

TITLE 1
GOVERNMENT

CHAPTER 1-1
CONSTITUTION (7/14/1982)

FOREST COUNTY POTAWATOMI COMMUNITY CONSTITUTION

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**CONSTITUTION
OF THE
FOREST COUNTY POTAWATOMI COMMUNITY
WISCONSIN**

PREAMBLE

We, the Wisconsin Potawatomes residing on lands reserved by the United States for Wisconsin Potawatomes in Wisconsin, grateful to Almighty God for his fostering care, in order to continue our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution for the Forest County Potawatomi Community. The Constitution and Bylaws approved by the Secretary of the Interior on February 6, 1937, amended, are hereby superseded by this Constitution which will govern the Forest County Potawatomi Community from its effective date.

ARTICLE I - TERRITORY AND JURISDICTION

The territory and jurisdiction of the Forest County Potawatomi Community shall embrace lands purchased by the United States for the occupancy and use of the Wisconsin Potawatomes residing in Wisconsin, and any additional lands acquired by the Federal Government or the Community under any law of the United States, except as otherwise provided by law.

ARTICLE II -MEMBERSHIP

Section 1. The membership of the Forest County Potawatomi Community- shall consist of:

- (a) All persons of Indian blood whose names appear on the official census roll of the Wisconsin Potawatomes as of April 1, 1934, as supplemented to January 1, 1936, who were residing on lands reserved by the United States for the Wisconsin Potawatomes in Wisconsin, on February 6, 1937 and their descendants who were residing on such lands on February 6, 1937.
- (b) All those persons who have been enrolled as members of the Forest County Potawatomi Community under the February 6, 1937, Constitution of the community, as amended, since February 6, 1937, and prior to the effective date of this Constitution.
- (c) All persons of one-fourth (1/4) degree or more Potawatomi Indian blood born to any member of the Community.
- (d) No person who becomes enrolled as a member of another tribe, band, or group of Indians may be enrolled with the community after the date of adoption of this constitution unless he or he shall first relinquish in writing all rights to membership in such other tribe, band, or group of Indians.

Sec. 2. The General Council shall have the power to enact and make known ordinances, subject to approval by the Secretary of the Interior, covering future membership, loss of membership and the adoption of new members.

Sec. 3. Any person who has been rejected for enrollment as a member of the Community by the General Council shall have the right to appeal that decision to the Secretary of the Interior within six (6) months from date of written notice of rejection, and the decision of the Secretary on such appeal shall be final.

ARTICLE III – GOVERNING BODY

Section 1. The governing body of the Forest County Potawatomi Community shall be the General Council, which shall be composed of all qualified voters of the Community as defined in Sec. 4 of this Article.

Sec. 2. The General Council shall meet on the second Saturday of February, May, August and November of each year. Its annual meeting shall be held at the November meeting.

Sec. 3. The Chairman may call a special meeting of the General Council, and shall call and hold a special meeting within fifteen (15) days from receipt of a written request signed by at least ten (10) qualified voters. Written notice shall be posted at least ten (10) days in advance of the meeting. Such notice shall include the date, time, place and purpose of the meeting.

Sec. 4. Any enrolled member of the Community who is at least one-fourth (1/4) degree Potawatomi Indian blood and is eighteen (18) years of age or over shall be qualified to vote at all General Council meetings.

Sec. 5. At its annual meeting, the General council shall determine the number of qualified voters constituting fifteen (15) percent of the qualified voters of the Community. The number of qualified voters so determined shall constitute a quorum for the next annual meeting and all intervening regular and special meetings.

Sec. 6. The General Council shall elect from its membership a Chairman, Vice-Chairman, Secretary, Treasurer and two (2) Council members. Candidates for these offices shall be twenty-five (25) years of age or over, shall have at least one-fourth (1/4) degree Forest County Potawatomi Indian blood and shall not have been previously removed from tribal office under the provisions of Article VIII, Section 2(a)(2) or (5). Election of these officers shall be by secret ballot. The six (6) offices so elected shall constitute the Executive council, which shall exercise those powers enumerated in this constitution and such powers as may be delegated to it by the General Council.

ARTICLE IV - POWERS OF THE GENERAL COUNCIL

Section 1. Enumerated Powers. The General Council of the Forest County Potawatomi community shall exercise the following powers, subject to any limitation imposed by Federal Law, the Constitution of the United States or by the provisions of this Constitution:

(a) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(b) To manage, lease, permit, grant easements, or otherwise deal with tribal lands, waters, mineral rights, interests in lands or other tribal assets; provided, that any mining-related activity

shall not be authorized by the General Council until it is approved in a special election called for that purpose by a two-thirds (2/3) majority vote of the qualified voters.

(c) To veto any sale, disposition, lease, or encumbrance of tribal lands, waters, interest in lands, or other tribal assets of the Community.

(d) To enact, make known and enforce ordinances: (1) governing the conduct of persons within the jurisdiction of the Community, including the power to establish a Tribal Court and to define its powers, authority, and procedures; (2) providing for the manner of making, holding, and revoking assignments of Community lands or interests therein; (3) providing for the levying of taxes and the appropriation of available tribal funds for public purposes; (4) providing for the licensing of non-members coming upon the reservation for purposes of hunting, fishing, trading, or other business; (5) providing for the exclusion from the territory of the Community, of those persons not so licensed; and (6) establishing proper agencies for law enforcement within the Community.

(e) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards, committees or officials of the Community, any of the foregoing powers. The General Council reserves the right to review and correct any action taken by virtue of such delegated power.

(f) To adopt resolutions not inconsistent with this Constitution regulating the procedures of the Executive Council, the General Council itself and other tribal agencies, tribal offices or tribal organizations of the Forest County Potawatomi Community.

Sec. 2. Future Powers. The General Council may exercise such further powers as may in the future be delegated to the General Council by members of the Community or by the Secretary of the Interior or any duly authorized official or agency of the State or Federal Government.

Sec. 3. Reserved Powers. Any rights and powers heretofore vested in the Wisconsin Potawatomes, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Forest County Potawatomi Community through the adoption of appropriate amendments to this Constitution.

ARTICLE V – POWERS OF THE EXECUTIVE COUNCIL

Section 1. The Executive Council may exercise any of the following powers, subject to any limitations imposed by Federal Law, the Constitution of the United States or by any provisions of this Constitution:

(a) To consult, negotiate, contract and conclude agreements on behalf of the Community with Federal, State, or local governments and corporations, associations, legal organizations, or individuals, on matters within the powers contained in this Article or any other powers delegated to the Executive Council by the General Council.

(b) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Forest County Potawatomi Community prior to the submission of each estimate to the Office of Management and Budget or its successor.

(c) To manage economic affairs and enterprises of the Forest County Potawatomi Community.

(d) To administer any funds within the control of the Community; to make expenditures from available funds for public purposes including salaries or other remuneration of tribal officials, employees or members. Such salaries or remuneration shall be only for services authorized in a regular and legal manner and actually rendered. All expenditures on the above preceding conditions shall be in accord with a budget previously approved by the General Council and the amount so paid shall be a matter of public record at all times.

(e) To appoint subordinate committees and employees not otherwise provided for in this Constitution.

(f) To develop ordinances, resolutions and other documents for consideration by the General Council.

(g) To develop policies, formulate plans, and set objectives for the consideration of the General Council and promote ways and means to carry them out.

(h) To encourage preservation of Potawatomi arts, crafts, traditions and culture.

Sec. 2. All actions of the Executive Council are subject to review and rescission by the General Council.

ARTICLE VI – ELECTIONS

Section 1. The General Council shall enact an ordinance governing the conduct of elections. Such ordinance shall be consistent with this Constitution and shall include, but not be limited to, the following provisions: (1) nomination of candidates; (2) secret ballots; (3) handling of petitions; (4) conduct of referendum elections; and (5) conduct of recall and removal elections.

Sec. 2. The annual election of those three (3) officers whose terms expire at the Executive Council meeting in November shall be held on the Saturday prior to the regular Executive Council meeting in November.

Sec. 3. Officers and members of the Executive Council shall be elected for a term of two (2) years or until his or her successor is duly elected and installed.

Sec. 4. The offices and members of the Executive Council holding office at the time of approval of this Constitution by the Secretary of the Interior shall hold office until their successors are duly elected and installed. The first election following the effective date of this Constitution shall be held at the next annual election date prior to the regular Executive Council meeting in November. At such time, the qualified voters of the Community shall elect successors to those three officers whose terms expire at the Executive Council meeting in November.

Sec. 5. Any enrolled member of the community who is at least one-fourth (1/4) degree Potawatomi Indian blood and eighteen (18) years of age or over shall be qualified to vote at any

election at which the individual presents himself/herself at the polls on election day during the official voting hours.

ARTICLE VII – REFERENDUM

Upon presentation to the Executive Council of a petition signed by at least twenty (20) percent of the qualified voters of the Community, any enacted or proposed ordinance, resolution or other legislative act of the General Council shall be submitted to a referendum of the qualified voters of the Community. Referendum elections shall be conducted as general elections and may not take place at General Council meetings. The majority of votes cast in such referendum shall be conclusive and binding on the General Council and/or Executive Council; provided, that at least twenty (20) percent of the qualified voters shall cast ballots in the referendum. It shall be the duty of the Executive Council to call such referenda in accordance with the election ordinance enacted pursuant to Article VI, Section 1.

ARTICLE VIII - VACANCIES, REMOVAL AND RECALL FROM OFFICE

Section 1. Vacancies. If any vacancy occurs in the Executive Council through resignation, death, recall or removal, the Executive Council shall declare that position vacant. The vacancy shall be filled in one of the following manners:

- (a) When the office of Chairman is declared vacant and the next regular election for that office is less than three (3) months from the date the vacancy is declared, the Vice-Chairman shall assume the office of Chairman for the Chairman's unexpired term. When the Vice-Chairman is serving as Chairman to fill a vacancy, the office of the Vice-chairman shall not be considered vacant.
- (b) When any other office within the Executive Council is declared vacant and the next regular election for that office is less than three (3) months from the date the vacancy is declared, the Executive Council shall appoint a successor for the unexpired term. Such appointee shall meet the qualifications specified in Article III, Sec. 6.
- (c) When any office within the Executive Council is declared vacant more than three (3) months before the next regular election for that office, the General Council shall elect a successor to fill the unexpired term at the next regular General Council meeting.

Sec. 2. Removal.

- (a) The General Council may remove any elective member of its Executive Council for, but not limited to, any of the following reasons: (1) willful and persistent misconduct reflecting on the dignity and integrity of the Community; (2) conviction of a felony while in office; (3) failure to carry out his or her official duties; (4) absence from two (2) or more successive meetings of the Executive and/or General Councils without valid excuse; (5) or any form of dishonest act against the Community.
- (b) The accused officers shall be served personally with written notice of the charges against him or her at least seventy-two (72) hours prior to the General Council meeting duly called for the purpose of considering his/her removal.

(c) The accused officer may present oral evidence in his/her defense but also must answer in written form the allegations levied against him/her. Testimony for and against the officer by other persons is permitted.

(d) Removal decisions of the General Council shall be final.

Sec. 3. Recall.

(a) Upon receipt by The Executive Council of a valid petition signed by at least twenty (20) percent of the qualified voters, requesting a recall election of a member of the Executive Council, the Executive Council shall conduct a recall election of the officer named in the petition. Recall election shall be conducted pursuant to the election ordinance enacted pursuant to Article VI, Sec. 1.

(b) Recall decisions of the eligible voters of the Community casting ballots in an election called for the purpose of recalling a member of the Executive Council shall be final; provided, that at least twenty (20%) percent of the qualified voters shall have cast ballots in the recall election.

ARTICLE IX - DUTIES OF OFFICERS

Section 1. The chairman shall preside over all meetings of the General and Executive Council in accordance with "Roberts Rules of Order, Revised," where applicable, and not inconsistent with this Constitution, ordinances, resolutions or procedures enacted by the General Council. He or she shall vote only in the case of a tie.

Sec. 2. The Vice-Chairman shall assist the Chairman when called upon to do so; and in the absence of the Chairman, he or she shall preside. When so presiding, he or she shall have all rights, privileges and duties as well as the responsibilities of the Chairman.

Sec 3. In the absence, inability or refusal to act or both the Chairman and Vice-Chairman at any of its duly called meetings where a quorum is present, the General Council may appoint by majority vote a member of the Community to chair that meeting only. Such appointee shall meet the qualifications specified in Article III, Sec. 6.

Sec 4. The Secretary shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at General and Executive Council meetings. It shall be his or her duty to submit promptly to the Superintendent of the jurisdiction copies of all minutes of regular and special meetings of the councils. The Secretary may appoint an assistant secretary from the membership of the Community.

Sec. 5. The Treasurer shall except, receive, receipt for, preserve and safeguard all tribal funds or special funds for which the General or Executive council is acting as trustee or custodian. He or she shall deposit all funds in such depository as the councils shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his or her possession and custody, at each regular meeting of the General Council, and at such other times as requested by the General or Executive Council.

He or she shall not pay or otherwise disburse any funds in his or her possession or custody, except in accordance with a resolution duly passed by the Executive Council. The Treasurer shall be required to give a bond satisfactory to the General Council.

Sec. 6. The Executive Council shall cause the records and books of the Treasurer and other tribal departments to be audited by an independent Certified Public Accounting firm upon completion of the Community's fiscal year. An itemized written report of the Community's entire financial status shall be issued by that same auditing firm for presentation at the annual General Council meeting and the firm shall be compensated for its services as authorized by General Council resolution.

Sec. 7. The fiscal year of the Community shall begin on the first day of October and end on the last day of September.

Sec. 8. The duties of all appointive boards or officers of the Community shall be clearly defined by resolution of the General Council at the time of their creation or appointment. Such boards and officers shall report to the Councils from time to time as required, and their activities and decisions shall be subject to the review of the General Council upon the petition of any person aggrieved.

ARTICLE X - EXECUTIVE COUNCIL MEETINGS

Section 1. The Executive Council shall meet on the first Monday of each month.

Sec. 2. Special meetings of the Executive Council may be called by the Chairman, and shall be held and held within ten (10) days of receipt of a petition signed by a majority of that Council's members. Notice shall be given at least three (3) days in advance of the meeting and shall state the subject(s) of business to be transacted, where upon the business shall then be limited thereto.

Sec. 3. A majority of the Executive Council members in office shall constitute a quorum to do business at all regular and special meetings of that Council.

ARTICLE XI - RESCISSION OF FORMER DOCUMENTS

Any ordinances, resolutions or any other regulative documents or portions thereof heretofore enacted that are inconsistent with this Constitution are rescinded as of the effective date of this Constitution.

ARTICLE XII – AMENDMENTS

Section 1. This Constitution may be amended by a majority of vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior; provided, that at least thirty (30) percent of those entitled to vote shall cast ballots at such election. No amendment of this Constitution shall become effective until it has been approved by the Secretary of the Interior.

Sec. 2. The Secretary of the Interior shall call an election on any proposed amendment to this Constitution upon receipt of a petition signed by at least one-third (1/3) of the qualified voters of the Community.

ARTICLE XIII - ADOPTION

This Constitution, when adopted by a majority vote of the qualified voters of the Community, as defined in Article VI, Sec. 5, voting at a special election called by the Secretary of the Interior in which at least thirty (30) percent of those entitled to vote shall cast ballots shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

Legislative History:

06/05/1982	Adopted by the qualified voters of the Community by an election held pursuant to Section 16 of the Indian Reorganization Act, 25 U.S. C. §476
06/05/1982	Election certified by the Forest County Potawatomi Community Elections Board
07/14/1982	Approved by John W. Fritz, Deputy Assistant Secretary – Indian Affairs, United States Department of the Interior

Notes:

This Constitution supersedes the Forest County Potawatomi Constitution approved February 6, 1937, as amended in 1975. Article XI of the current Constitution provides that “ordinances, resolutions or any other regulative documents or portions thereof” enacted under the previous Constitution that are not inconsistent with the current Constitution continue in effect.”

CHAPTER 1-2
CONTROL AND ASSIGNMENT OF
TRIBAL LANDS (11/06/1938)

CONTROL AND ASSIGNMENT OF TRIBAL LANDS

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CONTROL AND ASSIGNMENT OF TRIBAL LANDS

§ 1. Authority

1.1. The power is vested in the General Tribal Council by Article V, Section f, of the Constitution of the Forest County Potawatomi Community to promulgate and enforce ordinances regulating Community affairs.

1.2. Said Council is authorized under Section H, Article 5^{*}, of said Constitution to delegate to officials of the Community certain powers, including that of managing the economic affairs of the Community.

1.3. In accordance with the above stated provisions and in the interest of Community welfare, the control and administration of all lands, including improvements thereon, purchased by the United States Government for the Wisconsin Potawatomi Indians shall be subject to and governed by the following measures:

§ 2. Previous Selections Nullified

2.1. All lands purchased under the Act of June 23, 1913[†] are hereby declared to be Community land, and all tentative selections heretofore made in severalty are declared to be of no force or effect.

§ 3. Assignment and Use of Land

The Executive Council of the Community is hereby authorized, under the following prescribed conditions, to effect the appropriate assignment and proper use of these lands, to regulate the exploitation of timber resources thereon and to administer or condemn, after due notice, all unoccupied buildings on said lands for the benefit of the Community:

3.1. Habitable buildings not occupied or not having been in use for a period of five (5) years shall be rented for cash, or for other suitable compensation, and all collections deposited with the Community funds; inhabitable buildings, unsuited for repair, having been abandoned by the original selectee or heir for a period of five (5) years, shall be condemned, torn-down, removed or otherwise disposed of as shall be deemed fitting by the Executive Council: PROVIDED, however, that the occupancy rights of original selectee, heirs or other legitimate claimants shall be recognized if, within thirty (30) days after the Executive Council has given notice of its administration or condemnation of unoccupied buildings, said selectee, heirs or claimants shall assert such rights by taking and maintaining bona fide residence in said buildings.

3.2. All assignments of Community land hereafter made shall be subject to the Executive Council's determination of proper acreage units, its requirements for the proper use thereof, its actions to revoke and reassign, and its adjudication of claims for preference in the reassignment, as a unit, of a deceased assignee's tract. All improvements placed upon an assignment shall belong to the assignee, or upon the death of the assignee, to the heirs and neither the assignee nor

* Refers to 1937 Constitution.

† Should be Act of June 30, 1913; See 38 Stat. 77, 102

the heirs shall be deprived of such improvements except upon appropriate compensation therefor.

3.3. Preference in the assignment of a tract of land shall be given to an applicant if he, or she, be the present occupant and the original selectee or heir.

3.4. Preference in the assignment of an unoccupied tract shall be given to an applicant who is the original selectee, heir or nearest relative, if application for assignment is made within one (1) year from date of actual, bona fide residence established thereon.

3.5. Assignments of lands not applied for and assigned under the terms of the foregoing Sections 3.4 and 3.5 may be made, upon receipt of applications, to other eligible members of the Community.

3.6. Permits for timber and wood cutting on unassigned lands may be issued and fair stumpage rates established per four (4) foot cord for hard wood or per five (5) foot cord for pulp wood.

Legislative History:

11/06/1938 Enacted by the General Council.

Notes:

This Ordinance provides the legal basis for a communal tribal land base following the Tribe's adoption of a new constitution on February 7, 1937 under the Indian Reorganization Act, 25 U.S.C. §§461 et seq. Under the Act of June 30, 1913, 38 Stat. 77, 102, Congress appropriated \$150,000 from Potawatomi annuity funds "for the purchase of allotments for the individual members of that portion of the Wisconsin Band of Potawatomi Indians now residing in the States of Wisconsin and Michigan, the title of such land to be taken in trust by the Government for the use and benefit of said Indians, said land to be situated in organized school districts and to be purchased in bodies of not more than one section, which said bodies shall not adjoin each other; Provided, That the land so purchased, except such part thereof as may be necessary for administrative purposes, shall be divided equitably among the Indians entitled thereto, and patents therefore shall be issued in accordance with the general allotment laws of the United States. Provided further, That the Secretary of the Interior may, in his discretion withhold allotments from any Indian or Indians belonging to this band, who, owing to advanced age or other infirmities, are deemed by him incapable of making beneficial use thereof, and in lieu of formal allotments to Indians falling within this class, tentative allotments of land may be made to such Indians for occupancy and use during the remainder of their natural lifetime."

In 1913, the "general allotment laws of the United States" provided for the issuance of patents that could not be sold or mortgaged by the allottees for 25 years. The Commissioner of Indian Affairs, however, could, and frequently did, lift the restrictions by issuing "certificates of competency" to allottees. By 1938, the federal government had issued very few patents to individual tribal members. This Ordinance was intended to assure that no more patents would be issued to individual tribal members and that any lands purchased by the government would instead be held in trust for the Tribe. A 1940 letter from a BIA field agent states that the Ordinance was duly enacted at a General Council meeting. A "Notice" to implement the Ordinance indicates that it was approved by General on Council November 6, 1938.

Pursuant to Article XI of the Tribe's current Constitution, adopted July 14, 1982, previous ordinances not inconsistent with the current Constitution remain in effect. The current Constitution also authorizes the General

Council to enact ordinances “providing for the making, holding, and revoking assignments of community lands or interests therein. Const. Art. VI, Section 1(d).

CHAPTER 1-3
ADOPTION OF NONMEMBERS
(08/21/1978)

ADOPTION OF NONMEMBERS

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ADOPTION OF NONMEMBERS

§ 1. Statement

Pursuant to the authority vested in the Forest County Potawatomi Tribe by its Constitution and By-Laws and particularly by Article II, Section 2, thereof, and its authority to promulgate ordinances relating to future memberships, loss of membership and the adoption of new members, the General Council of the Forest County Potawatomi Community hereby enacts this Ordinance which shall establish the qualifications and procedures for the adoption of non-members. This Ordinance is subject to approval by the Secretary of the Interior.

§ 2. Qualifications and Procedures

2.1. For purposes of qualification any person of whom it is known, that retains one fourth (1/4) Wisconsin Potawatomi Indian blood or more, may be considered for adoption to membership in this Band.

2.2. Eligibility for adoption in this Band shall carry the qualifications of one, who is not enrolled, or who has relinquished their enrollment prior to receiving any form of judgment award monies, as a member of any other tribe or band.

2.3. Any person seeking to become an enrolled member, or any parent, foster parent, or guardian seeking to enroll a child, through the adoption process shall sign a certification that the applicant is not enrolled with any other tribe or band of Indians.

2.4. Adoption of non-members to this Band shall be made by written application to the Enrollment Committee. That Committee shall upon proper investigation make their recommendations to the Executive Council for consideration and determination.

2.5. The Executive Council shall bring all applications and a list thereof to the General Council with their decision on each. Those decisions shall be subject to a final majority vote by the qualified voters of the General Council.

2.6. Applications for adoption must be filed with the Enrollment Committee no less than thirty (30) days prior to a General Council meeting.

2.7. Any non-members who have been duly adopted into the Forest County Potawatomi Community shall have the same rights and privileges as a member who has been duly enrolled as a member.

2.8. The lineal descendants of the adoptee shall also be eligible for membership provided they meet the general membership qualifications.

Legislative History:

08/21/1978 Enacted as "Forest County Potawatomi Ordinance No. 0001" by General Council Resolution 0005. According to the adopting resolution: "it is recognized that the current [1937] constitution

limits from membership several Potawatomi people who, logically are members of this band” and “it is the desire and determination of the General Council in session on this 22nd day of July 1978 to correct a longstanding discrepancy in our existing membership provisions.”

Notes:

Pursuant to Article XI of the Tribe’s current Constitution, adopted July 14, 1982, previous ordinances not inconsistent with the current Constitution remain in effect.

CHAPTER 1-4
HOUSING (06/22/1983)

HOUSING

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HOUSING

§ 1. Authority

1.1. Pursuant to the authority vested in the Forest County Potawatomi Community, Inc. by its Constitution and its authority to provide for the health, safety, morals and welfare of the Tribe, the Tribal Council of the Forest County Potawatomi Community, Inc. hereby establishes a public body known as the Potawatomi Housing Authority, (hereinafter referred to as the Authority), and enacts this Ordinance which shall establish the purposes, powers and duties of the Authority.

1.2. In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this Ordinance. A copy of the Ordinance duly certified by the Secretary of the Tribal Council shall be admissible in evidence in any suit, action or proceeding.

§ 2. Declaration of Need

IT IS HERBY DECLARED:

2.1. That there exist on the Forest County Potawatomi Community, Inc. insanitary, unsafe, and overcrowded dwelling accommodations; that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces such persons to occupy insanitary, unsafe and overcrowded dwelling accommodations.

2.2. That these conditions cause an increase in and spread of disease and crime and constitute a menace to health, safety, morals, and welfare, and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities.

2.3. That the shortage of decent, safe and sanitary dwelling accommodations for persons of low income cannot be relieved through the operation of private enterprises.

2.4. That the providing of decent, safe and sanitary dwelling accommodations for persons of low income are public uses and purposes, for which money may be spent and private property acquired and are governmental functions of Tribal concern.

2.5. That residential construction activity and a supply of acceptable housing are important factors to general economic activity, and that the undertakings authorized by this Ordinance to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction and housing supply which will assist materially in achieving full employment.

2.6. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

§ 3. Purposes

The Authority shall be organized and operated for the purposes of:

- 3.1. Remediating unsafe and insanitary housing conditions that are injurious to public health, safety and morals.
- 3.2. Alleviating the acute shortage of decent, safe and sanitary dwellings for persons of low income.
- 3.3. Providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low income dwellings.

§ 4. Definitions

The following terms, wherever used or referred to in this Ordinance, shall have the following respective meanings, unless a different meaning clearly appears from the context:

“Area of Operation” means all areas within the jurisdiction of the Tribe.

“Council” means the Forest County Potawatomi Community, Inc. Tribal Council.

“Federal Government” includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

“Homebuyer” means a person(s) who has executed a lease-purchase agreement with the Authority, and who has not yet achieved homeownership.

“Housing Project” or “Project” means any work or undertaking to provide or assist in providing (by any suitable method, including but not limited to: rental, sale of individual units in single or multifamily structures under conventional condominium, or cooperative sales contracts, or lease-purchase agreements, loans, or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, for streets, sewers, water service, utilities, parks, site preparation or landscaping, and for administrative, community, health, recreational, welfare, or other purposes. The term “Housing Project” or “Project” also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the Housing Project.

“Obligations” means any notes, bonds, interim certificates, debentures, or other forms of obligation issued by the Authority pursuant to this Ordinance.

“Obligee” includes any holder of an obligation, or lessor demising to the Authority property used in connection with a Project, or any assignee or assignees of such lessor’s interest or any part thereof, and the Federal Government when it is a party to any contract with the Authority in respect to a Housing Project.

“Persons of Low Income” means persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use.

§ 5. Board of Commissioners

5.1. The affairs of the Authority shall be managed by a Board of Commissioners composed of five (5) people.

5.2. The Board members shall be appointed, and may be reappointed, by the Council. A certificate of the Secretary of the Council as to the appointment or reappointment of any Commissioner shall be conclusive evidence of the due and proper appointment of the Commissioner.

5.3. A Commissioner may be a member or non-member of the Tribe, and may be a member or non-member of the Tribal Council.

5.4. No person shall be barred from serving on the Board because he/she is a tenant or Homebuyer in a Housing Project of the Authority; and such Commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or Homebuyers, even though such matters affect him/her as well. However, no such Commissioner shall be entitled or permitted to participate in or be present at any meeting (except in his or her capacity as a tenant or Homebuyer), or to be counted or treated as a member of the Board, concerning any matter involving his or her individual rights, obligations or status as a tenant or Homebuyer.

5.5. The term of office shall be five (5) years and staggered. When the Board is first established, one member's term shall be designated to expire in one (1) year, another to expire in two (2) years, a third to expire in three (3) years, and so forth. Thereafter, all appointments shall be for five (5) years except that in the case of a prior vacancy, an appointment shall be only for the length of the unexpired term. Each member of the Board shall hold office until his or her successor has been appointed and has qualified.

5.6. The Council shall name one of the Commissioners as Chairman of the Board. The Board shall elect from among its members a Vice-Chairman, a Secretary, and a Treasurer; and any member may hold two (2) of these positions. In the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and Vice-Chairman, the Secretary shall preside.

5.7. A member of the Board may be removed by the appointing power for serious inefficiency or neglect of duty or for misconduct in office, but only after a hearing before the appointing power and duty after the member has been given a written notice of the specific charges against him at least ten (10) days prior to the hearing. At any such hearing, the member shall have the opportunity to be heard in person or by counsel and to present witnesses in his or her behalf. In

the event of removal of any Board member, records of the proceedings, together with the charges and findings thereon, shall be filed with the appointing power and a copy thereof sent to the appropriate office of the Department of Housing and Urban Development.

5.8. The Commissioners shall not receive compensation for their services but shall be entitled to compensation for expenses, including travel expenses, incurred in the discharge of their duties.

5.9. A majority of the full Board (i.e., notwithstanding the existence of any vacancies) shall constitute a quorum or the transaction of business, but no Board action shall be taken by a vote of less than a majority of such full Board.

5.10. The Secretary shall keep complete and accurate records of all meetings and actions taken by the Board.

5.11. The Treasurer shall keep full and accurate financial records, make periodic reports to the Board, and submit a complete annual report, in written form, to the Council as required by Section 8.1 of this Ordinance.

5.12. Meetings of the Board shall be held at regular intervals as provided in the Bylaws. Emergency meetings may be held upon twenty-four (24) hours actual notice and business transacted, provided that not less than a majority of the full Board concurs in the proposed action.

§ 6. Powers

6.1. The Authority shall have perpetual succession in its corporate name.

6.2. The Council hereby gives its irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this Ordinance and hereby authorizes the Authority to agree by contract to waive any immunity from suit which it might otherwise have; but the Tribe shall not be liable for the debts or obligations of the Authority.

6.3. The Authority shall have the following powers which it may exercise consistent with the purposes for which it is established:

- (A) To adopt and use a corporate seal.
- (B) To enter into agreements, contracts, and understandings with any governmental agency, federal, state or local (including the Council) or with any person, partnership, corporation or Indian Tribe; and to agree to any conditions attached to federal financial assistance.
- (C) To agree, notwithstanding anything to the contrary contained in this Ordinance or in any other provision of law, to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or compliance with labor standards, in the development or operation of Projects; and the Authority may include in any contract in connection with a Project

stipulations requiring that the contractor and any subcontractors comply with requirements as to maximum hours of labor, and comply with any conditions which the Federal Government may have attached to its financial aid to the Project.

- (D) To obligate itself, in any contract with the Federal Government for annual contributions to the Authority, to convey to the Federal Government possession of or title to the Project to which such contract relates, upon the occurrence of a substantial default [as defined in such contract] with respect to the covenants or conditions to which the Authority is subject; and such contract may further provide that in case of such conveyance, the Federal Government may complete, operate, manage, lease, convey or otherwise deal with the Project and funds in accordance with the terms of such contract: PROVIDED, that the contract requires that, as soon as practicable after the Federal Government is satisfied that all defaults with respect to the Project have been cured and that the Project will thereafter be operated in accordance with the terms of the contract, the Federal Government shall reconvey to the Authority the Project as then constituted.
- (E) To lease property from the Tribe and others for such periods as are authorized by law, and to hold and manage or to sublease the same.
- (F) To borrow or lend money, to issue temporary or long term evidence of indebtedness, and to repay the same. Obligations shall be issued and repaid in accordance with the provisions of Section 6 of this Ordinance.
- (G) To pledge the assets and receipts of the Authority as security for debts and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.
- (H) To purchase land or interest in land or take the same by gift; to lease land or interests in land to the extent provided by law.
- (I) To undertake and carry out studies and analyses of housing needs, to prepare housing needs, to execute the same, to operate Projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any Project or any part thereof.
- (J) With respect to any dwellings, accommodations, lands, buildings or facilities embraced within any Project (including individual cooperative or condominium units): To lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase; to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or Homebuyers, including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and to make sure further rules and regulations as the Board may deem necessary and desirable to effectuate the powers granted by this Ordinance.

- (K) To finance purchase of a home by an eligible Homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development.
- (L) To terminate any lease or rental agreement or lease-purchase agreement when the tenant or Homebuyer has violated the terms of such agreement, or failed to meet any of its obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement; and to bring action for eviction against such tenant or Homebuyer.
- (M) To establish income limits for admission that insure that dwelling accommodations in a Housing Project shall be made available only to Persons of Low Income.
- (N) To purchase insurance from any stock or mutual company for any property or against any risk or hazards.
- (O) To invest such funds as are not required for immediate disbursement.
- (P) To establish and maintain such bank accounts as may be necessary or convenient.
- (Q) To employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Authority may require; and to delegate to such officers and employees such powers or duties as the Board shall deem proper.
- (R) To take such further actions as are commonly engaged in by public bodies of this character as the Board may deem necessary and desirable to effectuate the purposes of the Authority.
- (S) To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a State or another tribe in the exercise, either jointly or otherwise, or any or all of the powers of the Authority and such other public housing agency or agencies for the purposes of financing (including but not limited to the issuance of notes or other obligations and giving security therefore), planning, undertaking, owning, constructing, operating or contracting with respect to a Housing Project or Projects of the Authority or such other public housing agency or agencies, so joining or cooperating with the Authority, to act on the Authority's behalf with respect to any or all powers, as the Authority's agent or otherwise, in the name of the Authority or in the name of such agency or agencies.
- (T) To adopt such bylaws as the Board deems necessary and appropriate.

6.4. It is the purpose and intent of this Ordinance to authorize the Authority to do any and all things necessary to desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance or operation of any Project by the Authority.

6.5. No ordinance or other enactment of the Tribe with respect to the acquisition, operation, or disposition of tribal property shall be applicable to the Authority in its operations pursuant to this Ordinance.

§ 7. Obligations

7.1. The Authority may issue obligations from time to time in its discretion for any of its purposes and may also issue refunding obligations for the purpose of paying or retiring obligations previously issued by it. The Authority may issue such types of obligations as it may determine, including obligations on which the principal and interest are payable: (a) Exclusively from the income and revenues of the Project financed with the proceeds of such obligations, or with such income and revenues together with a grant from the Federal Government in aid of such Project; (b) exclusively from the income and revenues of certain designated Projects whether or not they were financed in whole or in part with the proceeds of such obligations; or (c) from its revenues generally. Any of such obligations may be additionally secured by a pledge of any revenues of any Project or other property of the Authority.

7.2. Neither the Commissioners of the Authority nor any person executing the obligations shall be liable personally on the obligations by reason of issuance thereof.

7.3. The notes and other obligations of the Authority shall not be a debt of the Tribe and the obligations shall so state on their face.

7.4. Obligations of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes imposed by the Tribe. The tax exemption provisions of this Ordinance shall be considered part of the security for the repayment of obligations and shall constitute, by virtue of this Ordinance and without necessity of being restated in the obligations, a contract between (a) the Authority and the Tribe, and (b) the holders of obligations and each of them, including all transfers of the obligations from time to time.

7.5. Obligations shall be issued and sold in the following manner:

- (A) Obligations of the Authority shall be authorized by a Resolution adopted by the vote of a majority of the full Board and may be issued in one or more series.
- (B) The obligations shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment and at such places, and be subject to such terms of redemption, with or without premium, as such resolution may provide.
- (C) The obligations may be sold at public or private sale at not less than par.
- (D) In case any of the Commissioners of the Authority whose signatures appear on any obligations cease to be Commissioners before the delivery of such

obligations, the signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the Commissioners had remained in office until delivery.

7.6. Obligations of the Authority shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any obligation of the Authority or the security therefor, any such obligation reciting in substance that it has been issued by the Authority to aid in financing a Project pursuant to this Ordinance shall be conclusively deemed to have been issued for such purpose, and the Project for which such obligation was issued shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this Ordinance.

7.7. In connection with the issuance of obligations or incurring of obligations under leases and to secure the payment of such obligations, the Authority, subject to the limitations in this Ordinance, may:

- (A) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.
- (B) Provide for the powers and duties of obligees and limit their liabilities; and provide the terms and conditions on which such obligees may enforce any covenant or rights securing or relating to the obligations.
- (C) Covenant against pledging all or any part of its rents, fees and revenues or personal property to which its title or right then exists or may thereafter come into existence or permitting or suffering any lien on such revenues or property.
- (D) Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any Project or any part thereof.
- (E) Covenant as to the obligations to be issued and as to the issuance of such obligations in escrow or otherwise, and as to the use and disposition of the proceeds thereof.
- (F) Covenant as to the obligations to be issued and as to the issuance of such obligations in escrow or otherwise, and as to the use and disposition of the proceeds thereof.
- (G) Provide for the replacement of lost, destroyed or mutilated obligations.
- (H) Covenant against extending the time for the payment of its obligations or interest thereon.
- (I) Redeem the obligations and covenant for their redemption and provide the terms and conditions thereof.
- (J) Covenant concerning the rents and fees to be charged in the operation of a Project or Projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.

- (K) Create or authorize the creation of special funds for monies held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the monies held in such funds.
- (L) Prescribe the procedure, if any, by which the terms of any contract with holders of obligations may be amended or, the proportion of outstanding obligations the holders or which must consent thereto, and the manner in which such consent may be given.
- (M) Covenant as to the use, maintenance and replacement of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance monies.
- (N) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.
- (O) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.
- (P) Vest in any obligees or any proportion of them the right to enforce the payment of the obligations or any covenants, securing or relating to the obligations.
- (Q) Exercise all or any part or combination of the powers granted in this Section.
- (R) Make covenants other than and in addition to the covenants expressly authorized in this Section, of like or different character.
- (S) Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its obligations, or in the absolute discretion of the Authority, tending to make the obligations more marketable although the covenants, acts or things are not enumerated in this Section.

§ 8. Miscellaneous

8.1. The Authority shall submit an annual report, signed by the Chairman of the Board, to the Council showing (a) a summary of the year's activities, (b) the financial condition of the Authority, (c) the condition of the properties, (d) the number of units and vacancies, (e) any significant problems and accomplishments, (f) plans for the future, and (g) such other information as the Authority or the Council shall deem pertinent.

8.2. During his or her tenure and for one (1) year thereafter, no Commissioner, officer or employee of the Authority, or any member of any governing body of the Tribe, or any other public official who exercises any responsibilities or functions with regard to the Project, shall voluntarily acquire any interest, direct or indirect, in any Project or in any property included or planned to be included in any Project, or in any contract or proposed contract relating to any Project, unless prior to such acquisition, he/she discloses his or her interest in writing to the

Authority and such disclosure is entered upon the minutes of the Authority, and the Commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he/she has any such interest. If any Commissioner, officer or employee of the Authority involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a Commissioner, officer or employee, the Commissioner, officer or employee, in any such event, shall immediately disclose his or her interest in writing to the Authority; and such disclosure shall be entered upon the minutes of the Authority, and the Commissioner, officer, or employee shall not participate in any action by the Authority relating to the property or contract in which he/she has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in obligations of the Authority issued in connection with any Project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a Project or to act as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by a governmental agency, or to membership on the Board as provided in Section 5.4.

8.3. Each Project developed or operated under a contract providing for Federal financial assistance shall be developed and operated in compliance with all requirements of such contract and applicable Federal legislation, and with all regulations and requirements prescribed from time to time by the Federal Government in connection with such assistance.

8.4. The Authority shall obtain or provide for the obtaining of adequate fidelity bond handling cash, or authorized to sign checks or certify vouchers.

8.5. The Authority shall not construct or operate any Project for profit.

8.6. The property of the Authority is declared to be public property used for essential public and governmental purposes and such property and the Authority are exempt from all taxes and special assessments of the Tribe.

8.7. All property including funds acquired or held by the Authority pursuant to this Ordinance shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the Authority to be a charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right of the obliges to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees or revenues or the right of the Federal Government to pursue any remedies conferred upon it pursuant to the provisions of this Ordinance or the right of the Authority to bring eviction against in accordance with Section 6.3(L).

§ 9. Cooperation in Connection with Projects

9.1. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of Projects, the Tribe hereby agrees that:

- (A) It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any Project of the Authority.

- (B) It will furnish or cause to be furnished to the Authority and the occupants of Projects all services and facilities of the same character and to the same extent as the Tribe furnishes from time to time without cost or charge to other dwellings and inhabitants.
- (C) Insofar as it may lawfully do so, it will grant such deviations from any present or future building or housing codes of the Tribe as are reasonable and necessary to promote economy and efficiency in the development and operation of any Project, and at the same time safeguard health and safety, and make such changes in any zoning of the site and surrounding territory of any Project as are reasonable and necessary for the development of such Project, and the surrounding territory.
- (D) It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of Projects.
- (E) The Tribal Government hereby declares that the powers of the Tribal Government shall be vigorously utilized to enforce eviction of a tenant or Homebuyer for nonpayment or other contract violations including action through the appropriate courts.
- (F) The Tribal Courts shall have jurisdiction to hear and determine an action for eviction of a tenant or Homebuyer. The Tribal Government hereby declares that the powers of the Tribal Courts shall be vigorously utilized to enforce eviction of a tenant or Homebuyer for nonpayment or other contract violations.

9.2. The provisions of this Section shall remain in effect with respect to any Project, and said provisions shall not be abrogated, changed or modified without the consent of the Department of Housing and Urban Development, so long as (a) the Project is owned by a public body or governmental agency and is used for low income housing purposes, (b) any contract between the Authority and the Department of Housing and Urban Development for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (c) any obligations issued in connection with such Project or any monies due to the Department of Housing and Urban Development in connection with such Project remain unpaid, whichever period ends the latest. If at any time title to, or possession of any Project is held by any public body or governmental agency authorized by law to engage in the development or operation of low income housing including the Federal Government, the provisions of this Section shall inure to the benefit of and be enforced by such public body or governmental agency.

§ 10. Approval by Secretary of the Interior

With respect to any financial assistance contract between the Authority and the Federal Government, the Authority shall obtain the approval of the Secretary of the Interior or his or her designee.

Legislative History:

06/7/1982 Enacted by Executive Council Resolution 234.

06/22/1983 Adopted by General Council Resolution 278

The Tribal Ordinance is based on the Model HUD Housing Ordinance published in the Federal Register March 9, 1976, 41 F.R. 10157-60.

This Ordinance supersedes an Ordinance adopted November 2, 1964 establishing the Wisconsin Potawatomi Housing Authority. The 1964 Ordinance was amended by Executive Council action December 23, 1976.

On January 12, 1984, General Council Secretary Catherine Frank certified "Resolution 278 GC, ratifying, confirming and approving the attached 'Resolution No. 234', establishing the Potawatomi Housing Authority, heretofore adopted by the Executive Council of the Forest County Potawatomi Community on June 7, 1982, as adopted at a regular meeting of the duly constituted General Council held on June 22, 1983, and duly recorded in the official minutes of said meeting."

CHAPTER 1-5
TRIBAL HALL ALCOHOL
(11/12/1983)

TRIBAL HALL ALCOHOL CONTROL

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1.Alcohol

2.Illegal Drugs

3. Intoxicated Persons Barred

4.Definitions

TRIBAL HALL ALCOHOL CONTROL

§ 1. Alcohol

It shall be unlawful for any person to consume any alcoholic beverages in the Tribal Hall during the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

§ 2. Illegal Drugs

It shall be unlawful for any person to ingest any illegal drug in the Tribal Hall during the hours of 8:00 a.m. and 4:30 pm. Monday through Friday.

§ 3. Intoxicated Persons Barred

It shall be unlawful for any intoxicated person to be present at the Tribal Hall during the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except if they are present for the purpose of obtaining treatment or counseling for alcohol or drug problems.

§ 4. Definitions

“Alcoholic beverages” means fermented malt beverages and intoxicating liquor.

“Fermented malt beverage” means any beverage made by the alcohol fermentation of an infusion in potable water of barley, malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.

“Intoxicating liquor” means all ardent, spirituous, distilled or vinous liquors, liquids or compounds by whatever name called containing 0.5% or more of alcohol by volume

“Intoxicated person” means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or use of any illegal drug.

Legislative History:

11/12/1983 Enacted by General Council as Ordinance No. 1

CHAPTER 1-6
GOVERNMENT OFFICIAL
AND EMPLOYEE ETHICS (12/09/1989)

GOVERNMENT OFFICIAL AND EMPLOYEE ETHICS

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1.	General Provisions
2.	Ethical Standards
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TRIBAL OFFICIAL AND EMPLOYEE ETHICS

§ 1. General Provisions

1.1. Citation

This Act shall be cited as the Forest County Potawatomi Tribal Official and Employee Ethics Ordinance Act of 1989.

1.2. Purpose

The purpose of this Act is to provide standards of fairness and integrity for all officials and employees of the Forest County Potawatomi while conducting the business of the Tribe in their respective capacities. It shall be recognized that officials and employees are in positions of trust on behalf of the Tribe and must endeavor to exercise the highest qualities of conduct, integrity, and confidence on behalf of the Tribe and its citizenry. Also, it is the responsibility of each employer and official to conduct themselves in a polite and courteous manner with respect and consideration for others. The standards established herein are not to be considered in lieu of ethical standards imposed by Federal Law, Tribal law, or Personnel Policies and Procedures of the Tribe.

1.3. Authority

The Forest County Potawatomi Community Executive Tribal Council is a duly constituted tribal government in accordance with all the provisions of the Forest County Potawatomi Constitution and By-Laws adopted on June 5, 1982, pursuant to the Indian Reorganization Act of June 18, 1934, Pub. L. 73-383, and is empowered to promulgate and enforce ordinances and codes on behalf of the Tribe.

1.4. Definitions

“Official” means any person serving the Tribe by appointment or certified election.

“Employee” means any person engaged for his or her services to the Tribe part or full time and who receives compensation from the Tribe for his or her services.

“Conflict of Interest” means matters and issues for which a person may have an unfair advantage by virtue of his or her position and would receive more than significant value in money or items of worth by participating in the decisions of such matters and issues.

“Significant value” means things or money which would amount to more than reasonable costs or expenses incurred for conducting business.

“Coerce” means undue influence or intimidation using official capacity as leverage for or against another person.

§ 2. Ethical Standards

Every official and employee of the Forest County Potawatomi Community of Wisconsin should endeavor to:

- 2.1. Put loyalty to the highest moral principles and to the Forest County Potawatomi Tribe above loyalty to other persons, parties, or governmental entities;
- 2.2. Uphold the laws and regulations of the Forest County Potawatomi Community and never be a party to their evasion;
- 2.3. Give a full day's labor for a full day's pay, giving earnest effort and best thoughts to performance of duties;
- 2.4. Seek to find and employ more efficient and economical ways of getting tasks accomplished;
- 2.5. Never dispense special favors or privileges to anyone, whether for remuneration or not and never sell influence to gain special favors for any person, business, or government entity;
- 2.6. Never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of tribal duties;
- 2.7. Make no private promises of any kind, binding upon the duties of office, since a tribal employee has no private work which can be binding on public duty;
- 2.8. Engage in no business with the Tribe, either directly or indirectly, which is inconsistent with the conscientious performance of tribal duties and further make every effort in his or her private work to avoid conflicts of interest unless participation in the conduct of the business, personal and Tribal, is deemed to be of no substantial effect on his or her integrity and any other interests are deemed insignificant;
- 2.9. Never use any information gained confidentially in the performance of tribal duties as a means of making private profits to the detriment of the Forest County Potawatomi tribe;
- 2.10. Never use his or her position in any way to coerce or give the appearance of coercing anyone to provide a financial benefit to himself or herself or another person; and
- 2.11. Expose corruption wherever discovered.

§ 3. Review

The Forest County Potawatomi Tribe may be entitled to administrative costs and attorney fees, should it be determined that action by an official or employee was frivolous, unreasonable, without foundation, or brought in bad faith.

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Legislative History:

- 11/6/1989 Executive Council approves motion to approve “Executive Directive” pertaining to “Chairman’s responsibility to seek permission to attend meetings and the Executive Council’s role as Supervisor to the Administrator.”
- 11/28/1989 Executive Council (special meeting) approves motion to adopt the “Tribal Official and Employee Ethics Ordinance,” stipulating that the Executive Directive passed on November 6, 1989 be kept in its entirety.”
- 12/09/1989 Enacted as the “Forest County Potawatomi Tribal Official and Employee Ethics Ordinance Act of 1989.” Per minutes of the December 9, 1989 GC meeting, “Arnold Wensaut moves to adopt this Ordinance and incorporate this into present policies now in place. Seconded by Jerome C. Biddell. VOTE: 20 FOR 0 OPPOSED 0 ABSTAINING. Motion carried.”

CHAPTER 1-7
MEETING QUORUM
(12/09/1989)

MEETING QUORUM

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3.	Quorum Rule

MEETING QUORUM

§ 1. Authority

Enacted by the General Tribal Council of the Forest County Potawatomi Community of Crandon, Wisconsin pursuant to the authority vested in the General Tribal Council by the Constitution, Article IV, Section 1 (d).

§ 2. Findings

2.1. A quorum is established for General Council meetings under Article III Section 5 of the Constitution of the Forest County Potawatomi Community. However it has happened on occasion that during the course of a meeting a portion of those members attending the General Tribal Council find occasion to leave said meeting.

2.2. There is no provision in the Constitution for maintaining a quorum and conducting business therefore the Forest County Potawatomi Community General Tribal Council enacts this Ordinance to govern the quorum attendance at meetings of the General Tribal Council.

2.3. After soliciting the opinion of the Bureau of Indian Affairs Solicitor it is hereby determined that:

§ 3. Quorum Rule

The General Council will abide by Section 10 of Chapter 5 of the Parliamentary Law for Non-Profit Organizations by Howard L. Oleck of the Stetson University Law School which dictates:

The rule is that a quorum must be present for a meeting to begin and that it should continue in order for business to be transacted at the meeting. However, if a number of members leave a meeting thereby breaking the quorum, their departure should not ordinarily be permitted to render the meeting invalid. If, for a reasonable cause, the absence of a quorum is not discovered until after intervening business has been discussed, the vote will still be valid. When a quorum was present at the start of a meeting, the law will presume its continued presence unless a challenge clearly reveals its absence at the time of voting. Once a quorum is established, it most particularly cannot be broken by withdrawal of a person or a faction whose sole intention is to break the quorum: those who remain may legally act. Similarly, if a tribal member refuses to attend a meeting to prevent the establishment of a quorum, he/she has no standing to challenge a vote or an election held at that meeting.

Legislative History:

12/9/1989 Enacted by General Council Resolution No. 011-89

CHAPTER 1-8
ELECTIONS (11/05/2005)

ELECTIONS

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EXHIBIT A..... Recall Petition
EXHIBIT B..... Application for Recall Petition
EXHIBIT C..... Referendum Petition
EXHIBIT D..... Application for Referendum Petition

ELECTIONS

§ 1. Council Findings, Purpose and Construction

1.1. The potential for Tribal sovereignty is best met by the Forest County Potawatomi Community electing the Tribal Executive Council members and officers in elections which are fair, democratic and orderly. Likewise, there is a need for processes which permit the removal or recall of Executive Council members and officers in a fair and orderly manner. Persons subject to removal shall be given adequate notice of the charges upon which their proposed removal is based, including the details of the specific acts or omissions alleged against them, and an opportunity to reply thereto in writing and to appear and be heard in a meeting of the General Council prior to any votes being taken on their removal. Procedures are also needed to fill vacancies which may occur in Tribal elective offices. In addition, the procedure for referenda to initiate the adoption of ordinances and resolutions is an important right guaranteed by the Tribal Constitution.

Therefore the Forest County Potawatomi General Tribal Council finds:

- (A) That Art. VI, Sec. 1 of the Forest County Potawatomi Community Constitution directs the enactment of an Ordinance governing the conduct of elections. The Ordinance shall be consistent with the Constitution and shall include, but not be limited to the following:
 - (1) Nomination of Candidates;
 - (2) Secret Ballots;
 - (3) Handling of Petitions;
 - (4) Conduct of Referendum Elections;
 - (5) Conduct of Recall and Removal Elections.
- (B) That Article VII of the Constitution provides for Referenda.
- (C) That Article VIII of the Constitution governs for Vacancies, Removals, and Recall from office.
- (D) That the Forest County Potawatomi Community in adopting this Ordinance asserts its Tribal sovereignty in a manner consistent with the Tribe's goal of self-government.

1.2. Purpose and Construction

- (A) Declaration of Purpose – this Code shall be interpreted and understood to accomplish the Tribal objectives:

- (1) To provide for fair, orderly and dignified voting processes essential to the Tribe's goal of self-government; and
 - (2) To address and resolve issues involving the acts and omissions of elected Tribal officers in a manner which reflects Tribal traditions of fairness and respect by providing for fair and impartial hearings consistent with dignity, due process and individual rights.
 - (3) To ensure that the sovereignty of the Forest County Potawatomi Community is preserved.
- (B) Construction – this code shall be liberally construed which means that it shall be read and understood in a manner that gives full effect to the purposes for which it is enacted which is to provide for fair and orderly procedures governing elections, removal, recalls, filling vacancies and referenda.

§ 2. Voting

2.1. Qualified Voters

Any enrolled member who is at least one-fourth (1/4) degree Potawatomi Indian blood and who is eighteen (18) years of age by the date of the election shall be considered a qualified voter.

2.2. Date of Election

- (A) Annual Election. The annual election of those three (3) offices whose terms expire at the Executive Council meeting in November shall be held on the Saturday prior to the regular Executive Council meeting in November.
- (B) Special Election. A Special Election shall be called by the Executive Council Secretary to fill a vacancy on the Executive Council that occurs more than three (3) months before the next regular election for that office. The Special Election shall be held at the next regular meeting of the General Council.
- (C) Referendum Election. A Referendum Election shall be called by the Executive Council. Referenda Elections shall be conducted as general elections and may not take place at General Council meetings.

2.3. Election Board

The Executive Council shall appoint an Election Board composed of one (1) Ballot Judge and three (3) Ballot Clerks for every Annual Election, for every Referendum Election and for every Special Election. Ballot Judges and Ballot Clerks cannot be an immediate family member of any person on the Ballot or the circulator of the matter placed on the Referendum. Immediate family is defined herein as Father, Mother, Brother, Sister, Son or Daughter. The Election Board members shall be compensated for their services in a manner as provided by law.

2.4. Duties of Election Board

The Election Board, acting through a majority thereof, shall have such supervisory responsibility over the election for which they are appointed so as to insure it is fair and impartial. The Election Board shall:

- (A) Maintain a list of eligible voters at the polls showing their names and addresses and recording thereon the name of the each person voting in that election.
- (B) Provide sufficient ballots at the polling place to enable eligible voters to vote.
- (C) Provide that the polling place has areas where voters may mark their ballots in secrecy.
- (D) It shall be the duty of the Ballot Clerks to take charge of the official ballots, place their initials on the back of each ballot, fold in the proper manner to be deposited, and to deliver a ballot duly initialed and folded to each voter as he enters the booth.
- (E) If requested by any voter, the Ballot Judge along with one (1) of the Ballot Clerks may assist that voter marking his or her ballot. While assisting such voters, the Ballot Judge and Ballot Clerk shall give no advice or suggestion regarding any candidate or issue nor express any preference for any candidate or issue.
- (F) Insure that no person within one thousand (1,000) feet of the polls distributes any campaign literature, card, or any other printed materials, or conduct any verbal campaign pertaining to candidates or issues at the election.
- (G) At least two (2) members of the Election Board shall be present at the polling place at all times on election day from the opening of the polls until the polls have closed, all ballots have been counted and tallies have been properly recorded, certified and announced.
- (H) It shall also be the duty of the Ballot Clerks immediately upon the closing of the polls and under the supervision of the Ballot Judge to count and destroy all remaining unused ballots.

2.5. Polling Place

- (A) There shall be one (1) polling place which shall be at Forest County Potawatomi Tribal Center.
- (B) The polls shall be open from 8:00 A.M. to 7:00 P.M. for the Annual Election or a Referendum Election and for not less than two (2) hours for any Special Election as set forth in the Special Notice of the General Council meeting, provided under Section 5.2(D).

2.6. Nominations

- (A) Annual Nomination Meeting. The Executive Council Secretary shall at least fourteen (14) days prior to the regular Executive Council meeting on the first Monday in October notify eligible voters of the meeting at which time nominations will take place for the annual election.
- (B) Special Nomination Meeting
 - (1) If a vacancy is declared with fifteen (15) days or more until the next regular General Council meeting, then a Special Election is called to fill a vacancy on the Executive Council. The Executive Council Secretary shall within five (5) business days, excluding Saturdays, Sundays and legal holidays, post and mail to all eligible voters advance written notice of the time and date of the special nomination meeting of the Executive Council at which time nominations for the vacancy will take place. The special nomination meeting shall be held as soon as practicable but not more than forty-five (45) days before the next regular General Council meeting when the Special Election will be held.
 - (2) If a vacancy is declared with fourteen (14) days or less until the next regular General Council meeting, then the agenda for the next regular General Council meeting shall be amended to include a notice consistent with Section 2.6(C) below. The nomination procedures shall be consistent with Section 2.6(D), below, except that Sections 2.6(D)(6) and (D)(9) shall not apply.
- (C) Notice. The written notice of a nomination meeting shall include the date, time and place of the nomination meeting which shall be in the Tribal Center, and shall list the vacancies to be filled.
- (D) Nomination Meeting Procedures. Nomination meetings shall be conducted under the following procedures:
 - (1) Nominations will be open to enrolled members of the Forest County Potawatomi Community who otherwise meet the qualifications for that office.
 - (2) The Chair will open nominations for each vacancy by stating which vacancy is open for nomination.
 - (3) If the Chairman's name is placed in nomination, then the remaining members of the Executive Council shall select another member of the Executive Council to chair the meeting and take nominations for that office. Thereafter, the Chairman shall resume the chair for nominations for any other office.
 - (4) Nominees must be present in order to be nominated.

- (5) Any person nominated shall be given an opportunity to decline such nomination.
- (6) A notice of the candidates whose names will appear on the ballot and the offices being filled shall be posted at the community within the forty-eight (48) hours after the nomination meeting is concluded.
- (7) The nominations shall be closed when the Chairman calls the nominations for the third time and there is no further response.
- (8) A member of the Executive Council, who is nominated for an office which is to be filled before the expiration of the regular term of office held by that Executive Council Member, shall, if he or she accepts the nomination, be deemed conclusively to have vacated and resigned from his or her current position, effective as of the date of the upcoming election. Nominations for the vacated position shall be called for at the end of positions scheduled for nominations. In accepting a nomination for another position on the Executive Council, an Executive Council Member shall not be prevented from carrying out his or her duties until his or her successor is duly installed, unless the Member has been elected and installed in the new position for which he or she was nominated. Under no circumstances shall an individual be allowed to run for two positions at one time, nor hold two positions at a time.
- (9) Any Candidate nominated for an elective position wishing to withdraw must give written notice to the Ballot Judge within twenty-four (24) hours after the close of nominations, and the Ballot Judge shall approve of such resignation and have the person's name removed from the Ballot. Any resignation will be final and the nominee's name cannot be reinstated. An Executive Council Member's withdrawal of his or her acceptance of a nomination shall not nullify the vacating and resignation from office deemed to have occurred by virtue of acceptance under subsection (8) above.

2.7. Ballots

The Executive Council Secretary shall arrange for all necessary election materials. Ballots shall indicate that they are official election ballots and shall bear the name of the Forest County Potawatomi Community.

- (A) Prior to the opening of the polls the Election Board shall ensure that the polling place has ballots, election lists, and other necessary materials required for the election. Election Board members at the polling place shall count and certify the number of blank ballots on hand prior to the opening of the polls.
- (B) If a voter spoils a ballot, that voter will be entitled to receive a replacement ballot. Upon returning the spoiled ballot to the Election Judge, the voter will be issued another ballot. Spoiled ballots shall be so marked and kept separately by the

Judge. At the close of the polls, the spoiled ballots shall be counted and sealed in an envelope that is marked "Spoiled Ballots."

- (C) No person shall take or remove any ballot from the polling place before the close of the polls.
- (D) There shall be no provision for absentee voting.

2.8. Voting Procedure

The following procedure shall be followed for all Executive Council, Referendum and Recall elections:

- (A) **Ballot Box** – The Election Judge at the polling place, in the presence of the members of the Election Board, shall verify that the ballot box is empty of all ballots and any other material prior to the opening of the polls and then the ballot box will be locked.
- (B) **Registration of Voters** – Voting shall be in person at the polling place. The name of each person seeking to vote must be entered on the polling list by a member of the Election Board.
- (C) **Official Ballots** – One member of the Election Board shall initial or stamp "Official Ballot Forest County Potawatomi Community" on each ballot prior to the ballot being given to the voter.
- (D) **Secret Vote** – Upon receipt of the official ballot the voter shall promptly retire to the voting booth or designated area and there mark his or her ballot. In order to ensure a secret ballot, no more than one (1) person shall be permitted to occupy booth or voting area at the same time. However, if a voter requests assistance, two (2) members of the Election Board shall assist the voter as provided in Section 2.4(E) above.
- (E) **Marking Ballots** – The voter shall mark his or her ballot himself or herself unless assisted as provided in Section 2.4(E). To be valid, the mark must be identifiable as intended for a specific candidate or referendum question.
- (F) **Write-in Votes Not Permitted** – Only votes for those candidates whose names appear on the printed ballot shall be counted. Write-in votes are not permitted and will not be counted, but shall not otherwise invalidate any other votes cast on a ballot.
- (G) **Casting Ballots** – After voting, each voter shall fold and deliver his or her ballot to the designated member of the Election Board who shall check the ballot for the official initial or stamp and the voter shall then deposit the ballot in the ballot box.
- (H) **Challenges to Voters** – If the eligibility of a voter shall be questioned by the Election Board, the ballot of that voter shall be enclosed in an envelope which

shall be endorsed with his or her name and the reason for the challenge. Challenges shall be made only on the basis of eligibility for voting membership in the Tribe as specified in Article VI, Section 5 of the Constitution of the Forest County Potawatomi Community. The eligibility of all challenged ballots must be determined by a majority of the Election Board before tallying any votes. If the voter is determined to be eligible that envelope will be opened and the ballot placed in the ballot box.

2.9. Counting Ballots

After the polls close the Election Board shall immediately proceed to count the votes cast. The count shall be open to the public and shall continue without adjournment until completed and the results thereof publicly declared.

2.10. Procedure in the Event of a Tie

In the event of a tie, the Ballot Judge will declare a “TIE” and set a date for the run-off election between the candidates who are tied. The run-off election shall be conducted in the same manner as general election.

§ 3. Removal From Office

3.1. Constitutional Provisions – The following portions of the Constitution of the Forest County Potawatomi Community provide for removal of members of the Executive Council:

Article VIII, Section 2(a):

The General Council may remove any elective member of the Executive Council for, but not limited to, any of the following reasons: (1) willful and persistent misconduct reflecting on the dignity and integrity of the Community; (2) conviction of a felony while in office; (3) failure to carry out his or her official duties; (4) absence from two (2) or more successive meetings of the Executive and/or General Councils without a valid excuse; (5) or any form of dishonest act against the Community.

Article VIII, Section 2(b):

The accused officer shall be served personally with written notice of charges against him or her at least seventy-two (72) hours prior to the General Council meeting called for the purpose of considering his or her removal.

Article VIII, Section 2(c): The accused officer may present oral evidence in his or her defense but also must answer in written form the allegations levied against him or her.**

* Article VIII, Section 2(c) provides further: “Testimony for and against the officer by other persons is permitted.”

Article III, Section 3:

The Chairman may call a special meeting of the General Council, and shall hold a special meeting within fifteen (15) days from receipt of a written request signed by at least ten (10) qualified voters. Written notice shall be posted at least ten (10) days in advance of the meeting. Such notice shall include the date, time, place and purpose of the meeting.

3.2. Declaration of construction and interpretation of constitutional provisions for removal, and establishment of procedures governing same.

In order to clarify the Constitution and to insure a fair and full deliberation of the basis for removal of any elective member of the Executive Council, it is hereby declared and ordained that the Constitutional provisions relating to the convening of Special General Council meetings and removal of officers shall be carried out as provided in the following Sections.

3.3. Definitions:

“Answer” means the Answer required by Article VIII, Section 2(c) of the Constitution.

“Charges” mean each and any of the legal reasons for removal of a member of the Executive Council as specified under Article VIII, Section 2(a) of the Constitution and referred to in Article VIII, Section 2(b).

“Circulator” means the person or persons who circulate a request for a Special General Council meeting as allowed under Article III, Section 3 of the Constitution.

“Majority” means fifty (50%) percent plus one (1) vote of the total votes cast.

“Notice of Meeting” means a notice prepared by the Tribal Secretary or Chairman setting forth the time, date and place of the Special Council Meeting to consider the question of removal of the Executive Council member in question.

“Specifications” mean the fact which constitutes the basis for removal under the charges which are alleged to have been committed by the Executive Council member whose removal is sought.

“Written Notice” means the written notice of charges which must be served on the accused officer as provided for in Article VIII, Section 2(b) of the Constitution. This must include the Charges and Specifications set forth above.

“Written Request” means the written request for a Special Council meeting as provided for in Article III, Section 3 of the Constitution.

“Written Request for Adjournment” means a request in writing signed by the Executive Council member against whom the charges have been brought for a ten (10) day adjournment in the scheduling of the Special General Council meeting to enable that person to prepare the Answer required by Article VIII, Section 2(c) of the Constitution.

3.4. Requests, Notices, Charges, Specifications and Answers Pertaining to Removal.

- (A) The written request shall contain the following information in order to be allowed as a valid request:
 - (1) In addition to the names of the ten qualified voters signing the request, the written request shall plainly state the name of the Circulator of the request.
 - (2) The Circulator must be a qualified voter and may be one of the ten (10) signers of the request.
 - (3) In stating the purpose of the request for a Special Council meeting as required by Article III, Section 3 of the Constitution, if the purpose is to remove any Executive Council member, it must contain a written Notice of Charges required by Article VIII, Section 2(b) of the Constitution.
- (B) The written Notice of Charges must contain the following information:
 - (1) Each and every charge shall set forth separately one of the specific reasons in Article VIII, Section 2(a) of the Constitution.
 - (2) In addition the written notice shall set forth specifically and in detail the facts which are alleged to constitute a violation under that provision, including the specific acts complained of, dates, times, locations, persons present, and identify and include as an attachment any documentary evidence available. These facts will be known as and labeled “Specifications” in the written notice of charges.
- (C) The Answer required by Article VIII, Section 2(c) of the Constitution shall set forth in detail any denials, authorization, justification, and documentary evidence available to refute the allegations contained in each one of the charges and specifications contained in the written notice of charges.
- (D) The person so charged may request a ten (10) day delay in the scheduling of the General Council meeting beyond the seventy-two (72) hours set forth in Article VIII, Section 2(b) of the Constitution by serving a Notice of Request for Adjournment in writing upon the circulator of the petition and the Tribal Secretary or Chairman. The Notice of Request for Adjournment shall be signed by the person whose removal is sought and must state that the person has a valid defense and intends to prepare and present a written answer as provided for in Article VIII, Section 2(c) of the Constitution. The Notice of Request for Adjournment may be served by any adult enrolled member of the Tribe.
- (E) Upon the service of the Notice of Request for Adjournment, the Secretary or Chairman shall prepare and post a Notice of Meeting which sets forth the time, date and place of the General Council meeting at which the charges and specifications in the Notice for Removal will be considered and voted upon. The charges and specifications shall be attached to this Notice of Meeting. The date

shall not be more than fifteen (15) days from receipt of the written Request for a General Council meeting as specified in Article III, Section 3 of the Constitution. This Notice of Meeting is distinct from the request for meeting referred to in Article III, Section 3 of the Constitution.

- (F) The Secretary of the Executive Council shall copy and make available at the General Council meeting convened for the purposes of considering the removal at least ten (10) complete copies of both the written charges and supporting documents and the written answer and supporting documents.
- (G) No member of the Executive Council shall be required to answer to any verbal charges made at a General Council meeting called to consider removal, nor any written charges and specifications which are not served as provided for in this Ordinance.
- (H) Failure to include the written charges and specifications in the written request for a General Council meeting to consider removal as provided for in this Ordinance shall render the request invalid.
- (I) Failure to provide a written answer to the charges and specifications as provided for in this Ordinance shall be the basis for removal.
- (J) Once specific charges and specifications for removal and facts in support thereof have been heard and acted upon by a General Council meeting convened for that purpose, those charges and facts may not be brought again in subsequent written notices of charges and specifications. Repetitious charges based on specific facts will not be allowed and may not be acted upon at subsequent proceedings.

3.5. Removal Elections; Meeting Day and Voting Procedures

- (A) Special General Council Meetings called to consider removal shall only be held on Saturday.
- (B) The vote on removal shall be by written secret ballot at the Special General Council Meeting called to consider removal.
- (C) The polling place shall be at the Forest County Potawatomi Tribal Center.
- (D) There shall be a two (2) hour period for voting following the conclusion of the Special General Council meeting called for the purpose of considering removal.
- (E) The following provisions of the Election Ordinance shall apply to the Removal Election:
 - (1) Section 2.1 – Qualified Voters
 - (2) Section 2.3 – Election Board

- (3) Section 2.4 – Duties of Election Board
 - (4) Section 2.7- Ballots
 - (5) Section 2.8 – Voting Procedure
 - (6) Section 2.9 - Counting Ballots
- (F) In the event of a tie, the Ballot Judge will declare a “TIE” and the removal attempt will be deemed to have lost. In order to succeed, the vote in favor of removal must be by a majority, which is defined as fifty (50%) percent plus one (1) vote of the total votes cast.

§ 4. Recall From Office

4.1. Constitutional Provisions – The following portions of the Constitution of the Forest County Potawatomi Community provide for recall of a member of the Executive Council:

Article VIII, Section 3:

- (1) Upon receipt by the Executive Council of a valid petition signed by at least twenty (20) percent of the qualified voters requesting a recall election of a member of the Executive Council, the Executive Council shall conduct a recall election of the officer named in the petition. Recall election shall be conducted pursuant to the Election Ordinance enacted pursuant to Article VI, Sec. 1.
- (2) Recall decisions of the eligible voters of the Community casting ballots in an election called for the purpose of recalling a member of the Executive Council shall be final; provided, that at least twenty percent (20%) of the qualified voters shall have cast ballots in the recall election.

4.2. Declaration of construction and interpretation of constitutional provisions for recall and establishment of recall procedures

In order to clarify the Constitution and ensure a fair and full deliberation of the basis for recall of any elected member of the Executive Council, it is hereby declared and ordained that the Constitutional provisions relating to the recall of officers shall be carried out as provided in the following Sections.

- (A) **Qualified Persons:** Only an enrolled Tribal member who is eighteen (18) years of age or older may (i) file an Application for Recall Petition, attached hereto as Exhibit B, (ii) circulate a Recall Petition, (iii) sign a Recall Petition, (iv) vote in a Recall Election.
- (B) **Scope of Petition.** Only one member of the Executive Council may be the subject of a Recall Petition. A Recall Petition may not seek the recall of more than one member of the Executive Council.

- (C) Form of Petition. Each page of the petition shall be in the form and substance as attached hereto as Exhibit A.
- (D) Application for Petition. A person intending to circulate a Recall Petition shall file with the Tribal Court Clerk an Application setting forth his or her name, his or her intention to circulate and file a Recall Petition, and a specific statement of no more than one hundred words stating the grounds of the demand for the recall. The general statement shall be typed on the front page of the Petition.
- (E) Number and Record of Petition. On receipt of the Application, the Tribal Court Clerk shall assign a number to the Petition, which number shall appear on the face of each copy thereof, and issue that number to the Applicant. A record shall be maintained by the Tribal Court Clerk of each Application received, the date of its receipt and the number assigned to the Applicant.
- (F) Circulator. Only qualified voters may circulate a Recall Petition. Before distributing a Recall Petition to a qualified voter for circulation, the Tribal Court Clerk shall (i) insert on the top of each page of the Petition the full name of the Executive Council member whose recall is being sought, (ii) shall insert on each page the date the unsigned petitions are being provided to the Circulator, (iii) the number of the Petition, and (iv) shall insert the stated grounds for the demand for the recall as stated in the Application for Petition. The person who wishes to circulate a Recall Petition shall acknowledge receiving the petition by signing and dating a log maintained by the Tribal Court Clerk for that purpose.
- (G) Signatures. Only qualified voters may sign recall petitions. Each qualified voter signing a recall petition shall do so in the presence of the person circulating the petition. Each person signing a petition shall place his or her signature on the petition. To the right of the signature, the person shall print his or her name. To the right of his or her printed name, the person shall write his or her enrollment number. To the right of his or her enrollment number, the person shall insert the date on which he or she signed the petition.
- (H) Affidavit of Circulator. The person circulating the petition before whom the signatures were written on the signature sheet shall, in an Affidavit subscribed and sworn to before the Tribal Court Clerk, verify that each of the names on the sheet was signed in his or her presence on the date indicated, and that in his or her belief each signature was a qualified voter and a member of the Community.
- (I) Return of Petitions. Completed petitions must be returned to the Tribal Court Clerk within thirty (30) days from the date on which the Circulator obtained the petition forms from the Tribal Court Clerk and no signature on the petition may be counted unless the date of the signature is within such thirty (30) day period. Any petitions or portions thereof not timely returned shall be invalid. After completed petitions have been returned, no name may be added or removed.

(J) Validity of Signatures.

(1) No individual signature on a petition shall be valid if:

- (a) The signature is not dated;
- (b) The signature is dated outside the circulation period;
- (c) The signature is dated after the date of the Tribal Court Clerk's jurat on the petition.
- (d) The signature is not of a qualified voter.

(2) No signature on a petition shall be valid if:

- (a) The petition circulator fails to sign the affidavit of Circulator;
- (b) The Circulator is not a qualified voter.
- (c) The Tribal Court Clerk fails to sign the jurat of the affidavit of Circulator;
- (d) The commission of the person administering the oath has expired.

(K) Review of Petition. Upon receipt of a completed petition, the Executive Council shall verify that the petition was returned within the time required and shall verify which signatures thereon are those of qualified voters. The Executive Council shall count all valid signatures of qualified voters and, if the petition has been signed by at least twenty (20%) percent of the qualified voters, the Executive Council shall announce and conduct a recall election of the officer named in the petition.

(L) Notice. Upon the announcement of a recall election by the Executive Council, the Tribal Council Secretary or the appointed designee of the Executive Council shall within forty-eight (48) hours, excluding Saturdays, Sundays or other legal holidays, give written notice to the person against whom the petition is filed. The notice shall state that a recall petition has been filed, shall set forth the grounds thereof, (as stated in the Application for Petition) and shall notify the person to whom it is addressed that the person has the right to prepare and have printed on the ballot a statement containing not more than one hundred words defending the person's official conduct. If the person fails to deliver the defensive statement to the officer giving notice within ten (10) days thereafter, the right to have a statement printed on the ballot shall be considered waived.

(M) Recall Election. The Recall Election shall be conducted on the third Saturday after the Executive Council announces the Recall Election. Ballots shall contain the general statement of the grounds of the demand for the recall taken from the

Application for Petition, and the defensive statement submitted by the person subject to the Recall, if any has been delivered pursuant to Paragraph (L) above.

- (N) Ordinance Provisions. The following provisions of the Election Ordinance shall apply to Recall Elections.
 - (1) Section 2.1 – Qualified Voters.
 - (2) Section 2.3 - Election Board.
 - (3) Section 2.4 – Duties of Election Board.
 - (4) Section 2.5 – Polling Place.
 - (5) Section 2.7 – Ballots.
 - (6) Section 2.8 – Voting Procedures.
 - (7) Section 2.9 – Counting Ballots.
- (O) Minimum Number of Ballot; Tie. No member of the Executive Council may be recalled in a Recall Election unless at least twenty percent (20%) of the qualified voters shall have cast ballots in the Recall Election. In order to succeed, the vote in favor of a recall must be by majority vote, which is defined as fifty percent (50%) plus one (1) vote of the total votes cast at the Recall Election. In the event of a tie in the Recall Election, the Ballot Judge will declare a “Tie” and the recall attempt will be deemed to have failed. In the event that less than twenty percent (20%) of the qualified voters shall have cast ballots in a Recall Election, the recall attempt will be deemed to have failed.

§ 5. Vacancies

5.1. Constitutional Provisions

Vacancies on the Executive Council shall be filled in accordance with Article VIII, Section 1 of the Constitution of the Forest County Potawatomi Community.

5.2. Additional Ordinance Provisions

- (A) When there is a vacancy caused by the resignation, death, Recall or removal of an Executive Council member less than three (3) months before the next regular election for that Executive Council member’s position, the applicable procedures set forth in Article VIII, Section 1(a) or (b) of the Constitution shall be followed to fill the vacant office.
- (B) When there is a vacancy caused by the resignation, death, recall or removal of an Executive Council member more than three (3) months before the next regular election for that same office, the nomination procedures for filling the vacant

office set out in Article VIII, Section 1(C) of the Constitution shall be followed as to the date of the election which shall be at the next regular General Council meeting.

- (C) The nomination procedure set above in Section 2.6(B)-(D) shall be followed prior to the General Council meeting where a vacancy on the Executive Council is to be filled.
- (D) The election shall be by secret ballot at the General Council meeting and names of the nominees and the hours for voting shall be as set forth in a Special Notice of the General Council meeting. The Executive Council shall set the hours for voting and appoint an Elections Board to serve as provided for in this Ordinance.

§ 6. Referendum

6.1. Referenda Elections shall be conducted in accordance with Article VII of the Constitution of the Forest County Potawatomi Community.

6.2. Upon presentation to the Executive Council of a petition signed by at least twenty (20) percent of the qualified voters of the Community, any enacted or proposed ordinance, resolution or other legislative act of the General Council shall be submitted to a Referendum of the qualified voters of the Community.

- (A) To prevent individuals or corporations from achieving unjust power or financial gain from the passage of a referendum action or question, no proposed referendum action or question may be placed on the ballot that would name any individual to hold any office or identify or name any private corporation to perform any function or to have any power or duty.
- (B) Not all legislative acts of the General Council shall be subject to a referendum, exceptions include matters containing urgency clauses, special or annual elections, matters involving the filling of vacancies, removal or recall from office, matters which cannot be undone, contractual matters which have been approved by the General Council, General Council actions with respect to the enrollment or removal of an individual from the tribal rolls.

6.3. Declaration of construction and interpretation of Constitutional provisions for Referendum Elections, and establishment of Referendum procedures

In order to clarify the Constitution and ensure a fair and full deliberation of the basis for a referendum concerning any enacted or proposed ordinance, resolution or other legislative act of the General Council it is hereby declared and ordained that the Constitutional provisions relating to the referendum shall be carried out as provided in the following Sections.

- (A) Qualified persons. Only an enrolled Tribal member who is eighteen (18) years of age or older may (i) file an Application for Referendum Petition as attached hereto as Exhibit D, (ii) circulate a Referendum Petition, (iii) sign a Referendum Petition, (iv) vote in a Referendum Election.

- (B) Scope of Petition. Only one action or question may be the subject of a Referendum Petition.
- (C) Form of Petition. Each page of the Petition shall be in the form and substance as attached hereto as Exhibit C.
 - (1) Every subject in any referendum action or question shall be expressed in the title; upon adoption of an action or question containing subjects not expressed in the title.
 - (2) If a Petition contains more than one subject, such that a ballot title cannot be fixed that clearly expresses a single subject, no title shall be set and the Petition shall not be submitted to the Community for adoption or rejection at the polls.
- (D) Application for Petition. A person intending to circulate a Referendum Petition shall file with the Tribal Court Clerk an Application setting forth his or her name, his or her intention to circulate and file a Referendum Petition, along with a written statement of the specific action or question to be put on the Referendum. The general action or question shall be typed on the front page of the Petition. The signature of the applicant must be subscribed and sworn to before the Tribal Court Clerk.
- (E) The filing of a Referendum Petition against any item, section, or part of any enacted, proposed ordinance, resolution or other legislative act of the General Council shall not delay the remainder of the enacted proposed ordinance, resolution or other legislative act of the General Council from becoming operative.
- (F) Ordinance Department Review. Prior to the circulation of the Referendum Petition the Circulator must also serve a copy of the application for Petition and Referendum Petition of the proposed action or question upon the Ordinance Department for review and comment.
 - (1) Upon receipt of the Application for Petition and Referendum Petition the Ordinance Department shall prepare a Referendum Impact Statement for distribution which shall ensure a reasonable opportunity for the voters to become informed about the text of the Referendum and contains the title, summary of the main purposes, provision of the action or question sought, the impact of a yes or no vote, and any additional comments regarding the matter no later than three (3) weeks after receipt, unless withdrawn by the Circulator.
 - (2) Within the timeframe specified in § (1) above the Ordinance Department shall render its Referendum Impact Statement, and comments to the Circulator at a meeting or meetings open to the Community and shall cause the same to be mailed to the address of each qualified voter whose address is on file with the Enrollment Department, shall publish the

Referendum Impact Statement in the Tribal newspaper, and make it available to the voters at the poll(s) on the day of voting.

- (3) The Ordinance Department shall not have the power to require the amendment, modification, or alteration of the text of any such action or question.
- (G) Referendum Challenge. Any challenge to the constitutionality of the referendum shall be heard in the Tribal court of the Forest County Potawatomi Community. Any decisions of the Tribal Court shall be final.
- (H) Number and Record of Petition. On receipt of the Application, the Tribal Court Clerk shall assign a number to the Petition, which number shall appear on the face of each copy thereof, and issue that number to the Applicant. A record shall be maintained by the Tribal Court Clerk of each Application received, the date of its receipt and the number assigned and issued to the Applicant.
- (I) Circulator. Only qualified voters may circulate a Referendum Petition. Before distributing a Referendum Petition to a qualified voter for circulation, the Tribal Court Clerk shall (i) insert on the top of each page of the Petition the statement and action being sought by the Referendum, (ii) shall insert on each page the date the unsigned petitions are being provided to the Circulator, (iii) the number of the Petition. The person(s) who wishes to circulate a Referendum Petition shall acknowledge receiving the Petition by signing and dating a log maintained by the Tribal Court Clerk for that purpose.
- (J) Signatures. Only qualified voters may sign Referendum Petitions. Each qualified voter signing a Referendum Petition shall do so in the presence of the person circulating the Petition. Each person signing a Petition shall place his or her signature on the Petition. To the right of the signature, the person shall print his or her name. To the right of his or her printed name, the person shall write his or her tribal enrollment number. To the right of his or her enrollment number, the person shall insert the date on which he or she signed the Petition.
- (K) Affidavit of Circulator. The person circulating the Petition before whom the signatures were written on the signature sheet shall, in an Affidavit subscribed and sworn to before the Tribal Court Clerk, verify that each of the names on the sheet was signed in his or her presence on the date indicated, and that in his or her belief each signer was a qualified voter and a member of the Community.
- (L) Return of Petitions. Completed petitions must be returned to the Tribal Court Clerk within forty-five (45) days from the date on which the circulator obtained the petition forms from the Tribal Court Clerk and no signature on the Petition may be counted unless the date of the signature is within such forty-five (45) day period. Any Petitions or portions thereof not timely returned shall be invalid. After completed Petitions have been returned, no name may be added or removed.

At the end of the forty-five (45) day period the Tribal Court Clerk shall submit any and all Petitions to the Executive Council.

(M) Validity of Signatures.

(1) No individual signature on a petition shall be valid if:

- (a) the signature is not dated;
- (b) the signature is dated outside the circulation period.
- (c) the signature is dated after the date of the Tribal Court Clerk's jurat on the petition.
- (d) the signature is not of a qualified voter.

(2) No signature on a petition shall be valid if:

- (a) the petition circulator fails to sign the Affidavit of circulator;
- (b) the applicant fails to sign the application for Referendum Petition;
- (c) the Circulator is not a qualified voter;
- (d) the Applicant is not a qualified voter;
- (e) the Tribal Court Clerk fails to sign the jurat of the Affidavit of Circulator;
- (f) the Tribal Court Clerk fails to sign the jurat of the Affidavit of the Application for Referendum Petition;
- (g) the commission of the person administering the oath has expired.

(N) Review of Petition. Upon receipt of a completed petition, the Executive Council shall verify that the petition was returned within the time required and shall within ten (10) business days verify which signatures thereon are those of qualified voters. The Executive Council shall count all valid signatures of qualified voters and, if the petition has been signed by at least twenty (20) percent of the qualified voters, the Executive Council shall announce and conduct a Referendum Election on the statement and action specified in the petition on the next available Saturday following verification of the qualified voters but not earlier than ten (10) days from verification and not later than forty-five (45) days from verification.

(O) Referendum Election. The Referendum Election shall be conducted on the first available Saturday after the Executive Council announces the Referendum Election. Ballots shall contain the statement and action being requested taken from the Application for petition.

- (1) Minimum Number of Ballots; Tie. The majority of votes cast in such Referendum shall be conclusive and binding on the General Council and/or Executive Council; provided, that at least twenty (20) percent of the qualified voters shall cast ballots in the Referendum.
 - (2) In order to succeed, the vote must be by majority vote, which is defined as fifty percent (50%) plus one (1) vote of the total votes cast at the Referendum Election.
 - (3) In the event of a tie in the Referendum Election, the Ballot Judge will declare a "Tie" and the Referendum attempt will be deemed to have failed.
 - (4) In the event that less than twenty percent (20%) of the qualified voters shall have cast ballots in a Referendum Election, the Referendum attempt will be deemed to have failed.
 - (5) If any provision or provisions of two (2) or more measures, approved by the electors at the same election, conflict, the provisions of the measure receiving the highest affirmative vote prevails.
- (P) The following provisions of the Election Ordinance shall apply to Referendum Elections:
- (1) Section 2.1 – Qualified Voters
 - (2) Section 2.3 – Election Board
 - (3) Section 2.4 – Duties of Election Board
 - (4) Section 2.5 – Polling Place
 - (5) Section 2.7 – Ballots
 - (6) Section 2.8 – Voting Procedure
 - (7) Section 2.9 – Counting Ballots
 - (8) Section 8.1 – Challenges to Voting Process

§ 7. General Council Meetings

7.1. All General Council meetings, whether regular or special, shall be held on Saturdays in order to give the greatest number of Tribal members an opportunity to attend and participate.

7.2. The Secretary shall be responsible for posting Notices of all General Council Meetings and for preparing an agenda for each Meeting.

7.3. All items to be included on the agenda as well as all materials for distribution at any General Council meeting must be submitted to the Secretary at least forty-eight (48) hours in

advance. Failure to do so will result in the proposed agenda items or materials not being considered at the General Council meeting.

§ 8. Challenges to Voting Process

8.1. Any challenge or violation with respect to the Election Ordinance or voting process shall be submitted in writing to the Election Board Ballot Judge within forty-eight (48) hours of the event giving rise to the challenge or violation. Any challenge or violation shall be so identified.

8.2. Any person filing such written challenge or violation must specify the time of the event, a detailed description of the event, including the place, names of persons involved and witnessing the event, demonstrate to a reasonable degree of certainty, success on the merits of any such challenge or violation; demonstrate to a reasonable degree of certainty that the election results would have resulted in the election of different persons, if such event had not occurred, and attest that they were an eligible voter at the time of the election in question, and voted in the election.

8.3. Upon receipt of such written documentation, the Election Board Ballot Judge shall conduct an investigation and render a written decision within seventy-two (72) hours of the challenge being filed, which shall include any corrective action taken if deemed necessary.

8.4. Any appeal of the Election Board Ballot Judge's decision must be filed with the Tribal Court within forty-eight (48) hours of issuance. The Tribal Court shall hold a hearing within seventy-two (72) hours to review the matter and render its decision with twenty-four (24) hours of completion of the hearing. Any decision of the Tribal Court shall be final.

8.5. All timelines as specified within this section shall exclude Saturday, Sunday and tribally recognized holidays.

8.6. No challenge shall prevent an individual who has been elected from being sworn in and holding office until such time it is determined that the individual was not validly elected as provided herein.

§ 9. Amendment, Repeal By Referendum

This Ordinance may be amended or repealed only by Referendum pursuant to Article VII of the Tribal Constitution.

EXHIBIT A
RECALL PETITION
FOREST COUNTY POTAWATOMI COMMUNITY

We, the qualified voters of the Forest County Potawatomi Community from which _____, a member of the Executive Council, was elected, demand his or her recall.

The grounds of this demand for recall are (to be taken from the Application for Petition):

SIGNATURE	PRINTED NAME	TRIBAL ENROLLMENT #	DATE
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Affidavit of Petition Circulator:

I, _____, a qualified voter of the Forest County Potawatomi Community, under penalty of law, depose and say that each individual who signed this sheet of the foregoing petition did so in my presence on the date indicated, and I believe that each signatory's name is correctly stated, that each signatory is a qualified voter of the Forest County Potawatomi Community, and that, at all times during the circulation of this signature sheet, a copy of the Recall Petition was attached to the signature sheet.

 (SIGNATURE OF AFFIANT)

Subscribed and sworn to before me this ____ day of _____, 200__.

Signed:

Tribal Court Clerk

Tribal Court Seal
 (REQUIRED)

For Tribal Court Use Only:

Date Provided to Circulator: _____ Number: _____ Initials of Tribal Court Clerk: _____
 Date Returned to Tribal Court Clerk: _____ Initials of Tribal Court Clerk: _____

EXHIBIT B
APPLICATION FOR RECALL PETITION
FOREST COUNTY POTAWATOMI COMMUNITY

I, _____, Enrollment Number: _____,
(PRINTED NAME OF APPLICATION MAKING THIS APPLICATION)
under penalty of law, hereby state that I am a qualified voter of the Forest County Potawatomi
Community of Wisconsin.

I am filing this application for the intended purpose of circulating a Recall Petition to recall:

(TYPE NAME OF PERSON OF WHOM RECALL IS BEING SOUGHT)

The grounds of this demand for recall are (type):

Signature of Application for Petition

Date: _____

Subscribed and sworn to before me this _____ day of _____, 200 ____.

Signed: _____
Tribal Court Clerk

For Tribal Court Use Only:

Date Application Received: _____

EXHIBIT C
REFERENDUM PETITION
FOREST COUNTY POTAWATOMI COMMUNITY

We, the qualified voters of the Forest County Potawatomi Community as evidenced by our signatures below, hereby support a referendum election regarding the matter stated below:

SIGNATURE	PRINTED NAME	TRIBAL ENROLLMENT #	DATE
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Affidavit of Petition Circulator:

I, _____, a qualified voter of the Forest County Potawatomi Community, under penalty of law, depose and say that each individual who signed this sheet of the foregoing petition did so in my presence on the date indicated, and I believe that each signatory's name is correctly stated, that each signatory is a qualified voter of the Forest County Potawatomi Community, and that, at all times during the circulation of this signature sheet, a copy of the Recall Petition was attached to the signature sheet.

 (SIGNATURE OF AFFIANT)

Subscribed and sworn to before me this _____ day of _____, 200__.

Signed:

Tribal Court Clerk

Tribal Court Seal
 (REQUIRED)

For Tribal Court Use Only:

Date Provided to Circulator: _____ Number: _____ Initials of Tribal Court Clerk: _____

Date Returned to Tribal Court Clerk: _____ Initials of Tribal Court Clerk: _____

EXHIBIT D
APPLICATION FOR REFERENDUM PETITION
FOREST COUNTY POTAWATOMI COMMUNITY

I, _____, Enrollment Number: _____,
(PRINTED NAME OF APPLICATION MAKING THIS APPLICATION)
under penalty of law, hereby state that I am a qualified voter of the Forest County Potawatomi
Community of Wisconsin.

I am filing this application for the intended purpose of circulating a Referendum Petition:

(TYPE NAME OF PERSON OF WHOM RECALL IS BEING SOUGHT)

Type in below the specific action or question as it is to appear on the referendum petition for
circulation:

(SIGNATURE OF APPLICANT FOR PETITION)

Subscribed and sworn to before me this _____ day of _____, 200__.

Signed: _____

Tribal Court Clerk

Tribal Court Seal
(REQUIRED)

For Tribal Court Use Only:

Date Application Received: _____

Legislative History:

- 10/24/2005 Executive Council approves motion verifying 194 valid signatures on petition to hold Referendum Election, satisfying requirement for signatures of 20% of qualified voters (161 signatures) and ordering Referendum Election for November 5, 2005
- 11/05/2005 Approved by Referendum Election

This Ordinance amends and supersedes the following Election Ordinances:

- 9/25/1982 General Council adopts resolution to enact Election Ordinance. Per meeting minutes, "James Thunder reviews Election Ordinance with the General Tribal Council. Lois Crowe moves to accept Resolution pertain[] to the Election Ordinance. Seconded by Eugene Shawano Sr. 26 for) oppose, 0 abstain. Motion carried."
- 12/9/1989 Amendment to Election Ordinance adopted by General Council Resolution No. GC 014-89
- 12/04/1993 Election Ordinance enacted by General Council Resolution No. GC 010-93
- 11/20/1999 "First Amendment to Election Ordinance" enacted by General Council Resolution No. GC 034-99
- 08/12/2000 "[Second] Amendment to Election Ordinance" enacted by General Council Resolution No. GC 011-2000

Notes:

The "First Amendment to Election Ordinance" enacted by General Council Resolution No. GC 034-99 amended the 1993 Election Ordinance by adding Section 4.1 "Recall From Office."

The "[Second] Amendment to Election Ordinance" enacted by General Council Resolution No. GC 011-2000 amended the 1993 Election Ordinance by

- making minor changes in wording at Section 1
- adding Section 2.2(B) "Special Election"
- adding references to the special elections at 2.3
- providing for special election poll hours at 2.5
- adding Section B, "Special Nomination Meeting" at 2.6
- adding provisions relating to nominations at 2.6(D)
- renumbering 2.6
- making minor changes to 5.1
- adding section 8 "Challenges to Voting Process"

The "Election Ordinance" enacted by Referendum November 5, 2005 reenacted the 1993 Ordinance, as amended by the amendments of 1999 and 2000, in its entirety. The 2005 Election Ordinance also made new changes and additions to the previous Ordinances by:

- conforming the small letters at 1.1B to remove the parenthesis
- making several other minor capitalization changes in Section 1.1
- adding 2.2C to authorize the Executive Council to call a Referendum Election
- amending 2.3 to refer to Referendum Elections and provide for compensation to Elections Board members
- amending 2.4 to change the prohibition on electioneering activity from 100 feet to 1000 feet from the polling place
- adding a reference to Referendum Elections at 2.8(E).
- adding requirements relating to petitions at 4.2 to address petitioner requirements
- making a minor change in wording to 5.2(C).
- replacing the one-sentence provision at 6.1 relating to referendum with a lengthy new section addressing Referendum Elections
- adding Section 9 describing procedures for amendment and repeal of the Ordinance

This Ordinance does not, by its express terms, govern judicial elections pursuant to the Tribal Court Code, 2-1 FCPC § 3.5 and 3.6.