

**The Delaware Nation**

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**Resolution # \_\_\_\_\_**

**Request for Secretarial Election**

- WHEREAS, the Delaware Nation, formerly known as the Delaware Tribe of Western Oklahoma, operates in accordance with the Constitution and By-Laws adopted by the Nation, ratified in April 1973 and recognized by the Secretary of Interior; and
- WHEREAS, according to the Constitution and By-Laws, “the Executive Committee shall act on behalf of the Nation in all matters upon which the Nation is empowered to act now or in the future...” (Article IV, Powers); and
- WHEREAS, the Executive Committee has the authority under the Constitution and Bylaws to promulgate ordinances, resolutions, institute regulations and consider various legal matters that fall within the authority of a federally recognized Indian Tribe; and
- WHEREAS, the Delaware Nation Constitution and Bylaws provide at Article XIII – AMENDMENTS that amendments may be proposed by a majority vote of the executive committee or by a petition signed by at least forty (40) registered voters of the tribe; and
- WHEREAS, if approved by the BIA, the amendment shall be submitted to the qualified voters of the Nation and shall be effective when ratified by a majority of those voting in an election called by the BIA; and
- WHEREAS, the Executive Committee has received from the Constitution Revision Committee recommended amendments to Article VI of the Constitution, Article VII of the Constitution, Article XIV of the Constitution, and two (2) new additions to the Constitutions entitled Article XVI – TAXES and Article XVII –TRIBAL COURT as more fully described in Exhibits A through E attached to this Resolution; and
- WHEREAS, Amendment A is proposed to achieve the following objectives: (1) Several substantial authorities will be transferred from the Executive Committee to the General Council via a referendum requirement; (2) Section 2(a) will not limit the Executive Committee's authority to manage the day-to-day operations of the Nation’s business entities, i.e. gaming operation; (3) The Executive Committee retains authority for

expenditures and purchases in a manner that does *not* interfere with the productivity of economic ventures, including replacing or acquiring new gaming equipment; and (4) The Executive Committee will be prohibited from making major financial decisions *outside* of normal operating expenditures unless a referendum approves the same, i.e. new construction; and

WHEREAS, Amendment B is proposed to achieve the following objectives: (1) Elected leaders living within a 100 mile radius will be more accessible to members; (2) Elected leaders may be required to maintain regular office hours at the tribal headquarters in the event the General Council approves a salary; and (3) Elected leaders are more familiar with issues confronting the citizens on-reservation if they live within 100 miles of the tribal headquarters; and

WHEREAS, Amendment C is proposed to achieve the following objectives: (1) The existing duties for elected officers lack segregation of responsibilities; (2) individual leaders shall be responsible for individual tasks; (3) Defining specific duties will promote increased efficiency in meeting the citizens' needs; (4) Communication with the General Council will be promoted; (5) Imposing bonding requirements will protect the Nation's financial assets; (6) Productivity and organization at all General Council meetings will be promoted; and (7) An annual audit shall ensure the Nation's citizens are knowledgeable of the Nation's financial status; and

WHEREAS, Amendment D is proposed to achieve the following objectives: (1) Eliminating the prohibition on individual citizens will allow the Executive Committee to propose an ordinance where individuals can be licensed to operate smoke shops; (2) The General Council must approve any revisions to the tax ordinance; (3) Any individual shall have the right to appeal a tax decision they deem inconsistent with the tax code; (4) The jurisdiction of the Nation is not limited to lands within the reservation boundaries; (5) Real property, i.e. land, may not be taxed by the Nation; (6) A separate governing body is established to administer the Nation's tax regulations; and (7) The Tax Commission may only be abolished by the General Council pursuant to a Secretarial election.

WHEREAS, Amendment E is proposed to achieve the following objectives: (1) The Delaware Nation needs an independent Tribal Court to adjudicate the laws of the Nation; (2) The Delaware Nation has a wide array of jurisdictional issues where the C.F.R. Court's funding may be inconsistent with the Nation's best interest; (3) An independent Tribal Court ensures government's compliance with the Indian Civil Rights Act; (4) By establishing a two-tiered judicial system, the Appellate Court will serve as a check and balance of the Tribal Court; (5) The Courts cannot be abolished without amending the Constitution; (6) The Nation's right to

self-governance is reasserted by creating a system to handle disputes internally; (7) With a fully functioning Tribal Court system, there is less need to resort to federal and state courts to settle matters involving the Nation's citizens; (8) Development of an efficient Tribal Court system will ensure justice is administered more quickly because of the limited number of Tribal members; and (9) A Tribal judge is more likely to consider cultural values and administer justice accordingly.

NOW, THEREFORE BE IT RESOLVED, that the Executive Committee hereby requests the Superintendent, acting under the delegated authority of the Secretary of the Interior, to formally review the proposed attached amendments and authorize a Secretarial Election for the qualified voters of the Delaware Nation to consider the adoption or rejection of the proposed amendments which are attached as Exhibits A through E; and

BE IT FURTHER RESOLVED, that such Secretarial Election be conducted as soon as possible.

**CERTIFICATION**

The foregoing resolution was adopted by the Delaware Nation Executive Committee at a duly called Executive Committee meeting held on the \_\_\_\_ day of April, 2006, by a vote of \_\_\_ for, \_\_\_ against, \_\_\_\_ abstentions, a quorum being present.

ATTEST:

APPROVED:

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\_\_\_\_\_  
Edgar French, President