

DECLARATION

“The Magna Charta and quo-warranto of the Enemy Swim People...”

**Revised
Constitution and By-Laws
of the
Enemy Swim District**

PREAMBLE

We, the members of the Enemy Swim District do hereby declare our district rights to administer. Exercise policies and responsibilities and other rights as recognized in the Revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate to form a responsible district government.

ARTICLE I. JURISDICTION

Enemy Swim jurisdiction shall be according to the Revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate and over members of the Enemy Swim District enrolled as members of the Sisseton-Wahpeton Oyate.

ARTICLE II. DISTRICT MEMBERSHIP

Section 1. Membership of the Enemy Swim District shall consist of:
(a.) Enrolled members of the Sisseton-Wahpeton Oyate, Lake Traverse who chose to be members in the Enemy Swim District.
(b.) Honorary members are those persons recognized by the district as setting an example for the district.

Section 2. Honorary members shall be ineligible to vote or hold office in the District or Tribe.

ARTICLE III. ORGANIZATION

Section 1. The Enemy Swim District shall be governed by a Chairman, Vice-Chairman, Secretary, Treasurer and Councilperson. For the purpose of this Article, these individuals shall hereby referred to as the District Executive's Council.

Section 2. The District Executives Council in a duly recognized formal session shall have the power to initiate and execute district resolutions, ordinances and business on behalf of the Enemy Swim District.
(a.) All action taken by the District Executive Council shall be subject to review at the next duly recognized district meeting.
(b.) In a duly recognized district meeting, the members shall have the authority to veto any action taken by the District Executive's Council.

Section 3. The District members shall make appointments to boards, committees or associations at duly called district meetings.

Section 4. The District Executive Council shall consist of at least three (3) members to constitute a quorum.

ARTICLE IV. NOMINATIONS AND ELECTIONS

Section 1. Any qualified registered member of the Enemy Swim District twenty-one (21) years of age or older may announce his/her candidacy for District Office by notifying the District in writing according to the Enemy Swim District Election Ordinance.

- (a.) Shall hold office for four (4) years commencing on odd numbered years.
- (b.) The duly elected Councilperson upon being seated and sworn in shall call in January of odd numbered years for the election of district officers.
- (c.) Any qualified registered members of the Enemy Swim district twenty-one (21) years of age or older may announce his/her candidacy for District Office by notifying the District in writing according to the Enemy Swim District Election Ordinance.

Section 2. The Enemy Swim District shall elect the:

- (a.) District Chairman
- (b.) Vice-Chairman
- (c.) Treasurer, and
- (d.) Secretary.

Section 3. No person shall be a candidate for or hold more than one (1) District Executive Office.

Section 4. All registered district members eighteen (18) years of age or over shall have the right to vote in Tribal and District elections.

ARTICLE V. VACANCIES, REMOVAL AND RECALL

Section 1. If a District Officer shall die, resign or be removed from office:

- (a.) District Officers shall be elected at special meetings duly posted or at the next Duly scheduled district meeting.

Section 2. A District Officer who is proven guilty of improper conduct of gross neglect of duty may be removed from office by the district members, provided that the District Officer is given full opportunity to reply to any and all charges at a designated district meeting; and provided further that the District Officer shall be given a written statement against him/her at least five (5) days before the meeting at which he/she is given the opportunity to reply.

Section 3. The voters of Enemy Swim District, by petition signed by ten (10%) percent of the registered voters may request the recall of the Enemy Swim District Executive Officer for improper conduct. The recall of the Enemy Swim District Executive may be requested by a petition signed by ten (10%) percent of the registered voters. The district shall hold a special election on all recall petitions that result in removal from office. Vacancies shall be filled under Article IV; Section 1. of the Enemy Swim Constitution and By-Laws.

Section 4. Any district officer who fails to attend two (2) successive duly called district meetings without excuse shall be considered to have abandoned his/her office.

ARTICLE VI. POWERS

Section 1. The district at a duly scheduled district meeting and through motions and resolutions shall have the power:

- (a.) To represent the district in all negotiations with the Tribal Council.
- (b.) To acquire, own, use, manage, lease, encumber and dispose district property both real and personal wherever situated with concurrence with the Revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate.
- (c.) To engage in any business not contrary to Tribal Law.
- (d.) To make rules governing the relationship of the district members, to district members' property and to one another as members of the tribe.
- (e.) To hire any employee or agent with district resources and to compensate them for their services.
- (f.) To deposit district funds, without limitation as to the amount, in any account, bank, or savings and loan association; and to invest or reinvest district funds.
- (g.) To take actions by ordinance or resolutions, which is reasonably necessary through committees, boards or agents to carry into effect the above powers and to add such further powers as maybe permitted by Tribal Law, through appropriate amendment to this constitution.
- (h.) To promote, health, education, welfare and such other services as may contribute to the social advancement of all members of Enemy Swim District.
- (i.) To adopt resolutions or ordinances regulating the procedures of the district, it's officials and committees in the conduct of District affairs.

Section 2. Manner of Review

Any ordinance or resolution which may be subject to review by the Tribal Council, shall be presented to the Tribal Council through the Tribal Councilperson. Upon approval by the Tribal Council the resolution or ordinance shall become effective upon presentation at the next duly scheduled district meeting.

ARTICLE VII. MEETINGS

Section 1. The regularly scheduled Enemy Swim District meetings shall be the third Saturday of each month.

Section 2. Special meetings may be called by the Enemy Swim District Chairman:
(a.) For emergency situations,
(b.) At the request of Tribal, Federal, State, County officials or,
(c.) At the request of five (5%) percent of district members

Section 3. Special meetings could be called by a majority of District Executive Council.
(a.) In the absence of the District Chairman
(b.) At the request of five (5%) percent of the district members
(c.) A majority shall be defined as three (3) Executive Members

Section 4. At a minimum, an audit must be conducted of all financial records of the district and every district corporation annually.

ARTICLE VIII. DUTIES OF OFFICIALS

Section 1. Chairman
(a.) Shall preside at all regular and special meetings of the District and the District Executive Council.
(b.) Shall be an ex-officio member of all District Committee boards, associations and organizations.
(c.) Shall have general and active management of business activities of the district except that he/she not act on matters that bind the district until either the District Executive Council, the district members or the Tribal Council has deliberated and enacted the appropriate actions.
(d.) He/she shall sign all official papers in behalf of the district when authorized to do so.
(e.) Shall supervise the district officers to ensure they carry out their duties.
(f.) Shall see that all ordinances and resolutions of the district are carried into effect.
(g.) Shall supervise all district committees, associations and organizations to insure they carry out their duties.
(h.) Shall not vote in the district except in case of a tie.

Section 2. Vice-Chairman
The Vice-Chairman shall perform the duties of the Chairman in his absence and those other duties which may be assigned to carry forward the goals and powers of the District.

Section 3. Secretary
The Secretary shall establish and maintain all records required by these Articles including but not limited to minutes of meetings, resolutions, correspondence files and voter eligibility lists. He/she shall also receive all petitions provided for herein of the Chairman and Vice-Chairman. Secretary is to keep first a current membership roll and current District Voting Roster

Section 4. Treasurer

Shall keep and maintain, adequate and correct accounts of the properties and business transactions of the district. Have care and custody of the funds and valuables of the district. Will deposit and disburse all funds in the name of the credit of the Enemy Swim District with such depository as the district and the District Executive Council may direct. Disburse the funds of the district as may be ordered by the district, taking properly signed invoices, vouchers or other instruments of said disbursement. All checks will be countersigned by the District Chairman or in his absence, his authorized designee. Shall submit a written financial report at all monthly scheduled meetings.

ARTICLE IX. BILL OF RIGHTS

All members of the Enemy Swim District shall be accorded equal rights and equal opportunities in the economic development, sources and activities of the Enemy Swim District, and no member of the Enemy Swim District shall be denied freedom of conscience, speech, association, assembly or due process of law, or the right to petition for the redress of grievances. The members of the Enemy Swim District shall continue undisturbed in their religious beliefs and nothing in this constitution and By-Laws will authorize the Enemy Swim District, Tribal Council or the General Council to interfere with these religious practices according to their custom.

ARTICLE X. AMENDMENTS

These Constitution and By-Laws may be amended by a majority vote of the members of the Enemy Swim District at any regular or special district meeting, duly posted and called for that purpose with at least ten (10%) percent of district members present and voting.