

Title XXVI - Tribal-State Agreements Oversight Commission

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Chapter 1. Ordinance Establishing

Sec. 101. Creation of Commission.

There is hereby established the Tribal State Agreements Oversight Commission.

Sec. 102. Composition of the Commission, appointment and term.

The Commission shall consist of three (3) members, appointed for a term of three (3) years each by a majority vote of those voting at a meeting of the Tribal Executive Board at which a quorum is present; provided however that the initial Commission shall have one member serving a term of three(3) years, one member serving a term of two (2) years, and one member serving a term of one (1) year, such initial terms as designated by the Tribal Executive Board. The Commission shall by majority vote designate which member shall serve as Chairperson.

Sec. 103. Qualifications of Commission members.

To be eligible to hold office of Commission member, a person (1) must be at least twenty-five (25) years of age; (2) must have at least a high school education or its equivalent; (3) must be of high moral character and integrity; (4) must never have been convicted of a Felony offense in any court for which he/she has not received a pardon; (5) must be physically able to carry out the duties of the office, and (6) shall be bondable by a surety company satisfactory to the Tribal Executive Board. Members of the Tribal Executive Board may serve as members of the Commission.

(Amended as per Resolution No. 1063-92-6, dated 06/08/92.)

Sec. 104. Oath of Office.

On taking office, each member of the Commission shall take an oath as follows:

"I, _____, do solemnly swear that I will administer justice and do equal right without respect to _____ persons and will truly, faithfully and impartially discharge and perform all the duties incumbent upon me a (member) if the Tribal-State Agreements Oversight Commission according to the best of my abilities and understanding. So help me God."

Sec. 105. Duties of the Commission.

The Commission shall, subject to the supervision of the Tribal Executive Board, administer and implement all agreements and compacts between the Tribes and the State of Montana relating

to taxation and gaming, and make recommendation and reports to the Tribal Executive Board on any amendments which should be made to these agreements and compacts and any steps which should be taken to improve relations between the Tribes and the State.

Sec. 106. Compensation and bond of Commission members.

The compensation of Commission members shall be fixed by the Tribal Executive Board. The rates of compensation so established may not be decreased during a member's term of office. Commission members shall be bonded by a surety bond satisfactory to the Tribal Executive Board. Commission members shall receive compensation only for those days they actually work as members of the Commission, including meetings they are required to attend as members of the Commission.

Sec. 107. Suspension and removal of Commission members.

(a) Upon written charges of specific misconduct in office or permanent physical or medical disability to carry out the duties of office, adopted by a majority vote of those voting at a meeting of the Tribal Executive Board at which a quorum is present, the Tribal Executive Board may initiate proceedings to remove the Chairman or any other members of the Commission from office.

"Misconduct" as used in this Section, shall mean:

(1) conviction of a Felony offense;

(2) abusive or incompetent performance of duties in office, or repeated failure to perform duties of office;

(3) self-dealing or biased decision making in performing the duties of office.

(b) All charges shall be in writing and served on the Commission member personally, or by certified or registered mail, return receipt requested, not less than ten (10) days prior to the date of hearing before the Tribal Executive Board on the charges. A member proposed to be removed shall be given an opportunity to answer by written or oral presentation before the Tribal Executive Board, to have the charges proven only by sworn testimony of witnesses and documentary evidence, to have the right to cross-examine witnesses and to present his/her own witnesses and to have the right to be represented by counsel at his/her own expense at the hearing. After the hearing, or default, a member may be removed for specific misconduct in office by a majority of those voting at a meeting of the Tribal Executive Board at which a quorum is present. The decision of the Tribal Executive Board shall be final.

Sec. 108. Disqualification of Commission member in particular cases.

A member of the Commission shall disqualify himself/herself in any matter before the Commission in which his/her impartiality might reasonably be questioned, in which he/she has any personal bias or prejudice concerning any party, in which he/she or member of his/her immediate family has any financial or other interest in the matter to be considered, has acted or is acting as an attorney respecting the matter, or in which he/she might otherwise appear to be biased or prejudiced.

(Amended as per Resolution No. 1063-92-6, dated 06/08/92.)