

Ordinance Number: 20.300
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CONTRACTS WITH THE TRIBE AND ITS BUSINESS ENTITIES
Eastern Shawnee Tribal Code § 20.300

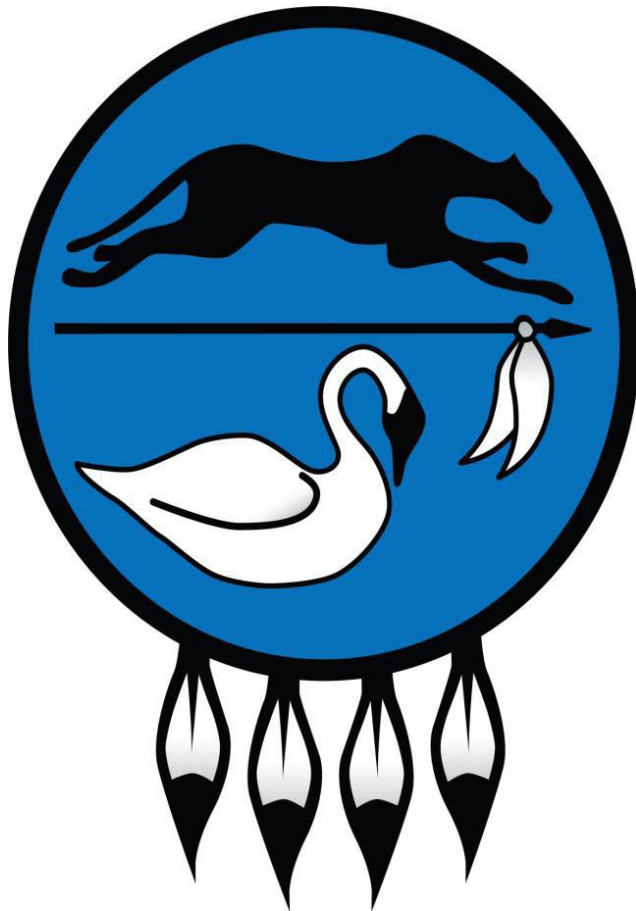


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§ 20.301 PURPOSE AND AUTHORITY

- 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 or its business entities.
- B. Agency – The designation by the Business Committee of a party to act on behalf of the Tribe or its business entities.
- C. 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.
- D. Business Entities – Any company formed under the tribal LLC code.
- E. Ceremonial Chief – The spiritual leader of the Eastern Shawnee Tribe of Oklahoma.
- F. Chief – The elected representative of the Executive Branch of the Eastern Shawnee Tribe of Oklahoma.
- G. Eastern Shawnee Tribe – The Eastern Shawnee Tribe of Oklahoma.
- H. Elected Officials – representatives of the Eastern Shawnee Tribe of Oklahoma who have been chosen through the election process as outlined in the Constitution of the Eastern Shawnee Tribe of Oklahoma.
- I. Employee – Any person who is employed by the Eastern Shawnee Tribe or its business entities.
ESTE Board – The Board of Directors of the Eastern Shawnee Tribal Enterprises.
- J. 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.
- K. Woodlands Management Board – The Board of Directors of the Woodlands Management.

§ 20.303 APPLICABILITY

- A. This Ordinance applies to all elected officials, the Ceremonial Chief, employees of the Eastern Shawnee Tribe of Oklahoma, employees of business entities of the Eastern Shawnee Tribe of Oklahoma, the ESTE Board, the Woodlands Management Board, and all other boards, commissions, and committees as established by the Constitution of the Eastern Shawnee Tribe of Oklahoma.

§ 20.304 CONTRACTS WITH TRIBE

- A. No officer, employee, agent, or agency of the Eastern Shawnee Tribe shall be authorized to enter to contractual obligations without obtaining written authorization from the Business Committee.
- B. All potential contracts with the Eastern Shawnee Tribe 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:
 - 1. All contracts shall bear the signature of the Chief before they are valid and binding on the Executive Branch.
 - 2. All contracts shall bear the signature of the Second Chief or Treasurer before they are valid and binding on the Legislative Branch.
 - 3. 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.
- E. Departments may use contract templates that are approved by In-House Counsel so long as the contract is not amended it shall not require approval of the Business Committee.

§ 20.305 CONTRACT SUBMISSION

- A. All contracts shall be submitted to In-House Counsel electronically and in an editable format along with any supporting documents, communications regarding the contract, and prior negotiations relating to the contract within a reasonable amount of time.
- 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 by requesting the contract to be placed on the agenda.

§ 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.
- B. Employees or agents who execute contracts without Business Committee approval shall be terminated by the Business Committee and may be subject to a fine.
- C. Committees, boards, or commissions who execute contracts without Business Committee approval shall be removed from their committee, board, or commission assignments for neglect of duty and may be 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. Elected Officials who execute a contract without Business Committee approval may be fined.

§ 20.307 CONTRACTS WITH BUSINESS ENTITIES

- A. This section shall apply to the Woodlands Management Board, Eastern Shawnee Tribal Enterprise Board, Indigo Sky Casino, LLC, Bordertown Outpost Casino LLC, and all future business entities.
- B. Each business entity shall establish written policies and procedures that shall govern the negotiation, review, and execution of contracts.
- C. All contracts will be reviewed by In-House Counsel or the business entities attorney.
- D. All contracts of business entities shall be property of the business entity and not the Tribe.

§ 20.308 FINES

- A. [Reserved].

§ 20.309 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 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.

§ 20.310 REPEAL OF PREVIOUS ENACTMENTS

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

§ 20.311 EFFECTIVE DATE

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