

HORSE CREEK COMMUNITY
RESOLUTION NUMBER* _____

WHEREAS, the Horse Creek Community is a federally recognized Indian Community organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof; and

WHEREAS, it is the intent of the governing body of the Horse Creek Community in accordance with RST Resolution No. 89-37 which authorizes Tribal Law 12-1, "Community Organizations" to present a copy of the community's By-Laws; a copy is presently not on file in the RST Secretary's Office;

WHEREAS, task force options and community hearings have been waived for expediency; and


WHEREAS, the final draft of said by-laws has been approved by a simple majority of those voting members in attendance at a regular, popular meeting;

WHEREAS, the Horse Creek Community hereby requests of the Rosebud Sioux Tribal Council the application of Tribal Law "Community Organizations" 12-1 and all provisions of said tribal law;

THEREFORE BE IT RESOLVED, that the Horse Creek Community hereby adopts this resolution which implements the attached "Community By-Laws", a copy of which does not appear on file due to loss or destruction.

CERTIFICATION

This is to certify that the above Horse Creek Community resolution was duly passed by the members of the Horse Creek Community by a vote of 14 in favor, 0 opposed, and 1 not voting.


Charlene Marshall Arrow
Horse Creek Community Secretary


Horse Creek Community Chairperson

OFFICIAL BY-LAWS OF THE HORSE CREEK COMMUNITY

PREAMBLE

Under and by virtue of our Creator and His divine providence, we, the members of the Rosebud Sioux Tribe of Lakota People and the Horse Creek Community of the Rosebud Lakota Nation in the state of South Dakota, in order to establish a united community Organization to promote justice, to insure tranquility and enjoy the blessings of freedom and liberty, to conserve our community property, to develop our common resources, and to promote the best welfare of the present generation and our posterity, in education and industry, do hereby adopt and establish these by-laws.

MEMBERSHIP

Membership shall be those people who reside within the Horse Creek Community who have been accepted into the community at any regular or special meeting of the Horse Creek Community and who have met the following requirements:

- 1.) Those wishing to apply for membership in the community must have established residency or lived in the community for ninety (90) days.
- 2.) Any person or persons applying for membership in the community must be present at the time of application, a signed statement of release from the Chairperson of their previous community and said statement shall include a statement "of their relinquishment of their voting right in said previous community".
- 3.) Any persons applying for membership in the community after meeting the above requirements shall be required to register as a voter in Horse Creek Community, said registration shall be through the proper procedure and according to the voter registration laws of the Rosebud Sioux Tribe. Any tribal member or members who have lived in the Horse Creek Community at least thirty (30) days shall be eligible to vote in any tribal election.
- 4.) Members moving from the Horse Creek Community for a period longer than three months (90 days) shall automatically forfeit their membership and will be required to meet and complete the residency requirements of Horse Creek Community, if the wish to again become members.
- 5.) Only enrolled members of the Rosebud Sioux Tribe shall be eligible to vote in community and tribal elections. All other community residents: non-enrolled members who are married to an enrolled member, who have been accepted into the community; and members of federally recognized tribes, may attend, speak on and vote in community affairs only, as determined by the presiding officer.

ARTICLE I.

OFFICERS

Horse Creek Community established under the Constitution of the Rosebud Sioux Tribe shall elect, annually, a President and such other officers as may be advisable.

The governing body of the Horse Creek Community shall consist of a Chairperson, Vice-chairperson, Secretary, Treasurer, and Sergeant-at-Arms and such other officers as the community may deem to be required or necessary, each of whom shall be an eligible tribal voter and elected according to the by-laws herein contained.

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 Horse Creek Community and shall comply with all provisions of the Constitution and By-Laws of the Rosebud Sioux Tribe in the development of the Horse Creek 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 Horse Creek community;

Section 6. The Horse Creek community 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 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.

Section 8. A vacancy in any office because of death, resignation or for cause may be filled by the Horse Creek Community members at a regular or special meeting for the unexpired terms of the community officers. The unexpired terms of Council Representative shall be filled in accordance with the Rosebud Sioux Tribe's Constitution and By-Laws and in accordance with the By-Laws herein contained.

ARTICLE II

DUTIES OF OFFICERS

Chairperson. The president shall call and preside over popular meetings of the community whenever necessary for the consideration of matters of local interest. The president shall be the principal executive officer of the community and shall be subject to the control of the community. The chairperson shall, in general, manage, supervise and administer all employees and affairs of the community. The chairperson shall sign, with the secretary of other proper officers, certificates of membership, deeds, mortgages, contracts or other instruments which the community has authorized to the chairperson, and such other duties, from time to time, as the community may prescribe. The chairperson may vote only in the event of a tie vote count of the membership.

Vice-Chairperson. The Vice-Chairperson shall assist the Chairperson when called upon to do so and in the absence of the chairperson or in the event of their inability to act; the Vice-Chairperson shall perform all the duties of the Chairperson, and when so acting shall have all the powers of, and shall be subject to the restrictions upon the Chairperson.

Secretary. The Secretary shall keep a full and accurate account of all proceedings of each regular or special meeting of the Horse Creek Community and shall perform such other duties of like nature as the community and Chairperson may, from time to time, assign; the Secretary shall send copies of the minutes and resolutions and other community business of each meeting to the Tribal Secretary's Office within five (5) working days of each regular or special meeting.

The Secretary shall be responsible for the presentation of or reading of all minutes of previous meetings and shall be responsible for the posting of all upcoming regular or special meetings of the Horse Creek Community, said notices or posting of notices shall be in all local public areas, the local newspapers and all other sources to include radio stations.

Treasurer. The Treasurer shall be custodian of all monies, checks, grants, etc., which come under the jurisdiction or control of the Horse Creek Community and shall pay out monies in accordance with the directions of the Chairperson and supported by minutes of the community for the benefit of the community. Any checks signed by the Treasurer must be countersigned by the Chairperson. All incoming monies, checks, etc., will be deposited in a bank or depository designated by motion at a duly called meeting.

The books of the Horse Creek Community shall be subject to inspection by any community member to include bank deposits, withdrawals or any checks with monthly bank statements with twenty-four (24) hours written notice from the Chairperson of the community. No petty cash fund is authorized. The Treasurer shall prepare a monthly statement of all monies received or expended and said statement shall be presented at all regular monthly meetings as a part of the treasurer's oral report. The bank of deposit shall be authorized to issue bank statements to both the community chairperson and the community treasurer.

Sergeant-at-Arms. The duties of the Sergeant-at-Arms shall be to keep order at all regular or special meetings of the community as requested by the presiding officer. The Sergeant-at-Arms shall count all "show of hands" votes which the chairperson requests. In secret ballot votes, the Sergeant-at-Arms shall read and count such ballots in full view of the membership, with the Chairperson also reading and double-checking the vote count before ballots are destroyed. The Sergeant-at-Arms shall enforce time limits placed on speakers who have the floor.

The Sergeant-at-Arms shall see to it that no loud, boisterous or intoxicated persons disrupt the proceedings; to eject same from the premises if needed and to call law enforcement officers when needed to insure that community meetings are conducted with peace and dignity in an alcohol and drug-free environment.

ARTICLE III

ELECTIONS AND MEETINGS

Section 1. Horse Creek Community elections, unless for vacancy, shall be held on the second Monday of January and all officers elected shall be sworn in and seated immediately. The elected officers must have a majority vote of all eligible voters attending said meeting.

- A. All voting shall be done by secret ballot.
- B. Anyone nominated to a community office must be present at the meeting in progress.
- C. Terms of office for the elected officers shall be for a period of one year.
- D. This section may be changed by the Horse Creek Community to comply with tribal election laws.

Section 2. Eligible Voters. Shall be any member of the Horse Creek Community who has established membership in the Horse Creek Community in accordance with the membership policy set forth herein, and who has resided in the community for thirty (30) days after obtaining the required membership in accordance with these by-laws and who is at least eighteen (18) years of age to be accorded the privileges of these by-laws.

Section 3. Tribal Membership. Only enrolled members of the Rosebud Sioux Tribe shall be eligible to vote in community/tribal elections. All other community residents may vote in community affairs only.

Section 4. Quorum. A quorum shall be seven (7) community members. A majority vote of said quorum is required to pass motions which promote community business.

Section 5. Absenteeism. If Council Representatives/Community Officers are absent from three (3) consecutive regular or special community meetings, without a show of good cause, officers or council representatives will automatically forfeit their office.

A. The Horse Creek Community will request immediate action from the Rosebud Sioux Tribal Council concerning council representatives within thirty (30) days. A hearing in accordance with the Constitution and By-laws of the Rosebud Sioux Tribe shall be requested. The charges for dismissal shall be supported by the Horse Creek Community and will be presented at consecutive tribal council meetings until such a time that removal action is implemented.

B. Notification of an intended absence from any meeting shall be filed orally or in writing before any meeting except in case of an emergency. Reflection of excused absence must appear in the minutes of the affected community meeting.

Section 6. Regular Meetings. All regular meetings of the Horse Creek Community shall be held on the second Monday of every month.

A. Notice of all meetings shall be posted at all local businesses three (3) days prior to the meeting.

Section 7. Special Meetings. All special meetings of the community shall be called by the chairperson of the community, giving three (3) days prior notice to the public

ARTICLE IV

HOUSING COMMITTEE

Section 1. The Horse Creek Community hereby establishes a Horse Creek Housing Committee in conjunction and cooperation with the Sicangu Wicoti Awayankapi whose by-laws shall govern this committee. Said committee shall consist of the community officers and three (3) to five (5) community members elected at-large. Said at-large members shall serve a one year term and shall be elected in accordance with Article III, Section 1, parts A, B, and C.

Section 2. All applicants for housing shall be required to be members of the Horse Creek Community and must meet all requirements of the membership policy of these by-laws.

HOUSING COMMITTEE (Continued)

Section 3. The Horse Creek Community hereby delegates all authority to the Horse Creek Housing Committee on the issue of eligible applicant placement in adequate housing within the Horse Creek Community provided the Housing Committee adheres to the written and specific policies as given to them by the Horse Creek Community membership at a community meeting.

Section 4. Any members of the Housing Committee who are absent for three (3) consecutive meetings, regular or special, without good cause, will automatically forfeit their right to a seat on the committee. All vacated positions shall be filled in accordance with Article III of the Horse Creek by-laws.

Section 5. The Horse Creek Community reserves the right to recommend who shall serve on the Sicangu Wicoti Awayankapi Board as a representative of the Horse Creek Community. Said recommendation shall be in the form of a resolution passed by a majority vote of the eligible voters of the Horse Creek Community. The recommendation shall be submitted to the Rosebud Sioux Tribal Council.

Section 6. Any officer or member of the Horse Creek Community who is delinquent in their rental agreement with the Sicangu Wicoti Awayankapi shall not be eligible to hold a position on the local housing committee and shall not receive a recommendation to the local board.

POW-WOW COMMITTEE

Section 1. The Horse Creek Community hereby establishes a Horse Creek Community Pow-Wow Committee which shall operate in accordance with these by-laws. Said committee shall consist of five or more community members or tribal members from other communities. Said at-large members shall serve one year terms. The Pow-Wow Committee Chairperson shall be appointed by the Horse Creek Community Chairperson. The Pow-Wow Committee Chairperson shall elect officers by popular vote from those members who volunteer to be on the committee.

Section 2. The Pow-Wow Committee shall solicit funds and donations only after presenting a letter of solicitation from the community chairperson to those approached for donations and funds. The committee shall seek donations and assistance from those community members who wish to donate or put on memorial give-aways and feasts.

CHRISTMAS COMMITTEE

Section 1. The community chairperson shall appoint the chairperson of the Christmas Committee. The committee shall be composed of volunteers from the community. The Christmas Committee shall consist of five (5) officers.

The Christmas Committee will be responsible for collecting and distributing any donations given to the community by any groups, businesses or individuals. The committee shall maintain an updated list, showing clothing sizes, of all community children 0 to 18 years of age, all the Head of Households, and all elderly citizens within the community.

Funds for the Christmas Committee activities shall be in a separate account and not be commingled with funds from the community general account.

HORSE CREEK YOUTH COUNCIL

Section 1. The Horse Creek Youth Council shall be made up of children ages 0 to 18 and shall be appointed a drug/alcohol free, adult coordinator from within the community by the community chairperson.

Section 2. The officers shall be a (1.) chairperson; (2.) vice-chairperson; (3.) secretary; (4.) treasurer; and (5.) sergeant-at-arms.

Section 3. All parents may act as advisors and assist with the direction and wishes of the Youth Council.

ARTICLE V

LAND

All home assignments and land assignments requested by individuals, groups, or organizations of Rosebud Sioux Tribal lands within the Horse Creek Community boundaries, shall have community recommendations to the Rosebud Sioux Tribal Council for action.

Section 1. All homesites, recommended by the Horse Creek Community and approved by the Rosebud Sioux Tribe, for community members shall not be less than two and one-half (2 1/2) acres and not more than ten (10) acres.

Section 2. All business sites, recommended by the Horse Creek Community and approved by the Rosebud Sioux Tribe, shall be ten (10) acres, no more and no less.

ARTICLE VI

NEPOTISM

Those persons having full-membership in Horse Creek Community shall NOT be hired or elected to a position in which the spouse, children, parent, grandparent, brother, sister or in-laws by law or common law is serving as the immediate supervisor in any capacity. Non-members related to community members may serve in a volunteer capacity on committees and projects which are not originated within the community, that is, Green Thumb, Elderly Food & Nutrition & church-related, and other similar activities.

ARTICLE VII

AMENDMENTS

These by-laws may be amended by the qualified voters of the Horse Creek Community, voting at an election called for that purpose by the Horse Creek Community, provided that a majority vote of 3/4 of those attending the meeting and eligible to vote has been cast. No amendment to these by-laws shall become effective until it has been approved by the Horse Creek Community and the Rosebud Sioux Tribal Council. It shall be the duty of the Horse Creek Community Chairperson to call an election on any proposed amendment upon receipt of a written resolution and/or petition signed by at least 3/4ths of the membership of the Horse Creek Community.

ARTICLE VIII

ADOPTION OF BY-LAWS

By adoption of these by-laws at a regular or special meeting of the Horse Creek Community, all previous by-laws are hereby rescinded and these by-laws hereby become effective.

ARTICLE IX

OATH OF OFFICE

Each community officer and/or committee member, as soon as possible after an election, in a meeting of the Horse Creek Community, shall take an oath of office before assuming official duties as follows:

I, _____, do hereby solemnly swear that I will support and defend the Rosebud Sioux Tribal Constitution and the Horse Creek By-Laws against all enemies, will carry out faithfully and impartially, the duties of my office to the best of my ability, and, I will cooperate with, promote and protect the best interests of the Rosebud Sioux Tribe and the Horse Creek Community.

RATIFICATION

These By-Laws were ratified and certified at a duly and legally conducted meeting of the Horse Creek Community on January 13, 1999, with a quorum present, by a vote of 14 in favor, 0 opposed, and 1 not voting.

[Signature]
Horse Creek Community Chairperson

Horse Creek Community Vice-Chairperson

[Signature]
Horse Creek Community Secretary

[Signature]
Horse Creek Community Treasurer

Horse Creek Community Sergeant-at-Arms

01-19-99
Date

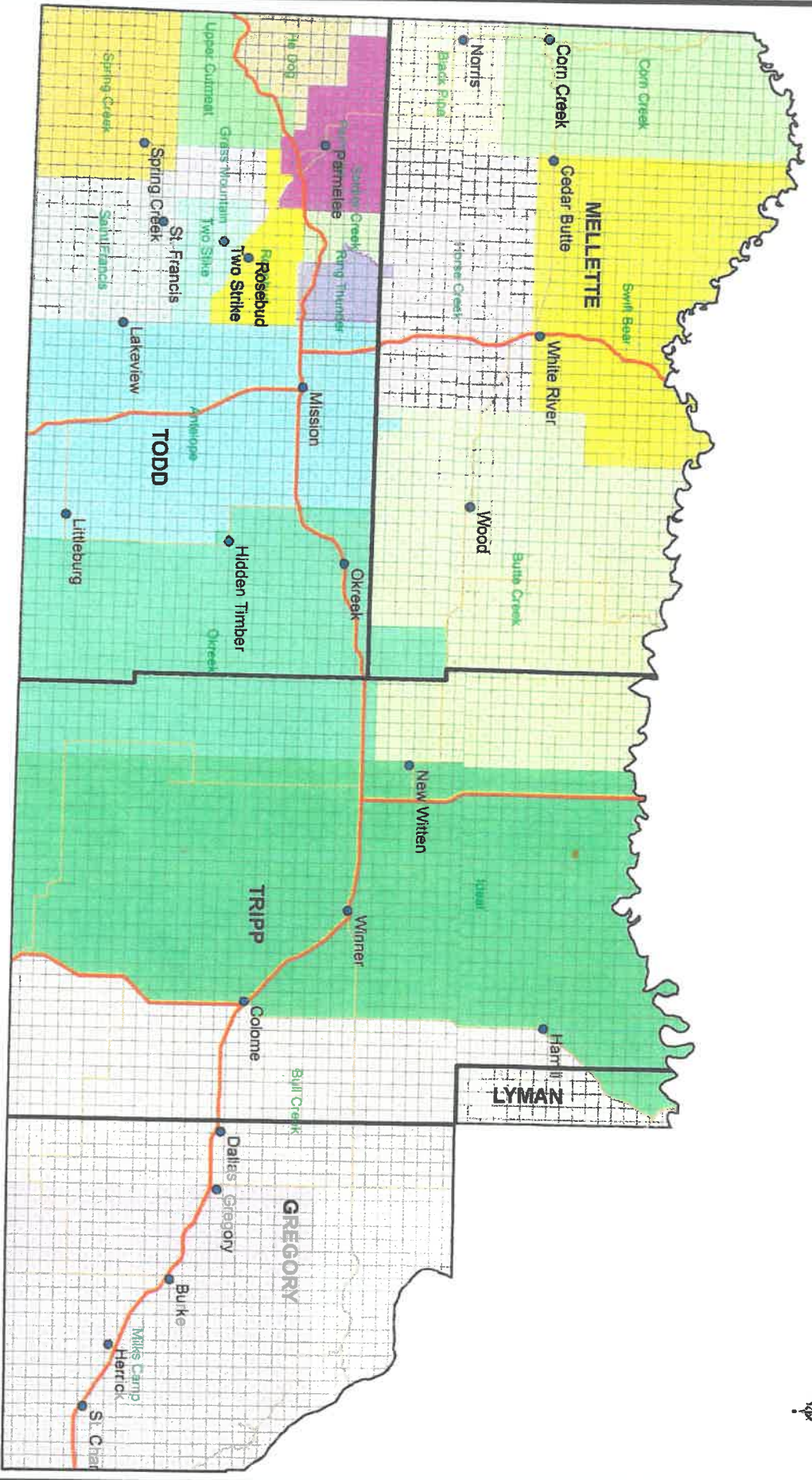
CERTIFICATION

This is to certify that the above Horse Creek Community By-Laws under RST Resolution No. 86-149 were duly passed by the Rosebud Sioux Tribal Council in session on _____, 19____ by a vote of _____ in favor, _____ opposed and _____ not voting. The said resolution including the Horse Creek Community By-Laws were adopted pursuant to authority vested in the Council. A quorum was present.

Norman G. Wilson, President
Rosebud Sioux Tribe

ATTEST:

Geraldine Night Pipe, Secretary
Rosebud Sioux Tribe



Five County Reservation Area with Community Boundaries

Map Created By The Sicangu Oyate Land Office