OFFICIAL BY-LAWS OF THE ROSEBUD COMMUNITY
OJINJINTKA MAKOCE OYATE

PREAMBLE

We, the members of the Rosebud Community of the Sicangu Oyate of the Lakota Nation, in order to establish a United Community Organization to promote justice, to insure tranquility and enjoy the blessing 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.

ARTICLE I

MEMBERSHIP

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

1. Those wishing to apply for membership in the Community must have established residency or have been living in the Community for thirty (30) days. They are also to attend two Community meetings within 60 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 to 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 Rosebud Community, said registration shall be through the proper procedure and according to the voter registration laws of the Rosebud Sioux Tribe. Any enrolled tribal member who has lived in Rosebud Community at least thirty (30) days shall be eligible to vote in any tribal election, in accordance with Article III Section 3 of these By-Laws.
4. Members moving from the Community for a period longer than three months (90 days) shall automatically forfeit their membership and will required to meet and complete the residency requirements of Rosebud Community if they wish to return. The exception to this would be those members serving in the Military/Armed Forces or Full time students attending College/University. Once they leave the Military or complete college, he or she must return to the community within 90 days or have their membership in the community relinquished. They will be asked to provide documentation of military status or that of a full time student.
5. In recognition of inadequate housing in the Rosebud Community, any person who has had prior residency within the Rosebud Community boundaries for a minimum period of (ten) 10 consecutive years and has been displaced and is living within the radius of (fifteen) 15 miles, may be considered a continuing resident and a community member in such a case as:

   A.) Person is an enrolled member of the Rosebud Sioux Tribe.

   B.) Person has ties to the Community, i.e. immediate family.

   C.) Person has mailing address in Rosebud and is active in community affairs.

D.) Person remains active on Voter List of Rosebud community; and/or

E.) Person is actively seeking housing within the community and is required to give written monthly updates to the Chairperson as to residency status after ninety (90) days.

ARTICLE II

ROSEBUD COMMUNITY OFFICERS

SECTION 1 - OFFICERS

The governing body of the Rosebud 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 of the Rosebud Community.

A vacancy in any office because of death, resignation or for cause may be filled by the Rosebud Community members at a regular or special meeting for the remaining term(s) of the Community officers. The remaining term(s) of Council Representative shall be filled in accordance with the Rosebud Sioux Tribe's Constitution and By-Laws. Article III, Section 6.

SECTION 2 - DUTIES OF OFFICERS

A. Chairperson

The Chairperson shall be the principal executive officer of the Community and shall be subject to the, control, of the Community. He/she shall in general, manage, supervise and administer all employees and affairs of the Community. The Chairperson shall call and preside, when present, at all meetings of the Community. He may sign, with the Secretary or Treasurer, 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 to him/her. The Chairperson may vote only in the event of a tie vote count of the membership.

B. 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 his/her 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.

C. Secretary

The Secretary shall keep a full and accurate account of all proceedings of each regular and special meeting of the Rosebud Community and shall perform such other duties of like nature as the Community and Chairperson may, from time to time, assign him/her. The Secretary shall send copies of the minutes and resolutions and other community business of each meeting to the Tribal Secretary or his/her designated representative within five (5) working days after such minutes have been approved by the Community.

The Secretary shall be responsible for the presentation of or reading of all minutes of previous meetings and shall he responsible for the posting of all upcoming regular or special meetings of the Rosebud 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.

D. Treasurer

The Treasurer shall be custodian of all monies, checks, grants, etc., which come under the jurisdiction or control of the Rosebud Community. The Treasurer 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.

1. The books of the Rosebud Community shall be subject to inspection by any Community Member to include bank deposits, withdrawals, or any checks with monthly bank statements upon a fifteen (15) days written notice to the Chairperson of the Community. The books shall be audited annually by an independent auditor. The Treasurer, Secretary and the Chairperson shall be bonded in such an amount as the Community, by resolution shall provide with the premium being paid by the Community. No petty cash is authorized. The Treasurer will prepare a monthly statement of all monies received or expended and said statement will be presented at all regular monthly meetings. And in general perform all duties from time to time, as may be assigned by the Chairperson or the Community.
2. Any officer that signs checks/funds and is found to be dishonest or fraudulent shall be subject to the Rosebud Sioux Tribal Law and Order Codes. Fraud and embezzlement have no statute of limitations and any violation will be pursued.

E. Sergeant-at- Arms

The Sergeant At Arms shall be to keep order at all regular or special meetings or the Community as requested by the Presiding Officer. The Sergeant-at-Arms shall count all votes and keep track of time limits placed on certain speakers. The time limit shall be five (5) minutes per speaker except in matters beneficial to the Community, of extreme importance, and by waiver of such time limit by motion of the Community Members present. The Sergeant-at-Arms shall see to it that no loud, boisterous or intoxicated persons disrupt the proceedings and to eject same from the premises if needed. In general, performs all the duties of the Sergeant-at-Arms office and, as may be assigned from time to time by the Chairperson or the Community.

ARTICLE III

ELECTIONS AND MEETINGS

SECTION 1 - ELECTION OF COMMUNITY OFFICERS

All Rosebud Community elections, unless for vacancy, shall be held the first Wednesday of September 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. Nominations of any persons to any office that are not present at the meeting in progress shall not be accepted.

C. Terms of office for the elected officers shall be for a period of one year and as set forth in Section 1 above.

D. This section may be changed by the Rosebud Community to comply with Tribal election laws.

OFFICIAL BY-LAWS OF THE ROSEBUD COMMUNITY
OJINJINTKA MAKOCE OYATE

SECTION 2 - ELIGIBLE VOTERS

An eligible voter shall be any member of the Rosebud Community who has established membership in the Rosebud 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 laws.

SECTION 3. TRIBAL MEMBERSHIP

All enrolled members of the Rosebud Sioux Tribe shall be eligible to vote in tribal and community elections. All other Community residents may vote in Community affairs only. Fifteen (15) members shall constitute a quorum.

SECTION 4- QUORUM

A quorum shall consist of fifteen (15) Community members. A majority vote of said quorum is required to make a decision.

SECTION 5 - ABSENTEEISM

If absent from three (3) consecutive, regular or special, community meetings without a show of good cause, officers will automatically forfeit their office.

A. The Rosebud Community will request immediate action from the Rosebud Sioux Tribal Council concerning Council representatives. A hearing in accordance with the Constitution & By-Laws and CODE OF ETHICS of the Rosebud Sioux Tribe shall be requested. The charge for dismissal shall be supported by the Rosebud Community.

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

SECTION 6- REGULAR MEETINGS

All regular meetings of the Rosebud Community shall be held on the first Wednesday of every month. 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. Any other requests will be taken under consideration by the Chairperson but shall be called upon receipt of a petition signed by at least fifteen (15) members of the Community and those signing must be present at the meeting.

SECTION 8 - EXECTIVE COMMITTEE MEETINGS

The Executive Committee meetings will consist of Rosebud Council Representatives and Community Officers and are open to the Public. Any recommendations from these meetings need to be approved by the Community at the next regular meeting.

OFFICIAL BY-LAWS OF THE ROSEBUD COMMUNITY
OJINJINTKA MAKOCE OYATE

ARTICLE IV

COMMITTEES

SECTION 1 - HOUSING COMMITTEE

The Rosebud Community hereby establishes the Rosebud Community Housing Committee in conjunction and cooperation with the Sicangu Wicoti Awanyakape (S.W.A) whose By-laws shall govern this committee. Said committee shall consist of the officers of the Community and three (3) 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; and shall met the following criteria:

A. All applicants for housing shall be required to be members of the Rosebud Community and must met all requirements of the membership policy of these By laws.

B. The Rosebud Community hereby delegates all authority to the Rosebud Community Housing Committee on the issue of eligible applicants placement in adequate housing within the Rosebud Community provided the Housing Committee adheres to the written and specific policies as given to them by the Rosebud Community membership at Community meeting.

C. Any member or members of the Committee, who are absent for three (3) consecutive meetings, regular or special, without good cause, will automatically forfeit their office or their right to their seat on this committee. The Rosebud Community shall fill all vacated positions in accordance with Article III of these By-laws.

D. The Rosebud Community reserves the right to recommend the tribal member who shall serve on the Sicangu Wicoti Awanyakape Board as a representative of Rosebud Community. Said recommendation shall be in the form of a resolution approved by motion upon a majority vote of the eligible voters of Rosebud Community. The recommendation shall be submitted to the Rosebud Sioux Tribal Council.

E. Any officer or member of the Rosebud Community who is delinquent in their rental agreement with the Sicangu Wicoti Awanyakape shall not be eligible to hold a position on the Local Housing Committee and shall not receive recommendation to the Sicangu Wicoti Awanyakape Board.

SECTION 2 - BUDGET/FINANCE COMMITTEE

The Rosebud Community hereby establishes a Rosebud Community Finance Committee for the purpose of maintaining the integrity of all financial transactions conducted by the Community.

Whereas, the Committee is chaired by the Community Treasurer and whereas, the Treasurer has the ultimate authority over the Finance Committee. Four (4) at-large members to hold positions for one year. Three members of the committee will form a quorum and must meet a minimum of once per quarter. The finance committee duties are:

A. Oversee the financial transactions of the community and make any recommendations, if needed;

B. Assist in making budgets;

C. Review and Approve any labor contracts made with the community, including rental agreements.

D. Report any financial discrepancies to the treasurer and committee with the authority to recover any missing funds when necessary; and

E. Assist the treasurer to improve the accountability of funds.

SECTION 3- BINGO/GAMING COMMITTEE

The Rosebud Community hereby establishes a Bingo/Gaming Committee to oversee the Bingo/Gaming operations.

A. The Committee will ensure that the Bingo/Gaming operations are in full compliance with the Rosebud Sioux Tribe Gaming Regulations.

B. The committee members will be elected in accordance with the Rosebud Community Elections and will seat the Committee for a one-year term.

SECTION 4- YOUTH COMMITTEE

The Rosebud community hereby establishes a Youth Committee to coordinate all youth activities within the Rosebud Community. The Youth Committee Chairperson shall coordinate services with the Rosebud Sioux Tribe Youth Affairs Director and/or Community Chairperson.

SECTION 5 - EXECUTIVE COMMITTEE

The Rosebud Community hereby establishes an Executive Committee to consist of Rosebud Council Representatives and Community Officers. The Executive Committee will coordinate and plan operations/decisions to be presented to the Community. The Committee is open to the public and recommendations need to be approved by the community at the next regular meeting.

SECTION 6- ELECTION COMMITTEE

The Rosebud Community establishes an Election Committee/Board to act in accordance with the Election Commission.

SECTION 7- OTHER COMMITTTEES

The Rosebud Community will establish other committees and their function will be established upon Community need or request.

All Committees are voluntary and require approval by community members at the regular community meeting. Each committee shall appoint/elect their own officers. Each committee will need to provide a monthly report at regular community meetings. Committee will consist of Five members and quorum is three (3). If there is a committee, that no one wishes to be on, community officers will be on it.

ARTICLE V

REMOVAL FROM OFFICE

SECTION 1 - CRIMINAL OFFENSES

Any member of the Community Governing Body or Community Committee who is convicted of a felony or any offense involving dishonesty during his/her term on office, by a recognized judicial system, shall automatically forfeit their office.

SECTION 2- RECALL

The members of the Rosebud Community reserve to themselves the right to recall for cause any elected official elected, at large or appointed, to a Community Committee to serve in any capacity on the governing body of the Community. Should a majority vote of those eligible voters voting in a recall election vote for removal, the vacant position shall be filled in accordance with Article I, Section 1 of these By-Laws. The procedures for initiating a recall hearing will be made by motion at a regular or special Community meeting, and if recall is ratified by the Community with a quorum present, the Community shall set a date for a hearing not less than fifteen (15) or more than thirty (30) days from that meeting. If removed from office, Section 2 of this Article shall be enforced.

SECTION 3 - EXPULSION

A) The Rosebud Community, by a two-thirds (2/3) vote of members present at a regular or special meeting, may expel any member of the Community Governing Body or S.W.A. Housing Board with due process.

B) The Rosebud Community may initiate expulsion of any Council Representative for neglect of duty or gross misconduct, or violation of the Tribal Ethics Code after due notice of the charges and an opportunity to be heard in a forum consistent with the charges that may be filed.

ARTICLE VI

LAND

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

SECTION 1 - HOMESITES

All home sites, recommended by the Rosebud Community and approved by the Rosebud Sioux Tribe, for Community members shall be no more than two and one/half (2.5) acres.

SECTION 2- BUSINESS SITES

All business sites, recommended by the Rosebud Community, approved by the Rosebud Community, and approved by the Rosebud Sioux Tribe shall be no more than ten (10) acres,

SECTION 3— HOMESITES FOR VETERANS

All home sites and business sites for veterans, recommended the Rosebud Community and the Rosebud Sioux Tribe, shall be no more than ten (10) acres.

ARTICLE VII

VOTING RIGHTS

Any Rosebud Community resident who meets membership requirements as set forth in these By Laws who is at least eighteen (18) years of age and an enrolled member of the Rosebud Sioux Tribe shall be entitled to vote in all Community and/or Tribal affairs. Rosebud Community members who are not enrolled members of the Rosebud Sioux Tribe shall be eligible to vote in community affairs but shall not have a right to vote in tribal matters or in tribal elections.

OFFICIAL BY-LAWS OF THE ROSEBUD COMMUNITY
OJINJINTKA MAKOCE OYATE

Section 1- VOTING

In any election or referendum, each member who is qualified to vote has one vote, provided they have met the membership requirements of these By-Laws and have met the requirements set forth in Section 2 of Article III of these By-Laws.

Section 2- COMMUNITY MEMBERSHIP LIST

A Community membership list shall be kept which will be updated by the end of June in an election year.

ARTICLE VIII

RESERVED POWERS

1. Any rights or powers heretofore vested in the Rosebud Community but not expressly referred to in these By-Laws shall not be abridged by the Rosebud Sioux Tribe, but may be exercised by the Rosebud Community through the adoption of appropriate amendments to these By-Laws.
2. The Rosebud Community may consult with representatives of the Interior Department or any other government agency that affects the Rosebud Community, on all matters of local interest, and make recommendations to the Tribal Council or any U.S. Government Agency.
3. The Rosebud Community may undertake and manage local enterprises for the benefit of the Community.

ARTICLE IX

NEPOTISM

No person, officer or employee of Rosebud Community shall be hired or elected to a position in which the immediate family, spouse, children, grandparent, brother, sister in- law by law or common law is serving as the immediate supervisor in capacity

ARTICLE X

AMENDMENTS

These By-Laws may be amended by the qualified voter's of the Rosebud Community, voting at an election called for that purpose by the Rosebud 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 Rosebud Community and the Rosebud Sioux Tribal Council. It shall be the duty of the Rosebud Community Chairperson to call an election on any proposed amendment upon receipt of a written resolution and/or petition signed by at least 30% of the members of the Rosebud Community who voted in the last primary election

ARTICLE XI

ADOPTION OF BY-LAWS

By adoption of these By-Laws at a regular or special meeting of the Rosebud Community, all previous By-Laws are hereby rescinded and these By-Laws hereby become effective.

OFFICIAL BY-LAWS OF THE ROSEBUD COMMUNITY
OJINJINTKA MAKOCE OYATE

ARTICLE XII

OATH OF OFFICE

Each Community Officer and/or Committee member, as soon as possible after an election, in a meeting of the Rosebud 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 Rosebud Community 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, promote and protect the best interest of my Tribe and the Rosebud Community.

CERTIFICATION

This is to certify that the above Official By-Laws of the Rosebud Community were ratified by the Rosebud Sioux Tribal Council on June 12, 2003, by a vote of Fifteen (15) in favor, None (0) opposed and Four (4) not voting. The said By-Laws was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:

Geraldine Night Pipe, Secretary
Rosebud Sioux Tribe

William Kindle, President
Rosebud Sioux Tribe

ROSEBUD SIOUX TRIBE
RESOLUTION NO. 2009-245

WHEREAS, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof; and

WHEREAS, the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-Laws; and

WHEREAS, Rosebud Community is on the list of recognized tribal communities in Article II of the Rosebud Sioux Tribe Constitution and By-Laws; and

WHEREAS, Article V of the Constitution states that each community established under the Constitution shall elect annually, a president and such other officers as may be advisable; and

WHEREAS, the Rosebud Community wishes to amend the Official By-Laws of the Rosebud Community Ojinjintka Makoce Oyate to comply with tribal election laws to read as follows:

ARTICLE III
ELECTIONS AND MEETINGS

SECTION 1 - ELECTION OF COMMUNITY OFFICERS

All Rosebud Community elections, unless for a vacancy, shall be held the fourth Thursday in September and all officers elected shall be sworn in and seated immediately. The elected officers must have a majority vote of all eligible voters.

A. All voting shall be done by ballot.
B. Nominating affidavits for Rosebud Community Officers (President, Vice President, Secretary and Treasurer) shall be picked up, filled out and submitted to the Rosebud Sioux Tribe Secretary's Office.
C. The position of Sergeant at Arms shall be elected at large from the Rosebud Community membership at a scheduled meeting.
D. Term of Office for the elected officers shall be for a period of one year as set forth in Section 1 above.
E. This section may be changed by the Rosebud Community to comply with Tribal Election Laws.

WHEREAS, the Rosebud Community did approve the above amendments to their By-Laws in a Rosebud Community meeting held on June 18, 2009 by a vote of sixteen (16) in favor, none (0) opposed and one (1) not voting; now

ROSEBUD SIOUX TRIBE
RESOLUTION NO. 2009-245

THEREFORE BE IT RESOLVED that the Rosebud Sioux Tribal Council does hereby concur with Rosebud Community and ratifies amendments to the Official By-Laws of the Rosebud Community, Qjinjintka Makoce Oyate.

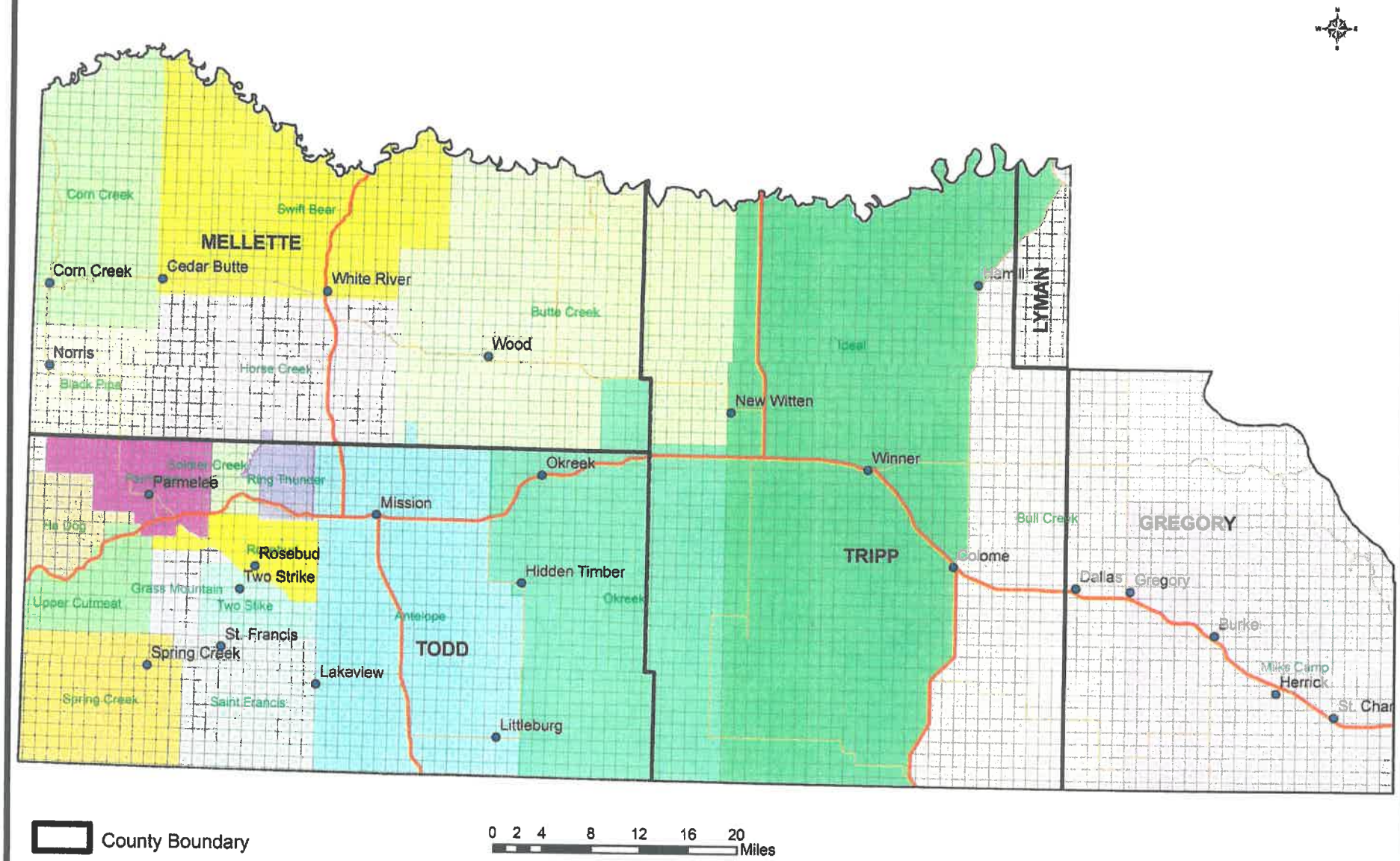
CERTIFICATION

This is to certify that the above Resolution No. 2009-245 was duly passed by the Rosebud Sioux Tribal Council in session August 5, 2009, by a vote of eleven (11) in favor, none (0) opposed and none (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:

Gerri Night Pipe, Secretary
Rosebud Sioux Tribe

Rodney M. Bordeaux, President
Rosebud Sioux Tribe



County Boundary

0 2 4 8 12 16 20 Miles

Five County Reservation Area with Community Boundaries

Map Created By The Sicangu Oyate Land Office

RESOLUTION NO. 6975 .

WHEREAS, presently there exists a situation which created by Sec. 1 of Article VI of the Constitution and By Laws of the Rosebud Sioux Tribe which required that to qualify to vote in tribal election, the voter must be living in the community at least 90 days prior to the election day, and

WHEREAS, there are no voting districts established for each of the recognized communities listed under Sec. 2 of Article III of the Constitution and By Laws of the Rosebud Sioux Tribe.

NOW THEREFORE, the Tribal Districting Committee of the Tribal Council moves the following resolution:

BE IT RESOLVED, that the boundaries of ROSEBUD Community voting district is hereby established to encompass the following described area:

Beginning in the NW¼ OF SW¼ of SW¼ of Section 18, T38N, R30W, on the Grass Mountain road, thence in a southwesterly direction along the Grass Mountain Road a approx distance of 1/2 mile to the south center of Section 13, T38N, R31W, thence west along section line and north boundary line of Grass Mountain community voting district and crossing the Little White River to the SW corner of Section 17, T38N, R31W, a approx distance of four miles, thence north one mile, thence east along section line and crossing Rosebud and Parmelee road to the SE corner of Section 12, T38N, R31W, a approx distance of 4 1/2 miles, thence north along section line to highway 18, approx distance of 2 miles, thence East along section line to the NW corner of section 2, T38N, R30W, a approx distance of 4 miles, thence north to highway 18 road, a approx distance of 4 miles, thence in a southeasterly direction along highway 18 to Rosebud and Highway 18 road junctions a approx distance of 5 miles, thence south a 1/2 mile in section 4, T38N, R29W, thence east a 1/2 mile thence south a 1/2 mile to the SE corner of Section 4, T38N, R29W, thence continuing south along section line and Crookston, Nebraska road and west boundary of Antelope community voting district to the SE corner of Section 4, T37N, R29W, a approx distance of 6 miles, thence in a northwesterly direction along the north boundary of Two Strike community voting district to the point of beginning.

BE IT FURTHER RESOLVED, that adult members of the Rosebud Sioux Tribe living within the voting district are entitled to vote in the tribal community elections.

CERTIFICATION

We, the undersigned hereby certify that the Rosebud Sioux Tribal Council is composed of 21 voting members of whom 17 members constituting a quorum were present at a duly called and convened session of the Tribal Council held August 26, 1969 at Rosebud, South Dakota, that the foregoing resolution was adopted by the affirmative vote of 12 members, 2 opposed, and 3 not voting.

Cato W. Valandra, President
Rosebud Sioux Tribe

Attest:

Wm J. LaPointe, Acting Secretary
Rosebud Sioux Tribe

Noted and transmitted: OCT 22 1969

Superintendent

OF

Amendment

REESOLUTION NO. 71-93

ROSEBUD COMMUNITY VOTING DISTRICT
DESCRIPTION CHANGE

WHEREAS, presently there exists a situation which created by Sec. 1 of Article VI of the Constitution and By-laws of the Rosebud Sioux Tribe which required that to qualify to vote in tribal election, the voter must be living in the community at least 90 days prior to the election day, and

WHEREAS, there are no voting districts established for each of the recognized communities listed under Sec. 2 of Article III of the Constitution and By-laws of the Rosebud Sioux Tribe.

NOW THEREFORE, the Tribal Districting Committee of the Tribal Council moves the following resolution:

BE IT RESOLVED, that the boundaries of ROSEBUD Community voting district is hereby established to encompass the following described area:

Beginning in the NW¼ of SW¼ of SW¼ of Section 18, T38N, R30W, on the Grass Mountain road, thence in a southwesterly direction along the Grass Mountain road a approx distance of 1/2 miles to the south center of Section 13, T38N, R31W, thence west along section line and north boundary line of Grass Mountain community voting district and crossing the Little White River to the SW corner of Section 17, T38N, R31W, a approx distance of four miles, thence north one mile, thence east along section line to the SW corner of Section 10, T38N, R31W, a approx distance of 2 miles, thence north 1 mile to the NW corner of Section 10, T38N, R31W, thence east to Rosebud and Parmelee road a approx distance of a 1/2 mile, thence in a southeasterly direction and along Rosebud and Parmelee road tothe south boundary of Section 11, T38N, R31W, thence east to the SE corner of Section 12, T38N, R31W, thence north along section line to highway 18, approx distance of 2 miles, thence east along section line to the NW corner of Section 2, T38N, R30W, a approx distance of 4 miles, thence in a southeasterly direction along highway 18 to Rosebud and Highway 18 road junction a approx 5 miles, thence south a 1/2 miles in Section 4, T38N, R29W, thence east a 1/2 mile thence south af1/2 mile to the SE corner of Section 4, T38N, R29W, thence continuing south along section line and Crookston, Nebraska road and west boundary of Antelope Community voting district to the SE corner of Section 4, T37N, R29W, a approx distance of 6 miles, thence in a northwesterly directio along the north boundary of Two Strike community voting district to the point of beginning.

BE IT FURTHER RESOLVED, that adult members of the Rosebud Sioux Tribe living within the voting district are entitled to vote in the tribal community elections.

CERTIFICATION

We, the undersigned hereby certify that the Rosebud Sioux Tribal Council is composed of 22 voting members of whom 19 members constituting a quorum were present at a duly called and convened session of the Tribal Council held July 8, 1971 at Rosebud, South Dakota; that the foregoing resolution was adopted by the affirmative vote of 8 in favor and 6 opposed.

for Webster Two Hawk, President
Rosebud Sioux Tribe

Attest:
Leo Cordier, Secretary
Rosebud Sioux Tribe

Noted and transmitted: JUL 16 1971

Acting Commissioner

DATE SUBMITTED 7-15-71
TO ROSEBUD AGENCY SUPT.

OFFICIAL BY-LAWS OF THE ROSEBUD COMMUNITY

OJINJINTKA MAKOCE OYATE

PREAMBLE

We, the members of the ROSEBUD COMMUNITY OF THE SICANGU LAKOTA NATION/OYATE IN THE STATE OF SOUTH DAKOTA, in order to establish a United Community Organization to promote justice, to insure tranquility and enjoy the blessing 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 Rosebud Community who have been accepted into the Community at any regular or special meeting of the Rosebud Community and who have met the following requirements:

1) Those wishing to apply for membership in the Community must have established residency or living in the Community for sixty (60) days. ALSO, TO ATTEND TWO CONSECUTIVE MEETINGS, REGULAR OR SPECIAL.

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 to 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 Rosebud 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 Rosebud Community at least thirty (30) days shall be eligible to vote in any tribal election.

4) Members moving from the community for a period longer than three months (90 days) shall automatically forfeit their membership and will required to meet and complete the residency requirements of rosebud community if they wish to return. THE EXCEPTION TO THIS WOULD BE THOSE MEMBERS SERVING IN THE MILITARY/ARMED FORCES OR FULLTIME STUDENTS ATTENDING COLLEGE/UNIVERSITY. ONCE THEY LEAVE THE MILITARY OR COMOPLETE COLLEGE, HE OR SHE MUST RETURN TO THE COMMUNITY WITHIN (90 DAYS) OR

HAVE THEIR MEMBERSHIP IN THE COMMUNITY RELINQUISHED. THEY WILL PROVIDE DOCUMENTATION OF MILITARY STATUS OR THAT OF A FULL TIME STUDENT.

5) In recognition of inadequate housing in the Rosebud community, any person who has had prior residency WITHIN the Rosebud Community boundaries for a Minimum period of 10 consecutive years and has been displaced and is living within the radius of 15 miles, may be considered a continuing resident and a community member in such a case as:

A) Person is an Enrolled member of the Rosebud Sioux Tribe.
B) Person has ties to the community, i.e. immediate family.
C) Person has mailing address in Rosebud AND is active in community affairs.
D) Person remains active on Voter list of Rosebud Community.
E) Person is actively seeking housing within the community.

OFFICERS

The governing body of the Rosebud 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 OF THE ROSEBUD COMMUNITY.

SECTION 1. Vacancies.

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

ARTICLE II

DUTIES OF OFFICERS

Chairperson:

Shall be the principal executive officer of the Community and shall be subject to the control of the Community. He/she shall, in general, manage, supervise and administer all employees and affairs of the Community. The Chairperson shall call and preside, ~~when present~~, at all meetings of the Community. He may sign, with the Secretary or TREASURER 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 to him/her. The Chairperson may vote only in the event of a tie vote count of the membership.

Vice-Chairperson:

Shall assist the chairperson when called upon to do so and in the absence of the Chairperson or in the event of his/her 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:

Shall keep a full and accurate account of all proceedings of each regular and special meeting of the Rosebud Community and shall perform such other duties of like nature as the Community and chairperson may, from time to time, assign him/her, shall send copies of the minutes and resolutions and other community business of each meeting to the Tribal Secretary or his/her designated representative within five (5) working days AFTER each regular or special meeting MINUTES HAVE BEEN APPROVED BY THE COMMUNITY

(A) 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 Rosebud 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:

Shall be custodian of all monies, checks, grants, etc., which come under the jurisdiction or control of the Rosebud 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 /SECRETARY. All incoming monies, checks, etc, will be deposited in a bank or depository designated by motion at a duly called meeting.

(A) The books of the Rosebud Community shall be subject to inspection by any community member to include bank deposits, with-drawls or any checks with monthly bank statements with fifteen (15) days written notice TO the Chairperson of the community. The books shall be audited annually by and independent auditor. The Treasurer/SECRETARY and the Chairperson shall be bonded in such an amount, as the Community by resolution shall provide with the premium being paid by the community. No petty cash fund is authorized. The Treasurer will prepare a monthly statement of all monies received or expended and said statement will be presented at all regular monthly meetings. And, in general, perform all duties, from time to time, as may be assigned by the Chairperson or the Community.

(B) Any officer that signs checks/funds and is found to be dishonest or fraudulent shall be subject to the Rosebud Sioux Tribe Law and Order Codes. Fraud and embezzlement have no statute of limitations and any violation will be pursued.

Sergeant-at-Arms:

Shall be to keep order at all regular or special meetings or the community as requested by the Presiding Officer, shall count all votes and keep track of time limits placed on certain speakers. The time limit being five (5) minutes per speaker except in matters beneficial to the community and of extreme importance and by waiver of such time limit by motion of the community members present. The Sergeant-at Arms shall see to it that no loud, boisterous or intoxicated persons disrupt the proceedings and to eject same from the premises if needed. In general, performs all the duties of the Sergeant-at-Arms office and, as may be assigned from time to time by the Chairperson or the Community.

ARTICLE III

ELECTIONS AND MEETINGS

Section 1.

1) All Rosebud community elections, unless for vacancy, shall be held the first WEDNESDAY OF September 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) Nominations of any persons to any office that are not present at the meeting in progress shall not be accepted. .

© Terms of office for the elected officers shall be for a period of one year and as set forth in Section 1 above.

(D) This section may be changed by the Rosebud Community to comply with Tribal election laws.

Section 2. Eligible Voters:

Shall be any member of the Rosebud Community who has established membership in the Rosebud 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 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 fifteen (15) Community members. A majority vote of said quorum is required to make a decision.

Section 5. Absenteeism:

If absent from three (3) consecutive regular or special community meetings, without a show of good cause, officers will automatically forfeit their office.

(A) The Rosebud Community will request immediate action from the Rosebud Sioux Tribal Council concerning Council representatives. A hearing in accordance with the Constitution/By-Laws and CODE OF ETHICS of the Rosebud Sioux Tribe shall be requested. The charge for dismissal shall be supported by the Rosebud Community.

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

Section 6. Regular Meetings:

All regular meetings of the Rosebud Community shall be held on the first WEDNESDAY of every month.

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

Section 7. Special Meetings:

All special meetings of the Community shall be called by the Chairperson of the Community. Any other requests will be taken under consideration by the Chairperson but shall be called upon receipt of a petition signed by at least fifteen (15) members of the Community and those signing must be present at the meeting.

Section 8. Executive Committee Meeting:

THE EXECUTIVE COMMITTEE MEETINGS WILL CONSIST OF ROSEBUD COUNCEL REPRESENTATIVES AND COMMUNITY OFFICERS AND ARE OPEN

TO THE PUBLIC. ANY RECOMMENDATINS FROM THESE MEETINGS NEED TO BE APPROVED BY THE COMMUNITY AT THE NEXT REGULAR MEETING.

ARTICLE IV

COMMITTEES:

HOUSING COMMITTEE:

Section 1:

The Rosebud Community hereby establishes a Rosebud Community Housing Committee in conjunction and cooperation with the Rosebud Housing Authority whose by-laws shall govern this committee. Said committee shall consist of the officers of the Community and three (3) community members elected a 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, C.

~~Section 2:~~

A All applicants for housing shall be required to be members of the Rosebud Community and must met all requirements of the membership policy of these by-laws.

~~Section 3:~~

B The rosebud Community hereby delegates all authority to the Rosebud Community Housing Committee on the issue of eligible applicants placement in adequate housing within the Rosebud Community provided the Housing Committee adheres to the written and specific policies as given to them by the Rosebud Community membership at a Community meeting.

~~Section 4:~~

C Any member or members of the Committee, who are absent for three (3) consecutive meetings, regular or special, without good cause, will automatically forfeit their office or their right to their seat on this committee. All vacated positions shall be filled in accordance wit Article III of these by-laws by the Rosebud Community.

~~Section 5:~~

D The Rosebud Community reserves the right to recommend the tribal member who shall serve on the Rosebud Housing Authority Housing Board as a representative of Rosebud Community. Said recommendation shall be in the form of a resolution approved by motion upon a majority vote of the eligible voters of Rosebud Community. The recommendation shall be submitted to the Rosebud Sioux Tribal Council.

~~Section 6:~~

Any officer or member of the Rosebud community who is delinquent in their rental agreement with the Rosebud Housing Authority shall not be eligible to hold a position on the Local Housing Committee and shall not receive recommendation to the Rosebud Housing Authority Board.

Sect. 2 BUDGET /FINANCE COMMITTEE

Sect 3 BINGO/GAMING COMMITTEE

Sect 4 YOUTH

~~PTA AND RELATED COMMITTEES~~

Sect 5 EXECUTIVE COMMITTEE

Sect 6 ELECTION COMMITTEE

Sect 7 OTHER COMMITTEES, ie PTA

ALL COMMITTES ARE VOLUNTARY AND APPROVAL BY COMMUNITY MEMBERS IS NEEDED AT THE REGULAR COMMUNITY MEETING. EACH COMMITTEE SHALL APOINT/ELECT THEIR OWN FFICERS. EACH COMMITTEE WILL NEED TO PROVIDE A MONTHLY REPORT AT REGULAR COMMUNITY MEETINGS. COMMITTEES WILL CONSIST OF FIVE (5) MEMBERS AND QUARUM IS (3).

IF THERE IS A COMMITTEE THAT NO ONE WISHES TO BE ON, COMMUNITY OFFICERS WILL BE ON IT.

ARTICLE V

REMOVAL FROM OFFICE

Section 1:

Any member of the Community Governing Body or Community Committee who is convicted of a felony or any offense involving dishonesty during his/her term on office, by a recognized judicial system, shall automatically forfeit their office.

Section 2:

The Rosebud community, by a two-thirds (2/3) vote of members present at a regular or special meeting, may expel any member of the Community Governing Body or S.W.A. Housing Board Representatives may initiate expulsion of any Council Representative for neglect of duty or gross misconduct, or violation of the tribal Ethics

Code after due notice of the charges and an opportunity to be heard, in a forum consistent with the charges that may be filed.

Section 3:

The members of the Rosebud community reserve to themselves the right to recall for cause any elected official elected at large or appointed to a Community committee to serve in any capacity on the governing body of the Community. Should a majority vote of those eligible voters voting in a recall election vote for removal, the vacant position shall be filled in accordance with Article I, Section 1 of these by-laws. The procedures for initiating a recall hearing will be made by motion at a regular or special Community meeting, and if recall is ratified by the Community with a quorum present, the Community shall set a date for a hearing not less than fifteen (15) or more than thirty (30) days from that meeting. If removed from office, Section 2 of this Article shall be enforced.

ARTICLE VI

LAND

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

Section I:

All home sites, recommended by the Rosebud Community and approved by the Rosebud Sioux Tribe, for Community members shall not be less than two and one/half (2 ½) acres nor more than ten (10) acres.

Section 2:

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

Section 3:

All home sites and business sites for veterans, recommended the Rosebud Community and the Rosebud Sioux Tribe, shall be ten (10) acres, no more and no less.

ARTICLE VII

VOTING RIGHTS

Any Rosebud Community resident who meets membership requirements as set forth in these by-laws and who is at least eighteen (18) years of age and an enrolled member of the Rosebud Sioux Tribe shall be entitled to vote in Community and/or tribal affairs. Rosebud Community members who are not enrolled members of the Rosebud Sioux tribe shall be eligible to vote in community affairs but shall not have a right to vote in tribal matters or in elections.

Section I:

In any election or referendum, each member who is qualified to vote has one vote, provided they have met the membership requirements of these by-laws and have met the requirements set forth in Section 2 of Article III of these by-laws.

Section 2.

A membership list shall be kept which will be updated by the end of June in an election year.

ARTICLE IX

RESERVED POWERS

Section 1:

Any rights or powers heretofore vested in the Rosebud Community but not expressly referred to in these by-laws shall not be abridged by the Rosebud Sioux Tribe, but may be exercised by the Rosebud Community through the adoption of appropriate amendments to these by-laws.

Section 2:

The Rosebud Community may consult with representatives of the Interior Department or any other government agency that affects the Rosebud community, on all matters of local interest, and make recommendations to the Tribal council or any U.S. Government Agency.

Section 3:

The Rosebud community may undertake and manage local enterprises for the benefit of the community.

ARTICLE X

NEPOTISM

No person, officer or employee of Rosebud Community shall be hired or elected to a position in which the IMMEDIATE FAMILY; spouse, children, parent, grandparent, brother, sister or in-law by law or common law is serving as the immediate supervisor in any capacity.

ARTICLE XI

AMENDMENTS

These by-laws may be amended by the qualified voter of the Rosebud Community, voting at an election called for that purpose by the Rosebud community, provided that a majority vote of ¾ 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 Rosebud Community and the Rosebud Sioux Tribal council. It shall be the duty of the Rosebud 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 Rosebud Community~~.

ARTICLE XII

ADOPTION OF BY-LAWS

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

ARTICLE XIII

OATH OF OFFICE

Each Community Officer and/or Committee member, as soon as possible after an election, in a meeting of the Rosebud 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 Rosebud Community 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, promote and protect the best interest of my Tribe and the rosebud Community.

RATIFICATION

These by-laws were ratified and certified at a duly and legally conducted meeting of the Rosebud Community on October 3, 2001, with a quorum present, by a vote of

_____	_____
Rosebud Community Chairperson	Rosebud Community Vice-Chairperson
_____	_____
Rosebud Community Secretary	Rosebud Community Treasurer
_____	_____
Rosebud Community Sergeant-at-Arms	Date

CERTIFICATION

This is to certify that the above Rosebud Community By-Laws under RST Resolution No. _____ were duly passed by the Rosebud Sioux Tribal Council in session on _____, by a vote of _____
The said resolution including the Rosebud Community By-Laws was adopted pursuant to authority vested in the Council. A quorum was present.

_____
William Kindle, President
Rosebud Sioux Tribe

ATTEST:

_____
Geraldine Night Pipe, Secretary
Rosebud Sioux Tribe

OFFICIAL BY-LAWS OF THE ROSEBUD COMMUNITY

OJINJINTKA MAKOCE OYATE

PREAMBLE

We, the members of the ROSEBUD COMMUNITY OF THE SICANGU **OYATE OF THE LAKOTA NATION**, in order to establish a United Community Organization to promote justice, to insure tranquility and enjoy the blessing 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.

ARTICLE I

MEMBERSHIP

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

1) Those wishing to apply for membership in the Community must have established residency or **have been** living in the Community for sixty (60) days. **THEY ARE ALSO TO** ATTEND TWO COMMUNITY MEETINGS WITHIN 60 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 to 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 Rosebud Community, said registration shall be through the proper procedure and according to the voter registration laws of the Rosebud Sioux Tribe. Any enrolled tribal member who has lived in Rosebud Community at least thirty (30) days shall be eligible to vote in any tribal election, in accordance with Article III Section 3 OF THESE BY-LAWS.

4) Members moving from the Community for a period longer than three months (90 days) shall automatically forfeit their membership and will required to meet and complete the residency requirements of Rosebud Community if they wish to return. THE EXCEPTION TO THIS WOULD BE THOSE MEMBERS SERVING IN THE

MILITARY/ARMED FORCES OR FULL-TIME STUDENTS ATTENDING COLLEGE/UNIVERSITY. ONCE THEY LEAVE THE MILITARY OR COMPLETE COLLEGE, HE OR SHE MUST RETURN TO THE COMMUNITY WITHIN (90 DAYS) OR HAVE THEIR MEMBERSHIP IN THE COMMUNITY RELINQUISHED. THEY WILL **BE ASKED TO** PROVIDE DOCUMENTATION OF MILITARY STATUS OR THAT OF A FULL-TIME STUDENT.

5) In recognition of inadequate housing in the Rosebud Community, any person who has had prior residency WITHIN the Rosebud Community boundaries for a minimum period of **(ten)** 10 consecutive years and has been displaced and is living within the radius of **(fifteen)** 15 miles, may be considered a continuing resident and a community member in such a case as:

   A) Person is an enrolled member of the Rosebud Sioux Tribe.
   B) Person has ties to the Community, i.e. immediate family.
   C) Person has mailing address in Rosebud and is active in community affairs.
   D) Person remains active on Voter List of Rosebud community; and/or
   E) Person is actively seeking housing within the community and is required to give written monthly updates to the Chairperson as to residency status after ninety (90) days.

ARTICLE II

ROSEBUD COMMUNITY OFFICERS

SECTION 1 - OFFICERS

The governing body of the Rosebud 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 OF THE ROSEBUD COMMUNITY.

A vacancy in any office because of death, resignation or for cause may be filled by the Rosebud Community members at a regular or special meeting for the **remaining term(s)** of the Community officers. The **remaining term(s)** of Council Representative shall be filled in accordance with the Rosebud Sioux Tribe's Constitution and By-Laws, Article III Section 6.

SECTION 2 - DUTIES OF OFFICERS

A. Chairperson:

The Chairperson shall be the principal executive officer of the Community and shall be subject to he control of the Community. He/she shall, in general, manage, supervise and administer all employees and affairs of the Community. The Chairperson shall call and preside, when present,

at all meetings of the Community. He may sign, with the Secretary or TREASURER, 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 to him/her. The Chairperson may vote only in the event of a tie vote count of the membership.

B. 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 his/her 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.

C. Secretary

The Secretary shall keep a full and accurate account of all proceedings of each regular and special meeting of the Rosebud Community and shall perform such other duties of like nature as the Community and Chairperson may, from time to time, assign him/her. **The Secretary** shall send copies of the minutes and resolutions and other community business of each meeting to the Tribal Secretary or his/her designated representative within five (5) working days AFTER **such** MINUTES HAVE BEEN APPROVED BY THE COMMUNITY.

The Secretary shall be responsible for the presentation of, or, reading of all minutes of previous meetings and shall he responsible for the posting of all upcoming regular or special meetings of the Rosebud 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.

D. Treasurer

The Treasurer shall be custodian of all monies, checks, grants, etc., which come under the jurisdiction or control of the Rosebud Community. **The Treasurer** 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.

(1) The books of the Rosebud Community shall be subject to inspection by any Community Member to include bank deposits, withdrawals, or any checks with monthly bank statements **upon a** fifteen (15) days written notice TO the Chairperson of the Community. The books shall be audited annually by an independent auditor. The Treasurer, SECRETARY and the Chairperson shall be bonded in such an amount, as the Community, by resolution, shall provide with the premium being paid by the Community. No petty cash is authorized. The Treasurer will prepare a monthly statement of all monies received or expended and said statement will be presented at all regular monthly meetings. And, in general, perform all duties, from time to time, as may be assigned by the Chairperson or the Community.

(2) Any officer that signs checks/funds and is found to be dishonest or fraudulent shall be subject to the Rosebud Sioux Tribal Law and Order Codes. Fraud and embezzlement have no statute of limitations and any violation will be pursued.

E. Sergeant-at-Arms

The Sergeant-at-Arms shall be to keep order at all regular or special meetings or the Community as requested by the Presiding Officer. **The Sergeant-at-Arms** shall count all votes and keep track of time limits placed on certain speakers. The time limit **shall be** five (5) minutes per speaker except in matters beneficial to the Community, of extreme importance, and by waiver of such time limit by motion of the Community Members present. The Sergeant-at-Arms shall see to it that no loud, boisterous or intoxicated persons disrupt the proceedings and to eject same from the premises if needed. In general, performs all the duties of the Sergeant-at-Arms office and, as may be assigned from time to time by the Chairperson or the Community.

ARTICLE III

ELECTIONS AND MEETINGS

SECTION 1 - ELECTION OF COMMUNITY OFFICERS

All Rosebud Community elections, unless for vacancy, shall be held the first WEDNESDAY OF September 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) Nominations of any persons to any office that are not present at the meeting in progress shall not be accepted.

(C) Terms of office for the elected officers shall be for a period of one year and as set forth in Section 1 above.

(D) This section may be changed by the Rosebud Community to comply with Tribal election laws.

SECTION 2 - ELIGIBLE VOTERS

An eligible voter shall be any member of the Rosebud Community who has established membership in the Rosebud 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 laws.

SECTION 3. TRIBAL MEMBERSHIP

All enrolled members of the Rosebud Sioux Tribe shall be eligible to vote in tribal and community elections. All other Community residents may vote in Community affairs only. Fifteen (15) members shall constitute a quorum.

SECTION 4 - QUORUM

A quorum shall **consist of** fifteen (15) Community members. A majority vote of said quorum is required to make a decision.

SECTION 5 - ABSENTEEISM

If absent from three (3) consecutive, regular or special, community meetings without a show of good cause, officers will automatically forfeit their office.

(A) The Rosebud Community will request immediate action from the Rosebud Sioux Tribal Council concerning Council representatives. A hearing in accordance with the Constitution/By-Laws and CODE OF ETHICS of the Rosebud Sioux Tribe shall be requested. The charge for dismissal shall be supported by the Rosebud Community.

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

SECTION 6 - REGULAR MEETINGS

All regular meetings of the Rosebud Community shall be held on the first WEDNESDAY of every month. 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. Any other requests will be taken under consideration by the Chairperson but shall be called upon receipt of a petition signed by at least fifteen (15) members of the Community and those signing must be present at the meeting.

SECTION 8 - EXECTIVE COMMITTEE MEETINGS

THE EXECUTIVE COMMITTEE MEETINGS WILL CONSIST OF ROSEBUD COUNCIL REPRESENTATIVES AND COMMUNITY OFFICERS AND ARE OPEN TO THE PUBLIC. ANY RECOMMENDATIONS FROM THESE MEETINGS NEED TO BE APPROVED BY THE COMMUNITY AT THE NEXT REGULAR MEETING.

ARTICLE IV

COMMITTEES

SECTION 1 - HOUSING COMMITTEE

The Rosebud Community hereby establishes THE Rosebud Community Housing Committee in conjunction and cooperation with the Sicangu Wicoti Awanyakape (S.W.A) Whose By-laws shall govern this committee. Said committee shall consist of the officers of the Community and three (3) 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; and shall met the following criteria:**

A. All applicants for housing shall be required to be members of the Rosebud Community and must met all requirements of the membership policy of these By-laws.

B. The Rosebud Community hereby delegates all authority to the Rosebud Community Housing Committee on the issue of eligible applicants placement in adequate housing within the Rosebud Community provided the Housing Committee adheres to the written and specific policies as given to them by the Rosebud Community membership at Community meeting.

C. Any member or members of the Committee, who are absent for three (3) consecutive meetings, regular or special, without good cause, will automatically forfeit their office or their right to their seat on this committee. The Rosebud Community shall fill all vacated positions in accordance with Article III of these By-laws.

D. The Rosebud Community reserves the right to recommend the tribal member who shall serve on the Sicangu Wicoti Awanyakape Board as a representative of Rosebud Community. Said recommendation shall be in the form of a resolution approved by motion upon a majority vote of the eligible voters of Rosebud Community. The recommendation shall be submitted to the Rosebud Sioux Tribal Council.

E. Any officer or member of the Rosebud Community who is delinquent in their rental agreement with the Sicangu Wicoti Awanyakape shall not be eligible to hold a position on the Local Housing Committee and shall not receive recommendation to the Sicangu Wicoti Awanyakape Board.

SECTION 2 - BUDGET/FINANCE COMMITTEE

The Rosebud Community hereby establishes a Rosebud Community Finance Committee for the purpose of maintaining the integrity of all financial transactions conducted by the Community.

Whereas, the Committee is chaired by the Community Treasurer and whereas, the Treasurer has the ultimate authority over the Finance Committee. Four (4) at-large members to hold positions for one year. Three members of the committee will form a quorum and must meet a minimum of once per quarter. The finance committee duties are:

A. Oversee the financial transactions of the community and make any recommendations, if needed;

B. Assist in making budgets;

C. Review and Approve any labor contracts made with the community, including rental agreements.

D. Report any financial discrepancies to the treasurer and committee with the authority to recover any missing funds when necessary; and

E. Assist the treasurer to improve the accountability of funds.

SECTION 3 - BINGO/GAMING COMMITTEE

The Rosebud Community hereby establishes a Bingo/Gaming Committee to oversee the Bingo/Gaming operations.

A. The Committee will ensure that the Bingo/Gaming operations are in full compliance with the Rosebud Sioux Tribe Gaming Regulations.

B. The committee members will be elected in accordance with the Rosebud Community Elections and will seat the Committee for a one-year term.

SECTION 4 - YOUTH COMMITTEE

The Rosebud community hereby establishes a Youth Committee to coordinate all youth activities within the Rosebud Community. The youth Committee Chairperson shall coordinate services with the Rosebud Sioux Tribe Youth Affairs Director and/or Community Chairperson.

SECTION 5 - EXECUTIVE COMMITTEE

The Rosebud Community hereby establishes an Executive Committee to consist of Rosebud Council Representatives and Community Officers. The Executive Committee will coordinate and plan operations/decisions to be presented to the Community. The Committee is open to the public and recommendations need to be approved by the community at the next regular meeting.

SECTION 6 - ELECTION COMMITTEE

The Rosebud Community establishes an Election Committee/Board to act in accordance with the Election Commission.

SECTION 7 - OTHER COMMITTTEES

The Rosebud Community will establish other committees and their function will be established upon Community need or request.

ALL COMMITTES ARE VOLUNTARY AND **REQUIRE** APPROVAL BY COMMUNITY MEMBERS AT THE REGULAR COMMUNITY MEETING. EACH COMMITTEE SHALL APPOINT/ELECT THEIR OWN OFFICERS. EACH COMMITTEE WILL NEED TO PROVIDE A MONTHLY REPORT AT REGULAR COMMUNITY MEETINGS. COMMITTEES WILL CONSIST OF FIVE MEMBERS AND QUORUM IS THREE (3). IF THERE IS A COMMITTEE, THAT NO ONE WISHES TO BE ON, COMMUNITY OFFICERS WILL BE ON IT.

ARTICLE V

REMOVAL FROM OFFICE

SECTION 1 - CRIMINAL OFFENSES

Any member of the Community Governing Body or Community Committee who is convicted of a felony or any offense involving dishonesty during his/her term on office, by a recognized judicial system, shall automatically forfeit their office.

SECTION 2 - RECALL

The members of the Rosebud Community reserve to themselves the right to recall for cause any elected official elected, at large or appointed, to a Community Committee to serve in any capacity on the governing body of the Community. Should a majority vote of those eligible voters voting in a recall election vote for removal, the vacant position shall be filled in accordance with Article I, Section 1 of these By-Laws. The procedures for initiating a recall hearing will be made by motion at a regular or special Community meeting, and if recall is ratified by the Community with a quorum present, the Community shall set a date for a hearing not less than fifteen (15) or more than thirty (30) days from that meeting. If removed from office, Section 2 of this Article shall be enforced.

SECTION 3 - EXPULSION

A) The Rosebud Community, by a two-thirds (2/3) vote of members present at a regular or special meeting, may expel any member of the Community Governing Body or S.W.A. Housing Board with due process.

B) The Rosebud Community may initiate expulsion of any Council Representative for neglect of duty or gross misconduct, or violation of the Tribal Ethics Code after due notice of the charges and an opportunity to be heard, in a forum consistent with the

charges that may be filed.

ARTICLE VI

LAND

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

SECTION 1 - HOMESITES

All home sites, recommended by the Rosebud Community and approved by the Rosebud Sioux Tribe, for Community members shall **be no more** than two and one/half (2.5) acres.

SECTION 2 - BUSINESS SITES

All business sites, recommended by the Rosebud Community, approved by the Rosebud Community, and approved by the Rosebud Sioux Tribe shall be **no more than** ten (10) acres,

SECTION 3 – HOMESITES FOR VETERANS

All home sites and business sites for veterans, recommended the Rosebud Community and the Rosebud Sioux Tribe, shall be **no more than** ten (10) acres.

ARTICLE VII

VOTING RIGHTS

Any Rosebud Community resident who meets membership requirements as set forth in these By-Laws who is at least eighteen (18) years of age and an enrolled member of the Rosebud Sioux Tribe shall be entitled to vote in **all** Community and/or Tribal affairs. Rosebud Community members who are not enrolled members of the Rosebud Sioux Tribe shall be eligible to vote in community affairs but shall not have a right to vote in tribal matters or in **tribal** elections.

Section 1- VOTING

In any election or referendum, each member who is qualified to vote has one vote, provided they have met the membership requirements of these By-Laws and have met the requirements set forth in Section 2 of Article III of these By-Laws.

Section 2 – COMMUNITY MEMBERSHIP LIST

A **Community** membership list shall be kept which will be updated by the end of June in an election year.

ARTICLE VIII

RESERVED POWERS

1. Any rights or powers heretofore vested in the Rosebud Community but not expressly referred to in these By-Laws shall not be abridged by the Rosebud Sioux Tribe. but may be exercised by the Rosebud Community through the adoption of appropriate amendments to these By-Laws.

2. The Rosebud Community may consult with representatives of the Interior Department or any other government agency that affects the Rosebud Community, on all matters of local interest, and make recommendations to the Tribal Council or any U.S. Government Agency.

3. The Rosebud Community may undertake and manage local enterprises for the benefit of the Community.

ARTICLE IX

NEPOTISM

No person, officer or employee of Rosebud Community shall be hired or elected to a position in which the IMMEDIATE FAMILY; spouse, children, parent, grandparent, brother, sister or in-law by law or common law is serving as the immediate supervisor in any capacity.

ARTICLE X

AMENDMENTS

These By-Laws may be amended by the qualified voter's of the Rosebud Community, voting at an election called for that purpose by the Rosebud 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 Rosebud Community and the Rosebud Sioux Tribal Council. It shall be the duty of the Rosebud Community Chairperson to call an election on any proposed amendment upon receipt of a written resolution and/or petition signed by at least 30% of the members of the Rosebud Community **who voted in the last primary election**

ARTICLE XI

ADOPTION OF-BY-LAWS

By adoption of these By-Laws at a regular or special meeting of the Rosebud Community, all previous By-Laws are hereby rescinded and these By-Laws hereby become effective

ARTICLE XII

OATH OF OFFICE

Each Community Officer and/or Committee member, as soon as possible after an election, in a meeting of the Rosebud 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 Rosebud Community 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, promote and protect the best interest of my Tribe and the Rosebud Community.

RATIFICATION

These By-Laws were ratified and certified at a duly and legally conducted meeting of the Rosebud Community on _____, 2001, with a quorum present, by a vote of _____.

_____
Rosebud Community Chairperson

_____
Rosebud Community Vice-Chairman

_____
Rosebud Community Secretary

_____
Rosebud Community Treasurer

_____
Rosebud Community Sergeant-at-Arms

_____
Date

CERTIFICATION

This is to certify that the above Rosebud Community By-Laws under RST Resolution No. _____ were duly passed by the Rosebud Sioux Tribal Council in session on _____, by a vote of_____. The said resolution including the Rosebud Community By-Laws was adopted pursuant to authority vested in the Council. A quorum was present.

_____
William Kindle, President
Rosebud Sioux Tribe

ATTEST:

_____
Geraldine Night Pipe, Secretary
Rosebud Sioux Tribe

Motion by Michael Boltz to present Resolution 2003-166 as emergency legislation. Seconded by Eddie Farmer. Questioned by Darrell Marcus. Vote: 13 for, 01 opposed, 05 not voting. MOTION CARRIED

Motion by Michael Boltz to approve Resolution 2003-166 _____. Seconded by Steve Denoyer Jr. Questioned by Eric Nixon. Vote: 17 for, 0 opposed, 02 not voting. MOTION CARRIED

Motion by Wayne Boyd to present Resolution 2003-167 as emergency legislation. Seconded by Eddie Farmer. Questioned by Wayne Ducheneaux. Vote: 13 for, 0 opposed, 06 not voting. MOTION CARRIED

Motion by Wayne Boyd to approve Resolution 2003-167 _____. Seconded by Rodney Bordeaux. Questioned by Michael Boltz. Vote: 13 for, 03 opposed, 03 not voting. MOTION CARRIED

COMMUNITIES - Motion by Lenard Wright to approve the amended Rosebud Community By-laws. Seconded by Rodney Bordeaux. Questioned by Fremont Fallis. Vote: 15 for, 0 opposed, 04 not voting. MOTION CARRIED

TRAVEL APPROVAL - Motion by Wayne Ducheneaux that the Vice Chairman be authorized to go to the NCAI Conference in Phoenix, AZ with Tez Duysak as an alternate if the Vice Chairman can not attend. Seconded by Fern Bordeaux-Boltz. Questioned by Cliff Chasing Hawk. Vote: 16 for, 0 opposed, 03 not voting. MOTION CARRIED

RECESS - Chairman Kindle recessed the meeting at 5:05 p.m.

ATTEST

_____

Gerri Night Pipe, Secretary
Rosebud Sioux Tribe

OFFICIAL BY-LAWS OF THE ROSEBUD COMMUNITY
OJINJINTKA MAKOCE OYATE

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 Rosebud 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 blessing 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 Rosebud Community who have been accepted into the Community at any regular or special meeting of the Rosebud Community and who have met the following requirements:

1) Those wishing to apply for membership in the Community must have established residency or living 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 to 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 Rosebud 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 Rosebud Community at least thirty (30) days shall be eligible to vote in any tribal election.

4) Members moving from the 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 Rosebud Community if they wish to return.

ARTICLE I

OFFICERS

The governing body of the Rosebud Community shall consist of a Chairperson, Vice-Chairperson, Secretary, Treasurer, and

Sargeant-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. Vacancies.

A vacancy in any office because of death, resignation or for cause may be filled by the Rosebud 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.

Shall be the principal executive officer of the Community and shall be subject to the control of the Community. He/she shall, in general, manage, supervise and administer all employees and affairs of the Community. The Chairperson shall call and preside, when present, at all meetings of the Community. He may sign, with the Secretary or 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 to him/her. The Chairperson may vote only in the event of a tie vote count of the membership.

Vice-Chairperson.

Shall assist the Chairperson when called upon to do so and in the absence of the Chairperson or in the event of his/her 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.

Shall keep a full and accurate account of all proceedings of each regular or special meeting of the Rosebud Community and shall perform such other duties of like nature as the Community and Chairperson may, from time to time, assign him/her, shall send copies of the minutes and resolutions and other Community business of each meeting to the Tribal Secretary or his/her designated representative within five (5) working days of each regular or special meeting.

(A) 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 Rosebud 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.

Shall be custodian of all monies, checks, grants, etc., which come under the jurisdiction or control of the Rosebud 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.

(A) The books of the Rosebud Community shall be subject to inspection by any Community member to include bank deposits, withdrawals or any checks with monthly bank statements with fifteen (15) days written notice from the Chairperson of the Community. The books shall be audited at least annually by an independent auditor. The Treasurer and the Chairperson shall be bonded in such an amount as the Community by resolution shall provide with the premium being paid by 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. And, in general, perform all duties, from time to time, as may be assigned by the Chairperson or the Community.

Sargeant-at-Arms.

Shall be to keep order at all regular or special meetings of the Community as requested by the Presiding Officer, shall count all votes and keep track of time limits placed on certain speakers. The time limit being five (5) minutes per speaker except in matters beneficial to the Community and of extreme importance and by waiver of such time limit by motion of the Community members present. The Sargeant-at-Arms shall see to it that no loud, boisterous or intoxicated persons disrupt the proceedings and to eject same from the premises if needed. In general, perform all the duties of the Sargeant-at-Arms office and, as may be assigned from time to time by the Chairperson or the Community.

ARTICLE III

ELECTIONS AND MEETINGS

Section 1.

1) All Rosebud Community elections, unless for vacancy, shall be held the first Tuesday of September 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) Nominations of any persons to any office that are not present at the meeting in progress shall not be accepted.

(C) Terms of office for the elected officers shall be for a period of one year and as set forth in Section 1 above.

(D) This section may be changed by the Rosebud Community to comply with tribal election laws.

Section 2. Eligible Voters.

Shall be any member of the Rosebud Community who has established membership in the Rosebud 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 fifteen (15) Community members. A majority vote of said quorum is required to make a decision.

Section 5. Absenteeism.

If 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 Rosebud Community will request immediate action from the Rosebud Sioux Tribal Council concerning Council representatives. Such action shall occur within thirty (30) days of the meeting. A hearing in accordance with the Constitution and By-Laws of the Rosebud Sioux Tribe shall be requested. The charge for dismissal shall be supported by the Rosebud Community.

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

Section 6. Regular Meetings.

All regular meetings of the Rosebud Community shall be held on the first Tuesday 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. Any other requests will be taken under consideration by the Chairperson but shall be called upon receipt of a petition signed by at least fifteen (15) members of the Community and those signing must be present at the meeting.

ARTICLE IV

HOUSING COMMITTEE

Section 1.

The Rosebud Community hereby establishes a Rosebud Community Housing Committee in conjunction and cooperation with the Rosebud Housing Authority whose by-laws shall govern this committee. Said committee shall consist of the officers of the Community and three (3) 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, C.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

The Rosebud Community reserves the right to recommend the tribal member who shall serve on the Rosebud Housing Authority Housing Board as a representative of Rosebud Community. Said recommendation shall be in the form of a resolution approved by motion upon a majority vote of the eligible voters of Rosebud Community. The recommendation shall be submitted to the Rosebud Sioux Tribal Council.

Section 6.

Any officer or member of the Rosebud Community who is delinquent in their rental agreement with the Rosebud Housing Authority shall not be eligible to hold a position on the Local Housing Committee and shall not receive recommendation to the Rosebud Housing Authority Board.

ARTICLE V

REMOVAL FROM OFFICE

Section 1.

Any member of the Community Governing Body or Community Committee who is convicted of a felony or any offense involving dishonesty during his/her term of office, by a recognized judicial system, shall automatically forfeit their office.

Section 2.

The Rosebud Community, by a two-thirds (2/3) vote of members present at a regular or special meeting, may expel any member of the Community Governing Body or may initiate expulsion of any Council Representative for neglect of duty or gross misconduct, or violation of the Tribal Ethics Code after due notice of the charges and an opportunity to be heard, in a forum consistent with the charges that may be filed.

Section 3.

The members of the Rosebud Community reserve to themselves the right to recall for cause any elected official elected at large or appointed to a Community committee to serve in any capacity on the governing body of the Community. Should a majority vote of those eligible voters voting in a recall election vote for removal, the vacant position shall be filled in accordance with Article I, Section 1 of these by-laws. The procedures for initiating a recall hearing will be made by motion at a regular or special Community meeting, and if recall is ratified by the Community with a quorum present, the Community shall set a date for a hearing not less than fifteen (15) or more than thirty (30) days from that meeting. If removed from office, Section 2 of this Article shall be enforced.

ARTICLE VI

LAND

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

Section 1.

All homesites, recommended by the Rosebud Community and approved by the Rosebud Sioux Tribe, for Community members shall not be less than two and one/half (2½) acres nor more than ten (10) acres.

Section 2.

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

Section 3.

All homesites and business sites for veterans, recommended by the Rosebud Community and the Rosebud Sioux Tribe, shall be ten (10) acres, no more and no less.

ARTICLE VII

VOTING RIGHTS

Any Rosebud Community resident who meets membership requirements as set forth in these by-laws and who is at least eighteen (18) years of age and an enrolled member of the Rosebud Sioux Tribe shall be entitled to vote in Community and/or tribal affairs. Rosebud Community members who are not enrolled members of the Rosebud Sioux Tribe shall be eligible to vote in Community affairs but shall not have a right to vote in tribal matters or in elections.

Section 1.

In any election or referendum, each member who is qualified to vote has one vote, provided they have met the membership requirements of these by-laws and have met the requirements set forth in Section 2 of Article III of these by-laws.

Section 2.

A membership list shall be kept which will be updated by the end of June in an election year.

ARTICLE VIII

BILL OF RIGHTS

All members of the Rosebud Community of the Sicangu Lakota Nation shall enjoy without hinderance freedom of religion, speech, assembly, conscience and association.

Section 1.

Any Rosebud Community member within the confines and boundaries of the Rosebud Community and the Rosebud Lakota Nation accused of any offense shall have the right to a speedy and public trial and to be informed of the nature and cause of the accusation, and to be confronted with witnesses against him/her. Any Rosebud Community member accused of any offense shall have the right to assistance of counsel and to demand a trial by jury. Excessive bails shall not be required nor imposed nor excessive fines imposed nor cruel and unusual punishments inflicted.

Section 2.

No person shall be subject for the same offense to be twice put in jeopardy; nor be compelled in any criminal case to be a witness against him/herself; nor be deprived of life, liberty or property, without due process of law; nor be denied equal protection of the law.

Section 3.

In addition to the aforementioned, the members of the Rosebud Community shall enjoy and be guaranteed all the rights and privileges granted under the Indian Civil Rights Act, 25 USCA, 1300 through 1308 inclusive.

ARTICLE IX

RESERVED POWERS

Section 1.

Any rights or powers heretofore vested in the Rosebud Community but not expressly referred to in these by-laws shall not be abridged by the Rosebud Sioux Tribe, but may be exercised by the Rosebud Community through the adoption of appropriate amendments to these by-laws.

Section 2.

The Rosebud Community may consult with representatives of the Interior Department or any other government agency that affects the Rosebud Community, on all matters of local interest, and may make recommendations to the Tribal Council or any U.S. Government Agency.

Section 3.

The Rosebud Community may undertake and manage local enterprises for the benefit of the Community.

ARTICLE X

NEPOTISM

No person, officer or employee of Rosebud Community shall 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.

ARTICLE XI

AMENDMENTS

These by-laws may be amended by the qualified voters of the Rosebud Community, voting at an election called for that purpose by the Rosebud 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 Rosebud Community and the Rosebud Sioux Tribal Council. It shall be the duty of the Rosebud 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 Rosebud Community.

ARTICLE XII

ADOPTION OF BY-LAWS

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

ARTICLE XIII

OATH OF OFFICE

Each Community Officer and/or Committee member, as soon as possible after an election, in a meeting of the Rosebud 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 Rosebud Community 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, promote and protect the best interest of my Tribe and the Rosebud Community.

RATIFICATION

These by-laws were ratified and certified at a duly and legally conducted meeting of the Rosebud Community on August 5, 1986, with a quorum present, by a vote of fifteen (15) for, zero (0) against and zero (0) not voting.

Robert P. Burnette Jr.
Rosebud Community Chairperson

Benjamin Sam Jr.
Rosebud Community Vice-Chairperson

Linda White Mouse
Rosebud Community Secretary

Fred L. Pratt
Rosebud Community Treasurer

Rosebud Community Sargeant-at-Arms

Date

C E R T I F I C A T I O N

This is to certify that the above Rosebud Community By-Laws under RST Resolution No. 86-149 were duly passed by the Rosebud Sioux Tribal Council in session on September 5, 1986, by a vote of twenty-three (23) in favor, zero (0) opposed and one (1) not voting. The said Resolution including the Rosebud Community By-Laws were adopted pursuant to authority vested in the Council. A quorum was present.

Alex J. Lunderman
Alex J. Lunderman, President
Rosebud Sioux Tribe

ATTEST:

Sharon L. Burnette
Sharon L. Burnette, Secretary
Rosebud Sioux Tribe

Tribal Secretarys Copy

ROSEBUD COMMUNITY
BY-LAWS

ARTICLE I OFFICERS

Section 1. The Officers of the Community shall be a President, Vice-President, a Secretary, a Treasurer, and such other officers as may be determined to be necessary, each of whom shall be elected in accordance with Article III, Section 1.

Section 2. Vacancy. Vacancy in any office because of death, resignation, or otherwise, may be filled by the community members at a special meeting for the unexpired portion of the terms of community officers and council representatives.

Section 3. President. The President shall be the principal officer of the community; and subject to the control of the community members, shall, in general, supervise, and control the business affairs of the community. He shall, when present, preside at the meetings of the members. He may sign, with the Secretary or any other proper officer, certificates of membership, deeds, mortgages, contracts, or other instruments which the community has authorized duties incident to the office of President, and such other duties as may be prescribed by the

community members from time to time.

Section 4. Vice-President. In the absence of the President or in the event of his inability to act, the Vice-President shall perform the duties of the President and, when so acting, shall have all the powers of and shall be subject to the restrictions upon the President.

Section 5. Secretary. The Secretary shall: (1) keep the minutes of the meetings of the community; (2) give notice to the members of regular or special meetings; as is required by these By-Laws; (3) have custody of the community records; (4) submit all community certified minutes to the office of the Secretary of the Rosebud Sioux Tribe.

Section 6. Treasurer. The Treasurer shall: (1) have charge and custody of, and be responsible for, all funds of the community; receive and give receipts for moneys due and payable to the community; and deposit all such moneys in the name of the community in such depositories as shall be designated by appropriate resolution of the community; (2) he shall be bonded in such an amount as the community by resolution shall provide; (3) in general, perform

all duties incident to the office of Treasurer, and such other duties incident as from time to time may be assigned to him by the community. He shall make a monthly balance sheet and report for the community meetings. The books of the community shall be subject to inspection by the members of the community.

ARTICLE II MEETINGS

Section 1. The Community shall have one class of members. The rights and qualifications of the members of such class shall be as follows:

A. They must be community members for a period of ninety (90) days.

B. The members must be at least eighteen (18) years of age to be granted privilege of these community By-Laws (in accordance with the By-Laws of the Rosebud Sioux Tribe).

C. Members moving from the community district will automatically forfeit their membership.

Section 2. A membership list shall be kept which shall be obtained from the Rosebud Sioux tribal census.

Section 3. Notice of Members Meetings. Notice of all members

meetings shall be posted at local businesses three (3) days immediately preceding said meeting.

Section 4. Special Meetings. Special meetings of the community may be called by or at the request of the President or any two community officers. Notice of any special meeting, for specific issues only, shall be given at least three (3) days previously thereto by written notice posted at local businesses immediately preceding said meeting.

Section 5. Quorum. There shall be at least seven (7) members present at all times, per council representative, to constitute a quorum.

Section 6. Absenteeism. In the absence of three (3) consecutive regular and special meetings by community officers and council representatives, without a show of good cause, will automatically forfeit their terms of office. The Rosebud community will request immediate action concerning council representatives within thirty (30) days from the Rosebud Sioux Tribal Council for a special election in accordance with Constitution and By-Laws of the Rosebud Sioux Tribe. The charge for dismissal shall be with Rosebud community.

ARTICLE III ELECTIONS

Section 1. Elections of Community Offices. All community elections for community officers, unless for vacancy, shall be held the first Tuesday in November, and shall be seated immediately, starting in the year 1974.

Section 2. The elections shall be by secret ballot at the meeting of the first Tuesday in November.

ARTICLE IV ROSEBUD SIOUX TRIBAL LAND

Section 1. All home assignments and land assignments requested by individuals, groups or organizations, within Rosebud district boundaries shall have community recommendation to the Rosebud Sioux Tribal Council for action.

ARTICLE V AMENDMENTS

These By-Laws may be altered, amended, or repealed, and new By-Laws may be adopted by the Rosebud Community at any regular or special meeting of Rosebud Community.

Rosebud Community By-Laws of October 4, 1974.

Reaffirmed by the Rosebud Community on October 19, 1982, by Motion.