

TITLE 19 JUDICIAL VALIDATION

CHAPTER 1. GENERALLY 19-1-1
 Sec. 19-1101. Definitions..... 19-1-1
 Sec. 19-1102. Severability..... 19-1-1
 Sec. 19-1103. Sovereign Immunity..... 19-1-1

CHAPTER 2. COMMENCEMENT OF ACTION 19-1-1
 Sec. 19-1201. [Authority to File Action.]..... 19-1-1
 Sec. 19-1202. [Grounds for Validation.]..... 19-1-2

CHAPTER 3. JURISDICTION..... 19-1-2
 Sec. 19-1301. [Jurisdiction.]..... 19-1-2
 Sec. 19-1302. [10 day review period.] 19-1-2
 Sec. 19-1303. [Expedited Judicial Review.] 19-1-2

CHAPTER 4. CONDITION PRECEDENT..... 19-1-2
 Sec. 19-1401. [Conditions Precedent.] 19-1-2
 Sec. 19-1402. [Procedures for Determining Conditions Precedent.] 19-1-2
 Sec. 19-1403. [Proof of Conditions Precedent.]..... 19-1-2

CHAPTER 5. EFFECT OF JUDGMENT 19-1-3
 Sec. 19-1501. [Finality of Judgment.] 19-1-3
 Sec. 19-1502. [Recording Judgment on Instruments.] 19-1-3

TITLE 19

TITLE 19

JUDICIAL VALIDATION

[NOTE: Except as otherwise noted, the provisions of Title 19 were enacted on October 5, 2005 by Res. No. 35-2005. Materials appearing in brackets do not appear in the original Title, but have been added for convenience and organizational purposes only.]

CHAPTER 1. IN GENERAL

Sec. 19-1101. Definitions.

(a) “Instrument” means all loan instruments, notes, bonds, warrants, contracts, obligations, and any other evidences of indebtedness issued by the Tribe, regardless the nature of the debt obligation.

(b) “Constitution” means the Constitution and Bylaws of the Sac & Fox Tribe of the Mississippi in Iowa approved by the Secretary of Interior on December 20, 1937.

(c) “Tribal Court” means the Sac & Fox Tribe of the Mississippi in Iowa Tribal Court.

(d) “Tribe” means the Sac & Fox Tribe of the Mississippi in Iowa

(e) “Referendum” means a special election to ratify or reject any action by the Tribal Council pursuant to Sac & Fox of the Mississippi in Iowa Code, Title 8, Elections and Petitions.

Sec. 19-1102. Severability.

If any chapter, section, or provision of this Ordinance or amendment made by this Article is held invalid, the remaining chapters, sections, or provisions of this Ordinance and amendments made by this Ordinance shall continue in full force and effect.

Sec. 19-1103. Sovereign Immunity.

Nothing in this Ordinance shall be construed as limiting, waiving or abrogating the sovereignty or the sovereign immunity of the Tribe or any of its agencies, departments, enterprises, agents, officials or employees.

CHAPTER 2. COMMENCEMENT OF ACTION

Sec. 19-1201. [Authority to File Action.]

The Tribal Council, or any department, agency, or authority of the Tribe may bring an action to determine the validity of any Instruments establishing indebtedness of the Tribe, a Tribal agency, or a Tribal instrumentality pursuant to this Title 19. Any action initiated pursuant to this Title 19 shall be brought in the Tribal Court. All proceedings brought pursuant to this Title 19 shall be initiated by a petition for a declaration that the Instrument is valid, submitted to the Clerk of Court, which petition shall contain a certified copy of the resolution of the Tribal Council or other Tribal agency or instrumentality issuing the debt together with the certified results of a referendum vote affirming the action of the Tribal Council approving the Instrument, and each shall be judicially examined and determined in one special proceeding before the Chief Justice of the Tribal Court. The determination by the Chief Justice on the petition for a

TITLE 19

declaration regarding the validity and legal effect of an Instrument shall be based on the petition and the materials submitted with the petition, and shall require no hearing or oral presentation.

Sec. 19-1202. [Grounds for Validation.]

For purposes of this Title 19 of the Code of the Sac & Fox Tribe of the Mississippi in Iowa, bonds and certificates of indebtedness shall be deemed to be in existence upon their authorization. Bonds and warrants shall be deemed authorized as of the date of adoption by the Tribal Council of a resolution, code provision, or ordinance authorizing their issuance, and contracts shall be deemed authorized as of the date of adoption by the Tribal Council of a resolution, code provision, or ordinance approving the contract and authorizing execution of the same by the appropriate Tribal official.

CHAPTER 3. JURISDICTION

Sec. 19-1301. [Jurisdiction.]

The Tribal Court shall have original and exclusive jurisdiction of actions to determine whether the instruments meets the requirements to qualify as a duly authorized, properly approved, legally binding, final, and enforceable debt obligation of the Tribe.

Sec. 19-1302. [10 day review period.]

Judgment shall be entered pursuant to this Title 19 within ten (10) days after the filing of an action pursuant to Chapter 2.

Sec. 19-1303. [Expedited Judicial Review.]

Actions brought pursuant to this Title 19 shall be given preference over all other actions before the Tribal Court in the matter of setting the same for hearing or trial, and in hearing the same, to the end that such actions shall be speedily heard and determined within the time specified in Sec. 19-1302.

CHAPTER 4. CONDITION PRECEDENT

Sec. 19-1401. [Conditions Precedent.]

As a condition precedent to filing of an action for the validation instruments, bonds, warrants, and certificates of indebtedness, the Tribal Council, or any department, agency, or authority of the Tribe desiring to issue them shall cause a Referendum to be held to approve the action of the Tribal Council in authorizing the instruments, bonds, warrants, and certificates of indebtedness, and show that the issuance thereof was approved by the adoption by the Tribal Council of a resolution, code provision, or ordinance authorizing their issuance.

Sec. 19-1402. [Procedures for Determining Conditions Precedent.]

The provisions of Article IV of Title 2 of the Code shall govern judicial review by the Tribal Court as to certification of the Referendum.

Sec. 19-1403. [Proof of Conditions Precedent.]

TITLE 19

A duly authorized resolution of Tribal Council and properly certified Referendum shall be conclusive evidence that the conditions precedent for validation of the bonds and certificates of indebtedness have been satisfied.

CHAPTER 5. EFFECT OF JUDGMENT

Sec. 19.1501. [Finality of Judgment.]

The judgment rendered in any proceeding brought pursuant to this Ordinance shall, notwithstanding any other provision of law, become and thereafter be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, and the judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issues as to which the judgment is binding and conclusive.

Sec. 19-1502. [Recording Judgment on Instruments.]

Instruments, bonds, warrants, and certificates of indebtedness, when validated under this chapter, shall have a stamped or written thereon, by the Chief Justice of the Tribal Court, a statement in substantially the following form:

“This [instrument, bond, warrant, or certificate of indebtedness, as appropriate, depending on the instrument subject of the proceeding] has been validated by the Chief Justice of the Tribal Court as a duly authorized, properly approved, legally binding, final, and enforceable obligation of the Tribe.

Dated: _____
_____ Chief Justice”

A certified copy of the judgment or decree shall be received as evidence in the Tribal Court.