CONSTITUTION AND BY-LAWS OF SWIFT BEAR COMMUNITY

PREAMBLE

We the adult members of Swift Bear Community of the Rosebud Sioux Tribe, Rosebud Reservation, in order to establish a responsible and representative community organization, to promote the common welfare, provide for our economic and social betterment through cooperative effort, to promote security, do ordain and establish this constitution and by-laws for the people of Swift Bear Community.

ARTICLE I

Sec.! This organization shall be known as Swift Bear Community of the Rosebud Sioux Tribe.

ARTICLE II GOVERNING BODY

- Sec.I. Community Officers shall consist of the Chairperson, Vice-Chairperson, Secretary,
 Treasurer and Sergeant-At-Arms. Any Tribal Representative of Swift Bear shall be a
 Member of the community. This will also consist of Youth Advisor, 2 JOM Representative
 (Amendment- September 11, 2006)
- Sec.II. The members of this community shall consist of all enrolled Rosebud Sioux Tribal Members that live within the geographical boundaries of Swift Bear Community and shall Be governed by its by-laws.

ARTICLE IN

Sec. I. A quorum of nine community members shall constitute business matters.

ARTICLE IV. MEMBERSHIP

- Sec. I. A list of Membership and a completed community census shall be completed before every Tribal election year. This community census shall be handled by the community and Officers. Membership shall require 30 day residency in Swift bear community. Proof of Relinquishment of membership from a former community. Be accepted by the adult Members of Swift Bear Community at a regularly called monthly meeting. New members Shall register to vote immediately with the Rosebud Sioux Tribal Secretary's Office. (Amendment- September 11, 2006)
- Sec. II. A community member who establishes his residency outside the boundaries of Swift Bear Community will relinquish their membership immediately by the community and officers. (Amendment- September 11, 2006)

ARTICLE V. MEETING DATE

- Sec. I. The regular monthly meetings of the Community shall be held on the second Thursday of Each month. Written notice stating place, Day, Hour of meeting, purpose of meeting and Shall have minimum of three (3) days notice. (Amendment- September 11, 2006)
- Sec. II. It shall be the duty of the Community Chairperson to call special or emergency meetings, When warranted. All special and emergency meetings will have written notice, stating Place, day, hour of meeting, purpose of meeting and shall have a minimum of one (1) Day notice.
- Sec. III. It shall be the duty of the committee Chairperson to call meetings of the advisory boards And all other special committees.
- Sec. IV. All regular, special community meetings shall be held at the Swift Bear Community Hall, Unless otherwise designated in the notice of the meeting.

ARTICLE VI INVOCATION

Sec. I. At each community meeting, it shall be the duty of the Chairperson to call on one member To give an Invocation before each meeting proceeds.

ARTICLE VII VOTING

Sec. I. Each Tribally enrolled member of the community shall be entitled to one vote upon each Matter submitted to a vote at a meeting of the community. All adult voters, 18 years of Age and older, residing within the boundaries of Swift Bear Community and enrolled are Eligible to vote. (Amendment- September 11, 2006)

ARTICLE VIII RESOLUTIONS

Sec. I. Any and all resolutions shall be in written form and signed by the Chairperson, attested to By the Community Secretary and be accompanied by approved community minutes.

ARTICLE IX GOVERNING BODY DUTIES

Sec. I. CHAIRPERSON: The Chairperson will be the principal executive officer of the community And subject to control of the interests of the community. He/She shall, in general, Supervise and handle all business and affairs of the community. He/She shall, when Present; preside at all meetings of the community. The Chairperson shall certify all Proceedings, documents, contracts, leases or other instruments which the community Has authorized, except in cases where the signing and execution thereof shall be Expressly delegated by the by-laws to some other officer of the community. The chair-Person shall perform all duties incident to the office and such other duties as may be Prescribed by the community. The Chairperson will vote only to break a tie vote. (Amendment- September 11, 2006)

- Sec. II.

 VICE-CHAIRPERSON; in the absence of the Chairperson or in the event of his/her
 Death, inability or refusal to act, the Vice-Chairperson shall perform the duties of the Chair
 Person and, when so acting, shall have all the powers of and be subject to all restrictions
 Upon the Chairperson. The Vice-Chairperson shall perform such other duties as may be
 Assigned to him/her by the Chairperson of the community. The Vice-Chairperson shall be
 Allowed to vote upon community matters. (Amendment-September 11, 2006)
- Sec.III. SECRETARY: It shall be the duty of the Secretary to record all names of person present At each meeting and record all minutes. Be responsible for posting all notices in Accordance with the by-laws. Be custodian of the records and minutes of the community. Keep a current registered list of all names of each member of the community. Will be a Duty to keep Swift Bear community Minutes on file with the Secretary's office of the Rosebud Sioux Tribe. The Secretary shall certify all proceedings, documents, contracts, Leases with the community. The secretary will be allowed to vote upon community Matters. (Amendment- September 11, 2006).
- Sec.IV.

 TREASURER: It shall be the duty of the treasurer to receive and deposit all monies of Swift Bear Community in a local bank in White River, SD. Have charge and custody of And be responsible for all funds and securities of the community. Pay all bills in a timely Manner. All Expenditures shall be paid by check only. All checks will be signed by the Chairperson and treasurer. Receive and give receipts for monies due and payable to The community. Keep accurate bookkeeping records of all accounts. Books will be open To inspection at all times. The Treasurer will be allowed to vote upon community matters. (Amendment- September 11, 2006)
- Sec. V. SERGEANT-AT-ARMS; It shall be the duty to keep order at all regular and special Community meetings and see that all regular and special meetings are conducted in Accordance with Robert's rules of order. Perform all duties incident to the office of Sgt. at Arms. The Sergeant-At —Arms will be allowed to vote upon community matters (Amendment- September 11, 2006)

ARTICLE X ELIGIBILITY TO HOLD COMMUNITY OFFICE

- Sec. I. Members must have no prior misconduct with Swift Bear Community. They must have No prior outstanding receipts to the Community treasurer, youth affairs, or other Tribal Programs. Members must possess no community documentation, equipment that is Property of Swift Bear community, in past years as a community officer. The member Will not be allowed to hold office, till all said financial receipts, monies, documents, or Equipment are returned and approved by the community. (Amendment- Sept. 11, 2006)
- Sec. II. Members shall not have prior court proceedings against Past and Present Governing Officers. During their term, this misconduct will result in permanent in-eligibility of holding office. (Amendment- September 11, 2006)
- Sec. III The Council Representative will not hold a Community officer position, concurrently.

ARTICLE XI ELECTION AND TERM OF OFFICE

Sec. I. The officers of the community shall be Chairperson, Vice-Chairperson, Secretary, Treasurer, Sgt. at Arms, 2 JOM Representatives, Youth Advisor, each of whom Will be elected by the community. (Amendment- September 11, 2006)

- Sec. II. It shall be the duty of the said community to elect the community officers for a term of One (1) year. One (1) JOM Representative for the term of two (2) years. (Amendment September 11, 2006).
- Sec.III. Elections will be held in the month of October, at the first regular monthly meeting. The present term shall expire at the conclusion of the elections. (Amendment-September 11, 2006).
- Sec.IV. Each officer shall hold office until a successor shall be elected or shall have qualified Or until his or her death, or until he or she have been removed in the manner here-in After provided.
- Sec.V. Election of Community Chairperson, Vice-Chairperson, Secretary, Treasurer, Sgt. at Arms Youth Advisor, two (2) JOM Representatives shall be required to file for office by affidavit (10) ten days prior to the election date. (Amendment- September 11, 2006)
- Sec.VI. If one affidavit is filed for each office without an opponent. On the date of election the Officer Elect will automatically hold office if all requirements of Eligibility are met. (Amendment- September 11, 2006)
- Sec.VII. Election of officers with an opponent shall be held by show of hand or by secret ballot. (Amendment- September 11, 2006).

ARTICLE XII REMOVAL

- Sec.I. Any officer or community committee member who is convicted of a felony, any other Offense involving dishonesty during his or her term of office or relocated to a different Community shall forfeit his or her office.
- Sec.ll The community may, by vote of its community members, expel any officer or committee Member for neglect of duty, failure to attend three unexcused consecutive meetings, Gross misconduct and after due notice and an opportunity to heard is afforded that Officer or committee member.

ARTICLE XIII VACANCIES

Sec. I A vacancy in any office because of death, resignation, removal, disqualification of office, Will be filled by the community members at a duly called meeting for the un-expired Portion of the term.

ARTICLE XIV CHAIN OF COMMAND

Sec. I. The Chain of command for Swift Bear community officers will be: 1. Chairperson 2. Vice-Chairperson 3. Secretary 4. Treasurer 5. Sergeant-At-Arms 6. Youth Advisor 7. 2 JOM Representatives. (Amendment – September 11, 2006)

ARTICLE XV SWIFT BEAR COMMUNITY TRIBAL LAND

Sec.I Swift Bear Community Land is property of Swift Bear or as said in RST constitution.

All decision on use and leases of community property shall be voted on by the Community and its members. (Amendment- September 11, 2006)

Sec.II All said Land shall not be desecrated or destroyed by Tribal members without a Archeological survey and approval by community members. (amendment-

September 11, 2006)

ARTICLE XVI SWIFT BEAR COMMUNITY PROPERTY

Sec.1 All Community property such as computers, Lawnmowers, equipment, tables, Chairs, documentation, food, kitchen items shall remain in community. The use Of equipment shall be used by all members with at least two officers signing off On items. (Amendment- September 11, 2006)

Swift Bear community Building will be used for any Youth, or community activity Free of charge. (Amendment- September 11, 2006)

SB community building is available for rent for rummage, bake, Taco sales with a Fee of \$25 per day which is paid prior before receiving keys from a community officer (Amendment – September 11, 2006).

CERTIFICATION

These By-laws may be adopted; altered, amended or repealed and new By-laws may be adopted by the community at any regular or special meeting of the community after a 1^{st} , 2^{nd} and final reading.

This is	to certify t	hat the al	bove By-laws v / a vote of	was duly pa	assed by Sw	rift Bear C	ommunity i	n session on	ı
Septei	nbe <i>r 2</i> 5	. 2000 (b)	a vote of	8_	in favor,	_0	_opposed a	nd2	not
voting.	The said	By-laws	were adopted	pursuant 1	to authority	vested in	n Swift Bea	r Community	. A
quorum	was prese	ent.						-	

ATTEST:

Sec.II

Sec.III

fulle Charging Whirtwing Community Secretary

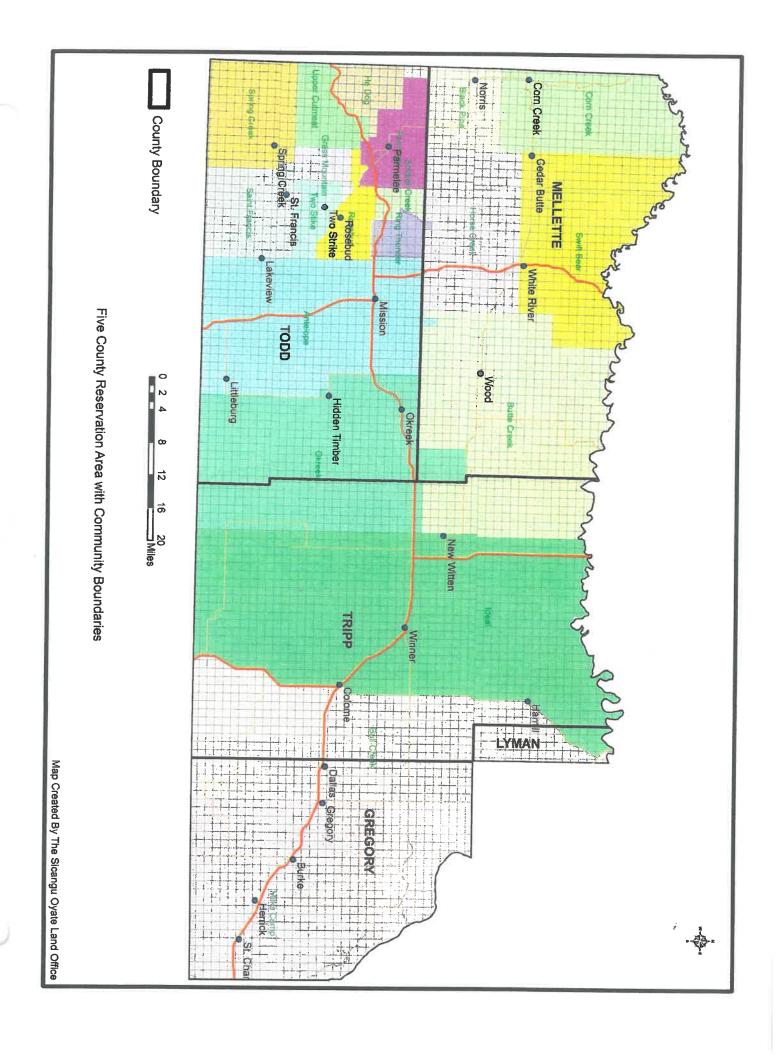
Salarda

2nd and final reading on September 25, 2006

Draft by: Julie Charging Whirlwind

Delano Clairmont Community Chairperson

SEP 26 2006



CONSTITUTION AND BY-LAWS OF SWIFT BEAR COMMUNITY

PREAMBLE

We, the adult members of Swift Bear Community of the Rosebud Sioux Tribe, Rosebud Reservation, in order to establish a responsible and representative community organization, to promote the common welfare, provide for our economic and social betterment through cooperative effort, to promote security, do ordain and establish this constitution and by-laws for the people of Swift Bear Community.

ARTICLE I NAME

Sec. I This organization shall be know as Swift Bear Community of the Rosebud Sioux Tribe.

ARTICLE II GOVERNING BODY

- Sec. I. Community Officers shall consist of the Chairman, Vice-Chairman, Secretary, Treasurer and Sergeant-At-Arms. Any tribal representative of Swift Bear shall be a member of the community. (Amendment –April 12,2001)
- Sec. II. The members of this community shall consist of all Rosebud Sioux Tribal members that live within the geographical boundaries of Swift Bear Community and shall be governed by it's by-laws. (Amendment April 12, 2001)
- Sec. III. The Community shall have the power to accept any volunteer or nominee to any advisory or any other necessary committees.

 (Amendment April 12, 2001)

ARTICLE III QUORUM

Sec. I. A quorum of nine community members shall constitute business matters.

ARTICLE IV. MEMBERSHIP

- Sec. I. A list of Membership and a completed community census shall be completed before every tribal election year. This community census shall be handled by the community and officers. Membership shall require 90 day residency in Swift Bear Community. Proof of relinquishment of membership from a former community. Be accepted by the adult members of Swift Bear Community at a regularly called monthly meeting. New members shall register to vote immediately with the Rosebud Sioux Tribal Secretary's Office. (Amendment April 12, 2001)
- Sec. II. A community member who establishes his residency outside the boundaries of Swift Bear Community, will automatically relinquish their membership. (Amendment-April 12, 2001)

ARTICLE V. MEETING DATE

- Sec. I. The regular monthly meetings of the Community shall be held on the first Monday of each month for the purpose of transacting such business as may come before the meeting. Written notice stating place, day, hour of meeting, purpose of meeting and shall have a minimum of three (3) days notice. (Amendment April 12, 2001)
- Sec. II. It shall be the duty of the Community Chairman to call special or emergency meetings, when warranted. All special and emergency meetings will have written notice, stating place, day, hour of meeting, purpose of meeting and shall have a minimum of one (1) day notice.
- Sec.III. It shall be the duty of the Committee Chairman to call meetings of the advisory boards and all other special committees. (Amendment-April 12, 2001)
- Sec. IV. All regular and special community meetings shall be held at the Swift Bear Community Hall, unless otherwise designated in the notice of the meeting. (Amendment-April 12, 2001)

ARTICLE VI INVOCATION

Sec. I. At each community meeting, it shall be the duty of the Chairman to call on one member to give an invocation before each meeting proceeds. (Amendment- April 12, 2001)

ARTICLE VII VOTING

Sec. I. Each tribally enrolled member of the community shall be entitled to one vote upon each matter submitted to a vote at a meeting of the community. All adult voters, 18 years of age and older, residing within the boundaries of Swift Bear Community are eligible to vote. (Amendment- April 12, 2001)

ARTICLE VIII RESOLUTIONS

Sec. I. Any and all resolutions shall be in written form and signed by the Chairman, attested to by the Community Secretary and be accompanied by approved community minutes. (Amendment – April 12, 2001)

ARTICLE IX GOVERNING BODY DUTIES

- Sec. I. CHAIRMAN: The Chairman will be the principal executive officer of the community and subject to control of the interests of the community. He/ she shall, in general, supervise and handle all business and affairs of the community. He/she shall, when present, preside at all meetings of the community. The Chairman shall certify all proceedings, documents, contracts or other instruments which the community has authorized, except in cases where the signing and execution thereof shall be expressly delegated by the by-laws to some other officer of the community. The Chairman shall perform all duties incident to the office and such other duties as may be prescribed by the community. The Chairman will vote only to break a tie vote. (Amendment April 12, 2001)
- Sec. II. VICE-CHAIRMAN: In the absence of the Chairman or in the event of his/ her death, inability or refusal to act, the Vice-Chairman shall perform the duties of the Chairman and, when so acting, shall have all the powers of and be subject to all restrictions upon the Chairman. The Vice-Chairman shall perform such other duties as may be assigned to him/ her by the Chairman of the community. The Vice-Chairman shall be allowed to vote upon community matters. (Amendment April 12, 2001)
- Sec. III. SECRETARY: It shall be the duty of the Secretary to record all names of persons present at each meeting and record all minutes. Be responsible for posting all notices in accordance with the by-laws. Be

custodian of the records and minutes of the community. Keep a current registered list of all names of each member of the community. Perform such other duties as may be assigned to he/ she by the Chairman or by the community. Will be a duty to keep Swift Bear Community Minutes on file with the Secretary's Office of the Rosebud Sioux Tribe. The Secretary shall certify all proceedings, documents, contracts or other instruments which the community has authorized, except in cases where the signing and execution thereof shall be expressly delegated by the bylaws to some other officer of the community. The Secretary will be allowed to vote upon community matters. (Amendment –April 12, 2001)

- TREASURER: It shall be the duty of the treasurer to receive and Sec. IV. deposit all monies of Swift Bear Community in a local bank in White River, SD. Have charge and custody of and be responsible for all funds and securities of the community. Pay all bills in a timely manner. Be required to use the voucher application/receipt system developed by the community for all expenditures. All expenditures shall be paid by check only. All checks will and shall be signed by the Chairman and the Treasurer. Receive and give receipts for monies due and payable to the community. Keep accurate bookkeeping records on debits and credits, balancing bank statements and book balances and written monthly reports. Books will be open to inspection at all times. Perform duties as may be assigned to him or her by the Chairman or by the community. The Treasurer will be allowed to vote upon community matters. (Amendment - April 12, 2001)
- Sec. V. SERGEANT-AT-ARMS: It shall be the duty to keep order at all regular and special community meetings and see that all regular and special meetings are conducted in accordance with Robert's Rules of Order. Perform all duties incident to the office of Sgt. At Arms and other such duties as assigned to him or her by the Chairman and community. The Sergeant-At-Arms will be allowed to vote upon community matters.

ARTICLE X ELIGABILITY TO HOLD COMMUNITY OFFICE

- Sec. 1. Nepotism will be considered as any members of an immediate family. (Amendment April 12, 2001)
- Sec. II. Members of immediate family will include parents, spouse, children, sister or brother, grandparents, in-laws (as mentioned), or common law relationships, will not be allowed to hold a community officer

position, such as Chairman, Vice-Chairman, Secretary, Treasurer or Sergeant-At- Arms, concurrently. (Amendment – April 12, 2001)

Sec. III. The Council Representative will not hold a Community Officer position, concurrently. (Amendment –April 12, 2001)

ARTICLE XI ELECTION AND TERM OF OFFICE

- Sec. I. The officers of the community shall be Chairman, Vice-chairman, Secretary, Treasurer and Sergeant-At-Arms, each of whom will be elected by the community.(Amendment- April 12, 2001)
- Sec. II. It shall be the duty of the said community to elect the community officers for a term of one (1) year.
- Sec. III. Elections will be held in the month of October, at the first regular monthly meeting. The present term shall expire at the conclusion of the election meeting. (Amendment April 12, 2001)
- Sec.IV. Each officer shall hold office until a successor shall be elected or shall have qualified or until his or her death, or until he or she have been removed in the manner here-in-after provided.
- Sec. V. Election of Community Chairman, Vice-Chairman shall be required to file for office by affidavit (10) ten days prior to the election date.(Amendment- April 12, 2001)
- Sec. VI. Election of Secretary, Treasurer and Sergeant-At-Arms shall be held by show of hand or by secret ballot. (Amendment April 12, 2001)

ARTICLE XII REMOVAL

- Sec. I. Any officer or community committee member who is convicted of a felony, any other offense involving dishonesty during his or her term of office or relocated to a different community, shall forfeit his or her office.
- Sec. II. The community may, by vote of its community members, expel any officer or committee member for neglect of duty, failure to attend three unexcused consecutive meetings, gross misconduct and after due notice and an opportunity to be heard is afforded that officer or committee member. (Amendment –April 12, 2001)

ARTICLE XIII VACANCIES

Sec. I. A vacancy in any office because of death, resignation, removal, disqualification of office, will be filled by the community members at a duly called meeting for the un-expired portion of the term.

ARTICLE XIV CHAIN OF COMMAND

The chain of command for Swift Bear Community Officers will be: Sec. I. 1. Chairman 2. Vice-Chairman 3. Secretary 4. Treasurer 5. Sergeant-At- Arms.

CERTIFICATION

These By-laws may be adopted, altered, amended or repealed and new By-laws may be adopted by the community at any regular or special meeting of the community after a 1st, 2nd and final reading.

This is to certify that the above By-laws was duly passed by Swift Bear Community in session on April 12, 2001 by a vote of nine (9) in favor, none (0) opposed and one(1) not voting. The said By-laws was adopted pursuant to authority vested in Swift Bear Community. A quorum was present.

ATTEST:

Community Secretary

Robert Becker

Community Chairman

OFFICE OF TRIBAL SECRETARY

1st Reading March 08, 2001 2nd and final reading April 12, 2001

Draft by: Shere Ryan

FOR

SWIFT BEAR COMMUNITY

The following By-Laws are enacted by the Swift Bear Community as a recognized community of the Rosebud Sioux Tribe:

Section 1.

Monthly Meetings

The regular monthly meetings of the community shall be held on the second Thursday of each month for the purpose of transacting such business as may come before the meeting.

Section 2.

Special Meetings

Special meetings of the community for any purpose or purposes, may be called by the Chairman of the community, or at the written request of a sufficient number of community members to constitute a quorum.

Section 3.

Place of Meetings

All regular monthly meetings and special meetings shall be held at Swift Bear Community Hall, unless otherwise designated in the notice of the meeting.

Section 4.

Notice of Meetings

Written notice stating the place, day and hour of the regular meeting, and in the case of a special meeting, the purpose or purposes for
which the meeting is called, shall be posted not less than one day before
the date of a regular meeting and not two days before a special meeting.

N

Section 5.

Quorum

A group of at least nine members of the community shall constitute a quorum at a community meeting to conduct business. However, if less than nine members of the community are present at meeting, they may adjourn the meeting from time to time, without further notice. Moreover, the members present at a duly organized meeting may continue to transact business until adjournment, following the withdrawal during the course of the meeting of enough members to leave less than a quorum.

Section 6.

Manner of Acting

The act of the majority of members present at a meeting at which a quorum is present shall be the act of the Swift Bear Community.

Section 7.

Voting

Each member of the community shall be entitled to one vote upon each matter submitted to a vote at a meeting of the community. All persons age 18 and over, residing within the boundaries of the Swift Bear Community are eligible to vote.

Section 8.

Officers

The officers of the community shall be a Chairman, Vice-Chairman, Secretary, Treasurer and Sergeant-at-Arms, each of whom shall be elected by the members of the community.

Section 9.

Election and Term of Office

The officers of the community shall be elected for a term of one year, at the first regular meeting of the community in the month of November.

Each officer shall hold office until a successor shall have been duly elected and shall have qualified or until his or her death, or until he or she shall have been removed in the manner here-in-after provided.

Section 10.

Removal

Any officer of the community who is convicted of a felony or any other offense involving dishonesty during his or her term of office shall automatically forfeit his or her office. The community may, by a two-thirds vote of its community members, expel any officer for neglect of duty or gross misconduct, after due notice of charges and an opportunity to be heard is afforded the officer.

Section 11.

Vacancies

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Chairman of the community for the unexpired portion of the term.

Section 12.

Chairman

The Chairman shall be the principal executive officer of the community and subject to the control of the community. He shall, in general supervise and control all of the business and affairs of the community.

He shall, when present, preside at all meetings of the community.

He may sign, with the Secretary of the community, any deeds, mortgages,

By-Laws, cont'd:

bonds, contracts or other instruments which the community has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the community or by these By-Laws to some other officer or agent of the community, or shall be required by law to be otherwise signed or executed; and in general, shall perform all duties incident to the office of the Chairman and such other duties as may be prescribed by the community from time to time.

Section 13.

Vice-Chairman

In the absence of the Chairman or in the event of his death, inability or refusal to act, the Vice-Chairman shall perform the duties of the Chairman and, when so acting, shall have all the powers of and be subject to all restrictions upon the Chairman. The Vice-Chairman shall perform such other duties as from time to time may be assigned to him by the Chairman of the community.

Section 14.

Secretary

The Secretary shall: a) Keep the minutes of the proceedings of the community; b) See that all notices are duly given in accordance with the provisions of the By-Laws or as required by law; c) Be custodian of the records of the community; d) Keep a register of the names and addresses of each member of the community; e) In general, perform all duties incident to the office of the Secretary and such other duties as from time to time may be assigned to him or her by the Chairman or by the community.

Section 15.

Treasurer

The Treasurer shall: a) Have charge and custudy of and be responsible for all funds and securities of the community; b) Pay all bills of the community; c) Sign all checks for community monies issued by the community; d) Receive and give receipts for monies due and payable to the community from any source whatsoever, and deposit all such monies in the name of the community in such banks or other depositories as shall be selected by the community; e) In general, perform all duties incident to the office of the Treasurer and any other such duties as from time to time may be assigned to him or her by the Chairman or by the community.

Section 16.

Sergeant-at-Arms

The Sergeant-at-Arms shall: a) Keep order at all regular and special community meetings and see that all regular and special meetings are conducted in accordance with Robert's Rules of Order; b) In general, perform all duties inident to the office of the Sergeant-at-Arms and any other such duties as from time to time may be assigned to him or her by the Chairman or by the community.

Section 17.

Checks, Drafts, etc.

All checks, drafts, or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of the community, shall be signed by the Treasurer after approval of payment is made by the Chairman.

Section 18.

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

Adopted at the regular meeting of the community on the $\frac{19}{2}$ day of $\frac{1987}{2}$.

Secretary of the Community

Chairman of the Community