

Petition for Referendum Vote to the Three Affiliated Tribes

We, the undersigned, hereby petition the Tribal Business Council to conduct a referendum vote on the proposed referendum herein pursuant to Article VIII of the Constitution and Bylaws of the Three Affiliated Tribes. By signing this petition, we certify that we are enrolled members of the Three Affiliated Tribes and eighteen (18) years of age or older and reside in the community indicated (New Town, Four Bears, Mandaree, Twin Buttes, White Shield, Parshall or Off-Reservation).

PROPOSED REFERENDUM

- 1. The Tribal Business Council hereby adopts a limited waiver of sovereign immunity for equitable actions to enforce the Constitution, laws, resolutions, ordinances, duly adopted policies, and other binding governing documents of the Three Affiliated Tribes.*
- 2. The sovereign immunity of the Tribe, the Tribal Business Council, and the members, officers, employees, agents, departments, agencies, and instrumentalities of the Tribe acting in their official capacities is expressly and unequivocally waived solely for suits brought by eligible plaintiffs seeking prospective declaratory, injunctive, mandamus, prohibition, or other equitable relief to enforce the Tribe's Constitution, tribal laws, ordinances, resolutions, duly adopted policies, and other binding governing documents.*
- 3. This waiver may be invoked only by enrolled members of the Tribe, groups of enrolled members, tribal-member-owned businesses in which one or more enrolled members own a majority interest, and entities or associations organized by tribal members for the purpose of protecting rights arising under the Tribe's Constitution, laws, policies, or governing documents.*
- 4. The relief available under this waiver shall be limited to non-monetary equitable relief, including declaratory judgments, temporary restraining orders, preliminary injunctions, permanent injunctions, writs of mandamus, writs of prohibition, orders requiring compliance with mandatory procedures required by tribal law, orders invalidating or prohibiting enforcement of official action taken in violation of tribal law, and orders requiring production, inspection, or disclosure of records required to be made available under tribal law.*
- 5. This waiver shall not authorize money damages, compensatory damages, consequential damages, punitive damages, lost profits, restitution, disgorgement, repayment, refund, reimbursement, back pay, front pay, benefits, interest, expert fees, attorney's fees, court costs, or any other monetary award, monetary judgment, or retrospective monetary relief, except to the limited extent expressly authorized by a separate written enactment that specifically provides for reimbursement of reasonable attorney's fees and costs to a successful plaintiff in an equitable action.*

6. *Claims under this waiver may be brought only against the Tribal Business Council and tribal officials, officers, employees, agents, departments, agencies, or instrumentalities in their official capacities, and nothing herein authorizes personal-capacity claims, personal liability, monetary liability, or execution against the personal assets of any tribal official, officer, employee, agent, or representative*
7. *The Tribal Court shall have exclusive jurisdiction over all actions brought under this waiver. No action under this waiver may be brought in federal court, state court, arbitration, administrative tribunal, or any non-tribal forum unless the Tribal Business Council expressly authorizes that specific forum by separate written waiver identifying the claim, party, forum, and scope of relief.*
8. *No order entered under this waiver shall attach, garnish, seize, encumber, freeze, execute upon, or otherwise interfere with tribal funds, trust assets, property, accounts, investments, revenues, or business assets, except to the limited extent necessary to prohibit an unlawful expenditure, transfer, withdrawal, encumbrance, or use of tribal assets that violates the Tribe's Constitution, laws, resolutions, policies, or governing documents.*
9. *All sovereign immunity not expressly waived by this referendum is reserved. This waiver shall be strictly construed and shall not be enlarged by implication, equity, custom, past practice, course of dealing, or construction. If any part of this referendum is held invalid or unenforceable, the remaining provisions shall remain in full force and effect.*

SIGNATURES FOR PETITION

	PRINT NAME	DATE (mm/dd)	COMMUNITY	TELEPHONE NUMBERS	SIGNATURE
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