

# Stockbridge-Munsee Community

BAND OF THE MOHICAN INDIANS  
TRIBAL COUNCIL OFFICES

## RESOLUTION

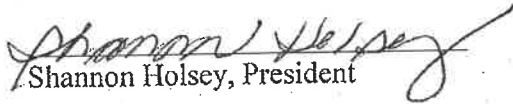
DATE: March 15<sup>th</sup>, 2016

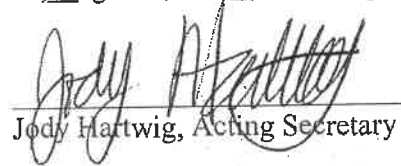
NO. 037-16

- WHEREAS,** The Stockbridge-Munsee Community is a federally recognized Indian tribe with inherent sovereign powers and is governed by the Stockbridge-Munsee Tribal Council pursuant to the 1937 Constitution, as amended;
- WHEREAS,** The Stockbridge-Munsee Community has the authority under its Constitution and its inherent rights as a sovereign nation to adopt and amend Ordinances;
- WHEREAS,** Chapter 1, the Tribal Court Code, establishes the Stockbridge-Munsee Tribal Court System;
- WHEREAS,** The Tribal Council wishes to promote the separation of powers between the Tribal Council and the Tribal Court System by updating the processes by which tribal judges are selected and judicial oversight is provided;
- WHEREAS,** Instead of appointment of a Chief Judge by the Tribal Council and the community ratification of judges selected by the Tribal Council, the proposed amendments to Chapter 1 provide for the direct election of the chief judge and the election of a Judiciary Commission who will select the other judges and provide judicial oversight; and
- WHEREAS,** The Tribal Council further wishes to establish a separate civil procedure ordinance and remove provisions related to civil procedure from Chapter 1;
- NOW THEREFORE BE IT RESOLVED,** the Stockbridge-Munsee Tribal Council hereby adopts the amendments to Chapter 1, which make the following changes:
- Repeal the existing headings and sections of the ordinance other than Sections 1.1, 1.3, 1.12, 1.21, 1.23, 1.24, 1.28 and 1.35.
  - Remove Sections 1.6.5, 1.7, 1.10, 1.11, 1.13, 1.14, 1.15, 1.16, 1.17, 1.18, 1.19, 1.20, 1.29, 1.3, 1.31.5, 1.32, 1.33 and 1.34 to be addressed in Chapter 5, Civil Procedure Ordinance.
  - Renumber sections and update terminology throughout entire document.
  - Adopt new Sections 1.3, 1.4, 1.5, 1.6, 1.9, 1.11, 1.14 and 1.15 that are amended versions of prior court code language.
  - Adopt new Section 1.7 establishing an elected Judiciary Commission, who is responsible for selection of Judges (other than Chief Judge) and judiciary oversight.
  - Adopt new Section 1.8 providing for direct election of a Chief Judge.
  - Adopt new Section 1.10 outlining judicial duties and responsibilities.
  - Adopt new Section 1.13 addressing contempt of court authority.
  - Adopt new subsections 1.16 (A)(1)(a)-(b) addressing implementation of the amendments.

## CERTIFICATION

I, the undersigned, as Secretary of the Stockbridge-Munsee Tribal Council, hereby certify that the Council is composed of 7 members, of whom 4, constituting a quorum, were present at a meeting duly called, noticed, and held on the 15 day of March, 2016, that the foregoing resolution was duly adopted at such meeting by a vote of 3 for, 0 against, and 0 abstaining.

  
Shannon Holsey, President

  
Jody Hartwig, Acting Secretary