



Special Insert Tribal Council Meeting Special Insert

Cheyenne and Arapaho Tribes Annual Tribal Council Meeting

10 a.m. - Saturday, Oct. 2, 2010

Concho Community Center, Concho, Okla.

Office of the Tribal Council
Rachel Lynn, Coordinator

P.O. Box 38
Concho, OK 73022
Phone: 405-422-7430
Fax: 405-262-3129

September 13, 2010

PUBLIC NOTICE

TO: ALL CHEYENNE & ARAPAHO TRIBAL MEMBERS (18 YEARS AND OLDER ON OR BEFORE October 2, 2010)

Annual Tribal Council Meeting
Saturday, October 2, 2010 10:00 a.m.
Concho Community Hall, Concho OK

In accordance with the Cheyenne & Arapaho Tribes' Constitution, Article V, Section 3 (a) An Annual Meeting of the Tribal Council shall be held on the first Saturday in October. No other meetings of the Tribes shall be held on the first Saturday in October including a Special Tribal Council meeting or a meeting of the Legislature. The Annual Meeting of the Tribal Council shall be held in Concho. The Tribes shall provide bus transportation for members of the Tribes to attend the Annual Meeting.

The following items are posted at the Office of Tribal Council (located at Concho Community), Office of Administration (formerly Business Manager's Office), and C & A Website (www.c-a-tribes.org). Any resolution is available to the public.

New Business:

1. TERMS AND CONDITIONS OF EMPLOYMENT FOR THE TRIBAL COUNCIL COORDINATOR
2. MODIFICATION GAMING REVENUE ALLOCATION PLAN
3. RESOLUTION APPROVING THE 2010 BUDGET AND APPROPRIATIONS ACT
4. RESOLUTIONS AUTHORIZING THE REPEAL OF THE PREVIOUS RESOLUTION CONCERNING THE TERM OF THE TRIBAL COUNCIL COORDINATOR AND THE SELECTION OF THE NEW TRIBAL COUNCIL COORDINATOR
5. RESOLUTION ESTABLISHING THE TRIBES POLICY OF TRANSPARENCY FOR ALL TRIBAL REVENUES AND EXPENDITURES
6. RESOLUTION AUTHORIZING A CONTRACT FOR A SPECIAL PROSECUTOR
7. POLICY ON SPECIAL TRIBAL COUNCIL MEETINGS
8. POLICY SETTING THE SALARIES OF ALL ELECTED OFFICIALS OF THE C & A TRIBES...
9. CONSTITUTIONAL AMENDMENT TO ARTICLE VIII-JUDICIAL BRANCH, SECTION 2 AND SECTION 4 (D)
10. CONSTITUTIONAL AMENDMENT TO ARTICLE V, SECTION 5(A) OFFICE OF THE TRIBAL COUNCIL

In accordance with the Cheyenne & Arapaho Tribes' Constitution, Article V, Section 3 (c) The Coordinator of the Office of Tribal Council shall provide notice of all Regular Meetings and Special Meetings of the Tribal Council at least fifteen days before such Meeting. This document serves as the required fifteen day public notice.

CHEYENNE & ARAPAHO TRIBES
ANNUAL TRIBAL COUNCIL MEETING
October 2, 2010
CONCHO COMMUNITY BUILDING- CONCHO, OK

RESOLUTION NO. _____

DATE POSTED: **September 13, 2010** DATE APPROVED: _____

SUBJECT: **Terms and Conditions of Employment for the Tribal Council Coordinator**

WHEREAS: The Cheyenne and Arapaho Tribes are a federally recognized Indian tribe organized under a Constitution approved by tribal membership on April 4, 2006 and approved by Secretary of the Interior; and

WHEREAS: Article V, § 2 (a) of the Constitution grants the Tribal Council the power to set policy for the Tribes and shall have all other powers and duties specifically provided by this Constitution; and

WHEREAS: Article V, § 3 (a) of the Constitution instructs an Annual meeting of the Tribal Council to be held on the first Saturday in October. No other meetings of the Tribes shall be held on the first Saturday in October including a Special Tribal Council meeting or a meeting of the Legislature. The Annual Meeting of the Tribal Council shall be held in Concho; and

WHEREAS: Article V, § 5 (a) of the Constitution states an Office of the Tribal Council is hereby established. A Coordinator for the Office of the Tribal Council shall be selected by the Tribal Council at the Annual Meeting of the Tribal Council or at a Special Meeting of the Tribal Council as needed. Members of the Tribes interested in serving in the position of Coordinator shall submit an application at least thirty days prior to the Tribal Council Meeting; and

WHEREAS: On August 16, 2010, the Office of Tribal Council Coordinator submitted job vacancy announcing the position of Tribal Council Coordinator which invited interested persons to submit an application for the job of Coordinator to the Office of Personnel; and

WHEREAS: The notice established a deadline of September 2, 2010, to receive applications for the Tribal Council Coordinator. The Tribes received seven (7) applications for the Tribal Council Coordinator by the established deadline:

Lisa Martin
Melaina Tallbear
Melvin Whitebird
Mary Youngbull

Tribal Council Resolution No.: **Terms and Conditions of Employment for Tribal Council Coordinator, Page 2**

Rachel Lynn
Ramona Tallbear
Ida Hoffman

WHEREAS: On September 15, 2010, the Office of Tribal Council Coordinator published the seven (7) applications for the Tribal Council Coordinator within the Tribal Tribune; and

WHEREAS: The Tribal Council of the Cheyenne & Arapaho Tribes held an Annual Meeting October 2, 2010, and elected _____ as the Coordinator for the Office of Tribal Council; and

WHEREAS: Article V, § 5 (b) of the Constitution states the Coordinator shall serve in accordance with the terms and conditions established by the Tribal Council; and

NOW, THEREFORE BE IT RESOLVED that the Tribal Council of the Cheyenne & Arapaho Tribes hereby enacts the following terms and conditions for the Coordinator of the Office of Tribal Council.

1. **Terms and Conditions.** Suggested term of service should be indefinite limited to ability and performance. The Tribal Council appoints _____ for a two year term and compensation of _____ per year. For necessary salaries, expenses, and other direct and indirect cost of the Office of Tribal Council to carry out the functions mandated by the Constitution and Tribal Council not to exceed \$250,000.
2. **Constitutional Duties:**
 - a. Upon receipt of a valid petition, Coordinator shall call the Special Meeting.
 - b. Accept proposed Resolutions at least thirty days before each Annual Meeting or Special Meeting of the Tribal Council.
 - c. Prepare an agenda for Annual or Special Meetings of the Tribal Council (including the list of proposed Resolutions).
 - d. Publish and provide notice of all Regular Meetings and Special Meetings of the Tribal Council at least fifteen days before such Meeting.
 - e. Accept copy of decisions and minutes from the Secretary.
 - f. Accept petitions seeking to repeal an enacted law or Resolution at any time and the matter shall be placed on the agenda of the next Tribal Council Meeting.
 - g. Compile all approved laws and Resolutions within ten days of passage into a code which shall be published.

Tribal Council Resolution No. - _____; Terms and Conditions of Employment for Tribal Council Coordinator, Page 3

3. **Additional Duties:**

- a. Become knowledgeable of the operations of all branches, directorates, offices, and commissions
- b. Become aware of all tribal meetings and activities.
- c. At the request of Tribal Council Member, Coordinator shall attend tribal community meetings to inform and discuss the Constitutional powers of the Tribal Council and proposed resolutions.
- d. Attend conferences and educational sessions to educate Coordinator on subjects related to tribal and self-governance, C & A Constitution, and other close related fields.
- e. Publish annual financial report for the Office of Tribal Council in the C & A Tribal Tribune.
- f. Abide by the Tribal Council's rules of order and procedure.

4. **Removal.** Removal only by action of the Tribal Council.

BE IT FURTHER RESOLVED that the Tribal Council of the Cheyenne & Arapaho Tribes hereby certifies the election of _____ as the Tribal Council Coordinator at the Annual Tribal Council meeting held on October 2, 2010 at Concho, OK; and

BE IT FURTHER RESOLVED that the Tribal Council of the Cheyenne & Arapaho Tribes hereby adopts and sets the terms and conditions as outlined above; and

BE IT FURTHER RESOLVED that the Tribal Council of the Cheyenne & Arapaho Tribes hereby compensates the Coordinator at a rate of _____ per year/hr.

BE IT FINALLY RESOLVED the Tribal Council sets the policy for the Office of Tribal Council's budget not to exceed _____ per year.

2010 TRIBAL COUNCIL OF THE
CHEYENNE & ARAPAHO
TRIBES

Chairman

Tribal Council Resolution No.: **Terms and Conditions of Employment for Tribal Council Coordinator, Page 4**

ATTEST:

Secretary _____

CERTIFICATION

I, the undersigned, as Secretary of the 2010 Tribal Council of the Cheyenne & Arapaho Tribes; do hereby certify that a quorum was present at the duly call Annual Tribal Council Meeting held on the _____ day of October, 2010, and that the foregoing resolution was adopted by the affirmative vote _____ for, _____ opposed and _____ abstaining (not voting).

Secretary

CHEYENNE AND ARAPAHO TRIBES
ANNUAL MEETING OF THE TRIBAL COUNCIL
October 2, 2010
CONCHO COMMUNITY BUILDING- CONCHO, OK

RESOLUTION NO. _____

DATE POSTED: _____ DATE APPROVED: _____

SUBJECT: **Modification Gaming Revenue Allocation Plan**

WHEREAS, The Cheyenne and Arapaho Tribes are federally recognized and have their own form of self-government; and

WHEREAS, The Tribal Council of the Cheyenne and Arapaho Tribes, in accordance with Article V, Section 2, subsection (a), has the power to set policy for the Tribes; and

WHEREAS, The Tribal Council of the Cheyenne & Arapaho Tribes has the sole authority to prepare, modify and approve the Gaming Allocation Plan in accordance with Section VI of the Gaming Allocation Plan,

NOW, THEREFORE BE IT RESOLVED, The Tribal Council of the Cheyenne and Arapaho Tribes hereby modify and adopt the changes in the Gaming Allocation Plan as follows:

Per Capita 40%
Elderly 17%
Burial 4%
Crisis 8%
Economic Dev. 15%
Gaming Comm. 2%
Indian Child Welfare 1%
History 2%
Preservation 2%
Tradition 4%
Social 2%
Election Comm. 2%
Tribal Council 1%

BE IT FURTHER RESOLVED, that the Gaming Allocation Plan funds are not subject to indirect cost plan policies, nor are the funds subject to any plan or policy that diminishes the amount of funds that should go directly to the above cited departments and entities.

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Resolutions No. Page 2

BE IT FURTHER RESOLVED, that all programs and projects funded by net gaming revenues are aimed toward improving tribal conditions and life opportunities from generation to generation.

2010 TRIBAL COUNCIL OF THE CHEYENNE AND ARAPAHO TRIBES

Chairman of the Tribal Council

CERTIFICATION

I hereby certify that a quorum was present at the duly call Annual Meeting of the Tribal Council held on the 2nd day of October, 2010, and that the foregoing resolution was adopted by the affirmative vote _____ for, _____ against and _____ abstaining (not voting).

Secretary

CHEYENNE & ARAPAHO TRIBES
SPECIAL TRIBAL COUNCIL MEETING

Saturday, October 2, 2010
Concho Community Hall
200 Wolf Robe Circle
Concho, Oklahoma

RESOLUTION NO. _____

DATE POSTED: _____ DATE APPROVED: _____

SUBJECT: **A RESOLUTION APPROVING THE 2010 BUDGET & APPROPRIATIONS ACT (Alternatively, A RESOLUTION REPEALING THE 2010 BUDGET & APPROPRIATIONS ACT), BILL NO. _____**

WHEREAS, The Cheyenne and Arapaho Tribes ("Tribes") are a federally recognized Indian tribe organized under a Constitution adopted by the Cheyenne and Arapaho People on April 4, 2006 and approved by the Secretary of the Interior; and

WHEREAS, Article V, Section 2(a), of the Constitution provides that "[t]he Tribal Council shall have the power to set policy for the Tribes and shall have all other powers and duties specifically provided by this Constitution;" and

WHEREAS, Article V, Section 2(b) provides,

The Tribal Council shall have the exclusive power to approve the annual budget for the Tribes; provided that if the Tribal Council fails to approve or disapprove the annual budget within thirty days of receipt of the annual budget as approved in the Legislative Process, then the annual budget shall be deemed approved. The annual budget shall include all revenue and funds controlled by the Tribes including gaming revenue, and all revenue and funds received by the Tribes from any and all sources.

and

WHEREAS, Article VI, Section 7(a)(iv) establishes the power of the Tribal Council to repeal laws enacted by the Legislature, as follows:

Bills passed by the Legislature shall be presented to the Governor for signature or veto. All laws shall take effect thirty days after signature by the Governor or veto override by the Legislature unless any Member of the Tribes submits to the Coordinator of the Office of Tribal Council a petition signed by at least one hundred

1 of 2
A Resolution Approving the 2010 Budget and Appropriations Act

fifty Members of the Tribal Council seeking to repeal the law or resolution at the next Tribal Council meeting.

and

WHEREAS, Bill No. _____ ("2010 Tribal Budget") was first placed on the legislative agenda at the Third Legislature's second regular session, which was held on _____, 2010. Said Bill passed by majority vote of the Legislature on _____ (DATE); and

WHEREAS, The 2010 Tribal Budget was enacted into law on _____ (DATE) and, therefore, should have become effective on _____ (DATE); and

WHEREAS, On _____ (DATE), a petition, requesting the issue be placed on the annual Tribal Council meeting for October 2nd, 2010 and signed by more than 150 tribal members, was submitted to the Office of the Tribal Council; on said petition, consideration of the 2010 Tribal Budget was included as one of the stated purposes for the October 2, 2010 Tribal Council Meeting; and

WHEREAS, The Tribal Council has comprehensively reviewed the 2010 Tribal Budget and, after sufficient discussion and careful consideration of the needs of the Tribes, our Government, tribal programs and the tribal membership, the Tribal Council has determined it to be in the best interest of the Tribes to approve the 2010 Tribal Budget as it was enacted through Bill No. _____.

NOW THEREFORE BE IT RESOLVED that the Tribal Council hereby approves the 2010 Budget and Appropriations Act. _____.

SO ADOPTED this 2nd day of October, 2010 by a vote of _____ yays, _____ nays, _____ abstentions.

2010 TRIBAL COUNCIL OF THE
CHEYENNE AND ARAPAHO TRIBES

Chairman

Secretary

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A Resolution Approving the 2010 Budget and Appropriations Act

CHEYENNE & ARAPAHO TRIBES
SPECIAL TRIBAL COUNCIL MEETING

RECEIVED
AUG 31 2010

Saturday, October 2, 2010
Concho Community Hall 200 Wolf Robe Circle
Concho, Oklahoma

BY: *R. Lynn*
From: *Mary Youngblood*

RESOLUTION NO. _____

DATE POSTED: _____ DATE APPROVED: _____

SUBJECT: A RESOLUTION AUTHORIZING THE REPEAL OF THE PREVIOUS RESOLUTION CONCERNING THE TERM OF THE TRIBAL COUNCIL COORDINATOR AND THE SELECTION OF THE NEW TRIBAL COUNCIL COORDINATOR

WHEREAS, The Cheyenne and Arapaho Tribes ("Tribes") are a federally recognized Indian tribe organized under a Constitution adopted by the Cheyenne and Arapaho People on April 4, 2006 and approved by the Secretary of the Interior; and

WHEREAS, Article V, Section (5) of the Tribes' Constitution provides:

An Office of the Tribal Council is hereby established. A Coordinator for the Office of the Tribal Council shall be selected by the Tribal Council at the Annual Meeting of the Tribal Council or at a Special Meeting of the Tribal Council as needed. Members of the Tribes interested in serving in the position of Coordinator shall submit an application at least thirty days prior to the Tribal Council Meeting. All applications for Coordinator shall be published at least thirty days prior to the Tribal Council Meeting.

and

WHEREAS, Ms. Rachel Lynn is currently serving as the Tribal Council Coordinator ("Coordinator"); she was elected at the 2008 Annual Meeting of the Tribal Council pursuant to TC Resolution # _____; and

WHEREAS, The Tribal Council has since determined the need to repeal the permanent status of the resolution heretofore identified by repealing the previously identified resolution which appointed Rachel Lynn as the Coordinator and replace her with a new Tribal Council Coordinator from a pool of interested applicants who were properly noticed 45

1 of 2

A Resolution Authorizing the Repeal of Tribal Council Resolution # _____ appointing Rachel Lynn as the Permanent Tribal Council Coordinator and the selection of a new Tribal Council Coordinator.

days prior to this meeting and whose applications were published 30 days prior hereto; and

WHEREAS, The Tribal Council has determined that the Tribal Council Coordinator may be chosen from the heretofore mentioned pool of published applicants, by simple majority, which shall consist of tribal members nominated by other tribal members at this Annual Tribal Council Meeting held on October 2, 2010.

NOW THEREFORE BE IT RESOLVED that the Tribal Council hereby votes to repeal resolution # _____ which appointed Rachel Lynn to serve as the Tribal Council Coordinator and replace her with a new Tribal Council Coordinator selected from a pool of properly noticed and published applicants who shall serve the Tribal Council in said position for a period of four years.

BE IT FURTHER RESOLVED that the Tribal Council has selected _____ (Name) _____ by majority vote, to serve the Tribes as the Tribal Council Coordinator.

BE IT FURTHER RESOLVED that the Tribal Council Coordinator shall begin performing the duties of the Coordinator immediately, and Rachel Lynn, the former Tribal Council Coordinator, shall turn over all tribal equipment, keys, documents and all other items belonging to the Tribes to the Tribal Council Coordinator.

BE IT FINALLY RESOLVED that the Tribes' Personnel Department shall immediately process a temporary payroll action for the Tribal Council Coordinator, providing for compensation at a rate of \$ _____.

SO ADOPTED this 2nd day of October, 2010 by a vote of _____ yays, _____ nays, _____ abstentions.

2010 TRIBAL COUNCIL OF THE
CHEYENNE AND ARAPAHO TRIBES

Chairman

Secretary

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A Resolution Authorizing the Repeal of Tribal Council Resolution # _____ appointing Rachel Lynn as the Permanent Tribal Council Coordinator and the selection of a new Tribal Council Coordinator.

THE TRIBAL COUNCIL OF THE CHEYENNE-ARAPAHO TRIBES
TRIBAL COUNCIL MEETING
Concho Community Hall
200 Wolf Robe Circle
Concho, Oklahoma
October 2, 2010

RECEIVED
AUG 31 2010

BY: *R. Lynn*
From: *Mary Youngblood*

Resolution No. _____ Date Posted 9/____/10
Date Approved: _____

SUBJECT: A Resolution Establishing the Tribes Policy of Transparency for all Tribal Revenues and Expenditures

WHEREAS: The Cheyenne-Arapaho Tribes of Oklahoma are a federally recognized Indian Tribe and have their own form of self-government; and

WHEREAS: This self-government and sovereign status promotes economic and social Welfare of all tribal members; and

WHEREAS: The Cheyenne-Arapaho Tribal Council has the power to set policy for the Tribes and all other powers and duties specifically provided by the Constitution, and

WHEREAS: Policy is defined as the general principles by which a government can direct actions and decisions that are in the best interest of the people; and

WHEREAS: Article VII, Section 1 (c) and (d) establishes and sets out that the Office of Tribal Records shall secure all pertinent records for the tribal members to see, inspect and obtain copies thereof; and

WHEREAS: The Tribal Council has determined that despite these constitutional requirement(s) the administrations did not establish this office in accordance with the Constitution; and

WHEREAS: The Tribal Council is hereby determining that it is the Policy of the Tribes that this Department be fully functioning within six months; and

WHEREAS: The Tribal Council is determining as Policy that the financial records of the Tribes available to the tribal public be prepared and made available within thirty days of the beginning of the month following their creation and include but not be limited to the following information:

- 1) A check register recording all payments for each and every department of the Tribes, and
- 2) A copy of all financial transactions, including check requests, and the

transactions supporting documentation, including but not limited to checks, invoices, contracts, and authorizing resolutions, legislative enactments, orders etc.

NOW THEREFORE BE IT RESOLVED THAT, That the Tribal Council hereby establishes as Policy that the Office of Trial Records be fully functioning within six months of this date and that the financial records of the Tribes made available to the tribal public be prepared and made available within thirty day of the beginning of the month following their creation and include but not be limited to the following information:

- 1) A check register recording all payments for each and every department of the Tribes, and
- 2) A copy of all financial transactions, including check requests, and the transactions supporting documentation, including but not limited to checks, invoices, contracts, and authorizing resolutions, legislative enactments, orders etc.

Chairman, Cheyenne-Arapaho Tribal Council

Attest:

Secretary, Cheyenne-Arapaho Tribal Council

Certification

I, the undersigned, as Secretary for the Tribal Council of the Cheyenne-Arapaho Tribes of Oklahoma, do hereby certify that a quorum was present at the special meeting of the Cheyenne-Arapaho Tribal Council, duly called and convened on the 27th day of March, 2010, and that the foregoing resolution was adopted with the affirmative vote of _____ for, _____ opposed, and _____ abstentions and _____ not voting and this action is valid.

Secretary, Cheyenne-Arapaho Tribal Council

CHEYENNE & ARAPAHO TRIBES
SPECIAL TRIBAL COUNCIL MEETING

RECEIVED
AUG 31 2010

10:00 a.m., Saturday, October 2, 2010
Concho Community
200 Wolf Robe Circle
Concho, Oklahoma

BY: *R. Lynn*
From: *Mary Youngblood*

RESOLUTION NO. _____

DATE POSTED: _____ DATE APPROVED: _____

SUBJECT: A RESOLUTION AUTHORIZING A CONTRACT FOR A SPECIAL PROSECUTOR TO EXAMINE ALLEGATIONS OF UNAUTHORIZED SPENDING AND OTHER ALLEGED ILLEGAL ACTS

WHEREAS: The Cheyenne and Arapaho Tribes ("Tribes") are a federally recognized Indian tribe organized under a Constitution adopted by the Cheyenne and Arapaho People on April 4, 2006 and approved by the Secretary of the Interior; and

WHEREAS: The Cheyenne and Arapaho have their own form of self-government and this self-government and sovereign status promotes economic and social welfare of all tribal members; and

WHEREAS: Article VII, Section 4(d) of the Tribes' Constitution provides:

The Governor shall have the power to negotiate and sign a contract, other than a gaming management contract, which has been previously and specifically authorized by the Tribal Council or Legislature. No contract shall be valid which has not been previously authorized by the Tribal Council or Legislature. In the event of a conflict between the acts of the Tribal Council and the Legislature regarding the authorization to contract, the act of the Tribal Council shall govern.

WHEREAS: Article V, Section 2 (c) of the Constitution grants the Tribal Council "the power to authorize the Governor to enter into treaties, compacts, or any contract"; and

WHEREAS: Article VII, Section 4(a) of the constitution grants "[t]he Executive power of the Tribes shall be vested in the Governor. The Governor shall execute, administer, and enforce the laws. The Governor shall enforce court orders." This gives the Governor the executive power to hire a Special Prosecutor and/or investigator to execute administer and enforce the laws; and

1 of 2

A RESOLUTION AUTHORIZING A CONTRACT FOR A SPECIAL PROSECUTOR AND/OR INVESTIGATOR TO EXAMINE ALLEGATIONS OF UNAUTHORIZED SPENDING AND OTHER ALLEGED ILLEGAL ACTS

WHEREAS: In *Flyingman v. Spottedwolf*, SC 2009-0023, the Supreme Court states "the framers and ratifiers of the 2006 constitution assigned the prosecutorial function to the Executive Branch of tribal Government. Indeed, we have held that 'legal representation of the Tribes as such (whether prosecutorial or otherwise) is one of the Executive Branch's core functions,' and no quantity of 'whereas' clauses in any Legislative Branch document (however captioned) can change that."; and

WHEREAS: The Special Prosecutor and/or investigator funds are validly in the Department of Justice Budget under the Attorney General of the Cheyenne and Arapaho Tribes; and

WHEREAS: The members of the Tribal Council have determined a need for a special prosecutor to look into allegations of unauthorized spending and other alleged illegal acts during both the current a previous administrations; and

WHEREAS: The Tribes hereby authorizes the execution of such special prosecutor services contract(s) as long as such contract does not include a waiver of the Tribes sovereign immunity of any kind as described in Article X hereunder.

NOW THEREFORE BE IT RESOLVED that the Tribal Council has determined that it is in the best interest of the Tribes to engage a special prosecutor and/or investigator to look into allegations of unauthorized spending and other alleged illegal acts of the current or previous Administration.

SO ADOPTED this _____ day of _____, 2010 by a vote of _____ yays, _____ nays, _____ abstentions.

2010 TRIBAL COUNCIL OF THE
CHEYENNE AND ARAPAHO TRIBES

Chairman

Secretary

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A RESOLUTION AUTHORIZING A CONTRACT FOR A SPECIAL PROSECUTOR AND/OR INVESTIGATOR TO EXAMINE ALLEGATIONS OF UNAUTHORIZED SPENDING AND OTHER ALLEGED ILLEGAL ACTS

TRIBAL COUNCIL
OF THE
CHEYENNE AND ARAPAHO TRIBES
ANNUAL MEETING
SATURDAY, OCTOBER 2, 2010

RECEIVED
AUG 31 2010
BY: *[Signature]*
FROM: Mary Youngbull

A POLICY ON SPECIAL TRIBAL COUNCIL MEETINGS –
NO ONE IN THE JUDICIAL BRANCH, LEGISLATIVE BRANCH, THE EXECUTIVE BRANCH, OR THE TRIBAL COUNCIL COORDINATOR CAN INVALIDATE, STOP OR PREVENT A SPECIAL TRIBAL COUNCIL MEETING.
RESOLUTION NO:
DATE APPROVED: October 2, 2010

PURPOSE: This POLICY establishes that once a Special Tribal Council Meeting has been called according to the procedure outline in the Cheyenne and Arapaho Constitution, no one shall stop A Tribal Council Meeting by any means. A Special Tribal Council Meeting shall be held once a Petition signed by at least 150 Tribal Members is turned over to the Tribal Council Coordinator, the Coordinator shall schedule a Tribal Council meeting. The Tribal Council is one of four separate powers as described in the Constitution, and is a separate Branch of Government. No other Branch of Government, specifically meaning Judicial, Executive or Legislative cannot interfere, prevent or stop by any means a Special Tribal Council meeting.

WHEREAS, The Cheyenne and Arapaho Tribes are federally recognized Indian Tribes, organized Under a Constitution approved by Tribal membership on April 4, 2006 and approved by the Secretary of Interior; and

WHEREAS, ARTICLE II, Section 2, Branches of Government. The power of the government shall be Divided into four branches: Tribal Council, Legislative, Executive, and Judicial.

WHEREAS, ARTICLE II, Section 3, Separation of Powers. No official of any branch of Government shall Exercise any power granted in this Constitution or properly delegated by law to any other branch of Government except as expressly directed or permitted by this Constitution.

WHEREAS, ARTICLE V, TRIBAL COUNCIL, Section 2. Powers. (a). The Tribal Council shall have the Power to set policy for the Tribes and shall have all other powers and duties specifically provided by This Constitution, and

WHEREAS, The Tribal Council only exists during the Annual Tribal Council Meeting and during a Special Tribal Council Meeting called by five Legislators or by petition signed by one hundred fifty Members of the Tribes, and

WHEREAS, The Tribal Council is composed of all members of the Tribes age eighteen and older, An official Tribal Council meeting must have a quorum of at least seventy-five members of the Tribal Council, and

WHEREAS, several months ago, a signed petition of over 150 signatures was turned over to the

Tribal Council Coordinator and a Special Tribal Council Meeting was called. The notices went out, members made preparations to travel and be at the meeting, over 200 tribal members Signed in, a quorum was established, therefore an Official Special Tribal Council Meeting began with the selection of a tribal council chairperson according to the Constitution, and

WHEREAS, The Tribal Council Coordinator interrupted the meeting and stated that the Trial Court Judge, Bob Smith, issued an Injunction stopping the Special Tribal Council Meeting. She also Stated that if the Tribal Council proceeded that the Chairperson and Secretary would be held in contempt, and

WHEREAS, An appeal was filed to the Supreme Court, and the Supreme Court did not Validate this Special tribal Council Meeting but upheld the Trial Court Judge's decision, and

WHEREAS, The Decision and actions of the Trial Court Judge and the Tribes Supreme Court Judges are a major violation of the Cheyenne and Arapaho Tribes Constitution. A major violation of the "Separation of Power" clause in ARITICLE II " No official of any Branch of Government shall exercise any power granted in this Constitution or properly Delegated by law to any other branch of Government except as expressly directed or permitted by this Constitution.

WHEREAS, The Constitution states there shall be Special Tribal Council meetings, and does not state that a person, elected official or judge, or a separate Branch of Government shall stop or prevent another Branch of Government from meeting or conducting business as directed by the Constitution.

WHEREAS, this policy shall make it clear that once a Special Tribal Council Meeting has been Called according to procedures established by the Constitution, a Special Tribal Council Meeting Cannot be stopped or Invalidated by the Trial Court Judge, or the Supreme Court.

WHEREAS, if someone does not agree that a resolution passed at a Special Tribal Council Meeting is constitutional, it is their prerogative to file against its passage in the Trial Court. Such concerns shall be addressed according to the Constitution and Code of laws of the Cheyenne and Arapaho Tribes. The Tribal Courts can only act on those law suits properly filed in their courts, and

NOW THEREFORE, The Tribal Council of the Cheyenne and Arapaho Tribes, admonishes Officials of the other three branches of government to stay out of the Tribal Council's affairs, The Tribal Council has the constitutional right to meet at the Annual Tribal Council Meeting and at any and all Special Tribal Council Meetings without any interference.

So Adopted this ___ day of _____, 2010 by a vote of ___ yays, ___ nays, ___ abstentions.

Tribal Council Chairman

Secretary

TRIBAL COUNCIL
OF THE
CHEYENNE AND ARAPAHO TRIBES
ANNUAL MEETING
SATURDAY, OCTOBER 2, 2010

RECEIVED
AUG 31 2010
BY: *[Signature]*
FROM: Mary Youngbull

A POLICY SETTING THE SALARIES OF ALL ELECTED OFFICIALS OF THE CHEYENNE AND ARAPAHO TRIBES, and A POLICY SETTING THE SALARIES OF GAMING COMMISSIONERS, TAX COMMISSIONERS, DEPARTMENT HEADS, CASINO MANAGERS and JUDGES, and A POLICY PLACING A CAP ON SALARIES OF ALL OTHER EMPLOYEES OF THE CHEYENNE AND ARAPAHO TRIBES.
RESOLUTION NO:
DATE APPROVED: October 2, 2010

PURPOSE: This POLICY sets the salaries of all Elected officials, Gaming Commissioners, Tax Commissioners, Department heads, Casino Managers, Judges, and establishes a Cap (maximum allowed) on all other employees of the Cheyenne and Arapaho Tribes in order to promote a balanced, efficient and fiscally responsible government, and

WHEREAS, The Cheyenne and Arapaho Tribes are federally recognized Indian Tribes, organized Under a Constitution approved by Tribal membership on April 4, 2006 and approved by the Secretary of Interior; and

WHEREAS, ARTICLE V, TRIBAL COUNCIL, Section 2. Powers. (a). The Tribal Council shall have the Power to set policy for the Tribes and shall have all other powers and duties specifically provided by This Constitution, and

WHEREAS, The TRIBAL COUNCIL finds that a need exists for the reduction of salaries paid to elected Officials, Gaming Commissioners, Tax Commissioners, Department Heads, Casino Managers, and

WHEREAS, all other employees of the Tribes and Casinos shall make less and not more than \$,000 per annum, Tribal Council approves policy that establishes a \$,000 salary Cap (the maximum amount allowed) for all other employees not mentioned above conducive to their job position education level, and duties to take effect immediately, and

WHEREAS, This policy shall be followed by the Executive Branch, i.e. Treasurer, Finance Department, Personnel, and the Head Manager, Finance Official and management personnel of all Casinos, and

WHEREAS, The salaries will be reviewed again during the 2011 Annual Tribal Council meeting for any changes, these reduction in salaries paid to higher level Employees, and Elected Officials shall be reviewed on an annual basis until such time the Tribes are out of debt, gaming revenues have increased, and the performance of these higher level officials and employees are performing their duties to the satisfaction of the Tribal Council.

WHEREAS, this comes about due to the Flyingman Administration's misappropriation of funds, unnecessary and illegal spending of funds, which created a huge debt for the Tribes to pay, millions Of dollars are missing, there is no accountability. The current administration continually reports Poor casino earnings, huge debt and the current administration has no accountability and promises of transparency has not become a reality, and

WHEREAS, The TRIBAL COUNCIL shall establish by Policy the permanent salary of Elected Officials, Gaming Commissioners, Tax Commissioners, Department Heads, and places a CAP on all Employees salaries of the Cheyenne and Arapaho Tribes effectively immediately, and

WHEREAS, The Tribal Council authorizes the Bureau of Indian Affairs to oversee this Policy, and to Report to the proper authorities embezzlement of funds of any individual employee, elected official, Casino employee or manager that processes funds for salaries greater then what this Policy has Established herein, and

WHEREAS, ARTICLE VII-EXECUTIVE BRANCH, Section 5. Compensation. The Governor and Lieutenant Governor shall receive reasonable compensation as established by law. No increase or decrease in Compensation for the Governor or Lieutenant Governor shall take effect until after the next General Election except for generally applicable cost of living increases, and

WHEREAS, ARTICLE V-TRIBAL COUNCIL shall have the exclusive power to approve the Annual Budget for the Tribes; provided that if the Tribal Council fails to approve or disapprove the annual budget within thirty days of receipt of the annual budget as approved in the Legislative Process, then the annual budget shall be deemed approved, and

WHEREAS, to this date, The LEGISLATIVE BRANCH has NOT called a SPECIAL MEETING of the TRIBAL COUNCIL, in order to present the Annual Budget to the TRIBAL COUNCIL for approval, and

WHEREAS, The TRIBAL COUNCIL only exists during the ANNUAL meeting or a Special Meeting of the Tribal Council, at which time the Tribal Council exists and can be given an Annual Budget which has been through the, Legislative Process, to be considered for approval.

WHEREAS, The TRIBAL COUNCIL has never been in receipt of an "Annual Budget as approved in the Legislative Process", therefore the Elected Officials Salary, Gaming Commissioners Salary, Tax Commissioners salary and the Department Head Salaries has never been established and has never been approved, and

WHEREAS, to this date since the ratification of the new constitution, April 4, 2006, an Annual Budget for the Cheyenne and Arapaho Tribes HAS NEVER been approved by the TRIBAL COUNCIL as required by the Constitution, the Tribes have never operated by a Tribal Council approved budget, and

WHEREAS, The Tribal Council Coordinator is only one tribal member and shall not Act, Speak on behalf of, shall not represent in any capacity, and shall not take the place of the " Tribal Council," And,

WHEREAS, THE Tribal Council Coordinator is simply a coordinator with ministerial type duties, and

WHEREAS, The Tribal Council is composed of all Members of the Tribes age eighteen and older, Voters, who come together to form the "Tribal Council" which only exists during the Annual Tribal Council Meeting or a Special Meeting of the Tribal Council called by five members of the Legislature or by petition signed by one hundred fifty Members of the Tribes, Article V, Section 3, (b), and

WHEREAS, The Salaries for Elected Officials has never been established or approved because The Tribal Council has never been in receipt of an Annual Budget following the Legislative Process For approval, and

THEREFORE, The Tribal Council establishes and approves the first official salaries for Elected Officials, Gaming Commissioners, Tax Commissioners, Casino Managers, Department heads, and a Cap (maximum) For all other employees, and

THEREFORE AFTER THE SALARIES ARE ESTABLISHED HEREIN, they shall not be changed until the next General Election except for generally applicable cost of living increases using the Federal Government approved cost of living increase determined for a specific year, Article VII, Section 5. shall be followed hereafter, for the Governor and Lt. Governor.

POLICY- SALARIES OF ELECTED OFFICIALS:

Policy – Governor and Lt. Governor salaries:

A. The base salary of the Governor shall be \$_____ dollars annually, serves in the capacity of Chief Executive Officer ("CEO") of the Tribes.

B. The base salary of the Lieutenant Governor shall be \$_____ dollars annually, serves in the capacity of Chief of Staff of the Tribes.

POLICY - LEGISLATIVE BRANCH SALARIES and District Budget Policy:

A. The salary for all Legislators shall be \$_____ dollars annually, taken from their District annual budget of \$_____ or what the Tribal Council approves when it receives the budget.

B. The Legislative Speaker shall receive an additional \$_____ per month for the duration of the time in which he/she serves in that capacity.

C. The salary for the Legislative Clerk shall be \$_____ dollars annually, and the Legislative Clerk Shall take her salary, and one assistant salary from the Legislative Clerk Budget of \$_____ per year.

POLICY - JUDICIAL BRANCH SALARIES:

A. The base salary for the Justices of the Supreme Court of the Cheyenne and Arapaho Tribes shall be _____ thousand dollars (\$_____) per month, provided that the Justice that serves as Chief Justice shall receive an additional \$_____ per month for the duration of time in which he Or she serves in that capacity.

B. The base salary for the Trial Court Judge shall be \$_____ dollars annually. The Tribes shall not provide a dwelling for the Judge(s). It is the responsibility of the Judge(s) to provide their own living quarters somewhere in the Tribal jurisdiction within the Legislative eight (8) districts.

C. The base salary for Interim Trial Court Judge shall not exceed \$_____ per day of court.

POLICY - ELECTION COMMISSIONERS SALARIES:

A. The base salary for each of the eight (8) election Commissioners shall be \$_____ per hour not to exceed _____ hours per work week, and Election Commissioners shall be part-time.

B. The Election Commissioner chosen to serve as Chairman, shall receive an additional _____ dollars (\$____) per hour while he/she serves in that capacity not to exceed a 25 hour work week.

POLICY - TAX COMMISSIONERS SALARIES:

A. The salary for each Tax Commissioners shall be \$_____ dollars per annum.

POLICY – GAMING COMMISSIONER SALARIES:

A. The salary for each Gaming Commissioner shall be \$_____ dollars per annum.

POLICY – Top Executive Manager of all Four Casinos Salary shall not exceed \$_____ per annum.

POLICY - Mid-level Managers, shall receive a salary not to exceed \$_____ per annum.

POLICY - Lower level Managers shall receive a salary not to exceed \$_____ per annum.

POLICY – Hourly workers salary on a scale starting at \$_____ and not to exceed \$_____ per hour.

POLICY – TRIBAL COUNCIL COORDINATOR SALARY:

A. The salary of the Tribal Council Coordinator shall be \$_____ per annum if Full-Time, or

B. The salary of the Tribal Council Coordinator shall be \$_____ per annum if part-time.

C. Annual Budget for Tribal Council Coordinator shall be \$_____ per annum.

POLICY – DEPARTMENT HEAD SALARY:

A. The salary of a Department head shall be paid according to responsibilities, duties, Education and Experience following a scale beginning at \$_____ and ending at \$_____ per annum.

POLICY – SALARIES OF ALL OTHER EMPLOYEES OF THE TRIBES NOT MENTIONED ABOVE :

A. The Tribal Council hereby establishes a Cap for salaries, this is the maximum a employee or Worker can be paid out of tribal funds is established at \$_____, no employee shall not receive over \$_____ per annum.

It is the policy of the Tribal Council to reduce salaries of all employees and officials of the Tribes Until such time that the performance of these people is at a satisfactory level, the casinos are Producing more funds, the Tribes are out of debt, and when the Tribes have a stable government, enterprise, jobs, housing, and clinic. The Salary Policy of the Tribes will be reviewed and updated, until such time, this Salary policy shall remain in effect. This Policy is to be adhered to by all involved in the payroll process as well as all branches of Government.

SO ADOPTED THIS _____ DAY OF _____, 2010 by a vote of _____ yays, _____ nays, _____ abstentions.

2010 TRIBAL COUNCIL OF THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA

CHAIRMAN

SECRETARY

CHEYENNE & ARAPAHO TRIBES
ANNUAL TRIBAL COUNCIL MEETING
October 2, 2010
CONCHO COMMUNITY BUILDING – CONCHO, OK

RECEIVED
SEP 01 2010
BY: [Signature]
From Vera Frankel
Lovella Oldbear

RESOLUTION NO. _____

DATE POSTED: _____ DATE APPROVED: _____

SUBJECT: Constitutional Amendment to Article VIII – Judicial Branch, Section 2 and Section 4 (d).

WHEREAS: The Cheyenne and Arapaho Tribes are a federally recognized Indian tribe Organized under a Constitution approved by tribal membership on April 4, 2006 and approved by Secretary of the Interior; and

WHEREAS: Article XIII, Section 1. (a). grants the Tribal Council the power to initiate the process to amend the Constitution by calling a Special Election and the Election Commission shall call and hold a Special Election to amend the Constitution within ninety day of an official request from the Tribal Council; and

WHEREAS: Article VIII, Section 2. reads: Selection. Each Judge and Justice shall be selected upon nomination by the Governor, subject to confirmation by the Legislature and approval by the Tribal Council, provided that, if the legislature fails to approve or disapprove a nominee for Judge or Justice within thirty day of nomination by the governor, then the nominee shall be deemed confirmed by the Legislature, provided, further that, if the Tribal Council fails to approve or disapprove a nominee who has been confirmed by the Legislature, or who has been deemed confirmed by the Legislature, within sixty days of confirmation by the legislature, then the Judge or Justice shall be deemed approved by the Tribal Council; and

NOW, THEREFORE, BE IT RESOLVED the Tribal Council hereby calls a Special Election to amend VIII, Section 2 and 4 (d) of the Constitution, as follows:

Proposed amendment to Article VIII, Section 2:

Section 2. Election. Each Judge and Justice shall be elected by a majority vote of the People. The Election Commission shall add each individual who files for candidacy to the General Election Ballot provided the nominee meets the qualifications under Section 4 of this Article.

(a). First Election. Following the adoption of this Amendment, a Special Election of Judges and Justices shall be immediately commenced by the

Election Commission and held within 60 days of the adoption of this Amendment.

- i. The first elected Chief Justice shall serve until the end of 2013. Upon filing for candidacy, individuals shall designate whether they are filing to serve in the position as Chief Justice; or the latter half of a four year Associate Justice term (in order to implement staggered terms); or for the full remainder of the four year Associate Justice term. There shall be two Associate Judge positions up for election for which terms shall end at the next general election following this first Special Election for Judges and Justices. There shall be two Associate Judge positions up for election for which terms shall end at the end of 2013.
- ii. The first elected Chief Judge and Associate Judges shall serve the remainder of a four year term which shall end at the end of 2013.

(b). Each ballot shall state: The candidates' name; the seat to be filled: Chief Judge, Associate Judge, Chief Justice, Associate Justices; and the term of office.

(c). A notice calling for candidates shall appear in the Tribal Tribune and shall be posted on the Tribal Website immediately upon adoption of this Amendment. Future notices calling for candidates shall be published in the Tribal Tribune and posted on the Tribal Website at least 60 days prior to June 1 of each election year, or immediately upon the calling of a Special Election, when necessary.

Proposed Amendment to Article VIII, Section 4 (d):

Section 4 Qualifications.

(d). The Chief Justice and Chief Judge shall maintain a residence within one of the voting districts during his or her term of office.

BE IT FURTHER AND FINALLY RESOLVED THAT the Tribal Council hereby makes an official request to the Election Commission to call and hold a Special Election on the foregoing proposed Amendments within ninety (90) days of this date. October 2, 2010.

2010 TRIBAL COUNCIL OF THE
CHEYENNE AND ARAPAHO
TRIBES

TRIBAL COUNCIL CHAIRMAN

Attest:

TRIBAL COUNCIL SECRETARY

CERTIFICATION

I, the undersigned, as Secretary of the 2010 Tribal Council of the Cheyenne & Arapaho Tribes; do hereby certify that a quorum was present at the duly called Annual Tribal Council Meeting held on the 2nd day of October, 2010, and that the foregoing resolution was adopted by the affirmative vote of: ___ for, ___ opposed and ___ abstaining.

TRIBAL COUNCIL SECRETARY

CHEYENNE & ARAPAHO TRIBES
ANNUAL TRIBAL COUNCIL MEETING
October 2, 2010
CONCHO COMMUNITY BUILDING – CONCHO, OK

RECEIVED
SEP 01 2010
BY: [Signature]
From Vera Frankel
Lovella Oldbear

RESOLUTION NO. _____

DATE POSTED: _____ DATE APPROVED: _____

SUBJECT: Constitutional Amendment to Article V, Section 5 (a). Office of the Tribal Council.

WHEREAS: The Cheyenne and Arapaho Tribes are a federally recognized Indian tribe Organized under a Constitution approved by tribal membership on April 4, 2006 and approved by Secretary of the Interior; and

WHEREAS: Article XIII, Section 1. (a). grants the Tribal Council the power to initiate the process to amend the Constitution by calling a Special Election and the Election Commission shall call and hold a Special Election to amend the Constitution within ninety days of an official request from the Tribal Council; and

WHEREAS: Article V, Section 5 (a) reads as follows: An Office of the Tribal Council is hereby established. A Coordinator for the Office of the Tribal Council shall be selected by the Tribal council at the Annual Meeting of the Tribal council or at a Special Meeting of the Tribal council as needed. Members of the Tribes interested in serving in the position of Coordinator shall submit an application at least thirty days prior to the Tribal Council Meeting. All applications for Coordinator shall be published at least thirty days prior to the Tribal Council Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Tribal council hereby calls a Special Election to amend Article V, Section 5 (a) of the Constitution, as follows:

Proposed amendment to Article V, Section 5 (a):

“An Office of the Tribal Council is hereby established. A Coordinator for the Office of the Tribal Council shall be selected by the Tribal Council at the Annual Tribal Council Meeting or at a Special Meeting of the Tribal Council as needed. On July 15th, the applications of all interested tribal members shall be published in the Tribal Tribune. An election by the Tribal Council shall be held at 2 year intervals, on even numbered years, unless a petition calling for a Special Tribal Council Meeting to remove the Tribal Council Coordinator is requested. The Tribal council Coordinator shall immediately publish the Notice for the Special Tribal council Meeting and publish Notice

announcing the position of the Tribal Coordinator. The applications shall be published 30 days before the Tribal council Meeting. The coordinator may re-apply to run for re-election at anytime. For Legal purposes the duties of the Tribal council Coordinator shall be defined as “Ministerial and he/she shall have no Discretionary Authority”.

BE IT FURTHER AND FINALLY RESOLVED THAT the Tribal Council hereby makes an official request to the Election Commission to call and hold a Special Election on the foregoing proposed Amendments within ninety (90) days of this date. October 2, 2010.

2010 TRIBAL COUNCIL OF THE
CHEYENNE AND ARAPAHO
TRIBES

TRIBAL COUNCIL CHAIRMAN

Attest:

TRIBAL COUNCIL SECRETARY

CERTIFICATION

I, the undersigned, as Secretary of the 2010 Tribal council of the Cheyenne and Arapaho Tribes; do hereby certify that a quorum was present at the duly called Annual Tribal Council Meeting held on the 2nd day of October, 2010, and that the foregoing resolution was adopted by the affirmative vote of: ___ for, ___ opposed and ___ abstaining.

TRIBAL COUNCIL SECRETARY