
TRIBAL GOVERNING BOARD

5 LCOTCL Chapter 2

ESTABLISHMENT OF REFERENDUM CODE

TITLE V, CHAPTER 2 OF THE LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS TRIBAL CODE OF LAW

Action: Advance Notice of Proposed Rulemaking

Date: October 30, 2017



This proposed ordinance shall be known as the Referendum Code of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians and is being considered for enactment pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. In the implementation of this inherent sovereign authority, Article VI of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians (hereinafter “Amended Constitution and By-laws”) empowers the Tribal Governing Board to prescribe rules and regulations pertaining to referendum elections.

The Tribal Governing Board may delegate its existing Constitutional authority to an agency of the Tribe pursuant to Article V, § 1(m) of the Amended Constitution and By-laws, reserving the right to review any action taken by virtue of such delegated powers. Pursuant to this enumerated power, the Tribal Governing Board has directed the Lac Courte Oreilles Legal Department to present the Referendum Code for a fourteen (14) day tribal comment period. This Advance Notice of Proposed Rulemaking is being used as a vehicle for obtaining tribal member participation in the formulation of the proposed revision before the Tribal Governing Board considers the proposed regulatory action for final approval. To review the proposed Referendum Code please visit <http://www.lco-nsn.gov/lac-courte-oreilles-legal-dept.php>, and provide any comments to the Lac Courte Oreilles Legal Department, 13394 W Trepania Road, Hayward, WI 54843.

The proposed regulatory action finds and declares that: (1) Article VI of the Constitution and By-Laws of the Lac Courte Oreilles Tribe provides for a referendum on any legislative enactment or proposed enactment on submission by a majority vote of the Tribal Governing Board or upon petition by at least one-hundred (100) qualified voters of the Tribe; (2) Article VI is self-executing, but specifically provides that the Tribal Governing Board “shall have the authority to enact an ordinance to implement the provisions of this Article.” It is necessary for the Tribal Governing Board to enact an ordinance providing orderly procedures for the conduct of referendums in order to implement the constitutional provision; (3) Orderly procedures, for the conduct of referendums, promotes the transaction of Tribal governmental and commercial business. The Tribe conducts a large amount of its commercial and governmental activities by motion and/or resolution, and the absence of procedures would jeopardize Tribal contractual arrangements, create uncertainty in the conduct of Tribal commercial and governmental business, impair the ability of the Tribe to serve its citizens (members), and subject the Tribe to potential liability for breach or impairment of contract; (4) The procedures set forth in this ordinance protect the right of referendum and are reasonable and necessary to protect Tribal commercial and governmental operations as well.