

STEVEN D. SANDVEN

L A W O F F I C E S

300 NORTH DAKOTA AVENUE, SUITE 516
SIOUX FALLS, SOUTH DAKOTA 57104
TELEPHONE (605) 332-4408
FACSIMILE (605) 332-4496
SSANDVENLAW@AOL.COM

BLACK HILLS OFFICE: P.O Box 655
HILL CITY, SOUTH DAKOTA 57745
TELEPHONE (605) 574-2151
FACSIMILE (605) 574-2389

PRINCIPAL
STEVEN D. SANDVEN
*Admitted in South Dakota, Iowa,
North Dakota, Minnesota &
Washington D.C.*

MEMORANDUM

DATE: September 12, 2005
TO: Delaware Nation
FROM: Steven D. Sandven, Esq.
RE: **ARTICLE XV - MEETINGS**

Purpose

The purpose of this section is to clearly delineate how often Executive Committee members are expected to meet in order to effectively manage the Nation's affairs. The framers can also ensure equal participation for all Executive Committee members by incorporating quorum and notice requirements.

Currently Reads

Section 1. Place. All regular and special meetings of the general council and the executive committee shall be held at the Anadarko Agency unless otherwise designated in the notice of such meeting.

Section 2. All meeting shall be conducted in accordance with Robert's Rules of Order, unless otherwise specified in this constitution and bylaws.

Section 3. Quorum. Twenty (20) citizens of the general council shall constitute a quorum. No business, other than the election of officers to provide for continuity of government, shall be transacted by the general council, unless a quorum is present.

Four (4) members of the executive committee shall constitute a quorum to transact any business.

Other Tribes

Kialagee Town in Oklahoma

Bylaws. Article III

Section 1. The annual meeting of the Town membership shall be the second Thursday in June of each year for the purpose of receiving reports of officers and transacting business which may come regularly before the Town.

Section 2. There shall be a quarterly meeting of the Town membership on the second Thursday in September, December, March, and June of each year.

Section 3. Special meetings of the Town membership may be called by the Town King at his discretion and must be called by him upon the request of a majority of the Business Committee members.

Section 4. The regular meetings of the Business Committee shall be held on the first Tuesday in each month unless otherwise provided by resolution.

Section 5. Special meetings of the Business Committee may be called by the Town King at his discretion and must be called by him upon the request of a majority of the members of the Business Committee.

Section 6. The object of any special meeting must be stated in the call, and no other business can be transacted except that stated in the call.

Article IV.

The order of business of the Town and of the Business Committee shall be as follows: (1) Call to order by the Town King or by the 1st Warrior in the absence of the Town King; (2) Invocation by one selected by the presiding officer; (3) Roll call by the Secretary; (4) Ascertainment of a quorum in Business Committee meetings; (5) Reading of minutes of previous meeting by Secretary; (6) Approval of minutes by vote; (7) Actions on unfinished business; (8) New business may be presented for action; (9) Open Forum; (10) Adjournment.

Article V

Quorum. Seven or more members of the Business Committee shall constitute a quorum to transact business at any meeting.

Traditional Kickapoo Tribe in Texas

Constitution. Article III

Section 1. The governing body of the Tribe shall be the Traditional Council which shall be composed of five (5) adult members of the Tribe meeting the qualifications set forth in Article V and elected at large by secret ballot of the qualified voters of the Tribe.

Section 2. The Traditional Council shall select one of its male members as

Chairman, and shall select a Secretary and Treasurer from among its members.

Section 3. Traditional Council Meetings (a) Quorum. Three (3) members of the Traditional Council shall constitute a quorum of that body. No enactment of the Traditional Council will be valid in the absence of a quorum. (b) Regular Meetings. Regular meetings of the Traditional Council shall be held quarterly unless otherwise designated by the Chairman with concurrence of the Traditional Council, provided that notice shall be given to the membership of the Tribe at least thirty (30) days in advance specifying the date, time and place of the meeting and provided that at least two regular meetings shall be held at the Kickapoo Village. (c) Special Meetings. Special meetings of the Traditional Council may be called by the Chairman at his discretion, except that special meetings shall be called by the Chairman within fifteen (15) days of a written request of a majority of the Traditional Council members. Upon refusal by the Chairman to call a special meeting within fifteen (15) days upon a written request of a majority of the Traditional Council, any member of the Traditional Council may exercise such authority

Lower Brule Sioux Tribe

Bylaws. Article VII

Section 1. Meetings. The regular meeting of the Tribal Council shall be held once each month at the Lower Brule Community Hall or such other place on the reservation designated by the Tribal Council. The day of the month and the opening hour of the meeting shall be left to the discretion of the Tribal Council. Special meetings may be called by the Chairman or by a majority of the Tribal Council and when so called the Tribal Council shall have the power to transact business as in regular meetings.

Section 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of four councilmen.

Section 3. Order of Business. The order of business shall be determined by resolution of the Tribal Council.

Section 4. Ordinances and resolutions. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe. All final decisions of the Tribal Council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especial to particular individuals or officials (such as adoptions of members, instructions for tribal employees or rules of order for the Tribal Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed or by the ruling of the Chairman if no objection is heard. In all instances, resolutions, or motions the duly elected councilmen may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

Miami Tribe of Oklahoma

Constitution. Article XIX

Section 1. Annual meetings of the Miami Council shall be held on the first Saturday in July each year, or as otherwise advised by the Business Committee in the Notice of Meeting, for the purpose of receiving reports and transacting such other business as may come to the meeting for consideration of the Council.

Section 2. Special meetings of the Miami Council may be called at the discretion of the Chief, and shall be called by him upon the written request of three (3) of the Business Committee or upon the written request of seventy-five (75) members of the Tribe: Provided, that at least ten (10) days notice shall be given in each instance. Except in emergencies, the ten (10) day notice shall be waived.

Section 3. The principal object of the special meeting must be stated in the call for same and may include the words "and for the transaction of other business that may be presented." Unless these words are added, no other business can be transacted except for the object stated in the call.

Section 4. The Business Committee shall hold regular meetings on the second Tuesday of each month, without need for notice, unless otherwise provided by Resolution of the Committee.

Section 5. Special meetings of the Business Committee may be called by the Chief at his discretion, and shall be called by him upon the written request of three (3) members of the Business Committee.

Section 6. Unless otherwise appointed in the call or notice, all meetings of the Miami Council and any Tribal Committee shall be held at the Tribal Administrative Complex in Miami, Oklahoma. If such meeting is to be held at another location, it will require a vote of no less than three (3) members of the Business Committee to make the change.

Article XX

Notices. Whenever any Notice is required by these By-Laws to be given, personnel notice is not meant, unless expressly stated, and any notice so required shall be deemed to be sufficient if given by depositing the same in the U.S. Mail, postage prepaid, addressed to the person entitled thereto, at his given address as

it appears on the membership records of the Tribe. Such notice shall be deemed to have been given on the date of mailing.

Article XXI

Action Without Meeting. Whenever the vote of Business Committee members, at a meeting thereof, is required or permitted to be taken in connection with any action, the meeting may be dispensed with, if all members who would have been entitled to vote shall consent in writing to any such action being taken. No Business Committee member may vote except in person, provided that Business Committee members may participate and vote in a meeting by means of conference telephone or similar communications equipment whereby all persons participating and voting during the meeting can hear each other, and participation in such meeting in such manner shall constitute presence in person at such meeting.

Article XXII. Quorum.

Section 1. Twenty-five (25) members of the Miami General Council shall be required to constitute a quorum to transact regular business.

Section 2. Three (3) members of the Business Committee shall be required to constitute a quorum to transact business for the Tribe.

Section 3. Three (3) members of the Grievance Committee shall be required to constitute a quorum to transact any business of the Grievance Committee.

Minnesota Chippewa Tribe

Bylaws. Article II.

Section 1. Regular meetings of the Tribal Executive Committee shall be held once in every 3 months beginning on the second Monday in July of each year and on such other days of any month as may be designated for that purpose.

Section 2. Notice shall be given by the Secretary of the Tribal Executive Committee of the date and place of all meetings by mailing a notice thereof to the members of the Tribal Executive Committee not less than 15 days, preceding the date of the meeting.

Section 3. The President shall call a special meeting of the Tribal Executive Committee upon a written request of at least one-third of the Tribal Executive Committee. The President shall also call a special meeting of the Tribal Executive Committee when matters of special importance pertaining to the Tribe arise for which he deems advisable the said Committee should meet.

Section 4. In case of special meetings designated for emergency matters pertaining to the Tribe, or those of special importance warranting immediate

action of said Tribe, the President of the Tribal Executive Committee may waive the 15-day clause provided in Section 2 of this Article.

Section 5. Seven members of the Tribal Executive Committee shall constitute a quorum, and Roberts' Rule shall govern its meetings. Except as provided in said Rules, no business shall be transacted unless a quorum is present.

Section 6. The order of business at any meeting so far as possible shall be: (a) Call to order by the presiding officer. (b)Invocation. (c)Roll call. (d)Reading and disposal of the minutes of the last meeting. (e)Reports of Committees and officers. (f)Unfinished business. (g)New business.

Otoe-Missouria Tribe of Indians

Constitution. Article XI

Section 2. Tribal Council Meetings.

(a) Quorum. Five (5) members of the Tribal Council shall constitute a quorum of the Tribal Council membership thereof. No enactment of the Tribal Council will have any validity in the absence of a quorum.

(b) Regular Meetings. Regular meetings of the Tribal Council shall be held monthly at a place and date established (by ordinance) of the Tribal Council. The Tribal Secretary shall be responsible for telephoning or sending written notices to each member in advance of the meeting if the regular date and place should have to be changed. The Tribal Council shall have the authority to call an Executive Session of any Tribal Council meeting.

(c) Special Meetings. Special meetings of the Tribal Council may be called by the Chairman at his discretion, and shall be called by the Chairman upon the written request of at least four (4) members of the Tribal Council; provided, that the reason for the meeting is stated in the request and that each member of the Tribal Council is given at least seventy-two (72) hours advance notice of any special meeting. Upon refusal by the Chairman to call a special meeting within seventy-two (72) hours upon the written request of four (4) members of the Tribal Council, the four (4) members who requested the special meeting may proceed to call and conduct the special meeting; provided, a quorum of five (5) members of the Tribal Council is present.

St. Regis Mohawk Tribe

Constitution. Article XI

Section 1. Meetings of the Tribal Council Community Meetings. The Saint Regis Mohawk Tribal Council is authorized by this Constitution to establish its own procedures but shall meet in regular, special or emergency session as follows:

(a) Regular Meetings. The Tribal Council shall meet in official session at least twelve (12) times a year, at monthly intervals, at such time and place as shall be established by resolution to conduct council business and meet with the community membership.

(b) Special Meetings. Special Meetings of the Tribal Council: 1. May be called by the chairperson of the Tribal Council at his or her discretion, 2. Shall be called by the Chairperson of the Tribal Council upon the written request of any three (3) Council Members or, 3. Shall be called upon the petition of ten percent (10%) of the eligible tribal voters;

(c) Emergency Meetings. An emergency meeting of the Tribal Council may be called upon less than seventy-two (72) hours written notice, notwithstanding Section 1(b) of this Article, if such meeting is necessary for the preservation or protection of the health, welfare, peace, safety, or property of the Tribe. Efforts shall be made to give notice to each Tribal Council member. The emergency meeting notice shall state the purpose, time, and place of such a meeting. No business other than that stated in the notice shall be transacted at the emergency meeting.

(d) Authority of the Tribal Council to meet in executive session. The Tribal Council may meet in executive session to discuss matters involving personnel, litigation, negotiations, or confidentiality as deemed essential to a free and open discussion. However, the Tribal Council may not take final action on matters discussed in executive session until the results of the executive session are fully reported in a subsequent public session of the Tribal Council. All results of the executive session meetings must be embodied in discussion and votes at a public tribal meeting.

Section 2. Ordinances. All final decisions concerning matters of a permanent interest shall be embodied in ordinances. Such enactments shall be available for inspection by members of the Tribe during normal business hours.

Section 3. Resolutions. All final decisions concerning matters of a temporary nature where a formal expression is needed shall be embodied in a resolution, noted in minutes, and shall be available for a inspection by members of the Tribe during normal business hours.

Section 4. Form. All ordinances and resolutions shall be dated and numbered, cite the appropriate constitutional authority, and include a certificate showing the presence of a quorum and the number of members voting for and against the proposed enactment. A quorum of the Tribal Council shall consist of no less than 3 of 5 members or 4 of 7 members within the legislative body.

Wampanoag Tribe of Gay Head (Aquinnah)

Constitution, Article VIII

Section 1. Open Meetings: All meetings of the Tribal Council or its sub-committees or other working groups shall be open to members of the tribe. Non-members of the tribe may attend with the permission of a majority of the members of the sub-committees or working groups or by majority vote of a quorum of the Tribal Council. Tribal members attending any open, special, general, annual committee or council meetings must have in their possession a tribal identification card. The Tribal Council and any of its appointed committee persons reserve the right to request proof of tribal membership for anyone attending any of the foregoing meetings.

Section 2. Exceptions: All meetings of the Tribal Council or its sub-committees or working groups wherein personnel matters or applications for tribal membership are considered shall be closed to all tribal members. At the request of the sub-committee or other working group, a meeting may be closed if, upon a showing of good cause, the Tribal Council, by majority vote of a quorum, permits the closed session.

Article XI

Section 1. Meetings of the Tribal Council: The Tribal Council shall meet on the first Saturday and third Wednesday of each month. A notice of the time and place of the regular Tribal Council meeting and a proposed agenda shall be posted in a prominent place in the tribal offices at least twenty-four hours before the start of the regular -meeting. A similar notice shall be sent to Tribal Council members at least five (5) consecutive working days prior to the date of the regular meeting.

Section 2. Changes: The regular meeting date of the Tribal Council can be changed or a special meeting of the Tribal Council may be called by: a.) By Chairperson: The Chairperson may change the date of the next regular tribal meeting or may schedule a special meeting of the Tribal Council provided By Tribal Council: The Tribal Council may, by majority vote of a quorum of the Tribal Council, change the regular meeting date of the next scheduled meeting date provided that the date, time, place and purpose of the meeting is posted in a prominent location in the office of the Tribal Council at least seven consecutive working days prior to the date of the meeting and provided further that written notice is sent to each Tribal Council member at least seven (7) consecutive working days prior to the date of the meeting.

Section 3. Quorum. A majority of voting officers and members shall constitute a quorum for the conduct of business at any regular meeting of members of the Tribal Council.

Article XII

Section 1. Special meetings: Special meetings may be called by submission of a written request signed by at least four members of the Tribal Council. Such written requests shall be directed to the Chairperson and shall state a date, time, place and subject of the proposed special meeting. The proposed date of the meeting shall be at least seven consecutive working days prior to the date the demand for a special meeting is served on the Chairperson. Upon certification by the secretary that the signatures contained in the demand for a special meeting are genuine, the special meeting shall be called by the Chairperson as proposed. The secretary shall ensure that the notice requirements of this Article are complied with.

Section 2. Validity: Prior to taking action at any meeting of the Tribal Council which is held at a date at variance with the dates established in Article XI Section 1 of this Article and at any special meeting of the Tribal Council, the secretary shall certify that the notice requirements of this Article have been complied with. In the absence of this certification, no action taken by the Tribal Council at that meeting shall have any validity.

Section 3. Emergency Special Meetings: The notice provisions of this section may be waived if immediate action by the Tribal Council is deemed necessary by the Chairperson, provided that at least eight members of the Tribal Council agree and Provided further that any action taken in emergency session is later ratified at the next regular meeting of the Tribal-Council.

Section 4. Quorum: A majority of voting officers and members shall constitute a quorum for the conduct of business at any special meeting of members of the Tribal Council.

Section 5. Action Without a Meeting: All business of the Tribal Council may be accomplished by mail, telegraph, cable and facsimile machine or telephone provided that a verbal consent of at least eight (8) voting members of the Tribal Council of the proposed manner of taking action.

Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation

Constitution. Article XI

Section 2. The Tribal Executive Board shall establish regular and special meeting dates in accordance with duly enacted resolutions. The Secretary shall mail notices of all meetings and shall include dates, time, place, and purpose of special meeting at least three (3) days in advance.

Section 3. Quorum. A quorum shall consist of a majority of the voting members of the Tribal Executive Board, and no business shall be conducted at any time a quorum is absent.

Section 4. Manner of Acting. The act of a majority of the Tribal Executive

Board representatives present at a meeting at which a quorum is present shall constitute the act of the Tribal Executive Board. Act of the Tribal Executive Board may be by motion duly carried, except that any delegation of authority to act for and on behalf of the Tribal Executive Board shall be by written resolution and shall specify the nature of the authority granted and the limitations, if any, imposed, excepting those authorities and responsibilities specifically outlined in these Bylaws.

Big Lagoon Rancheria in California

Constitution. Article XIV

Section 5. Business Council Meetings. All meetings of the business council shall be opened to all tribal members, except in those cases where the matter under discussion would invade the privacy of an individual tribal member.

Meetings shall be held in accordance with the following provisions:

(a) Frequency. Regular meetings of the business council shall be held quarterly in the months of January, April, July and October on a day to be designated by the chairperson. The place and time shall be posted at the tribe's office (1) week prior to the date of the meeting. The business council may set more frequent regular meetings as necessary; provided that it shall cause to be published the schedule of all such meetings.

(b) Quorum. A majority of members, that is, three (3) members, shall constitute a quorum at all business council meetings.

(c) Proxy Votes. A proxy vote may be approved by the business council for absences caused only by illness, military service, hospitalization or approved tribal business. Requests to the business council to vote by proxy shall be in writing and signed by the requesting council member.

(d) Meeting Notice. At least seven (7) days notice shall be given to each member by the chairperson, unless a regular time is specified by business council resolution.

(e) Absences. Absences from regular meetings must be excused by a majority vote of the business council members present. More than two successive absences not excused by majority vote of the business committee may be cause for removal of a business council member from office.

(f) Special Meetings. Special meetings of the business council may be called by the chairperson and shall be called when requested by a majority of the business council or upon written request of a majority of eligible voting members of the general council. The notice in regard to any special meeting shall be given at least seven (7) days prior to the meeting and shall specify the purpose of the meeting. Emergency meetings may be provided for in a business council resolution.

(g) Voting. Each member of the business council shall have one (1) vote on all matters, and all matters to be acted on at a business council meeting shall be approved or disapproved by a majority vote of those present and voting, unless provided to the contrary in this constitution.

(h) Statutes, Code and Resolutions. Copies of all statutes, codes, resolutions or ordinances adopted by the business council, its committees and subcommittees shall be maintained at the tribal office and shall be available for inspection, upon reasonable notice, to all enrolled members of the tribe.

Section 6. Procedures. All meetings of the business council shall be conducted in accordance with Robert's Rules of Order.

Please contact me if there are any questions.