

The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406) 395-4478 or 4210 - Finance Office
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96 Clinic Road
Box Elder, Montana 59521

A RESOLUTION

Resolution No. 141-22

HEREBY AMENDING TRIBAL ORDINANCE NO. 32, CODE OF THE JUDICIAL BRANCH AND TO INCORPORATE ALL PROPOSED CHANGES.

WHEREAS, the Chippewa Cree Business Committee is the governing body of the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation by the authority of the Constitution and By-Laws of the Chippewa Cree Tribe approved on the 23rd day of November, 1935, and;

WHEREAS, pursuant to their inherent sovereignty and Constitution and By-Laws of the Chippewa Cree Tribe, the Chippewa Cree Tribal Business Committee is charged with the duty to promote and protect the health, security and welfare of the Tribe, and;

WHEREAS, Article XII, Section 1 of the Constitution and By-Laws for the Chippewa Cree Tribe of the Rocky Boy's Reservation, as amended states that: "There shall be established a Judicial Branch within the tribal government to enforce ordinances and laws of the Business Committee, the Election Board and/or to administer justice through a tribal court;" and;

WHEREAS, the Chippewa Cree Business Committee established a Tribal Judicial Commission in support of the separation of powers between the executive, legislative and judicial branches of tribal government, and;

WHEREAS, on January 6, 2011, the Chippewa Cree Business Committee established Ordinance No. 32, titled "Code of the Judicial Branch," which outlines the authority the Tribal Judicial Commission shall have, and;

WHEREAS, the Tribal Judicial Commission deems it necessary to adopt and incorporate amendments to Ordinance No. 32, and

WHEREAS, the Tribal Judicial Commission recommends that the Chippewa Cree Tribal Business Committee adopts the proposed amendments to Ordinance No. 32, as outlined below, and;

WHEREAS, the Chippewa Cree Tribal Business Committee wishes to recognize and incorporate the propose amendments to Ordinance No. 32, and;

WHEREAS, the Chippewa Cree Business Committee affirms that all resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency, now;

THEREFORE BE IT RESOLVED, the Chippewa Cree Business Committee hereby amends Title 32 of the Chippewa Cree Tribal Code of the Judicial Branch.

REVIEWED
BY CCT-OAG

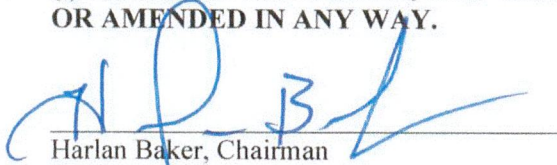
Approved on January 6, 2011 by the Chippewa Cree Business Committee during a regular scheduled meeting. Amended by Resolution No. ~~14/22~~ on October 17, 2022.

Resolution No. 14/22

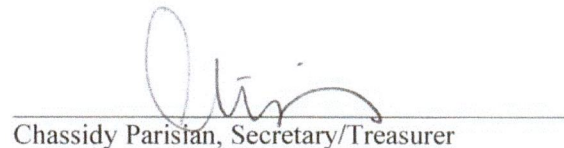
BE IT FINALLY RESOLVED, that the newly revised Ordinance No. 32 of the Tribal Code of the Judicial Branch, is hereinafter attached. The effective date shall be on the date of certification of this Resolution.

CERTIFICATION

I, THE UNDERSIGNED, AS SECRETARY/TREASURER OF THE BUSINESS COMMITTEE FOR THE CHIPPEWA CREE TRIBE, HEREBY CERTIFY THAT THE BUSINESS COMMITTEE IS COMPOSED OF NINE MEMBERS, OF WHOM FIVE (5) MEMBERS CONSTITUTING A QUORUM WERE PRESENT AT A MEETING, DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD ON THE 17th DAY OF OCTOBER, 2022, AND THAT THE FOREGOING RESOLUTION WAS FULLY ADOPTED AT SUCH A MEETING BY THE VOTE OF FOUR (4) MEMBERS FOR AND ZERO (0) MEMBERS AGAINST AND (0) MEMBERS ABSTAINED, AND THAT THIS RESOLUTION HAS NOT BEEN RESCINDED OR AMENDED IN ANY WAY.



Harlan Baker, Chairman
Chippewa Cree Tribe



Chassidy Parisian, Secretary/Treasurer
Chippewa Cree Tribe

CHIPPEWA CREE TRIBE TRIBAL ORDINANCE NO.: 32 CODE OF THE JUDICIAL BRANCH

ESTABLISHING THE COURT; JUDICIAL COMMISSION; JUDGES; COURT PERSONNEL

Section 1.1 Findings of the Business Committee

(A) Recognizing that tribal self-sufficiency cannot be fully realized without first exerting control over such matters as may be vital to tribal interests, the Business Committee for the Chippewa Cree Tribe finds:

- (1) That Article XII, Section 1 of the Constitution and By-Laws for the Chippewa Cree Tribe of the Rocky Boy's Reservation, as amended states that: "There shall be established a Judicial Branch within the tribal government to enforce ordinances and laws of the Business Committee, the Election Board and/or to administer justice through a tribal court;" and
- (2) That the Chippewa Cree Tribe desires to appoint a Tribal Judicial Commission in support of the separation of powers between the executive, legislative and judicial branches of tribal government; and

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- (3) That the Chippewa Cree Tribe desires to deal fairly and equitably with all persons; and
- (4) That the Chippewa Cree Tribe desires to administer in a just and impartial fashion, all applicable laws, ordinances, regulations and policies; and
- (5) That the Chippewa Cree Tribe desires to preclude state infringement of tribal sovereignty in all matters essential to the tribe's goal of self-sufficiency; and
- (6) That the Chippewa Cree Tribe would best be served by a Judicial Branch separate and independent of the Tribal Business Committee except for the financial responsibilities of the Judicial Branch; and
- (7) The Tribal Judicial Commission shall have the authorities established under this Ordinance.

Section 1.2 Jurisdiction

(A) The Chippewa Cree Tribal Court shall exercise the general judicial jurisdiction of the Chippewa Cree Tribe and other additional jurisdiction where such is not prohibited by federal law:

- (1) The Chippewa Cree Tribal Court shall exercise jurisdiction over all matters within the power and authority of the Chippewa Cree Tribe including controversies arising out of the Constitution and Bylaws of the Chippewa Cree Tribe; laws, statutes, ordinances, resolutions and codes enacted by the Tribal Business Committee; and such other matters arising under enactments of the Tribal Business Committee or the customs and traditions of the Chippewa Cree Tribe. This jurisdiction extends over the Chippewa Cree Tribe of the Rocky Boy's Reservation and its territory, persons who enter its territory, its members, and persons who interact with the Tribe or its members wherever found.

Section 1.3 Purpose and Construction

(A) DECLARATION OF PURPOSE. This Code shall be interpreted and understood to accomplish the following tribal objectives:

- (1) To exert jurisdiction over all matters essential to the Tribe's goal of self-determination and self-governance; and
- (2) To provide orderly procedures for resolving conflicts that reflect tribal traditions as well as the prevailing community standards, and which afford all affected persons a fair, prompt and impartial hearing; and
- (3) To establish a court system for the interpretation of Law and Order Code for the Chippewa Cree Tribe and such other laws as may properly come before the Chippewa Cree Tribal Court; and

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- (4) To ensure that all matters shall be conducted in a manner so as to afford all persons who appear before the Chippewa Cree Tribal Court all rights guaranteed by the Constitution and Bylaws of the Chippewa Cree Tribe; and
 - (5) To ensure that the sovereignty of the Chippewa Cree Tribe is recognized in all matters affecting the welfare of the Chippewa Cree Tribe and its members.
- (B) CONSTRUCTION. This Code is exempted from the rule of strict construction. It shall be read and understood in a manner that gives full effect to the purposes for which it is enacted. Whenever there is uncertainty or a question as to the interpretation of certain provisions of this code, the interpretation of the Tribal Judicial Commission shall be final.

Section 1.4 Definitions

- (A) JUDGE PRO TEMPORE: A person, qualified to be a judge of the Chippewa Cree Tribal Court, who is appointed by the Business Committee to temporarily fill an unexpired contractual term or any portion thereof.
- (B) SUBSTITUTE JUDGE: A judge of any tribal court, qualified through training, education or experience, who is appointed by the Business Committee to preside over a Chippewa Cree Tribal Court proceeding when all Tribal Court judges are unavailable due to absence or disqualification.
- (C) LAWS OF THE CHIPPEWA CREE TRIBE OR TRIBAL LAW: The Chippewa Cree Tribal Constitution and all codes, ordinances, regulations and policies duly adopted by Business Committee resolution and tribal customs.
- (D) CHIPPEWA CREE TRIBE OR "TRIBE". The Chippewa Cree Tribe of the Rocky Boy's Reservation, unless the context in which "Tribe" is used clearly indicates otherwise.
- (E) ROCKY BOY'S INDIAN RESERVATION: Means all lands of the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation and members thereof, falling within the purview of 18 U.S.C. Section 1151, Indian Country defined.

Section 1.5 Tribal Judicial Commission

- (A) There shall be established a Tribal Judicial Commission consisting of five (5) members. The Commission members shall be appointed by the Tribal Business Committee. The officers of the Commission shall be the Chairman, Vice Chairman, and such other officers as may be hereinafter designated by the Commission. The Chairman, Vice Chairman and other officers shall be appointed from within the Commission.

Section 1.6 Authorities of the Commission:

- (A) This Tribal Judicial Commission shall:
 - (1) Be a liaison between the Chippewa Cree Business Committee and Tribal Court regarding judicial aspects of the Judicial Branch for the Chippewa Cree Tribe; and

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- (2) Review all judges applications and make recommendations to the Tribal Business Committee; and
- (3) The Commission reserves the right to examine Tribal Court budgets. The Commission shall appoint a representative to provide monthly fiscal reports to the Chippewa Cree Business Committee when called upon to do so; and
- (4) The Commission shall have signatory authority over the Chippewa Cree Tribal Judges Contracts, after proper approval is obtained; and
- (5) The Commission shall adhere to the Citizen Complaint Policy; and
- (6) Administrative complaints shall be handled in accordance to applicable procedures outlined within the Chippewa Cree Tribal Personnel Policies and Procedures Manual and/or adopted supplemental policies. Complaints arising from a contractual employee shall be handled in accordance to the terms of his/her employment contract. If the Chairman of the Commission is identified as a supervisor, he/she shall follow the applicable procedures and report to the Commission regarding any disciplinary measure taken; and
- (7) Assist with new hire interviews and make recommendations to the Chippewa Cree Business Committee for selection purposes; and
- (8) Oversee the direction of the Tribal Judicial Branch under the management of the Court Administrator; and
- (9) Provide a courtesy review of all proposed legislation that directly impacts the Chippewa Cree Tribal Law & Order Code and/or the Chippewa Cree Tribal Courts; and
- (10) Adopt and amend Bylaws that govern the Commission; and
- (11) Enjoy the sovereign immunity status as an entity of the Tribe when performing all duties under this Ordinance and shall be held harmless for all actions of the Commission under the Ordinance.

Section 1.7 Court Funding

- (A) The annual submitted budget reflects the amount of funding necessary to operate the Tribal Judicial Branch, Tribal Court and the Tribal Appellate Court in accordance with the tribal Budget Ordinance, realizing the limitation of the availability of funding through the Annual Funding Agreement (AFA); and
- (B) The Business Committee shall make available to the Tribal Judicial Branch court funds such as court fines, fees and any other such funds accrued by the tribal courts; and
- (C) The Tribal Judicial Commission in collaboration with the Chippewa Cree Tribal Court Administrator and the Tribal Budget Committee shall monitor all funding of the Tribal Judicial Branch.

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Section 1.8 Exhaustion of Remedies

- (A) Persons subject to the jurisdiction of the Chippewa Cree Tribe shall exhaust all remedies available to them.

Section 1.9 Removal of an Appointed Commissioner

- (A) The Chippewa Cree Business Committee may remove an appointed Commissioner without cause. The Tribal Judicial Commission may remove an appointed Commissioner with cause, which includes but not limited to: excessive absenteeism from scheduled meetings, gross misconduct of official duty, violation of applicable laws, or criminal convictions in any court proceedings.
- (B) An appointed Commissioner may resign after providing a thirty (30) day written notification to the Tribal Judicial Commission. Upon receiving notification, the Tribal Judicial Commission shall immediately inform the Chippewa Cree Business Committee of the vacancy.
- (C) An appointed Commissioner shall take a temporary leave of absence immediately upon filing as a candidate for membership on the Business Committee and/or any other public office elected at-large within the exterior boundaries of the Rocky Boy's Indian Reservation. If the Commissioner is confirmed into a public office, which is elected at-large, the Commissioner shall resign immediately.

Section 1.10 Rule-Making Power

- (A) The Tribal Judicial Commission may from time to time prescribe rules and regulations governing the administrative affairs of the Tribal Judicial Branch.
- (B) This Code shall be modified by majority vote of the Chippewa Cree Business Committee.
- (C) The Chippewa Cree Business affirms that all resolutions, codes, ordinances or parts of the same, that are inconsistent with the provisions of this amended Code, are hereby repealed to the extent of such inconsistency.