

**Bylaws  
of the Mendota Mdewakanton Dakota Tribal Community  
of the State of Minnesota**

**Article I –Membership**

**Section A – Applicant:**

1. An applicant is an individual who is applying for membership in the Tribe, but whose application has not yet been approved.
2. Applicants are required to pay a reasonable fee, which will be recommended by the Tribal Council and approved by the voting membership at a voting membership meeting with a 2/3rds vote.

**Section B – Enrolled Member:**

1. An enrolled member is an individual who meets all enrollment criteria and is eligible to become a member of the Tribe.
2. An enrolled member is pending active membership (see Section C – Active Membership).
3. An enrolled member is not eligible to vote in accordance with our Constitution and Bylaws until he/she becomes an active member.
4. An enrolled member is not eligible to hold office.
5. An enrolled member is not eligible to receive per-capita payments.

**Section C – Active Member:**

1. An active member has financially supported the Tribe in each 12-month period, at a contribution rate recommended by the Tribal Council and voted on and approved by the voting membership with a 2/3rds vote.
2. An active member is encouraged to physically participate in events (meetings, committees, three events, etc.). Physical participation does not replace a financial contribution.
3. An active member is eligible to vote in accordance with our Constitution and Bylaws.
4. An active member is eligible to receive per capita payments in accordance with our Constitution and Bylaws.

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### **Special Exemptions:**

- a. Exemptions may be issued to a member citing financial hardship. A letter of request, stating the reason will be submitted to and voted on by the Tribal Council. In the event of an unfavorable ruling the applicant may request an appeal in writing within 30 days from date of denial. An appeals board of 5 randomly chosen active members shall review the ruling of the Tribal Council and give their ruling with-in 5 days of receiving their charge. The appeals board's ruling is final. All information shall remain confidential. All exemptions may be on an individual basis. Members may choose to pay their contributions.
- b. Students attending high school who are 18 years of age or older.
- c. Students attending post-secondary school on a full-time basis.
- d. Members serving active duty and Reserve in the U.S. Armed Forces.
- e. All current Tribal Council officers are exempt from making monthly contributions in lieu of their service to the tribe.

### **Section D– Inactive Member:**

1. An inactive member is a member who has allowed their active membership status to lapse for 60 Days (See #8 and #9 of Section D). They will be removed from the mailing list.
2. A member shall be notified in writing when their membership changes from active to inactive.
3. Members choosing to remain inactive for two (2) or more years shall be removed from membership. Members shall be notified by certified mail at least 30 days prior to their removal.
4. To become reinstated as an active member, an inactive member shall submit a letter to the Tribal Council requesting to be reinstated as an active member. In order to be reinstated the retroactive contributions must be paid in full by the member.
5. Inactive member shall be required to pay a \$500 reinstatement fee in addition to retroactive contributions.
6. A reinstated member shall be considered an active member.
7. Inactive members will be removed from the Tribe's mailing list.
8. An inactive member is not eligible to vote.
9. An inactive member is not eligible to hold office.
10. An inactive member is not eligible to receive per-capita payments.

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## **Article II – Duties of the Officers of the Tribal Council**

All officers are required to attend Tribal Council and Voting Membership meetings. In the event of a council member's absence, that council member can choose their own delegate to represent them on the Tribal Council<sup>1</sup> for that meeting. The representative must meet all active membership requirements of these Bylaws (see Article I – Membership, Section C – Active Member) of these Bylaws. Missing three (3) consecutive meetings may result in removal from office.

### **Chair:**

The duties of the Chair shall include, but not be limited to:

1. Presiding over all meetings of the Voting Membership and Tribal Council, except where the purpose of the meeting is to consider charges that would result in their removal.
2. Administration of policies and the appointment of special committees with the approval of the Voting Membership and other members of the Tribal Council.
3. Acting as agent and representative of the Tribe at non-Tribal meetings and conferences.
4. Acting as agent and representative of the Tribe by power of signature on contracts and other binding agreements with prior approval of the Voting Membership, unless such approval shall jeopardize the health or welfare of the Tribe.
5. Secondary signature for financial transactions when necessary and as approved by the Tribal Council. The chair will assist with all financial transactions and accounting for the Tribe.
6. Shall over-see that all meetings relating to the Voting Membership, Tribal Council, Committees and special meetings have agendas, minutes and are properly filed by the Secretary of the Tribal Council so members have access upon request. All meetings should be audio or video recorded when possible.
7. Shall be responsible for having an agenda prepared at each Tribal Council meeting that relates to meeting the mission and goals of the Tribe.

### **Vice Chair:**

The duties of the Vice Chair shall include, but not be limited to:

1. Presiding over all meetings of the Voting Membership and Tribal Council in the Chair's absence, or in the event that the Chair is unable to fulfill their role, except where the purpose of the meeting is to consider charges against the Vice Chair that would result in their removal.

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<sup>1</sup> Voted in at March 14, 1999 General Council (Voting Membership) meeting.

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2. Performance of all duties delegated to this position by the Chair or Voting Membership.
3. Acting as agent and representative of the Tribe by power of signature to contracts and other binding agreements in the absence of the Chair with prior approval of the Voting Membership, unless such approval shall jeopardize the health or welfare of the Tribe.

### **Secretary:**

The duties of the Secretary shall include, but not be limited to:

1. Formal record keeper of all meetings and other tribal proceedings by means of minutes. A copy of all meetings and other tribal proceedings (other than judiciary process) shall be duly signed as true and accurate.
2. At the discretion of the Tribal Council, issuance of tribal and public notices.
3. Acting as an agent for the Tribe through all correspondence to and from the Tribe at the approval of the Tribal Council.

### **Treasurer:**

The duties of the Treasurer shall include, but not be limited to:

1. All financial transactions and accounting for the Tribe through receipt and safekeeping of funds into the Tribe, disbursement of all monies owing from the Tribe, and maintenance of complete and accurate records of all such transactions authorized by the Tribal Council.
2. Closure of tribal financial accounting books by January 15th for the prior year.
3. Overseeing any special audit called for by the Voting Membership during the course of any accounting year.
4. Submit all expenditures over \$500 to a Financial Committee comprised of members of the voting membership that are not members of the Tribal Council or have any arms-length relation to the purchase or expenditure.
5. Formal reporting of all financial transactions and the overall financial well-being of the Tribe which was approved by the Tribal Council during each Voting Membership meeting, including the profit & loss, balance sheets, reconciliation of the three checking accounts each month and the Quick Books statement.

### **Historian:**

The duties of the Historian shall include, but not be limited to:

1. Preservation of the culture and language through Tribe projects approved by the Voting Membership.
2. Caretaker of all tribal artifacts and Tribal property for the use and care of the Tribe.

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3. Authorizer and authenticator of all tribal cultural artifacts to be purchased and/or restored at the expense of the Tribe. All purchases are subject to the approval of the tribal council or Voting Membership.

### **At large Council Members**(up to 2)

1. Act as Chair to an assigned Committee.
2. Assist officers as needed.

### **Article III – Tribal Court Duties**

#### **Chief Justice:**

The duties of the Chief Justice shall include, but not be limited to:

1. Presiding over all membership dispute appeals. In order for a Chief Justice to hear the appeal, an Associate Judge of the Tribe must determine a final decision regarding membership. A final appellate decision shall be issued by the Chief Justice, after oral or written arguments, to the Voting Membership for vote by the Tribe.
2. Drafting all rules and procedures of Court for litigation and mediation that shall be filed for or against the Tribe.
3. Arbitrator for all disputes between tribal members who choose not to seek formal courtroom decisions.
4. Advisor to the Tribal Council when seeking outside legal counsel for the Tribe.
5. Repository for all complaints filed against Tribal Council members for investigation.
6. Lead investigator of all complaints against Tribal Council members.

#### **Associate Judge:**

The duties of the Associate Judge shall include, but not be limited to:

1. Presiding over all legal disputes brought to the Tribal Court on a first hearing, for resolution.
2. Presiding over all membership disputes between the Tribal Council and potential members in the first hearing stage.

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## **Article IV – Removal of Officials**

A group of 5 randomly selected Tribal members (not including Tribal Council Members) shall be formed to voluntarily serve as investigators for any and all allegations against a Tribal Council member.

The removal from office of a member of the Tribal Council or Tribal Court shall follow the procedure listed below:

1. A written complaint articulating specific misconduct of a Tribal Council member, along with a refundable \$200 filing fee, shall be submitted to the Tribal Council.
2. An Investigative Committee shall be formed with no less than three (3) Tribe members drawn from the pool of voluntary investigators. The Investigative Committee shall determine one individual as lead investigator. If a Tribal Court is established, the Chief Justice shall serve as the lead investigator and shall oversee the Investigative Committee.
3. An Investigative Committee shall be formed in no more than 7 days, with no less than Five (5) Tribal members drawn from a pool of randomly chosen voting members as voluntary investigators. The Investigative Committee shall determine one individual as lead investigator. Within 5 days after being formed the Investigative Committee will give their ruling as to whether the accusation has sufficient merit. If a Tribal Court is established, the Chief Justice shall serve as the lead investigator and shall oversee the Investigative Committee.
4. The accused official shall refrain from voting on any tribal matters and shall step down from office until the investigation is completed.
5. If the complaint is considered to have sufficient merit, it is the duty of the lead investigator to notify the highest-ranking Tribal Council member not under suspicion to call a full Voting Membership meeting.
6. Prior to the full Voting Membership meeting, the accused official shall receive a copy of the complaint and the investigation findings. In addition, all other members of the Tribal Council shall receive a copy of the complaint and findings for review.
7. At the Voting Membership meeting, the allegations shall be read into the record, the accused official has first right of hearing before all members of the Tribe in attendance. The investigation results will be read into the record after the defendant's argument.
8. Voting Membership, upon hearing all evidence of the accused Official shall vote as to the removal of the official.
9. Based on the decision of the Voting Membership, the Tribal Council shall either re-instate the official or formally remove that official from their position on the Tribal Council.
10. Any officer removed from their position shall not be eligible for filing for any open position on the Tribal Council for a period of four (4) years.

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11. If the accused official is a member of the tribal court, the Chairman shall be notified. The Chairman will have the responsibility of appointing a committee to investigate the allegations against the judge. If the allegations are true, the judicial shall be immediately removed from the Bench and a new judge appointed. If the allegations are false, the judicial may continue to serve at the discretion of the Voting Membership.
12. If the Investigative Committee determines that the claims against the Tribal Council member or Tribal court are frivolous, the claimant shall be sanctioned, pay a fine determined by the Committee, and forfeit their \$200 filing fee. No future claims may be filed by accuser until all fines are paid in full.

### **Article V – Vacancies**

In the event of the death or incapacity, resignation or removal of the Chair, the Vice Chair shall resign their position and assume the office of Chair for the balance of the term. The position of Vice Chair shall be opened for filing and election only to fill out the balance of the term of office.

In the event of the death or incapacity, resignation or removal of any other member of the Tribal Council, the Chair shall call a special meeting of the Voting Membership within fifteen (15) days of the occurrence of the vacancy for the purpose of filling the vacancy. The office shall be opened for filing and election only to fill out the balance of the term of office.

### **Article VI – Meetings**

#### **Section A - Parliamentary Authority:**

1. The rules contained in the current edition of *Robert's Rules of Order (Newly Revised)* shall govern the Mendota Mdewakanton Dakota Tribe in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Tribe may adopt. In all cases, the Articles, Bylaws, and Ordinances of the Mendota Mdewakanton Dakota Tribe shall govern when in conflict with *Robert's Rules of Order (Newly Revised)*.

#### **Section B – Voting Membership Meetings:**

1. Regular meetings shall be held each month.
2. Special Meetings:
  - a. Special meetings may be called at the discretion of the Chair.
  - b. Special meetings may be called by the joint action of three (3) Tribal Council members.
  - c. Special meetings shall be called by any member of the Tribal Council within seven (7) days of the receipt of a petition signed by one-third (1/3) of the eligible voting members of the Voting Membership.

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1. All meetings shall be held in public places at all times practical. All eligible voters shall be notified with an agenda of the time and place in writing by mail or email as stated preference of the voting member with-in 5business days.
2. Two-thirds (2/3) of the eligible voting membership of the Tribe present at the meeting with a minimum of nine (9) voting members attending<sup>2</sup> shall constitute a quorum. No business shall be transacted unless a quorum is present, except for gambling items. A quorum at a regular monthly meeting is not required by lawful gambling statutes and rules.

### **Section C – Tribal Council Meetings:**

1. Tribal Council meetings shall be held monthly on a day and at a place to be determined by the Tribal Council. All meetings shall have agendas, minutes and a record of what was voted on by the Tribal Council and how each Council member voted and made available to voting members at each voting membership meeting or upon request. All meetings should be audio or video recorded when possible.
2. Two-thirds (2/3) of the Tribal Council shall constitute a quorum for meetings.

### **Article VII – Amendments**

These Bylaws may be amended or rescinded at any time by the Policy Committee presenting the revisions to the Tribal Council for inclusion in the order of business at a Voting Membership meeting. All revisions must be approved by an affirmative vote of two-thirds (2/3) voting membership present with a minimum of nine (9) voting members attending.

### **Tribe Approval**

The Mendota Mdewakanton Dakota Tribal Community hereby approves the Bylaws as written. The signatures of the Tribal Council officers below designate such approval.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Vice Chair

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Historian

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Date:

<sup>2</sup> Voted in at July 24, 2014 General Council (Voting Membership) meeting.

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Member at Large

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Date:

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Member at Large

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Date: