

**Revised Constitution and By-laws
Of the
Heipa District, (Mountainhead)
Of The
Sisseton Wahpeton Oyate
Table of Contents**

Preamble 2

Article I – Jurisdiction 2

Article II - District Membership 2

Article III – Organization 3

Article IV - Nomination and Election 4

Article V - Vacancies, Removal and Recall 5

Article VI – Powers 6

Article VII – Meetings 7

Article VIII - Bill of Rights 8

Article IX - Initiative and Referendum 8

Article X – Amendments 9

By-laws of the Heipa District

Article I - Duties of Executives 10

Section 1

Chairperson 10

Section 2

Vice-Chairperson 10

Section 3

Secretary 11

Section 4

Treasurer 11

Section 5

District Boards 12

Section 6

Drug Testing 13

Section 7

Checks 14

Article II - Oath of Office 15

**Revised Constitution and By-laws
of the
Heipa District
of the
Sisseton Wahpeton Oyate
March 19, 2019
Preamble**

We, the members of the Heipa District, in order to form a unified district and responsible district government, do hereby declare our right to administer and exercise all policies, responsibilities and other rights by this Document of Jurisdiction and Procedure, and do further recognize this right as described in the revised constitution and By-laws of the Sisseton Wahpeton Oyate of the Lake Traverse Reservation approved by the Commissioner of Indian Affairs of August 26, 1966.

Article I - Jurisdiction

The jurisdiction of the Heipa District shall be mutually agreed upon by each District and boundary lines established to lands lying in the territory within the original confines of the Lake Traverse Reservation as described in Article III of the Treaty of February 19, 1867.

Article II - District Membership

Section 1. The membership of the Heipa District shall consist of:

[a] All persons of Heipa District enrolled as members of the Sisseton Wahpeton Oyate.

[b] All person of 1/4 degree Sisseton Wahpeton Oyate Blood registered in the District of Heipa.

[As Amended by Amendment #4 November 20, 2001]

[c] All persons applying for membership under Article II, Section 1, [a], [b] (effective on or after the date of this amendment) may be Sisseton-Wahpeton Sioux Indian blood and other Native American Indian blood totaling one-fourth (1/4) degree or more Native American Indian blood.

[As Amended by Amendment #1 February 25th, 2017]

(d) All persons accepted and registered in the District of Heipa.

[As Amended by Amendment #2 February 25th, 2017]

Section 2. [a] All New Tribal Members accepted for District membership who are transferring from another District will be eligible for District benefits as long as they have NOT received any benefits from their prior District in that fiscal year and must provide proof.

[As Amended by Amendment # 11, November 28, 2015]

[As Amended by motion #4, August 18, 2016]

[As Amended by Amendment #4 February 25th, 2017]

[b] All New Tribal Members accepted for District membership who are NOT transferring from any other District are eligible for all District benefits.

[As Amended by Amendment # 11 c, November 28, 2015]

[As Amended by motion #3, August 18, 2016]

[As Amended by Amendment #3 February 25th, 2017]

Section 3. Any tribal member seeking membership in the Heipa District, shall NOT be dually enrolled with any other district. Proof of relinquishment from any other district shall be provided when applying for membership

[As Amended by Amendment #1 Motion #11 June 15, 2008]

[As Amended by Amendment #5 February 25th, 2017]

[As Amended by Amendment #1 Motion #1 June 16, 2018]

Article III - Organization

Section 1 The Heipa District shall be governed by the District Councilperson, District Chairperson, District Vice-Chairperson, Secretary and Treasurer. One Councilperson shall be elected by the members of Heipa District prior to January of odd numbered years.

[As Amended by Amendment #4 November 20, 2001]

[As Amended by motion #5, August 18, 2016]

[a] The District Chairperson shall preside at all District meetings. In the Chairperson's absence, the Vice-Chairperson shall preside.

Section 2 All members elected in Article III, Section 1 shall hold office for a term of the same years as the Sisseton Wahpeton Oyate Tribal Council and Tribal Executives commencing in January of odd numbered years.

Section 3 The District Executives in formal session shall have the power to initiate and execute for the District when not in session to carry out all properly enacted resolutions and ordinances of the District and to appoint any committee boards or associations necessary to the transaction of District business. The District members shall review any actions taken by the Executives at the following Regular District meeting. The District members may veto any action thought to be not in the best interest of the District.

[As Amended by Amendment #5 Motion #3 on November 20, 2001]

[As Amended by motion #6, August 18, 2016]

Section 4 One [1] District Councilperson shall be elected or appointed by the District as the representative to speak and act in behalf of the members of the Heipa District in conjunction with other member Districts of the Lake Traverse Reservation and to carry out all properly enacted motions, resolutions and ordinances of the District and the Tribal Council.

[As Amended by Amendment # 7 November 20, 2001]

Section 5 The District Councilperson may be counted toward establishing an Executive quorum with the right to vote and whose attendance is mandatory for district meetings, for monthly tribal council reports and special meetings called by any adult district member. If traveling on official Tribal Council business, such absences are considered excused.
[As Amended by motion #7, August 18, 2016]

Article IV - Nominations and Elections

Section 1 Any enrolled members of Heipa District, twenty-one [21] years of age or over, may announce their candidacy for the Tribal Council, by notification in writing, to the Sisseton Wahpeton Oyate Tribal Secretary at least sixty [60] days prior to the election.
[As Amended by Amendment #2 Motion # 1 on November 4, 2006]
[As Amended by Motion # 8, August 18, 2016]

[a] One [1] Councilperson shall be elected from the Heipa District.
[As Amended by Amendment # 8 November 20, 2001]
[As Amended by Motion # 9, August 18, 2016]

[b] The District Councilperson shall hold office for the same election years as the Tribal Council, Tribal Executives commencing in January of odd number years.
[As Amended by Amendment # 3 November 4, 2006]
[As Amended by Motion # 10, August 18, 2016]

[c] Any person filling a District Councilman vacancy for a partial term shall not constitute a full term and will be eligible to run for an additional two [2] terms.
[As Amended by Motion # 8, September 25, 2016]

[d] No person may run for more than one [1] office, or hold more than one [1] office, or no Councilperson may hold an office at the district.
[As Amended by Amendment # 9 November 20, 2001]
[As Amended by Motion # 11, August 18, 2016]
[As Amended by Motion # 8, September 25, 2016]

Section 2 [a] The newly elected District Councilperson shall call for a District Election in January of odd numbered years. The members of the Heipa District will elect for their District:

1. Chairperson
2. Vice-Chairperson
3. Secretary
4. Treasurer

[As Amended by Amendment #3 Motion # 3, June 16, 2018]

[b] After the District Executives are seated, the District chairperson shall call for an election for boards/committees. The district Secretary shall publish at least two [2] weeks prior to the election that will take place at the next scheduled district meeting.

[As Amended by Motion # 12, August 18, 2016]

[As Amended by Amendment #4 Motion # 4, June 16, 2018]

Section 3 All members of the Heipa District will have the right to exercise their voter rights in person. This right shall not be denied any person registered in the District of Heipa.

Article V - Vacancies, Removal and Recall

Section 1 If a Councilperson or any of the District Executives shall die, resign or be removed from office for cause, the Heipa District shall immediately recommend a replacement of Tribal Councilperson for initial Council appointment.

[Pursuant of Tribal Constitution Article VI, Section 1]

[As Amended by Motion # 13, August 18, 2016]

[a] The District shall hold a special election within forty-five [45] days of the Declared vacancy.

[As Amended by Amendment # 10 November 20, 2001]

[As Amended by Motion # 14, August 18, 2016]

Section 2 [a] Any Councilperson or District Executive who is proven guilty of improper conduct or gross neglect of duty may be removed from office by the district membership at a designated Special District Meeting.

[b] The Councilperson or District Executive shall be given a written statement of the charges at least five [5] days prior to the meeting.

[c] The Councilperson or District Executive shall be given full opportunity to reply to all charges at said Special District Meeting.

[As Amended by Motion # 15, August 18, 2016 for all of section 2, a, b, c]

Section 3 The District shall hold a special election on all recalls that result in removal from office. Vacancies shall be filled under Section one [1], of this Article. The Councilperson or District Executive found guilty of improper action shall not vote on their own removal.

[As Amended by Amendment # 11 November 20, 2001]

[As Amended by Motion # 16, August 18, 2016]

Section 4 Any Councilperson or District Executive who fails to attend three [3] consecutive District meetings without excuse, shall be considered to have resigned their office, The District Executives shall then declare the position vacant and fill the vacancy pursuant to the provisions of Section one [1] of this Article.

[As Amended by Motion # 17, August 18, 2016]

Section 5 Section 4. of this Article will not apply to those persons that are:

[a] Hospitalized; or

[b] Excused by two [2] District Executives.

[As Amended by Motion # 18, August 18, 2016]

Section 6 If an election to fill a vacant District Executive position is more than seven [7] months before the end of an existing terms expiration, the Heipa District Election Board will conduct a special election within 45-day requirement.

[As Amended by Amendment # 1, November 28, 2015]

[As Amended by Motion # 19, August 18, 2016]

Section 7 If a District Executive position is declared vacant within six [6] months of a remaining term, the Heipa District shall extend to the District Chairman, or Vice-Chairman, the power to appoint an Interim District Executive with District Approval.

[As Amended by Amendment # 2, November 28, 2015]

[As Amended by Motion # 20, August 18, 2016]

[a] The District Executive position appointment will be voted for approval by the District Membership at the next regular district meeting. Any appointment will comply with the District Election Ordinance.

[As Amended by Amendment # 2 a, November 28, 2015]

[As Amended by Motion # 21, August 18, 2016]

[As Amended by Motion # 6, August 25, 2016 refer to Heipa District Election Ordinance Section 5-03 & 5-04]

[b] Any Person filling a District Executive vacancy for a partial term shall not constitute a full term and will be eligible to run for an additional two [2] terms.

[As Amended by Motion # 7, September 25, 2016]

[As Amended by Motion # 9, September 25, 2016]

Article VI - Powers

Section 1 The members of the Heipa District shall be the power, this Power shall be delegated to the Councilperson and the District Executives to carry out the wishes and recommendation from the members of Heipa District.

[As Amended by Amendment # 5 Motion 3 November 26, 2001]

[As Amended by Motion # 22, August 18, 2016]

Section 2 The powers extended to the District Executives by the members of Heipa District shall be:

[As Amended by Motion # 23, August 18, 2016]

[a] To represent the district members in all negotiations at the Tribal level.

[b] To acquire, own, use, manage, lease and otherwise encumber, and to dispose of District property, of \$500.00 or less both real and personal where ever situated. Any requests for funding over \$500 must include supporting documentation and be approved by the membership at the next Regular District meeting.

[As Amended by Amendment # 4 Motion 3 November 20, 2001]

[As Amended by Motion # 2, September 25, 2016]

[As Amended by Amendment #1 Motion #1 August 14, 2021]

[c] To engage in any business not contrary to Tribal law.

[d] To deposit District funds to the credit of the District without limitation of the amount in any account, in the bank, or saving and loan association and to invest or reinvest district funds subject to District membership concurrence.

[As Amended by Amendment # 5 Motion 3 November 20, 2001]

[e] To take any action by motion, ordinance or resolution which are reasonably necessary through committees, boards, and employees to carry into effect the forgoing purpose and to add such further powers that are permitted by Tribal law, through appropriate amendment to this document.

[As Amended by Motion # 24, August 18, 2016]

[f] To promote health, education, welfare and such other services as may contribute to the social advancements of all members of the Heipa District.

[g] To adopt resolutions regulating the procedures of the District members, District Executives and committees in the Conduct of Tribal affairs.

[As Amended by Motion # 25, August 18, 2016]

Section 3 Manner of Review

Any Motion, Ordinance or Resolution, which may be subject to review, shall be presented to Tribal Council for approval. Upon approval of any Motion, Ordinance, or Resolution it shall become effective bearing Tribal Council endorsement.

[As Amended by Motion # 26, August 18, 2016]

Article VII – Meetings

Section 1 [a] The Heipa District shall meet on the third Sunday of each month.

[As Amended by Amendment # 1 Motion 2 July 31, 2006]

[As Amended by Amendment #2 Motion #1 August 14, 2021]

[b] District Executives shall honor the request of any District member requesting a Special District Meeting.

The district member will contact:

(1) Chairperson

(2) Vice-Chairperson

(3) Secretary

(4) Treasurer

and, approved by a three [3].

[As Amended by Motion # 27, August 18, 2016]

[As Amended by Amendments #3, #4, #5 Motion #1 August 14, 2021]

[As Amended by Amendment #?? by Motion 3 November 20, 2001]

[c] The District Executives will set a date and time for the Special District Meeting and advertise by the SWO/Heipa Website, Heipa District Facebook, SWO Radio Station KSXW 89.9, but not limited to.

[As Amended by Amendment #6 Motion #1 August 14, 2021]

Section 2 At any meetings of the District, ten [10] registered voting members and three [3] Executives shall constitute a quorum.

[As Amended by Motion # 29, August 18, 2016]

[As Amended by Motion #3, September 25, 2016]

Section 3 The District Executives shall meet upon call of the District Chairperson.

[As Amended by Amendment # 5 Motion 3 July 31, 2006]

[As Amended by Motion #4, September 25, 2016]

Section 4 The District Executives may convene its regularly scheduled meeting in the absence of the District Chairperson. As in Article III, Section 1, [a].\

[As Amended by Motion #5, September 25, 2016]

Section 5 The District Secretary shall prepare an agenda prior to each regular meeting. Copies of the agenda shall be distributed prior to District meetings.

[As Amended by Motion # 30, August 18, 2016]

Section 6 Each regular District meeting will require a written or verbal report from the District Councilperson and staff employed by the District.

[As Amended by Motion # 31, August 18, 2016]

Section 7 Any District Board Member, Committee Member, or SWO Board Representative who fails to attend two [2] consecutive district meetings without being excused shall be considered to have resigned their position. The District Executives shall then declare the position vacant and fill the vacancy pursuant to the provisions of Section one [1] of this Article.

[As Amended by Amendment #7 Motion # 7, June 16, 2018]

Article VIII - Bill of Rights

Section 1 All the members of Heipa District shall be accorded equal rights and equal opportunities to participate in the economic development resources and activities of Heipa District. The members of Heipa District shall not be denied freedom of

conscience, speech, association, assembly or due process of the law, or the right to petition for the redress of grievances. The members of Heipa District shall continue undisturbed in their religious beliefs and nothing in this Document of Jurisdiction and Procedure will authorize the Heipa District or the Tribal Council to interfere with these traditional religious practices according to their customs.

[As Amended by Amendment #5 Motion 3 November 20, 2001]

[As Amended by Motion # 32, August 18, 2016]

Article IX - Initiative and Referendum

Section 1 Any matter of concern to the members of Heipa District not previously considered or acted upon by the Heipa District may be presented for action by any member of Heipa District at the next regular District meeting. A petition signed by at least ten [10] percent of the qualified voters of the Heipa District and set forth the matter to be considered shall be filed with the Chairperson of Heipa District. The Heipa District shall consider the matter presented by petition at its very next regular District meeting. If the majority of the District members at a meeting over-rule the petition, that petition will have died.

[As Amended by Amendment # 18 Motion 1 November 4, 2006]

[As Amended by Motion # 32, August 18, 2016]

Article X - Amendments

Section 1 This Document of Jurisdiction and Procedure may be amended by a majority vote of the members of Heipa District at a Special Election. The District Chairperson shall call for a Special Election upon notification from the Heipa District Constitution Revision Committee.”

[As Amended by Motion # 61, August 18, 2016]

By-Laws of the Heipa District

Article I - Duties of Officials

Section 1 Chairperson:

[a] Will preside at all regular and special meetings of the District, District Executives and Councilperson. The Chairperson shall be an ex-officio member of all subordinate committees.

[As Amended by Amendment # 20 November 20, 2001]

[As Amended by Motion # 33, August 18, 2016]

[b] Will have general and active management of the District except that he/she shall not act on matters binding the District until the District Executives has deliberated and enacted appropriate Resolutions or motions.

[As Amended by Amendment #5 Motion 3 November 20, 2001]

[As Amended by Motion # 34, August 18, 2016]

[c] Will see that ordinances and resolutions of the District are carried into effect.

[As Amended by Amendment # 21 November 20, 2001]

[As Amended by Motion # 35, August 18, 2016]

[d] Will sign on behalf of the District all official papers.

[As Amended by Amendment #22 November 20, 2001]

[As Amended by Motion # 36, August 18, 2016]

[e] Will give supervision to all other district executives and committees of the District and see that they carry out their duties.

[As Amended by Amendment # 22 November 20, 2001]

[As Amended by Motion # 37, August 18, 2016]

[f] Will not vote in the District except in case of a tie.

[As Amended by Amendment # 22 November 20, 2001]

[As Amended by Motion # 38, August 18, 2016]

[g] Will receive a stipend for meetings they attend for absent district board members.

[As Amended by Amendment # 18 Motion 1 Oct 8, 2006]

[As Amended by Motion # 39, August 18, 2016]

Section 2 Vice-Chairperson:

[a] In the absence of the Chairperson, will assume duties.

[As Amended by Motion # 40, August 18, 2016]

[b] Will provide leadership and assistance to all committees formed by the District.

[c] Will receive a stipend for meetings they attend for absent district board members.

[As Amended by Motion # 41, August 18, 2016]

Section 3 Secretary:

[a] Will record and keep minutes at the District Center of all meetings of the District and keep on file all Tribal Council minutes.

[As Amended by Motion # 42, August 18, 2016]

[b] Will give and serve all notices of the District meetings as required by this Document.

[c] Will keep the membership roll of the District showing all changes as required and keep a current voting roster.

[As Amended by Motion # 43, August 18, 2016]

[d] Will attend to all such correspondence assigned by the District Chairperson and perform all other duties of the office or as prescribed by the District.

[e] Will receive a stipend for meetings they attend for absent district board members.

[As Amended by Motion # 44, August 18, 2016]

Section 4 Treasurer:

[a] Will keep and maintain, open to inspection by members of the District at reasonable times, adequate and correct accounts of the properties and business transactions of the District.

[As Amended by Motion # 45, August 18, 2016]

[b] Will have care and custody of the funds and valuables of the District. Will deposit all funds in the name of and to the credit of the Heipa District with such depository as the District may direct.

[As Amended by Amendment # 5 Motion 3 November 20, 2001]

[c] Will disburse the funds of the District as may be ordered by the District, taking properly signed invoices, vouchers, or other instruments for said disbursements. All Checks shall be countersigned by the District Chairperson or in their absence, their authorized designee.

[As Amended by Motion # 46, August 18, 2016]

[As Amended by Amendment # 5 Motion 3 November 20, 2001]

[d] Will make a monthly financial report to the District and account for all transactions involving the disbursement, collection or obligation of District funds.

[As Amended by Amendment #7 Motion #1 August 14, 2021]

[e] The Treasurer and all District Executives shall be bonded as required by the District.

[As Amended by Motion # 47, August 18, 2016]

[f] An audit of the District books and records of the Treasurer will be reviewed each year by a Certified Public Accountant. The District Treasurer will report the audit summary in February of each year at the Regular District meeting.

[As Amended by Amendment # 26 November 20, 2002]

[As Amended by Amendment #8 Motion #1 August 14, 2021]

[This/her section 4 [g] was Amended by Motion 1 October 8, 2006]

[As Amended by Amendment #9 Motion #1 August 14, 2021]

[g] Will receive a stipend for meetings they attend for absent district board members.

[As Amended by Motion # 48, August 18, 2016]

[As Amended by Amendment #10 Motion #1 August 14, 2021]

Section 5 District Boards

[a] District Members are allowed to sit on three [3] District boards.

[As Amended by Amendment # 4, November 28, 2015]

[As Amended by Motion # 49, August 18, 2016]

[b] No Heipa District member who is convicted of Theft of Heipa District property or funds can run for Heipa District Boards or Heipa District Executive position ever.

[Section 5 [b] added as Amendment Motion 1 November 4, 2006]

[c] All Heipa District Board Members, Committee Members and SWO Board Representatives must attend their board meetings and must provide the minutes at the regular district meeting. Absences must be approved in advance by two [2] District Executives.

[section 5 [c] added as Amended by Amendment Motion 3 January 6, 2007]

[As Amended by Motion # 50, August 18, 2016]

[As Amended by Amendment #8 Motion # 8, June 16, 2018]

[d] Board members must submit to state and tribal background checks if found to have a conviction of crimes of Violence and/or felonies not within the last ten [10] year the board member will be removed immediately by the District Executives.

[As Amended by motion # 4 January 6, 2007]

[As Amended by Motion # 51, August 18, 2016]

[e] All Heipa district board members, committee members, District Executives, and employees using district vehicles must have proof of valid State Drivers

License.

[As Amended by Motion # 5 January 6, 2007]

[As Amended by Motion # 52, August 18, 2016]

[f] Any District member convicted of a felony, will be eligible for district boards and district employment, as long as the conviction is not within the last ten [10] years.

[As Amended by Amendment # 5, November 28, 2015]

[As Amended by Motion # 53, August 18, 2016]

[g] Any District member running for District Council person, District Executive or District and SWO board positions, must show proof of one-year residency within the original treaty boundaries of the 1867 Lake Traverse Reservation.

[As Amended by Amendment # 7, November 28, 2015]

[As Amended by Motion # 54, August 18, 2016]

[h] All Heipa District Executives, District Council person, District Board members, SWO Board Representatives and District employees shall promote an alcohol and drug free lifestyle.

[As Amended by Amendment # 8, November 28, 2015]

[As Amended by Motion # 55, August 18, 2016]

[i] Nominations and Election of District boards and SWO Board Representatives will be done in compliance with the Heipa District Election Ordinance.

[As Amended by Amendment # 9, November 28, 2015]

[As Amended by Motion # 56, August 18, 2016]

[j] All District Executives, District Board members, and SWO Representatives must attend meetings to receive a stipend.

[As Amended by Amendment # 10, November 28, 2015]

[As Amended by Motion # 57, August 18, 2016]

[k] All District Boards and SWO Board Representatives shall submit board meeting minutes to the Heipa District Coordinator to be filed at the Heipa District.

[As Amended by amendment #9 Motion # 9 June 16, 2018]

Section 6 Drug Testing

[a] All District Executives, District Board members, SWO Board Representatives, District Employees and Councilperson will take a drug test at the discretion of the District Executives.

[As Amended by Amendment # 5 Motion 3 July 31, 2006]

[As Amended by Amendment #10 Motion #10, June 16, 2018]

[b] All District Executives, District Board members, SWO Board Representatives, District Employees and Councilperson, who refuses or fails the drug test are to be removed or terminated from their position immediately.

[The entire section 5 was amended by the District as Amended by Amendment # 5 Motion 3 July 31, 2006]

[As Amended by Amendment #11 Motion #11, June 16, 2018]

[c] Any District Council person, District Executive, District board member, SWO Board-Representative, and District permanent/part-time employees who refuse or fails their drug test conducted by any SWO entity shall be removed from their position immediately.

[As Amended by Amendment # 10, November 28, 2015]

[As Amended by Motion # 58, August 18, 2016]

Section 7 No District Executive shall sign any blank checks or unfilled amounts or names.
[This section 6 was added to the district constitution as Amended by Amendment # 28]

Article II - Oath of Office

Section 1 Before assuming a position in the District, each member shall subscribe to the following oath or Affirmation.

"I, _____, So solemnly swear [or affirm] that I will support the Revised Constitution and Bylaws of the Sisseton Wahpeton Oyate and the document of Jurisdiction and Procedure of the Heipa District, and will faithfully and impartially perform the duties of my office to the best interest of the District members and will assist them in every way within my power toward better membership and progress."

Heipa District Councilperson: _____
[As Amended by Motion # 59, August 18, 2016]

Heipa District Executive/Board member: _____
[As Amended by Motion # 59, August 18, 2016]

Amendment history

“Veblen” struck out at beginning of document from: Heipa District

[As Amended by Motion # 2, August 18, 2016]

“Mountainhead” added at beginning of document to title.

[As Amended by Motion #1, September 25, 2016]

**Revised Constitution and By-laws
Of the
Heipa District, (Mountainhead)
Of The
Sisseton Wahpeton Oyate**

Approved at a Regular District Meeting, Motion #2, September 12, 2021.



Merlin Jay Renville, District Chairperson



Renae Huntington, District Secretary