

LONG HOLLOW DISTRICT

KAKSIZA HANSKA

CONSTITUTION

Revised Constitution and By-Laws Dated: _____, 2024.

I. PREAMBLE

We, the members of the Long Hollow District (hereinafter referred to as LHD), in order to establish a more unified, distinct and defined Tribal District government, do hereby establish the right to exercise our responsibilities as members of the LHD, under this Constitution and By-Laws. As it is written in the Sisseton Wahpeton Oyate revised Constitution and By-Laws of the Lake Traverse Reservation. Article IV – District (Tiospaye) organization; Section 1: Section 2; Section 3 (as amended by Amendment No. III, effective November 10, 1976); Section 4 (as amended by Amendment No. XXVII effective December 7, 2006).

II. ARTICLE – JURISDICTION

The Jurisdiction of the LHD, shall be within the boundary lines established by the Lake Traverse (Bde Hdakinyan) Reservation GIS CAD Department Feb. 21, 2013, within the lines lying in the territory within the original confines of the Lake Traverse (Bde Hdakinyan) Reservation as described in Article 111 of the Treaty of February 19, 1867 and those lands subsequently acquired by the Sisseton-Wahpeton Oyate. (as amended by Amendment No. X effective November 15, 2006). LHD members shall be recognized by District motion and Tribal Council Motion and are not required to reside within these parameters. Jurisdiction for elected Executives voted in must reside within the original reservation boundaries. Jurisdiction for members seated on Boards, Committees, Commissions or Trustees shall not apply so long as the LHD member is enrolled in the LHD.

III. ARTICLE – DISTRICT MEMBERSHIP

Section 1. The membership of the LHD shall consist of:

- A. All persons of Indian blood in accordance with the Sisseton Wahpeton Revised Constitution and By-Laws, Article II, Section 1, (a), (b), (c), (d), (e), (f), (g) and (h) who are one-fourth (1/4) degree Sisseton Wahpeton Sioux Indian blood or more Native American Indian blood.
- B. Honorary members, shall:
 1. be legally and currently married to a LHD member;
 2. be a widow or widower of a LHD member;
 3. apply for honorary membership and be approved by motion at a LHD regular meeting;
 4. not sit on boards, committees of commissions or be eligible to vote;
 5. Honorary members may be eligible for some benefits provided the Approval by District in motion form.

- Section 2. The LHD exercises its sovereign right to refuse and/or postpone any application for membership through passed motion form at a regular LHD regular meeting.
- Section 3. Individuals, who have relinquished membership from another district, whose membership applications have been accepted by LHD shall not be eligible for any monetary benefits for one (1) year following the date of membership acceptance but shall thereafter.
- A. Official proof of Sisseton Wahpeton Oyate blood shall be required of the applicant from the Sisseton Wahpeton Oyate Enrollment Office.
- B. LHD members shall not be a member of another Sisseton Wahpeton Oyate District (Dually Enrolled). A violation shall be cause for removal from the LHD rolls.
- Section 4. All youth applicants, who have turned eighteen (18) years of age within one (1) month prior to their application submission and motion carried, shall be eligible for benefits immediately upon acceptance into the voting membership.

IV. ARTICLE – ORGANIZATION

- Section 1. The members collectively of LHD shall be the authority. The District is organized by a government of laws that operates under a Constitution which bestows recognition and power. The District shall be governed by elected persons who shall serve the people and carry out the wishes, actions and directives, expressed by motion at duly convened District meetings. The District government shall be made up of a Tribal Councilperson, District Chairperson, District Vice-Chairperson, District Secretary and District Treasurer. The Tribal Councilperson shall be elected in concurrence and in accordance with the election provisions of the most current Sisseton Wahpeton Oyate Constitution and By-Laws, Sisseton Wahpeton Oyate Chapter 3 Election Code and the LHD Election Ordinance.
- Section 2. All elected persons in Section 1. Shall hold office for a term of two (2) years commencing in January of odd-numbered years.
- Section 3. The Tribal Councilperson shall hold office for two (2) years as stated in the Sisseton Wahpeton Constitution and By-Laws of the Lake Traverse Reservation. Article III-Organization; Section 3. (as amended by Amendment XXI, effective April 15, 1997 and Amendment I, effective December 19, 2002, and further amended by Amendment No. II, effective November 15, 2006)

V. ARTICLE– NOMINATIONS AND ELECTIONS

- Section 1. Any qualified District members twenty-one (21) years of age may announce in writing her/his candidacy for the Tribal Council position at least forty-five (45) days prior to the Tribal Election.
- Section 2. Individuals wishing to run for elected positions, boards, committees, commission or trustee representing LHD, must disclose debts owed to the district through loans or restitution and these debts must be paid and reflect paid in full by order of the court through satisfaction.

- Section 3. The LHD election shall be held in January of odd numbered years called by the Councilperson. The date of the LHD Election shall be through motion form passed at the November district meeting. The hours of the LHD Election shall start at 7:00 A.M. and close at 7:00 P.M. CST. The location for the LHD Election polling place shall be the District Center unless another place is designated by the District Election Board. (LHD Election Ordinance)
- A. All District regular and special elections shall be conducted according to the LHD Election Ordinance in which candidates must also meet the qualifications listed in the Ordinance. All aspects of the Ordinance shall be enforced.
- B. The LHD shall elect the following government officials:
1. District Chairperson;
 2. District Vice-Chairperson;
 3. District Secretary; and
 4. District Treasurer.

- Section 4. All eligible members of the District will have the right to exercise their right to vote. Members may vote by absentee ballot upon request except those currently incarcerated in prison or jail in District Elections. No members shall be denied the right to vote if they are qualified.
- A. Absentee Ballot:
1. Registered voters who are unable to cast a ballot at the duly authorized LHD Center due to attendance at school, illness/hospitalization, and/or military service shall be entitled to cast their vote (ballot) by absentee ballot within fifteen (15) days prior to any LHD election.

VI. ARTICLE – VACANCIES, REMOVAL AND RECALL

- Section 1. If a District Officer, or any board, commission, or committee member shall expire, resign, become incapacitated, or be removed from office by the District, the District Chairperson shall declare the office vacant and call for a special election for the District members to fill the position, in accordance with the LHD Election Ordinance.
- Section 2. If there are allegations against any officer (s), boards, commissions, or committee members such as improper conduct, dereliction of duty (irresponsible, negligent), malfeasance (wrongdoing, dishonesty), bribery, fraud, in or accordance with SWO Chapter 55, the allegations must be in written form. Allegations shall not be permitted to be brought from the floor. The officer (s) shall be given a written statement of allegation (s) against him or her at least five (5) working days before a special meeting at which he or she shall have the opportunity to reply to said allegation (s). Due process shall be provided to the accused.
- Section 3. If the allegation (s) are proven to be true by admission of the officer (s), boards, commission, or committee members or upon inquiry the individual (s) shall be given the opportunity to answer any and all allegations before the District membership. Procedures

shall be in accordance with the SWO Chapter 55. If the allegations are proven to be true, the officer (s) shall be given the opportunity to resign his or her position and/or be removed immediately and the District Chairperson shall declare the position (s) vacant and shall call a special election from the LHD members to fill the position (s).

- Section 4. The District Officer (s), board, commission, committee or trustee member (s) who fail to attend three (3) consecutive district meetings without being properly excused, will involuntarily, be considered to have resigned his/her position.
- Section 5. Failure to attend (3) district meetings will not apply to officers that are:
- A. Hospitalized;
 - B. Attending meetings, workshops, seminars or other events pertaining to their office or employment purposes;
 - C. Attending classes to upgrade their skill and knowledge of their position; or
 - D. Excused by the Executive Committee.
- Section 6. Recall of Councilperson:
- A. The voters of the district may request (2) recalls of the District Councilperson during their term of office, as long as the petition is signed by twenty percent (20%) of the registered voters in the district. The recall may be for the following reason (s):
 - 1. The Councilperson is not representing the best interest of the district by not advocating on behalf of the district;
 - 2. By voting and/or making motions to give personal compensation and benefits;
 - 3. Not voting according to actions and directives of the district;
 - 4. Attempt to personally benefit from passed actions of Tribal Council;
 - 5. Reports that question the conduct and behavior of the individual Councilperson (Sisseton Wahpeton Oyate Chapter 3 Election Code).
- Section 7. Under this recall petition, the Tribal Council does not decide innocence or guilt but the Tribal Council validates the district recall petition presented.
- Section 8. Right of Appeal:
Any District officer, or any commission, board, committee or trustee member shall be afforded the right to appeal his/her removal or recall petition at a District Special Meeting. The Tribal Council validates the district recall petition presented on the Councilperson according to the SWO Tribal Constitution or in the case of the District Officers, according to provisions of the district constitution.
- Section 9. Suspension from Office and/or Position:
The suspension shall commence immediately after the vote is sustained. Notification shall be by registered letter outlining the reason or cause of suspension. Official notification by the district shall be no more than three (3) days after the action of the district. The district will immediately appoint by motion, district executive/s and committee, board, commission or trustee member (s) to temporarily fill the position (s) pending special elections.

VII. ARTICLE – POWERS

- Section 1. The District members shall be the power. The LHD, in order to carry out its governmental functions, delegates its powers to the District Councilperson and the District Executive Committee. Together they shall carry out the actions and recommendations from the district members.
- Section 2. The District may acquire, own, use, manage, lease, rent, hinder or burden and dispose of district property, real and personal, where ever located. The Councilperson and District Executive Committee shall be empowered:
- A. To represent the best interest of LHD at the tribal level.
 - B. To engage in any business not adverse to any applicable laws with authority on the Lake Traverse Reservation that will enhance the economic development of district members and to use all available funds and other tribal resources for such purposes.
 - C. To hire qualified district members as employees in any district owned business and to give district preference. The district may also hire a coordinator to assist the Executive Committee in fulfilling their responsibilities. The District Officers will be compensated with a stipend and/or wage.
 - D. To deposit district funds in an FDIC insured bank. To invest or reinvest any or all district funds which will bear interest and be profitable to the district.
 - E. To promote health, education, prosperity, charity, and such other services which contribute to the social improvement of the district members.
 - F. By action of ordinances, resolutions or motions adopted by the district members that will advance and promote, economically, socially and legally the members.
 - G. To sign binding contracts (over the amount of (\$500.00) authorized by the district members at a duly noticed and convened meeting negotiated in good faith, beneficial to the district members.
 - H. To search and apply for funding from any source to advance the standard of living and promote self determination.
 - I. To create corporations, for profit and non-profit, under tribal law that will allow for the formation of district businesses and to apply for an IRS number (s) to assure stability for its businesses. The District will follow the proper procedures for dissolution of a corporation.
 - J. The District shall not delegate its authority to officials, committees, boards or commissions for any function for which it is responsible.

VIII. ARTICLE – MEETINGS

- Section 1. The District shall meet on the third (3rd) Thursday of each month during April to October. The district shall meet the fourth (4th) Saturday of each month during November to March for the winter months.
- Section 2. The District Executive Committee may schedule a special meeting to deal with unforeseen circumstances.
- Section 3. The District, if unable to complete a regular meeting, may call for a recessed meeting and reschedule to a designated time or the District Executive Committee may set the date. A

Special meeting, if warranted can be called by any district member by written request to the District Chairperson.

Section 4. A required quorum for a district meeting shall be four (4) officers including the Tribal Councilperson and twelve (12) members present. In the event an officer has a written excused absence, at least three (3) officers may be present including the Tribal Councilperson and twelve (12) members present.

IX. ARTICLE – BILL OF RIGHTS

Section 1. All members of LHD shall be accorded equal rights and equal opportunities to participate in the economic development activities of LHD.

A. The District shall not deny any member freedom of speech, conscience, association, peaceful assembly or due process of law, or the right to petition for redress of grievances.

B. The members shall always have the right to practice their traditional Dakota ceremonies and traditions. Others may freely choose the Christian tradition or other denominations. The District Constitution and By-Laws nor the District, Tribal or Tribal Law may impede in these religions' practices.

X. ARTICLE – INITIATIVE AND REFERENDUM

Section 1. The members shall have the right to propose any legislative proponent (bill or law) by a petition signed by percentage referred in the Chapter 21 the Judicial Code.

Section 2. Every proponent shall contain the entire text of the measure proposed.

Section 3. The proponent shall be filed with the District Chairperson of the LHD forty-five (45) days prior to the next regular district meeting.

Section 4. The District shall review the measure at its next meeting and refer the proponent to the district executives whom will forward the proponent for legal review and lastly the proponent will be given to the election board for referendum vote at the next election.

XI. ARTICLE – AMENDMENT

Section 1. This Constitution and By-Laws may be amended by referendum vote of 20% of LHD at a special district meeting.

Section 2. This Constitution and By-Laws have been duly accepted, voted on and passed by the members of LHD.

XII. SEVERABILITY

In the event that a court of competent jurisdiction finds any term or clause in this document to be invalid, unenforceable, or illegal, the same will not have an impact on other terms or clauses in this document or the entire document. However, such a term or clause may be revised to the extent required according to the opinion of the court to render the document enforceable or valid, and the rights and responsibilities of the parties shall be interpreted and enforced accordingly, so as to preserve the document and intent to the fullest extent possible.

BY-LAWS OF THE LONG HOLLOW DISTRICT

XIII. ARTICLE 1 – DUTIES OF OFFICIALS

It is the policy of the LHD to minimize the opportunity for collusion, theft, and favoritism. LHD Executives of the same household shall not participate in any financial transaction where there may be the appearance of impropriety. Neither member of the household may countersign any financial transaction document signed by other members of the same household. Close relatives (spouse, brother/sister, brother-in-law, sister-in-law, sons, sons-in-law, daughter, daughter-in-law, father, mother, father-in-law, mother-in-law, grandfather, grandmother, grandson, granddaughter, uncles/aunts) shall not participate in any financial transaction that may affect LHD financial status without a motion from the district at a regularly scheduled meeting. All elected executives of the district shall be bonded in the amount determined by annual distributions.

XIV. DUTIES OF OFFICIALS

Section 1. Chairman

- (a) He/she shall preside at all regular and special meetings & Executive Committee meetings of the District and Executive Council. The Chairperson shall be an ex-officio member of all District boards and committees. He/he shall not chair any meetings of the District boards or committees shall have no vote.
- (b) The Chairperson shall be a member of the District Chairman's Association and will represent the District at that level. He /she shall have general and active management of the business activities of the District except that he/she shall not act on matters binding the District until either the Executive Council, the District or the Tribal Council has deliberated and enacted appropriate resolutions or motions.
- (c) The Chairperson shall be compensated the amount determined by LHD members. He/she shall see that all ordinances and resolutions of the District are carried into effect.
- (d) The Chairperson shall serve as CEO in the management of the District's day to day operation including all District business. The Chairperson is not entitled to commit the District to binding contracts or financial obligations without a motion by the District membership. The District may enact resolutions or motions in financial matters and the Chairperson will execute those directives. He/she shall sign on behalf of the District on all official papers when authorized to do so.

- (e) The Chairperson shall not vote pertaining to District business except in tie votes. He/she shall give supervision to all other officers and committees of the District and see that they carry out their duties.
- (f) He/she shall not vote in the District except in case of a tie or by secret ballot.

Section 2. Vice-Chairman

- (a) In the absence of the Chairperson the Vice-Chairperson shall assume the duties of the Chairperson.
- (b) The Vice-Chairperson will provide leadership and assistance to all District committees, boards, and commissions in performance of their duties.
- (c) If the Chairperson is removed from office, the Vice-Chairperson shall immediately assume all duties of the Chairperson.
- (d) The Vice-Chairperson will be compensated with a monthly stipend or wage set by the District.

Section 3. District Secretary

- (a) The District Secretary shall record the meeting minutes and be the custodian of the minutes, records, membership rolls, voting roster and all official documents. The District Secretary will record and keep minutes at the District Center on all meetings of the District and Executive Council and will keep file on all Tribal Council minutes and records of other committees.
- (b) Will give and serve all notices of the District meetings as required by this Constitution.
- (c) Shall do all correspondence in response to District motions or other directives. Will keep the membership roll of the District showing all charges as required. In addition, will keep a current voting list.
- (d) Will be compensated with a monthly stipend or wage set by the District. Will attend to all such correspondence assigned by the District Chairman and perform all other duties of the office or as prescribed by the District or Tribal Council.

Section 4. District Treasurer

- (a) Shall be the caretaker of all business accounts, financial transactions, property, records and prepare and submit a budget to the District membership. Will keep and maintain, open to inspection by members of the District or representatives of the Tribal Council at all responsible times, adequate and correct accounts of the properties and business transactions of the District.
- (b) Will be the financial manager of assets, bank accounts and have knowledge of and use Governmental Accounting Standards Board (GASB 34 and other appropriate standards.) Will have care and custody of the funds and valuables of the District. Will deposit all funds in the name of and to the credit of LHD with such depository as the District may direct.
- (c) Shall deposit all funds, receive monthly allocation from Tribe, disburse all funds, make certain checks are co-signed and maintain records in a manner which shall expedite year-end audit and keep a property inventory list. Will disburse the funds of the District as may be ordered by the

District, taking properly signed invoices, vouchers and other instruments for said disbursements. All checks shall be countersigned by the District Chair or in their absence, an authorized designee and two other signatures (Treasurer and Secretary).

- (d) Shall be compensated with a monthly stipend or wage set by the District. The books and records of the Treasurers shall be reviewed at least once each year by an accountant.
- (e) Shall make monthly written financial reports to the District membership and oversee audits for the District and report audit findings to the District membership when requested.

Section 5. All boards, committees, commissions & trustee:

- (a) Must file a written report and/or minutes with the District Coordinator prior to the Regular District meeting. Stipends will not be disbursed without a written report and/or minutes. Failure to provide written monthly report and/or minutes will be grounds for removal from position.
- (b) The representative/s will carry all action items and/or motions from the District to the respective board, committee, commission or trustee.
- (c) Representatives failing to attend three (3) unexcused meetings shall be removal from the position.
- (d) LHD members seated on the SWO Judicial Committee will not sit on any other LHD or SWO board, committee, commission or trustee.
- (e) All LHD board, committee, commission and trustee positions must attend district orientation prior to their first meeting and live by a drug and alcohol free lifestyle subject to random testing.

Section 6. Tribal Councilperson:

- (a) Shall be elected to represent the District at the Tribal level; he or she will advocate on behalf of the District by introducing motions or resolutions made and/or adopted by the District.
- (b) Shall adhere to the duties outlined in the Sisseton Wahpeton Oyate Constitution; Article VIII- Powers; Section 1 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) & (l).
- (c) The District acknowledges that: The Tribal Council, as the governing body of the Tribe, reserves the right to set their own compensation through Tribal Council Resolution. This right is reserved in the Revised Constitution and By-Laws, Article VII, Section 1 (i) and reserves the right in subsection (j) of the same Article and Section.

XV. CODE OF ETHICS

This Code of Ethics shall apply to all elected. This code is devised as a cautionary measure for the Tribal Councilperson; the Tribal Council at various times seem unable to control and regulate itself when it comes to use and expenditure of funds. This code addresses two (2) behaviors: gross neglect and improper conduct as it relates to use of Tribal resources. This District and Executive Committee will interpret if this occurs:

Gross Neglect:

- (a) Allegations may be brought before the District by two (2) members which must be in written form and signed. The signed allegation must be substantiated by the Executive Committee and forwarded to the District membership. Gross neglect may occur if any of the following principles occur:
- (b) Incompetence: Lacking sufficient knowledge, skill or ability to carry out the duties of office to which the person was elected. It shall also mean unable or unwilling to support publicly the motions or resolutions of the District.
- (c) Failure to handle personal affairs proven by garnishment proceedings, court actions or orders for payment of delinquent loans or debts.
- (d) Excessive absenteeism where there are three (3) days of absenteeism within a ninety (90) day period or sickness which prevents the elected officer from adequately representing the District.
- (e) Abandonment of office shall occur when the Councilperson or District Officers fail to attend two (2) consecutive District meetings. Asking to be excused must be at least five (5) days prior to the meeting in written form.

Improper Conduct:

- (a) Misuse of position/office shall mean failure to acquire permission from the Executive Committee or District for personal use of District equipment, labor of employees, use of materials and making charges at places of business without authorization.
- (b) Inappropriate behavior and conduct in public places which calls into question the integrity
- (c) Willingly and knowingly commit conflict of interest by hiring relatives or causing relatives to be hired.
- (d) Failure in judgement, shall mean the lack of common sense in exercising the use of delegated power such as giving oneself a massive/large salary increase that exceeds normal public standards without consulting or getting approval from the District membership. This shall also include bonuses, salary adjustments and other benefits; also voting and supporting the borrowing of large amounts of funds without allowing the people to vote which causes massive indebtedness upon the District.
- (e) Conviction of a felony while in office; three (3) misdemeanor convictions within a twelve (12) month period; contempt of court; crimes in office such as corruption, extortion, kickbacks.
- (f) Conviction of driving under the influence of alcohol or the illegal use of drugs.

XVI. ARTICLE II - OATH OF OFFICE

Before assuming a position in the District, each member shall subscribe to the following oath or affirmation:

“I, _____, do solemnly swear (or affirm) that I will support the Revised Constitution and Bylaws of the Long Hollow District and the revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate and the Constitution of the United States of America. I will faithfully and impartially carry out and perform the duties of my office to the best of my ability. I will speak for and protect the best interest of Long Hollow District within my power. I will live by the Dakota virtues in being a good Dakota living by example in promoting a drug and alcohol free lifestyle.

ARTICLE III – APPROVAL

I _____, Sisseton Wahpeton Oyate, Tribal Secretary by virtue of the authority granted to the Sisseton Wahpeton Oyate Tribal Secretary by the Revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate, do hereby approve this Constitution and By-Laws of the Long Hollow District. It shall become effective upon ratification by the Sisseton-Wahpeton Oyate Tribal Council and provided nothing in this approval shall be construed by authorizing any action under this Constitution that would be contrary to Federal and Tribal Law.

Signed: _____ Date: _____

Sisseton Wahpeton Oyate, Tribal Secretary
Agency Village, SD 57262

XVII. GENERAL RULES OF ORDER

Meetings will follow agenda unless a motion and second is made from the floor to amend the agenda. Discussion will follow and a vote taken to either change or proceed with agenda.

General format of the agenda for regular district meeting shall be as follows:

- Call to order
- Opening prayer
- Roll call of Executive Council
- Reading of the agenda – open for motions
- Minutes for last meeting – District Secretary
- Council Person’s Report
- District Chair’s Report
- Treasurer’s Report – District Treasurer
- Boards, Committees, Commissions and Trustees Report
- Old Business
- New Business
- Adjournment

Official action of the District will be by carried motions.

Motions will be made, seconded, opened for discussions, and voted.

The Chair will maintain order and follow approved agenda.

Sargent of Arms will maintain order in district meetings.

Final Draft for the Election Committee