

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 of the MHA Nation shall reimburse any Tribal member, group of Tribal members, or tribal-member-owned business for all reasonable and documented attorney's fees and costs incurred in successfully obtaining equitable relief against the Tribal Business Council, any agency or arm of the Tribe, any officer thereof, or any employee or officer of the Tribe to enforce the Three Affiliated Tribes Constitution and Bylaws, tribal laws, duly adopted policies, or other binding governing documents.*
2. *Reimbursement shall apply to suits for declaratory, injunctive, mandamus, prohibition, or other equitable relief seeking to compel compliance with the Three Affiliated Tribes Constitution and Bylaws, tribal laws, duly adopted policies, or other binding governing documents.*
3. *A plaintiff shall be deemed successful when the Tribal Court enters a temporary restraining order, preliminary injunction, permanent injunction, declaratory judgment, writ of mandamus, writ of prohibition, or other equitable order that materially grants the relief sought or materially requires compliance with the Constitution and Bylaws, tribal laws, duly adopted policies, or other binding governing documents.*
4. *Reimbursement under this referendum shall be limited to reasonable and documented attorney's fees and costs actually incurred in obtaining equitable relief. It shall not be construed as an award of money damages, punitive damages, compensatory damages, consequential damages, restitution, disgorgement, repayment, lost profits, interest, or any other form of damages or retrospective monetary relief.*
5. *This referendum is intended to constitute the separate written enactment authorizing reimbursement of reasonable attorney's fees and costs referenced in the Limited Waiver of Sovereign Immunity for Equitable Actions to Enforce the Constitution, Laws, and Policies of the Tribe. The two measures shall be read together so that the waiver bars money damages and general monetary relief, while this referendum separately authorizes reimbursement of reasonable attorney's fees and costs to a successful plaintiff as provided herein.*

6. *The Tribal Business Council shall reimburse approved reasonable attorney's fees and costs within thirty (30) days after the successful plaintiff submits a written claim for reimbursement, together with reasonable documentation of the fees and costs incurred, to the Three Affiliated Tribes.*

7. *The Tribal Business Council may not claim sovereign immunity from suit in Tribal Court in any action seeking enforcement of this referendum and reimbursement of reasonable attorney's fees and costs authorized by this referendum. Any reasonable attorney's fees and costs incurred in a successful action to enforce this referendum shall also be reimbursed.*

SIGNATURES FOR PETITION

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