incompetent performance of duties and obligations of office, to include sexual harrasment, which is hereby defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct is made explicitly or implicitly a term or condition of employment or future employment; is used as a basis for employment or political decisions; or, has the purpose or effect of interfering with work performance or creating and offensive, intimidating or hostile work environment.

19-403. Presentation of Alleged Charges.

- (a) Any member of the Tribal Council may initiate the procedures for charges against another member by serving such member, at least ten days before a meeting of the Council, either in person or by registered or certified mail, return receipt requested, with a signed statement of the intent to present charges to the Tribal Council at such meetings. The statement shall specify the charges with detailed particulars on which the alleged charges are based. The Council members making the charges shall furnish signed copies of the statement to the Chairman and to the Secretary of the Tribal Council. Upon receipt of such a statement, the Chairman and Secretary shall place the matter on the agenda of the meeting specified, and shall specifically notify the charged member.
- (b) Upon receipt of a finding by any tribal agency or corporation of delinquency in the payment of any debt pursuant to Section 19-408, the Tribal Council shall initiate procedures against each delinquent member within thirty (30) days of receipt of such finding. The charges shall be initiated by the Secretary of the Tribal Council, provided that if the Tribal Secretary is reported to be delinquent, the charges shall be initiated by the Tribal Chairman. In the event of absence or physical inability of the Secretary, charges against any member may be initiated by the Tribal Vice-Chairman. The alleged charges shall be presented as set forth in Section 19-403(a).

19-404. Authorization of Charges and Suspension.

- (a) Authorization by the Council. At the meeting specified in the statement of alleged charges, any member of the Council making the charges shall move that the charges be authorized. If the motion is seconded and

adopted by a majority vote of the Council, the charges stand authorized. Otherwise, the charges stand dismissed and any charges based on the particulars alleged in the statement shall not be renewed.

- (b) Suspension. In its discretion, the Tribal Council, by a two-thirds vote of the members voting at the meeting where charges are authorized, may suspend the member charged until the authorized charges have been disposed of, but not to exceed 21 days.

19-405. Notice of Authorized Charges.

If the charges are authorized by the Council, the member charged shall be given twenty (20) days notice, in writing, by the Secretary of the Tribal Council, stating the time and place at which the authorized charges may be answered at a hearing. The hearing may be held at either a regular or special meeting of the Council. Upon receipt of the twenty (20) days notice, the member charged may, if he so desires, request the Chairman to advance the date of hearing so the authorized charges may be disposed of sooner. Upon receipt of such a request in writing, the Chairman in his discretion, or if he is a member charged, then any three other members of the Council not under charges, in their discretion, may set a new date for the hearing as requested. The Secretary, or the person performing the office, shall notify all members of the Tribal Council of the new date on which the hearing will be held.

19-406. Hearing on the Authorized Charges.

- (a) On the request of the member charged, the hearing shall be in executive session and no one shall be present except the members of the Tribal Council, counsel representing the Tribe and the member charged, and a witness during his own testimony. The authorized charges shall take priority over all other tribal business. No other tribal business shall be taken up at the meeting until the hearing on the authorized charges is completed and a final decision is rendered.
- (b) The Tribal Council shall hear all relevant evidence, either sworn oral testimony or documentary evidence, offered in support of or in opposition to the charges. The member charged shall have the right to cross-examine witnesses and to present his own witnesses, and shall have the right to be represented by counsel at his own expense at the hearing.
- (c) At the conclusion of all the arguments and evidence presented for and against the charges, the Council shall vote on the question of whether the member charged shall be removed from office. The member charged shall not vote on this question.

19-407. Removal from Office.

- (a) No member shall be removed from office except by an affirmative vote of two-thirds of the Council.
- (b) If the necessary vote is obtained the removal shall be effective immediately and the office shall be declared vacant. If the necessary vote is not obtained the charges shall stand dismissed, and the member charged, if on a salary basis, shall be given his full compensation for the period of suspension.

19-408. Procedures Regarding Debt Delinquency.

Prior to initiating charges to remove any member of the Tribal Council from office by reason of delinquency on a debt owed to or guaranteed by the Tribe, any agency of the Tribe or any corporation owned or controlled by the Tribe, the following procedures shall be followed.

- (a) By the last day of each month, the Tribe, each tribal entity, agency or any corporation owned or controlled by the Tribe, its Revolving Credit or Short Term Loan Program, Standing Rock Housing Authority, Standing Rock Education Loan-Grant Program, Standing Rock Enterprises, Standing Rock Farms, Sitting Bull College, Standing Rock Water and Sewer Company, Section 5 Land Purchase Program, Tribal Court Fines and Fees, all Districts of the Reservation, Prairie Knights Casino and Lodge, Grand River Casino and Prairie Knights Quik Mart shall provide written notice to each Council member who appears according to the records of the entity, agency or corporation to be delinquent on any debt to that agency or corporation. The notice shall be sent by certified or registered mail, return receipt requested. The notice shall state the total amount of the debt, the date the debt was incurred, the amount of the delinquency, the date the delinquent payments were due and any other relevant particulars. The notice shall state that the delinquent Council member's response is due within 15 days of receipt of the notice.
- (b) If within 15 days of receipt of the notice the Council member does not provide a response satisfactory to the agency or corporation demonstrating that the member of the Council is not delinquent, the agency or corporation shall send the delinquent member of the Council a second notice. The notice shall be sent by certified or registered mail, return receipt requested. The second notice shall contain the information contained in the first notice and, in addition shall (i) state that the second notice is the final notice the delinquent member of the Council shall receive; (ii) set forth the date, time and place for a hearing before the agency or corporation regarding the delinquency, which hearing shall be held at least 15 days after receipt of the notice by the Council member; (iii) state that at the hearing the delinquent member of the Council shall have the right to present witnesses and documentary evidence, cross-

examine other witnesses, and be represented by counsel at his own expense.

- (c) Hearings on delinquency of a Council member by tribal agencies or corporations shall be held before one or more officials of the agency or corporation designated for that purpose. At the appointed time and place the hearing officer shall hear all relevant evidence, presented by the agency or corporation and the Council member, including sworn oral testimony or documentary evidence, offered in support or in opposition to the claimed delinquency. The member charged with delinquency shall have the right to cross-examine witnesses, present his own witnesses, and may be represented by counsel at his own expense. At the conclusion of all evidence and arguments, the designated hearing officer shall determine whether the Council member is delinquent. If more than one hearing officer is hearing the matter, the determination shall be by majority vote. The hearing officer or officers shall issue a written finding of delinquency or no delinquency following each hearing.
- (d) Any finding of delinquency by a tribal agency or corporation pursuant to this section shall be transmitted to the Chairman and Secretary of the Tribal Council, along with all notices, and all documentary and other evidence submitted at the hearing.
- (e) Procedures under this section shall be terminated if, during the pendency of such procedures, a Council member, (i) pays the delinquency in full or (ii) with the written consent of the agency or corporation, refinances or enters a new payment schedule with respect to the delinquent debt, and has not become delinquent under such new payment schedule; provided that procedures shall continue as to any Council member who becomes delinquent after refinancing or rescheduling the payments on any single debt and again refinances or reschedules payments on that debt during his term of office.

19-409. Recall.

The Tribal Chairman, Vice-Chairman, and Secretary and any other member of the Tribal Council shall be subject to recall from office.

19-410. Initiating a Recall Election.

To initiate a recall election, a recall petition must be obtained from the Election Supervisor, by an elector qualified to vote in tribal elections. The petition will be prenumbered, with the date marked on the petition to indicate the date that it was obtained from the Election supervisor. Only one (1) recall petition will be given for the official that is being recalled, until such time as it has been filed.

- (a) A recall petition for a District Representative must be returned and filed with the Election Supervisor within sixty (60) days that it is obtained.

- (b) A recall petition for the Chairman, Vice-Chairman, Secretary or At-Large Representative must be returned and filed with the Election Supervisor within ninety (90) days that it is obtained.
- (c) Any recall petition which is not filed in the time specified in this section, shall become null and void.
- (d) If a recall petition is not filed with the Election Supervisor on time, only one additional petition will be given.

For the purposes of counting days, the day that the Petition is obtained from the Election Supervisor and the day that the Petition is filed shall not be counted, provided however, that weekends and holidays shall be counted. If the day that the Petition is to be filed, falls on a weekend or holiday, then the Petition shall be filed on the next following work day.

19-411. Form of Recall Petition.

- (a) For the offices of Chairman, Vice-Chairman, Secretary and Councilman at large, the recall petition shall be on a form as provided at the end of this Title and designated as Title XIX, Form A.
- (b) For the offices of Councilman from a District, the recall petition shall be on a form as provided at the end of this Title and designated as Title XIX, Form B.
- (c) The forms required in this section shall be mandatory and if not followed, the recall petition will be disallowed.
- (d) The Election Supervisor shall keep a log of pre-numbered petitions.

19-412. Persons Qualified to Sign Recall Petitions.

Every qualified elector of the Tribe is qualified to sign a recall petition for the offices of Chairman, Vice-Chairman, Secretary or Councilman at large. Every qualified elector of the Tribe who has resided in a District for at least 30 days prior to signing the petition is qualified to sign a recall petition for the office of Councilman from that District or the offices of Chairman, Vice-Chairman, Secretary or Councilman at large. Signatures on the recall petition cannot be removed, once the petition is filed.

19-413. Number of Signatures Required.

The recall petition shall state the name and office of the person to be recalled. The petition shall be signed by a number of eligible voters equal to at least fifty-percent (50%) of the number of persons who voted at the previous general Tribal election, or in the case of a Councilman elected to represent a district, by a number of eligible voters equal to at least fifty-percent (50%) of the number of persons who

voted at the previous election for office of Tribal Council representative from that district.

19-414. Certification.

For all filed recall petitions, the election supervisor shall verify the signatures of the petition and shall determine if the recall petition meets the requirements of the Tribal Constitution and Code of Justice. If a petition meets these requirements it shall be certified by the election supervisor and the person named on the recall petition shall be notified at once, with written confirmation by the election supervisor or other designated official, as soon as possible. The petition may not be altered once filed with the election supervisor. The Election Supervisor shall have ninety (90) days to certify the petition.

19-415. Challenges to Certification.

The official named on a certified recall petition may challenge the certification within three (3) days of the certification. The challenge shall be presented in writing to the election supervisor, Chairman or Secretary. Certification of a recall petition may be withdrawn only if the petition does not comply with the requirements of the Tribal Constitution or Code of Justice. The election supervisor shall conduct the hearing on the challenge and notice must be given to the elector presenting the Petition and the person named in the petition. The burden of proof shall be on the official challenging the certification. The decision of the election supervisor must be made within three (3) days of the hearing and shall be final.

19-416. Recall Election.

- (a) If a recall petition is duly filed and certified, a recall election shall be held within thirty (30) days of such certification;
- (b) Within five (5) days of such certification, the Tribal Chairman shall issue a "Notice of Recall Election", provided that in the case of a recall petition concerning the Tribal Chairman, the Vice-Chairman shall issue the notice. The Notice shall be posted in all polling places on the Reservation, and such other places as may be appropriate, provided that in the case of a recall petition for a Councilman from a District, the petition need be posted only in that District. In addition, if time permits, the notice shall be published in a newspaper of general circulation on the Reservation;
- (c) The recall election shall be Reservation wide, except that recall elections for a Councilman from a District shall be held only in that District. Except as otherwise provided in this Title, the election procedures of Title XV of the Code shall govern.
- (d) The issue on the ballot of a recall election shall read "Whether (Person's Name) holding the office of (Person's Office) shall be recalled from that

office."

19-417. Results.

- (a) If less than two-thirds of the qualified electors voting in a recall election vote to recall the official, the recall shall be defeated, and the official shall retain his office.
- (b) If two-thirds or more of the qualified electors voting in a recall election vote to recall the official, a special election shall be held to fill the recalled official's position.

19-418. Special Election.

To fill the position of a recalled official, a special election shall be held. The procedures for special elections in Title XV of the Code shall govern, except that the proclamation of election shall be issued at least 45 days before the special election and the notice of election shall be issued at least 25 days before the election. The person recalled from office may seek re-election in the special election, and shall continue to hold office unless and until a special election is held and a successor is elected, duly qualified and sworn into office.

19-419. Limitation on Recalls.

No person shall be subject to more than one recall election during a single term of office.

Chapter 5. Travel

19-501. On-Reservation Travel.

Council member(s) using their own private vehicles on official business for the Standing Rock Sioux Tribe shall be reimbursed for mileage at the rate established in Section 19-604, for private vehicle travel. A certification of such mileage shall be made on the prescribed form and approved by the Tribal Chairman and submitted to the Tribal Finance Officer for payment.

19-502. Off-Reservation Travel.

All off-reservation travel by a Council member must be approved by the Tribal Chairman prior to the incurrence of expenses.

19-503. Routing of Travel.

All travel shall be made by usually traveled routes. Travel by other routes may be allowable only when official necessity has been established. Deviation from standard map routes and standard map mileage must be explained on the travel certification form.

19-504. Airfare.

Council members traveling on official tribal business will be advanced the actual cost of airline fares at the coach class rates except where coach class is unavailable and the traveler must book first class or charter commercial flight as previously authorized by the Tribal Chairman. When, in the course of performing official duties, an individual is given written authority to travel by automobile to a destination serviced by normal airline service, that individual is entitled to charge the allowable mileage rate established by the Tribe or the established airfare, at the coach class rate, whichever is less.

19-505. Subsistence Expenses.

Council members traveling on official off-reservation tribal business will be advanced subsistence allowances at the rate of \$100.00 per day. For those locations specifically listed in the Federal Standardized Government Travel Regulations (41 C.F.R. 301-10), council members will be advanced actual costs of lodging, plus \$100.00 per day, when traveling on tribal funds. Subsistence will be advanced for specific travel to cover expenses incurred while traveling out of town on official business. Advances will be made upon information contained in the travel request, which is approved by the Tribal Chairman. In no instance will an advance exceed the amounts authorized by the Council. Subsistence will be allowed only when travel has been officially approved in advance. The Federal Travel Regulations will apply when Tribal Council travel is authorized utilizing federal contract or grant monies.

19-506. Registration Fees.

Registration fees for meetings and workshops over and above amounts required for lodging and other expenses will be advanced at actual cost if the Council member was authorized to attend and participate. Receipts for such fees shall be attached to the travel authorization.

19-507. Travel Certification.

Upon completion of travel, receipts for airfare and other transportation, lodging, and registration fees for meetings and workshops will be submitted to the Tribal Finance Officer with the authorized travel certification form. The certification must contain the time of departure and destination, mode of travel, and a brief explanation for the purpose of travel.

19-508. Recovery of Advances.

- (a) It shall be the responsibility of the Council member and checked by the Tribal Finance Officer to ensure that in all instances when money has been advanced for a specific trip, a travel certification must be submitted in compliance with the Tribe's Finance Manual.
- (b) When a Council member receives travel expenses from a source other than the Tribe, the Council member shall refund to the Tribe the amount received from the other source.
- (c) The amount of money advanced as subsistence and not actually spent on authorized expenditures shall be refunded to the Tribe. Such amount shall be deducted from the next pay check due the Council member and credited to the Council member's travel account.

Chapter 6. Salary and Travel Expenses of Council Members**19-601. Salary of Council Members and Fringe Benefits.**

Salary shall not be increased or decreased during the term for which they are elected. Council members shall be paid a salary on a weekly basis. Council members shall attend all scheduled Council meetings and district meetings as directed in Section 19-307. For each unexcused absence by a Council member at a required meeting, an amount based on hourly rate per length of meeting will be deducted from his next paycheck.

19-602. Reimbursement for Mileage and Other Expenses.

Where a grant, contract or entity (other than the Tribal Council) provides that persons attending its meetings shall receive mileage and other expenses, Councilmen who attend such meetings shall be reimbursed such mileage and other expenses. Such payment shall not be made if the meeting is one of the required monthly meetings under Section 19-601 of these policies and procedures.

19-603. Salary and Expenses for Chairman.

- (a) The Chairman shall be paid weekly an annual salary to be determined by the Tribal Council. The Chairman for the first two years of his four-year term will accumulate four hours of annual leave per pay period. After two years, the Chairman will accumulate six hours of annual leave per pay period. The maximum carry over into the next year shall be 240 hours of annual leave. At the expiration of the term of office, the Chairman will be paid for the unused portion of accrued annual leave. The Chairman will accumulate four hours of sick leave per pay period. There will be no limit to the amount of sick leave accrued. At the expiration of the term of office, the Chairman will not be paid for the unused portion of accrued sick leave.

- (b) The Chairman acting on official Council business shall be paid for subsistence expenses at the rate of \$100.00 per day. For those locations specifically listed in the Federal Standardized Government Travel Regulations (41 C.F.R. 301-10), the Chairman will be advanced actual costs of lodging, plus \$100.00 per day, when traveling on tribal funds.

19-604. Rate of Reimbursement for Mileage.

Each Council member including the Chairman acting on official Council business shall be reimbursed for use of a privately owned motor vehicle at the rate set by the Federal Standardized Government Travel Regulations (41 C.F.R. 301-10).

19-605. Travel Funds.

Council members, including the Chairman, Vice-Chairman and Secretary, are prohibited from using travel funds provided within an approved tribal budget, for any other purpose.

RECALL PETITION

We, the undersigned qualified electors of the Standing Rock Sioux Tribe, respectfully petition that an election be held on the question of whether _____, holding the Office of _____ shall be recalled from office.

	<u>Signatures</u>	<u>Addresses</u>	<u>Date</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____

Signature of Petitioner

Subscribed and sworn to before me this _____ day of _____,
19 _____.

Notary Public

Filed with the Tribal Election Supervisor this _____ day of _____,
19 _____.

Election Supervisor

RECALL PETITION

We, the undersigned qualified electors of the Standing Rock Sioux Tribe,
_____ District, respectfully petition that an election be held on the
question of whether _____, holding the Office of Councilman
from _____ District, shall be recalled from office.

	<u>Signatures</u>	<u>Addresses</u>	<u>Date</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____

Signature of Petitioner

Subscribed and sworn to before me this _____ day of _____,
19 _____.

Notary Public

Filed with the Tribal Election Supervisor this _____ day of _____,
19 _____.

Election Supervisor