

TITLE 12  
ROSEBUD SIOUX TRIBAL GOVERNMENT

CHAPTER 1  
COMMUNITY ORGANIZATIONS

BE IT ENACTED, BY THE GOVERNING BODY OF THE ROSEBUD SIOUX TRIBE,  
12-1: A LAW TO ESTABLISH UNIFORM COMMUNITY ORGANIZATIONS FOR THE  
RECOGNIZED TRIBAL COMMUNITIES OF THE ROSEBUD SIOUX TRIBE.

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12-1-1 TITLE

This law shall be known as the Uniform Community Organization Law.

12-1-2 AUTHORITY AND PURPOSE

12-1-2.1 AUTHORITY. The governing body of the Rosebud Sioux Tribe is exercising its authority pursuant to Article III, Section 2; Article IV, Section 1(t) and (u); and Article V of the Constitution and By-Laws of the Rosebud Sioux Tribe.

(1) Article III, Section 2, and Article V grants to the governing body the authority to reorganize and thereby establish community organizations pursuant to the Constitution of the Rosebud Sioux Tribe.

(2) Article IV, Section 1(t) grants, in part, the authority to adopt resolutions regulating the procedure of other tribal agencies and tribal officials.

(3) Article IV, Section 1(u), and Article V grants the governing body the authority to delegate its enumerated powers; provided such delegation of enumerated powers is the right of review of any action taken by virtue of such delegated power and the actions of the community councils shall not be inconsistent with the Constitution, By-Laws and tribal laws of the Rosebud Sioux Tribe.

12-1-2.2 PURPOSES. The purposes of this tribal law is:

(1) To foster and promote the development of the community organizations to their fullest in health, education, security, and economic welfare of its community members.

(2) To provide basic uniformity among community organizations pursuant to Article V of the Constitution.

(3) To encourage greater community cooperation, from within or without, and among the several community organizations.

(4) To provide the greatest degree of self-determination of each community by recognizing that each respective community organization is unique.

(5) To provide decentralization of services to citizens of the Rosebud Sioux Tribe pursuant to the delegation of power to community organizations and to ensure that the purposes herein stated are fulfilled.

12-1-3 DEFINITION OF TERMS

The following definition of terms shall apply throughout this chapter:

(1) "AFFILIATED" shall mean the definition used by each respective community organization for purposes participating in community affairs.

(2) "BENEFIT OF THE COMMUNITY" shall mean services provided to community members by a community organization.

(3) "COMMUNITY BY-LAWS" shall mean any documents, prior to this Tribal Law 12-1, which governs the actions of a community organization's community council.

(4) "COMMUNITY COUNCILS" shall mean the governing body of each respective community organization for the purposes of conducting and transacting community affairs.

(5) "COMMUNITY OFFICERS REVIEW COMMISSION" shall mean the body established to review actions arising under 12-1 and other provisions of this tribal law.

(6) "COMMUNITY ORGANIZATION" shall mean an established community's structural organization for community members at the community level.

(7) "COMMUNITY TREASURY" shall mean a duly designated financial institution where community funds shall be deposited in behalf of the community organization.

- (8) "CONSULT" shall mean solicitation of advice, opinions, or information for the purposes of making recommendations pursuant to Article V of the Constitution of the Rosebud Sioux Tribe.
- (9) "DELEGATED" shall mean those enumerated powers of Article IV which may be exercised by community organizations upon application to the Tribal Council.
- (10) "DULY APPROVED COMMUNITY RESOLUTIONS" shall mean a resolution approved and certified by a community council.
- (11) "EACH COMMUNITY ESTABLISHED" shall mean recognized communities pursuant to Article III, Section 2 of the Constitution of the Rosebud Sioux Tribe.
- (12) "EXHAUSTION OF REMEDIES" shall mean a community organization's procedural remedies to resolve matters inconsistent with their respective community governing document(s).
- (13) "LEGITIMATE PETITION" shall mean a petition not inconsistent with RST Resolution 86-61.
- (14) "LEVY ASSESSMENTS" shall mean to impose or collect money for any services or the administration of services provided by the community organization.
- (15) "LOCAL ENTERPRISES" shall mean any activity managed by a community organization for the benefit of said community.
- (16) "MATTERS OF LOCAL INTEREST" shall mean the internal affairs of a community.
- (17) "POPULAR MEETINGS" shall mean regular or special meetings of the community organization's community council.
- (18) "QUALIFIED VOTER" shall mean any person who has met the provisions of Article VI, Section 1 of the Constitution.
- (19) "RECOMMENDATIONS" shall mean an official course of action by a community council.
- (20) "REPRESENTATIVES OF THE INTERIOR DEPARTMENT" shall mean the cabinet level post of the United States or the Secretary of Interior's delegated representative.
- (21) "RIGHT OF REVIEW" shall mean the Tribal Council's right to review actions of community council's to ensure such actions are not inconsistent with the Constitution, By-Laws and tribal laws of the Rosebud Sioux Tribe.

(22) "ROLL" shall mean a community census of those members who are affiliated with said community.

12-1-4 APPLICABILITY OF TRIBAL LAW 12-1 TO RECOGNIZED COMMUNITIES AND COMMUNITIES REQUESTING TRIBAL RECOGNITION OR REORGANIZATION

12-1-4.1 EXISTING COMMUNITY ORGANIZATIONS ESTABLISHED. Any community recognized pursuant to Article III, Section 2 of the Constitution having a document governing their respective community organization prior to the enactment of this law shall be exempt from the provisions of this law; provided, however, each respective community organization may exercise the option of reorganizing pursuant to the Uniform Community Organization Law 12-1 as provided.

12-1-4.2 NEW COMMUNITIES. Any future non-recognized community requesting official tribal recognition, by the Tribal Council, pursuant to Article III, Section 2 of the Constitution shall adopt all provisions of this tribal law as a requisite to such recognition.

12-1-5 ADOPTION OF UNIFORM COMMUNITY ORGANIZATION LAW

12-1-5.1 APPLICATION BY COMMUNITY RESOLUTION. Each respective community council may request to the Tribal Council the application of 12-1 and all provisions of this tribal law.

12-1-5.2 COMMUNITY TASK FORCE. A Task Force shall be established for the purpose of framing the necessary articles and sections pursuant to 12-1-6 and all provisions thereof.

(1) The Task Force shall be composed of community members of said community in question. The membership of the Task Force shall be at least three, provided the membership shall be appointed by the community council.

12-1-5.3 COMMUNITY HEARING(S). The Task Force shall hold at least two (2) community hearings on the proposed draft of said Uniform Community Organization Law for the purposes of receiving tribal input into a final draft to be voted upon by the community in question.

12-1-5.4 ADOPTION. The adoption of the Uniform Community Organization Law 12-1-6 shall be by a vote of those members of the community organization who are qualified to vote in tribal election; provided the question of adoption shall be placed on the same ballot as the candidates for community or tribal office or as a separate ballot. The Tribal Election Board or the Community Election Board shall assist each respective community organization to prepare the question.

12-1-5.5 APPROVAL. A majority vote of those members of the community organization voting shall be required for adoption.

12-1-6 MODEL UNIFORM COMMUNITY ORGANIZATION LAWS OF ARTICLE V

Each community organizing or reorganizing pursuant to this tribal law shall have incorporated, as a minimum, the following pertinent Articles and Sections:

ARTICLE I - EACH COMMUNITY ESTABLISHED UNDER THIS CONSTITUTION SHALL ELECT, ANNUALLY, A PRESIDENT AND SUCH OTHER OFFICERS AS MAY BE ADVISABLE.

Section 1. We, the enrolled members of the Rosebud Sioux Tribe, a tribe of the Oceti Sakowin Nation, in order to establish a united community organization to promote the health, education, tranquility, and economic interest of our community members do hereby ordain this governing document.

Section 2. This community organization shall be known as (community name) Community and shall comply with all provisions of the Constitution and By-Laws of the Rosebud Sioux Tribe in the development of (community name) Community.

Section 3. Members of the community council shall be defined by community resolution.

Section 4. The community president and other community officers shall be elected pursuant to the Rosebud Sioux Tribal Election Law.

Section 5. The community president shall call and preside over popular meetings of the community and perform other duties as may be delegated to him by the (community name) community council; provided the community council may establish duties for other officers of the community organization by community resolution.

Section 6. The (community name) community council shall by a majority vote remove any of its community officers for neglect of duty or gross misconduct after due notice of charges and an opportunity to be heard; provided the community council shall define neglect of duty or gross misconduct by community resolution.

Section 7. Each community officer-elect shall take an oath of office prior to assuming their duties.

(reserved)

ARTICLE II - THE PRESIDENT SHALL CALL AND PRESIDE OVER POPULAR MEETINGS OF THE COMMUNITY WHENEVER NECESSARY FOR THE CONSIDERATION OF MATTERS OF LOCAL INTEREST.

Section 1. The community council shall promulgate rules as are necessary for transacting and conducting business of the community.

(reserved)

ARTICLE III - THE VARIOUS COMMUNITIES MAY CONSULT WITH REPRESENTATIVES OF THE INTERIOR DEPARTMENT ON ALL MATTERS OF LOCAL INTEREST AND MAKE RECOMMENDATIONS THEREON TO THE TRIBAL COUNCIL OR THE SUPERINTENDENT OR COMMISSIONER OF INDIAN AFFAIRS.

Section 1. All community resolutions on matters of local interest, or community resolutions with recommendations to the Tribal Council, Superintendent, or the Commissioner of Indian Affairs shall be approved by a majority vote of the community council.

Section 2. Community councils, by community resolution, shall establish such committees, commissions, or boards as they may deem necessary.

ARTICLE IV - MAY UNDERTAKE AND MANAGE LOCAL ENTERPRISES FOR THE BENEFIT OF THE COMMUNITY.

(reserved)

ARTICLE V - MAY LEVY ASSESSMENTS UPON MEMBERS OF THE COMMUNITY.

(reserved)

ARTICLE VI - MAY EXPEND MONEYS IN THE COMMUNITY TREASURY FOR THE BENEFIT OF THE COMMUNITY.

Section 1. No debt shall be contracted by or in behalf of the (community name) Community unless such debt shall be authorized in accordance for projects or objects specified in the community budget.

Section 2. The community council shall submit a budget estimate for the fiscal year setting forth all proposed expenditures and anticipated income of the community.

Section 3. No money shall be withdrawn from the community treasury except as provided in the community budget.

(reserved)

ARTICLE VII - MAY KEEP A ROLL OF THOSE MEMBERS OF THE TRIBE AFFILIATED WITH THE COMMUNITY.

Section 1 - Membership of the (community name) Community shall consist of all persons who are members of the Rosebud Sioux Tribe, affiliated with said community organization.

(reserved)

ARTICLE VIII - MAY EXERCISE SUCH FURTHER POWERS AS MAY BE DELEGATED TO THE COMMUNITIES BY THE TRIBAL COUNCIL.

Section 1. Each community organization shall specify each enumerated power pursuant to Article IV for delegation to the community organization by a duly approved community resolution, provided the governing body of the Rosebud Sioux Tribe shall approve or disapprove any delegation of power.

(reserved)

ARTICLE IX - THE ACTIONS OF THE COMMUNITY COUNCILS SHALL NOT BE INCONSISTENT WITH THE CONSTITUTION, BY-LAWS, AND ORDINANCES OF THE TRIBE.

Section 1. The governing body of the Rosebud Sioux Tribe shall have, under the right of review, the authority to retrocede any enumerated power so delegated if a community council is in violation of the Constitution of the Rosebud Sioux Tribe.

(reserved)

12-1-7 AMENDMENTS BY COMMUNITY ORGANIZATIONS OF 12-1-6

12-1-7.1 AMENDMENTS. Amendments to 12-1-6 shall be by petition, provided said petition is not inconsistent with RST 86-61.

12-1-7.2 ADOPTION. If a majority of the qualified voters of a community organization sign a petition pursuant to 12-1-7.1, the proposed amendment shall become effective within thirty days unless otherwise specified.

12-1-8 COMMUNITY OFFICERS REVIEW COMMISSION

12-1-8.1 MEMBERSHIP. The Review Commission shall consist of four (4) members, provided three (3) members shall be community officers and the remaining member shall be appointed at large.

12-1-8.2 APPOINTMENT. The Tribal Council shall appoint the Review Commission members, provided no community officer shall be appointed from a community organization in question or from a community organization that has not adopted the provisions of Tribal Law 12-1.

12-1-8.3 TERMS. The terms of the Review Commission shall begin upon their appointment and shall expire within sixty (60) calendar days or until such time the Review Commission officially discharges its duties, whichever is sooner.

12-1-8.4 QUORUM. A simple majority shall be required to transact business. Each member shall have one (1) vote. A simple majority vote shall be required on all matters.

12-1-8.5 DUTIES AND RESPONSIBILITIES. The Review Commission shall be responsible for carrying out the purposes of this Tribal Law and shall have the following duties:

(1) Hear appeals among the several communities arising from the disputes of this Tribal Law, 12-1, provided:

(a) the exhaustion of remedies at the community level shall have been pursued prior to the Review Commission accepting any appeals.

(b) in no case shall the Review Commission hear appeals unless a community organization has formally adopted the provisions of 12-1, except:

1. an established community organization exempt from this tribal law may request, by a community resolution, the Review Commission to hear appeals arising from their governing document of the community, provided however the Review Commission may, at its sole discretion, accept or not accept to hear such appeals pursuant to 12-1-8.5

(1) (b) 1.

(2) To render decisions consistent with this Tribal Law and the Constitution of the Rosebud Sioux Tribe.

(3) All decisions by the Review Commission shall be in writing and shall cite the finding of facts and conclusion of law thereof.

(4) Decisions by the Review Commission shall be final, conclusive, and binding on the community organization in question.

#### 12-1-9 APPEAL AND REVIEW TO RST ATTORNEY GENERAL

16-1-9.1 APPEAL. An appeal of the Review Commission decisions may be made to the RST Attorney General, by the community organization involved, if the decision rendered is inconsistent with this Tribal Law or the Constitution of the Rosebud Sioux Tribe.

(1) The appeal shall be in writing and shall state the decision rendered by the Review Commission and the applicable tribal laws which the Commission's decision is inconsistent with.

16-1-9.2 REVIEW. The RST Attorney General, upon review, shall determine any violation(s) as cited by the community organization.

(1) The RST Attorney General shall remand the matter back to the Review Commission for further deliberations provided the ruling is in favor of the appealing community, otherwise the Review Commission's decision is final, conclusive, and binding on the community organization in question.



12-1-10 EFFECTIVE DATE OF TRIBAL LAW 12-1

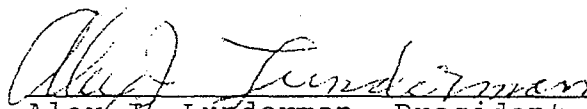
This Tribal Law shall be effective pursuant to Title 4-3, Amendments to the Law and Order Code, and Tribal Law 86-08, the Legislative Procedure Law of the Governing Body.

12-1-11 AMENDMENTS OR RECISSION OF TRIBAL LAW 12-1

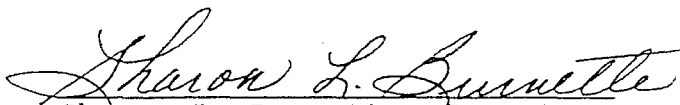
This Tribal Law shall be amended or rescinded pursuant to Tribal Law 86-08, the Legislative Procedure Law.

CERTIFICATION

This is to certify that the above Tribal Law 12-1 was duly passed by the Rosebud Sioux Tribal Council with the first reading held on March 1, 1989, with a vote of thirteen (13) in favor, three (3) opposed and one (1) not voting. The second reading was duly held passing Tribal Law 12-1 on April 5, 1989, with a vote of thirteen (13) in favor, zero (0) opposed and six (6) not voting. The said Tribal Law 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

ROSEBUD SIOUX TRIBE  
RESOLUTION NO. 89-37

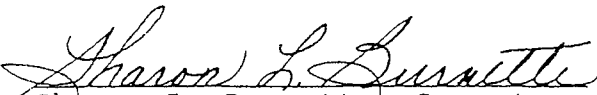
- WHEREAS: the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof; and
- WHEREAS: the governing body of the Rosebud Sioux Tribe is exercising its authority pursuant to Article III, Section 2; Article IV, Section 1(t) and (u); and Article V of the Constitution; and
- WHEREAS: it is the intent of Tribal Law 12-1 to promote and develop the community organizations to their fullest in health, education, security and economic welfare of their respective community members; and
- WHEREAS: the Tribal Governmental Affairs Committee has held two public hearings on January 5 and January 19, 1989, and has met with the community officers on January 9, 1989; and
- WHEREAS: the Tribal Law and Order Code, Title IV, Section 3, requires first and second reading of a proposed amendment or tribal law thereof; and
- WHEREAS: the Tribal Governmental Affairs Committee has reviewed this matter and recommends the first reading of said Tribal Law 12-1; now

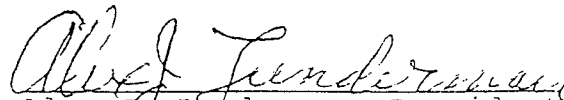
THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribal Council hereby adopts Tribal Resolution 89-37 for the first reading of Tribal Law 12-1, "Community Organizations", on March 1, 1989, and a second reading on April 5, 1989.

CERTIFICATION

This is to certify that the above Resolution No. 89-37 establishing Tribal Law 12-1 was duly considered by the Rosebud Sioux Tribal Council in session March 1, 1989, for a first reading approved by a vote of thirteen (13) in favor, three (3) opposed and one (1) not voting. A second reading was duly held on April 5, 1989, and approved by a vote of thirteen (13) in favor, zero (0) opposed and six (6) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:

  
Sharon L. Burnette, Secretary  
Rosebud Sioux Tribe

  
Alex J. Lunderman, President  
Rosebud Sioux Tribe