

**TUNICA-BILOXI TRIBE OF LOUISIANA
TRIBAL COUNCIL ORDINANCE NO. TBN-O-2020-004**

Ordinance Amending Tribal Ordinance No. 1-05 and the Ordinance to Enact Election Code and Reaffirm and Amend Tribal Election Procedures Promulgated in Resolution #55-09.

WHEREAS, the Tunica-Biloxi Tribe of Louisiana (the “Tribe”) is a federally-recognized Indian tribe;

WHEREAS, the Tunica-Biloxi Tribal Council (“Tribal Council”) is the duly elected governing body of the Tribe, as authorized by Article VII, Section 1, of the Constitution of the Tribe (“Constitution”);

WHEREAS, the Tribal Council is authorized by Article XIII, section 4, of the Constitution to enact procedures governing the conduct of tribal elections;

WHEREAS, the Tribal Council is empowered by Articles VII and VIII of its Constitution to enact codes necessary to fulfill its enumerated powers and any other codes necessary and incidental to the exercise of its enumerated powers;

WHEREAS, clear and comprehensive tribal law on the conduct of tribal elections and referenda is fundamental to the preservation of tribal sovereignty and the ability of tribal members to hold their tribal government accountable;

WHEREAS, the Tribal Council duly passed Resolution #55-09 to establish procedures governing the conduct of tribal elections and pursuant to the Tunica-Biloxi Legislative Code, the Tribal Council reaffirmed the procedures governing the conduct of tribal elections originally promulgated through Resolution #55-09 by Tribal Ordinance #TBN-O-2020-002 on October 15, 2020;

WHEREAS, the Tribal Council has the authority and responsibility to supervise and manage Tribal economic affairs and enterprises and to administer all property of the Tribe;

WHEREAS, the Tribal Council has the power and authority under the Constitution to “promote and protect health, peace, morals, education and the general welfare of the Tribe;”

WHEREAS, the Tribal Council has the power and authority under the Constitution to “[d]o acts of governmental and public nature as are not prohibited by applicable laws or by th[e] Constitution” and “may exercise all other inherent tribal powers”;

WHEREAS, the Tribal Council has the power under the Constitution to establish and regulate subordinate organizations for business purposes;

WHEREAS. The Tribal Council wishes to ensure the spiritual and financial well-being of the Tribe and to instill and increase the confidence of both tribal members and the general public; and

BE IT FURTHER RESOLVED. the Tunica-Biloxi Election Code SECTION 9 – CANDIDATE QUALIFICATIONS AND FILING as enacted by Tribal Ordinance #TBN-O-2020-002 on October 15, 2020 is hereby amended as follows:

1) Subsection b) is amended in its entirety to the following:

“A state or federal felony conviction shall disqualify an individual from running for tribal office and from holding a tribal office. Individuals convicted of financial crimes, crimes involving fraud, crimes of moral turpitude, sex-related crimes, and/or violent crimes, regardless of whether the conviction was a felony or misdemeanor or whether the conviction took place when the individual was a minor shall in all cases be disqualified from running for tribal office and from holding a tribal office. (Misdemeanor traffic violations, and property crimes will not be held against an applicant.)

Furthermore, an individual who has been charged, convicted, found guilty, or plead guilty to a financial crime, crime involving fraud, crime of moral turpitude, sex-related crime, and/or crime of violence shall be disqualified from running for office regardless if they enter into any diversion program, or the charges are later reduced, expunged, and/or plea bargained with the charges later dropped, dead docketed, or are reduced or eliminated by statute, or are pardoned. Any felony that is later reduced to a misdemeanor or is eliminated from one’s record due to a diversion program, the actions of a judge, a plea bargain, or a reduction in sentence, or a state statute shall be viewed by the Tribe to be a felony and shall immediately disqualify anyone from serving on the Tribal Council. The Elections Committee shall cause criminal background checks to be performed on every candidate to determine qualification.”

2) The following new subsection shall be added follow subsection f)

“g) All Candidates for office must submit to and successfully complete a drug test as required of all employees in the Tunica-Biloxi Employee Handbook.”

BE IT FINALLY RESOLVED. this amendment by Ordinance supersedes all previous Resolutions or Ordinances and other prior actions of the Tribal Council or Gaming Authority to the extent there is a conflict.

CERTIFICATION

We, the undersigned, as Chairman and Secretary-Treasurer of the Tunica-Biloxi Tribe of Louisiana, certify that the Tribal Council of said Tribe is composed of seven (7) members, of whom 5, constituting a quorum, were present at a meeting thereof, duly called, noted, convened following adequate publication and held this 21st day of December 2020; and that the foregoing Ordinance was duly adopted by a vote of 4 members in favor, 1 opposed, and 0 abstaining.

Dated this 21st day of December 2020.



Marshall Pierite, Chairman



Beverly C. Rachal, Secretary-Treasurer