

# **EASTERN SHAWNEE TRIBE OF OKLAHOMA**

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## **ORDINANCE NUMBER 071222-O- 01**

### **An Ordinance Adopting the Codification Ordinance Eastern Shawnee Tribal Code § 2.100**

**WHEREAS**, the Eastern Shawnee Tribe of Oklahoma is a federally recognized Indian Tribe organized under the Oklahoma Indian Welfare Act of 1936, with a Constitution approved by the Secretary of the Interior, April 4, 1994 and Amended March 2, 1999; and

**WHEREAS**, the Constitution of the Eastern Shawnee Tribe of Oklahoma, Article XVII, Section 1 empowers the Business Committee to adopt ordinances on final decisions on matters of permanent interest to members of the Eastern Shawnee Tribe; and

**WHEREAS**, the Constitution of the Eastern Shawnee Tribe of Oklahoma, Article IX, Section 1, empowers the Business Committee to protect and preserve the interests of the Tribe; and

**WHEREAS**, the Constitution of the Eastern Shawnee Tribe of Oklahoma, Article IX, Section 1, empowers the Business Committee to enact laws, ordinances and resolutions necessary or incidental to the exercise of its legislative powers; and

**WHEREAS**, the Eastern Shawnee Tribe of Oklahoma is committed to the concept of Indian Tribes functioning as sovereign governments; and

**NOW THEREFORE BE IT ENACTED**, that the Business Committee of the Eastern Shawnee Tribe of Oklahoma hereby adopts the Codification Ordinance § 2.100 of the Eastern Shawnee Tribal Code.

## CERTIFICATION

The foregoing Resolution NUMBER 071222-O- 01 was adopted at a duly called (regular and/or special) meeting of the Business Committee of the Eastern Shawnee Tribe of Oklahoma conducted on **July 12, 2022**. A quorum was present at said meeting with the vote reflecting;

5 FOR  
0 AGAINST  
0 ABSTAINING  
0 ABSENT  
0 VACANCY

Debbie Littlefield  
Debbie Littlefield,  
Secretary

7-12-22  
Date

Justin Barrett  
Justin Barrett,  
Treasurer

7-12-22  
Date

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## EXECUTIVE BRANCH

Vetoed: YES \_\_\_\_\_ NO ✓

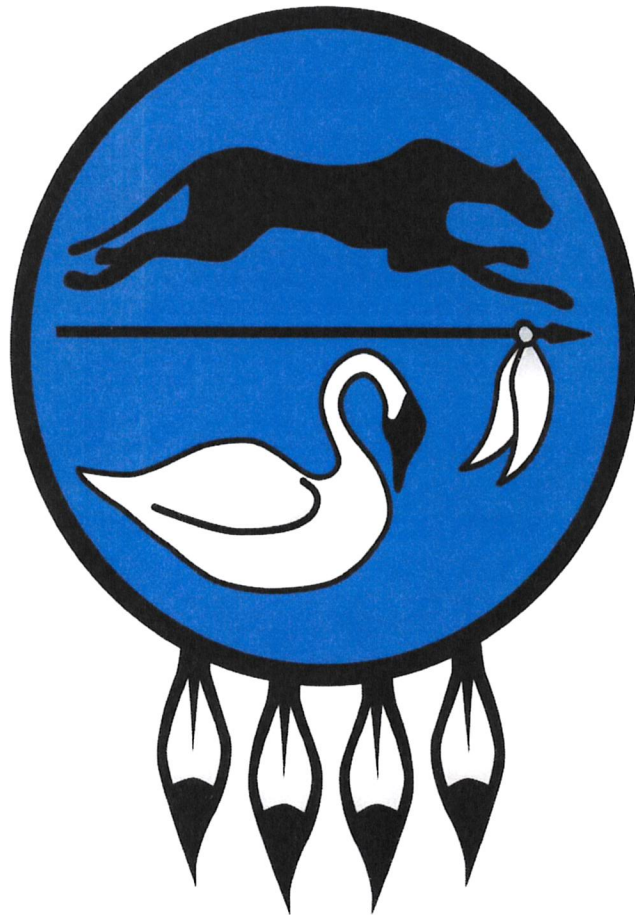
Glenna J. Wallace  
Glenna J. Wallace, Chief  
Eastern Shawnee Tribe of Oklahoma

7-14-22  
Date

9:51 a.m.  
Time

Ordinance Number: 2.100  
Approved by Ordinance:  
Amended by Resolution(s):

**CODIFICATION ORDINANCE**  
**Eastern Shawnee Tribal Code § 2.100**



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### §2.101 PURPOSE AND AUTHORITY

- A. The purpose of this Ordinance is to establish a system of codification for the ordinances and other controlling documents of the Eastern Shawnee Tribe of Oklahoma, hereinafter referred to as the Tribe. This codification system is designed to provide for a logically consistent ordering of the ordinances and other government documents of the Tribe and contains a format and referencing system to ensure that there is one consistent, authoritative version of the Eastern Shawnee Tribal Code. The authority for this Ordinance is the Constitution of the Eastern Shawnee Tribe of Oklahoma, herein referred to as the Constitution.

### § 2.102 DEFINITIONS

- A. Business Committee – The body of elective officials who make up the Legislative Branch of the Eastern Shawnee Tribe of Oklahoma, consisting of the Second Chief, First Council, Second Council, Third Council, Secretary, and Treasurer.
- B. Chief – The elected representative of the Executive Branch of the Eastern Shawnee Tribe of Oklahoma.
- C. Eastern Shawnee Tribe – The Eastern Shawnee Tribe of Oklahoma

### § 2.103 ESTABLISHMENT OF A TRIBAL CODIFICATION SYSTEM

- A. There is hereby established a codification system for the organization of, and reference to, all Tribal Ordinances and other governing documents. This codification system and the persons responsible for its maintenance are set out in the sections below. All Ordinances previously adopted by the Tribe shall, within reasonable time from the adoption of this Ordinance, be reformatted and renumbered to be consistent with the codification system set out herein, as well as, where practicable, other governing documents.

### § 2.104 ORGANIZATION OF THE EASTERN SHAWNEE TRIBAL CODE

- A. Name of Code: The codification of Ordinances and other governing documents pursuant to this Ordinance shall be referred to as the “Eastern Shawnee Tribal Code.”
- B. Organization by Subject Matter: The Eastern Shawnee Tribal Code shall be organized in groups of Ordinances and/or governing documents with similar subject matter. Each subject matter grouping shall be designated as a Title.

- C. Numbering of Ordinances: Ordinances shall be identified by the following system: Each Ordinance shall be identified by a Title in the first number. The second number shall reference the section of the appropriate Ordinance.
- D. References and Citations: When referencing or citing a provision of the Eastern Shawnee Tribal Code, such provision shall be referenced or cited as follows: The letters "ESTC" followed by the appropriate title, section, and where applicable, the letters and number of the relevant subsection in parentheses. Whenever a reference is made to the Eastern Shawnee Tribal Code, or to any portion of the Code, or to any Ordinance or governing documents of the Tribe, codified therein, the reference shall apply to all amendments, corrections, and revisions made at the time this Ordinance is originally adopted or any time thereafter.
- E. Establishment of Subject Matter Chapters and Numbers: This Ordinance hereby establishes the following subject matter titles, which shall include the ordinances and/or governing documents set out beneath it identified by the numbering system following this section. Not all Ordinances listed below have been adopted by the Tribe. Those not yet adopted as listed as "reserved," meaning that the Title and number so designated shall be reserved for the Ordinance named, if such Ordinance is thereafter adopted by the Tribe.
1. Title 1: Constitution and Governing Documents
    - i. 1.100 Constitution
  2. Title 2: Tribal Government
    - i. 2.100 Codification Ordinance
    - ii. 2.200 Tribal Plan of Operations (reserved)
    - iii. 2.300 Limited Waiver and Waiver of Eastern Shawnee Tribal Sovereign Immunity (reserved)
    - iv. 2.400 Public Records Ordinance
    - v. 2.500 Continuity of Government Ordinance
    - vi. 2.600 Compensation for Tribal Officials (reserved)
  3. Title 3: Executive Branch
    - i. 3.100 Powers and Authority
    - ii. 3.200 General Council Rules and Procedures (reserved)
  4. Title 4: Legislative Branch
    - i. 4.100 Powers and Authority
    - ii. 4.200 Legislative Manual
    - iii. 4.300 Legislative Rules and Procedures (reserved)
    - iv. 4.400 Confirmation Rules
    - v. 4.500 Subpoena Power
    - vi. 4.600 Standing Committees Ordinance
  5. Title 5: Tribal Court (reserved)
    - i. 5.100 Tribal Court Rules and Procedure (reserved)
    - ii. 5.200 Rules of Criminal Procedure (reserved)
    - iii. 5.300 Rules of Evidence (reserved)
    - iv. 5.400 Community Law Court (reserved)
    - v. 5.500 Appellate Ordinance (reserved)
    - vi. 5.600 Statute of Limitations
  6. Title 6: Finance & Revenue

- i. 6.100 Budget Procedures Ordinance (reserved)
  - ii. 6.200 Administration and Finances (reserved)
  - iii. 6.300 Tax Ordinance
  - iv. 6.400 Committed and Reserve Funding Ordinance (reserved)
  - v. 6.500 Tribal Investment Ordinance (reserved)
- 7. Title 7: Employment
  - i. 7.100 Eastern Shawnee Worker's Compensation Ordinance
  - ii. 7.200 At-Will-Employment Ordinance (reserved)
  - iii. 7.300 Employment Preference Ordinance (reserved)
  - iv. 7.400 Minimum Wage (reserved)
  - v. 7.500 Employment Contracts Ordinance (reserved)
  - vi. 7.600 Executive Branch Personnel Manual
  - vii. 7.700 Legislative Branch Personnel Manual
  - viii. 7.800 Indigo Sky Casino & Resort and Outpost Casino Personnel Manual
- 8. Title 8: Gaming
  - i. 8.100 Gaming Ordinance
  - ii. 8.200 Tribal Gaming Enterprise Ordinance (reserved)
- 9. Title 9: Environmental
  - i. 9.100 HEARTH Act
  - ii. 9.200 Hunting, Fishing, and Gathering Ordinance (reserved)
  - iii. 9.300 Geographic Areas of Tribal Interest (reserved)
  - iv. 9.400 Land Management Ordinance (reserved)
  - v. 9.500 Land Use Ordinance (reserved)
  - vi. 9.600 Water Use Ordinance (reserved)
  - vii. 9.700 Sewer Ordinance (reserved)
- 10. Title 10: Domestic Relations
  - i. 10.100 Juvenile Code (reserved)
  - ii. 10.200 Violence Against Women Code (reserved)
  - iii. 10.300 Child Welfare Code (reserved)
  - iv. 10.400 Standards for Approving Tribal Foster Homes (reserved)
  - v. 10.500 Adult Protective Services Code (reserved)
  - vi. 10.600 Eastern Shawnee Marriage Ordinance (reserved)
  - vii. 10.700 Eastern Shawnee Dissolution of Marriage Ordinance (reserved)
  - viii. 10.800 Probate Ordinance (reserved)
  - ix. 10.900 Name Change Ordinance (reserved)
- 11. Title 11: Tribal Culture and Heritage
  - i. 11.100 Ceremonial Chief Ordinance
  - ii. 11.200 Ceremonial Lands Ordinance
  - iii. 11.300 NAPGRA Ordinance
- 12. Title 12: Benefit Programs
  - i. 12.100 General Welfare Assistance Ordinance
  - ii. 12.200 Health and Social Services Benefits Manual
  - iii. 12.300 Education Manual
  - iv. 12.400 Specialized Services Manual

- v. 12.500 Dual Enrollment Policy
- vi. 12.600 Fraudulent Claims Policy
- 13. Title 13: Health Services
  - i. 13.100 Healthcare Facilities Charter (reserved)
  - ii. 13.200 Health and Sanitation (reserved)
  - iii. 13.300 Contract Health Services Ordinance (reserved)
- 14. Title 14: Criminal Code
  - i. 14.100 Criminal Code (reserved)
  - ii. 14.200 Traffic Ordinance (reserved)
- 15. Title 15: Civil Code
  - i. 15.100 Civil Offense Ordinance
- 16. Title 16: Housing
  - i. 16.100 Eastern Shawnee Tribal Housing Ordinance
  - ii. 16.200 Elder Housing Ordinance (reserved)
- 17. Title 17: Public Health and Safety
  - i. 17.100 Liquor Control Ordinance
  - ii. 17.200 Tobacco Ordinance
  - iii. 17.300 Tribal Police Ordinance
  - iv. 17.400 Security Ordinance
  - v. 17.500 Code of Conduct Ordinance
  - vi. 17.600 Weapons Ordinance
- 18. Title 18: Business and Economic Development
  - i. 18.100 Eastern Shawnee Tribe of Oklahoma Corporate Charter
  - ii. 18.200 Eastern Shawnee LLC Code
  - iii. 18.300 Eastern Shawnee Tribal Enterprises
  - iv. 18.400 Woodlands Management
- 19. Title 19: Enrollment
  - i. 19.100 Enrollment Ordinance (reserved)
  - ii. 19.200 Vital Statistics Manual (reserved)
- 20. Title 20: Elections
  - i. 20.100 Election Ordinance
- 21. Title 21: Legal
  - i. 21.100 Department of Justice and Attorney General (reserved)
  - ii. 21.200 In-House Counsel
  - iii. 21.300 Contracts with the Tribe and Business Entities

## § 2.105 LIBERAL INTERPRETATION/SEVERABILITY

- A. The provisions of this Ordinance shall be construed liberally to affect the purpose(s) contained herein. Any section or subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions, of any section or subsection of this Ordinance.
- B. The provisions of this Ordinance are severable and if any part or provision hereof shall be held void by appropriate judicial authority, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Ordinance.

**§ 2.106 REPEAL OF PREVIOUS ENACTMENTS**

- A. This ordinance hereby repeals all previous resolutions and ordinances regarding codification.

**§ 2.107 EFFECTIVE DATE**

- A. This ordinance shall become effective upon the signature of the Chief.



Ordinance Number: 20.300  
Approved by Ordinance:  
Amended by Resolution(s):

**CONTRACTS WITH THE TRIBE AND ITS BUSINESS ENTITIES**  
**Eastern Shawnee Tribal Code § 20.300**

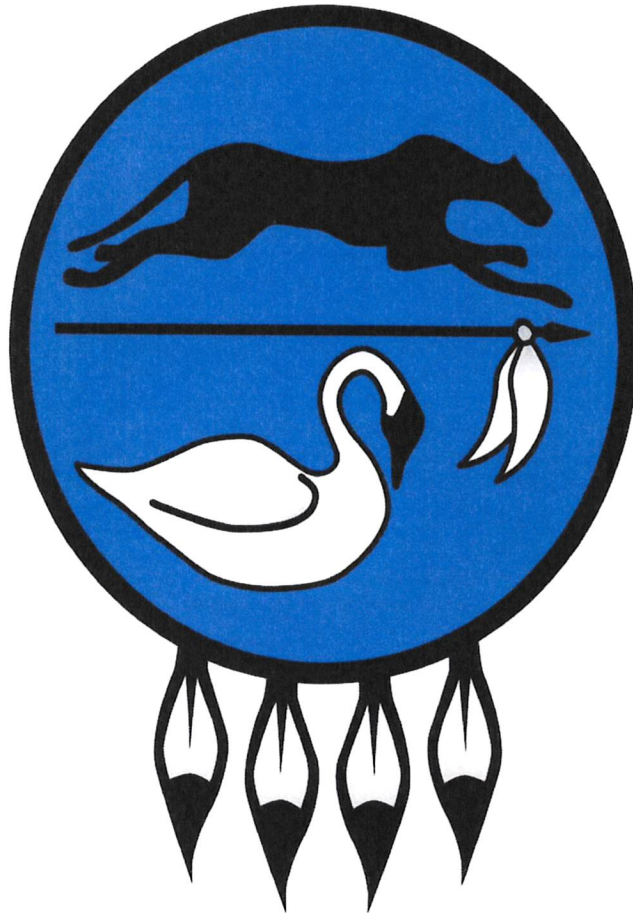


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§ 20.301 PURPOSE AND AUTHORITY

- A. The purpose of this Ordinance is to provide a method to enter into and amend contractual obligations for the Tribe and its business enterprises.

§ 20.302 DEFINITIONS

- A. Agent – Any person who acts on behalf of the Tribe of its business entities.
B. Agency – Any tribal agency formed by the Business Committee.
C. Business Entities – Any company formed under the tribal LLC code or wholly owned company where the tribe is the sole shareholder.
D. Eastern Shawnee Tribe – The Eastern Shawnee Tribe, its government, its gaming enterprises, and wholly owned LLC’s
E. Employee – Any person who is employed by the Eastern Shawnee Tribe or its business entities.
F. Officer – An officer of the tribal government to include the Chief, Second Chief, Treasurer, and Secretary. This also includes executive level management that reports directly to the Business Committee.

§ 20.303 APPLICABILITY

- A. This Ordinance applies to all elected officials, the Ceremonial Chief, employees of the Eastern Shawnee Tribe of Oklahoma Executive and Legislative Branches of the tribal government, employees of business entities, the ESTE Board, the Woodlands Management Board, board, commissions, and committees

§ 20.304 CONTRACTS WITH TRIBE AND ITS BUSINESS ENTITIES

- A. No officer, employee, agent, or agency of the Eastern Shawnee Tribe shall be authorized to enter to contractual obligations without obtaining authorization from the Business Committee.

- B. All potential contracts with the Eastern Shawnee Tribe or its business entities shall be submitted to In-House Counsel for review. After approval from In-House Counsel contracts may be brought to any regular or special meeting of the Business Committee by In-House Counsel.
- C. The Business Committee shall authorize all contracts by a majority vote.
- D. The Business Committee may designate an authorized signer by a majority vote. Absent an authorized signer being designated the following stipulations shall apply:
  - a. All contracts shall bear the signature of the Chief before they are valid and binding on the Executive Branch.
  - b. All contracts shall bear the signature of the Second Chief or Treasurer before they are valid and binding on the Legislative Branch.
  - c. All contracts shall bear the signature of the Second Chief or Treasurer before they are valid and binding on the Judicial Branch once established by the Business Committee.
  - d. All contracts shall bear the signature of the Second Chief or Treasurer before they are valid and binding on any business entity.

### § 20.305 CONTRACT SUBMISSION

- A. All contracts shall be submitted to In-House Counsel.
- B. In-House Counsel shall review contracts and return them with any changes or modifications.
- C. Once In-House Counsel approves a contract In-House Counsel shall bring the contract to the Business Committee for approval or disapproval.

### § 20.306 ILLEGALLY EXECUTED CONTRACTS

- A. Contracts that are executed without following the submission and approval processes shall not be binding on the Eastern Shawnee Tribe or its business entities.
- B. Employees or agents who execute contracts without Business Committee approval shall be terminated by the Business Committee and subject to a fine.
- C. Committees, boards, or commissions whp execute contracts without Business Committee approval shall be removed from their committee, board, or commission assignments for neglect of duty and subject to a fine.
- D. Officers who execute a contract without Business Committee approval shall be terminated by the Business Committee if they are an employee of the Tribe or its business entities and subject to a fine. Officers who are elected shall be fined.

### § 20.307 FINES

- A. The Business Committee in their sole discretion by majority vote may issue a fine for executing a contract without Business Committee approval within the following guidelines:
  - i. Employee \$500.00
  - ii. Supervisory employee \$750.00
  - iii. Management employee (Manager or Director) \$1,000.00
  - iv. Executive Management \$1,500.00
  - v. Committee \$500.00
  - vi. Commissioner \$1,000.00
  - vii. Elected official \$2,500.00

- B. All contracts executed without Business Committee approval over the individual's authorized procurement or purchasing limit shall be fined \$5,000.00 regardless of employment level or position.

#### **§ 20.308 LIBERAL INTERPRETATION/SEVERABILITY**

- A. The provisions of this Ordinance shall be construed liberally to affect the purpose contained herein. Any section or subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions, of any section or subsection of this Ordinance.
- B. The provisions of this Ordinance are severable and if any part of provision hereof shall be held void by appropriate judicial authority, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Ordinance.

#### **§ 20.309 REPEAL OF PREVIOUS ENACTMENTS**

- A. This Ordinance hereby repeals all previous resolutions and ordinances regarding contractual reviews and processes.

#### **§ 20.310 EFFECTIVE DATE**

- A. This Ordinance shall become effective immediately upon the signature of the Chief.