



# CONSTITUTION OF THE ANCHORAGE TRIBES OF TLINGIT AND HAIDA INDIANS OF ALASKA

## PREAMBLE

We, the Members of the of the Tlingit and Haida Indians of Alaska, in order to preserve our identity and culture as Indian People, advance our economic wellbeing, promote the dignity and the welfare of our Tribal Citizens, and exercise all sovereign governmental powers as are inherent to the Tribes and other sovereign powers delegated to us by the Central Council of the Tlingit and Haida Indian tribes of Alaska, do ordain and establish this Constitution.

## ARTICLE I NAME

The name of the local Tribes shall be the of the Tlingit and Haida Indians of Alaska (ATTHIA).

## ARTICLE II FUNCTION

The Anchorage Tribal Council shall be the local governmental body of the Tlingit and Haida Indians of Alaska and shall exercise all sovereign governmental powers, which are inherent or are delegated to it by Central Council Tlingit and Haida Indian Tribes of Alaska (CCTHITA).

## ARTICLE III MEMBERSHIP

The members of the of the Tlingit and Haida Indians of Alaska shall be as follows:

- (1) All enrolled Tribal Citizens of the Tlingit and Haida Indian Tribes who reside in Anchorage and,
- (2) All enrolled members Tribal Citizens of the Tlingit and Haida Indian Tribes of Alaska

Registered on the Official Voting List for Anchorage as established by the Central Council pursuant to the Rules of Election for Delegates to the Central Council of the Tlingit and Haida Indian Tribes of Alaska and their descendants who are Members of the Tlingit and Haida Indian Tribes of Alaska and who are not enrolled in another Tlingit and Haida Community.

## ARTICLE IV SOVEREIGN IMMUNITY

The of Tlingit and Haida Indians of Alaska shall share the sovereign immunity of the Central Council of the Tlingit and Haida Indian Tribes of Alaska.

### Section 1 – Sovereign Immunity of the Central Council Unaffected.

The issuance of this Constitution or its approval by the Central Council shall not be deemed a waiver of the sovereign immunity of Central Council and no action or inaction of the ATTHIA shall waive the sovereign immunity or implicate the credit of the Central Council in any way.

### Section 2 – Sovereign Immunity of the Anchorage Tribal Council.

Nothing in this Constitution shall be deemed a waiver of the sovereign immunity of the ATTHIA which may be waived only by express resolution upon a two thirds vote of the entire Tribal Council and supported by a two---thirds vote of the Tribal Citizens in attendance in a Special Referendum and only to the extent specified in the Resolution and permitted by federal law. Exercise of the power of waiver of

sovereign immunity shall not be deemed a consent by the Tribal Citizens to the levy of any judgement, lien or attachment upon the property of the Tribes other than income or chattels specifically pledged or assigned. The power to waive sovereign immunity of the Tribes shall not be delegated by the Tribal Council.

## ARTICLE V GOVERNING BODY

### Section 1 – Anchorage Tribal Council.

The governing body of the of the Tlingit and Haida Indian Tribes of Alaska shall be known as the Anchorage Tribal Council.

### Section 2 – Anchorage Tribal Council Officials and Council Members

The Officials of the Anchorage Tribal Council shall be the President, Vice President, Secretary, Treasurer, Sergeant---at---Arms, and two Council Members.

### Section 3 – Election of Anchorage Tribal Council Officials.

The election of the Anchorage Tribal Council Officials shall be conducted in accordance with the provisions of Article VIII, Section 1.

### Section 4 – Anchorage Tribal Council Officials; Terms of Office.

The terms of office for all Anchorage Tribal Officials shall be as set forth in the Election Ordinance coincide with the Central Council Tlingit and Haida Rules for the Election of Delegates.

### Section 5 – The Executive Committee.

#### Section 5.1 Composition of the Executive Committee.

The Executive Committee shall be comprised of the elected Tribal Council Officials.

#### Section 5.2 Functions of the Executive Committee.

When the Anchorage Tribal Council Officials are not in regular or special session, The Executive Committee, whether assembled or not shall possess all powers of the Anchorage Tribal Council. They shall not have the power to repudiate any action taken during any prior regular or special session or assembled meeting of the Tribal Council or during any Tribal meeting of the Anchorage Tribal Citizens. The Executive Committee shall promote and execute all programs of the Tribal Council after their meeting in regular or special session.

#### Section 5.3 Meetings.

The Executive Committee shall meet at such times as deemed necessary by the President.

#### Section 5.4 Quorum.

A quorum of the Executive Committee shall be two---thirds50% plus one of the elected tribal Council Officials.

#### Section 5.5 Voting.

The Executive Committee shall act by majority vote of Anchorage Tribal Council Officials present subject to the provisions of Article VI, Section 1 hereof, and shall record such votes by roll call.

Section 6 – Employees, Boards and Standing Committees. Section 6.1

The President shall appoint or employ, with the consent of the majority of the

tribal Council, such employees, boards and committees, as he deems advisable and prescribe reasonable compensation therefore. The President shall be an ex-officio Member of all boards and committees.

Section 6.2 Standing Committees/Boards

6.2.1. Resolutions and Constitution

6.2.2. Enrollment

6.2.3. Finance

6.2.4. Cultural and Social

6.2.5. Education/Scholarships

6.2.6. Fish and Game

6.2.7. Legislative

6.2.8. Health and Welfare

6.2.9. Ways and Means

6.2.10. Tribal Affairs

Section 7 – Authority of Tribal Council Members, Employees, Boards and Committees.

All Tribal Council Members, Officials, employees, boards and committees may act only upon specified authority by resolution of the Anchorage Tribal Council, except as specified in this Constitution.

ARTICLE VI ELIGIBILITY OF ANCHORAGE TRIBAL COUNCIL MEMBERS AND OFFICIALS

Section 1 – Qualifications of the Tribal Council Officials.

Any enrolled tribal citizen of the Tribe at least 18 years of age who has resided physically within the Anchorage Tribal jurisdiction or has been officially enrolled on the Anchorage Tribal Official Voting List for six months immediately prior to the general election shall be eligible to serve as an Anchorage Tribal Council or official.

Section 2 – Criminal Conviction Disqualification.

Any Tribal Citizen who has been convicted of a felony within five years immediately prior to a general election, or who has been convicted of a crime involving moral turpitude with---in one year prior to a general election, shall not be eligible to serve as a Tribal Council Member or Tribal Council Official.

Section 3 - Determination of Eligibility.

The Anchorage Tribal Council shall use the current official Voting List provided by the Central Council to officially determine the eligibility and qualification of its Tribal Citizens and Tribal Official.

ARTICLE VII TIME, PLACE AND PROCEDURE OF TRIBAL COUNCIL MEETINGS

Section 1 – Regular Meetings.

Regular meetings of the Tribal Council shall be held monthly and at such other times as the Tribal Council may determine.

Section 2 – Special Meetings.

Special meetings of the Tribal Council may be called by the President, Vice President or three members of the Executive Committee may call special meetings of the Tribal Council in the absence of the President or upon the receipt of a written request signed by three members of the Tribal Council. The Tribal Council shall have power at a special meeting to transact only such business included in the notice of the meeting.

Section 3 – Quorum.

A quorum necessary to transact any business of the Tribal Council shall be 50% plus one of the Tribal Council Officials. The President shall preside. The Vice President shall preside in the absence of the President.

Section 4 – Voting.

The Tribal Council shall act by a majority vote of members present, subject to the provisions of Article XI, Section 1 hereof.

## Section 5 – Order of Business.

The following order of business shall be established for the Anchorage Tribal Council meetings.

- 5.1 Call to order by the Presiding Officer.
- 5.2 Invocation.
- 5.3 Roll call of Officers and Delegates.
- 5.4 Reading and adoption of Minutes of Previous Meeting.
- 5.5 Reports.
- 5.6 Old Business.
- 5.7 New Business.
- 5.8 Announcements.
- 5.9 Adjournment.

## Section 6 – Parliamentary Procedure.

The Tribal Council meetings shall be conducted according to Robert’s Rules of Order, Revised.

## ARTICLE VIII ELECTION PROCESS AND PROCEDURES.

### Section 1 – Regulation of Elections and Petitions.

The Tribal Council shall enact an ordinance regulating general and special elections, petitions for recall and constitutional amendments. The ordinance shall provide for all aspects of general and special elections, including secret ballot, absentee

voting, temporary absence from the Community, notice of election, notice of nomination of candidates, election appeals and the certification of elections.

## ARTICLE IX VACANCIES AND REMOVAL FROM OFFICE

### Section 1 – Tribal Council Official Vacancy and Interim Appointment.

If any Tribal Council Member shall die, resign, be incapacitated or permanently leave the Community as determined by the Tribal Council, or be removed from office under Section 3 or 4 hereof, a vacancy in the Tribal Council shall be created and at its next regular or special meeting, the Tribal Council shall appoint a Member, to fill the Council position for the balance of the unexpired term.

### Section 2 - Vacancy of the Presidency.

A vacancy in the Presidency shall be filled by the Vice President. The Tribal Council shall appoint a new Vice President from within the Tribal Council. The resulting vacancy in the Tribal Council shall be filled pursuant to Section 1 of this Article.

### Section 3 – Removal from Office.

The Tribal Council may, by the three---fourths vote of the remaining Council Members eligible to vote, or remove from office any Tribal Council Official or an Official convicted of a felony crime involving moral turpitude, or for gross neglect of duty, misconduct reflecting on the integrity of the Tribal Council, or disqualification to serve as a Tribal Council Member Official. Before any vote for removal from office is taken, the Member or Official shall be given a written notice of charges against him or her at least ten days before the meeting of the Tribal Council at which he or she is to appear, and he or she shall be given an opportunity to answer any and all charges at the Tribal Council Meeting. If the Member or Official refuses to appear before the Tribal Council, the Tribal Council shall proceed with the vote as scheduled. The decision of the Tribal Council shall be final.

### Section 4 – Recall.

Upon receipt of a petition signed by at least thirty (30) percent of the eligible Tribal Citizens of the Official Voting List of the ATTHIA for the recall of a Tribal Council Member or Official must be certified as a valid petition by the Election Committee, it shall be the duty of the Tribal Council either to remove the member or official under Section 3 hereof or, if the removal is not accomplished by the Tribal Council, to call for a special election on the recall petition. A recall by a special election shall not require cause.

### Section 5 – Voting Prohibition.

No member of the Tribal Council or Tribal Official shall vote in Tribal Council balloting upon his or her own removal or upon his or her qualifications to serve as a Tribal Council member or Tribal Council Official.

## ARTICLE X POWERS OF THE TRIBAL COUNCIL.

### Section 1 – Inherent and Delegated Powers.

The Tribal Council shall exercise the following sovereign governmental powers which are inherent or have been delegated to the Tribal Council by the Central Council of Tlingit and Haida Indian Tribes of Alaska subject to any limitations specifically and explicitly imposed by federal law, the Constitution of the United States and all express restrictions upon such powers as provided by this Constitution.

10.1.1 To regulate the Tribal Council, Tribal Officials, employees, boards and Committees.

10.1.2 To regulate Tribal Elections and Constitutional Amendments.

10.1.3 To acquire and dispose of property, real and personal, by any and all means, for such consideration and upon such terms as it shall decide.

10.1.4 To borrow and raise money by all lawful means, and pledge the credit of the ATTHIA only, to direct the use of such funds for productive purposes.

10.1.5 To safeguard and promote the general, social and economic welfare of the Tribes.

10.1.6 To administer, protect and preserve all Tribal property.

10.1.7 To establish a Tribal Court and to determine its jurisdiction, provided, that the Tribal Court shall not have any jurisdiction over any actions of the Central Council.

10.1.8 To employ legal counsel for the protection and advancement of the rights of the Tribes and their Citizens.

10.1.9 To consult with and advise any and all persons, officers and entities, public and private, concerning subjects and matters affecting the interest of the Tribes.

10.1.10 To exercise any power delegated by resolution of the Central Council, subject to the limitations contained therein.

10.1.11 To obtain grants from and contract with federal, state and municipal governments, subject to the prior consent of the Central Council.

10.1.12 To delegate to officials, employees, boards and committees any of the powers enumerated in this ARTICLE X, Section 1, reserving the right to review all actions of those to whom such power has been delegated.

10.1.13 To take all action which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Tribal Council Member, Officials, employees, boards and committees.

10.1.14 To enact Tribal Ordinances, resolutions and administrative regulations to serve as Tribal Law for the of the Tlingit and Haida Indians of Alaska.

Section 2 – Further Powers.

The Anchorage Tribal Council may exercise such further powers as may in the future be delegated to it by the Central Council.

ARTICLE XI TRIBAL COUNCIL OFFICIALS.

Section 1 – President.

The President shall be the Executive Officer of the Tribes and ex-officio to all standing committees, and shall preside over all meetings of the Tribal Council and Executive Committee. He shall exercise only authority delegated to him by the Tribal Council and shall vote only to break a tie vote of the Tribal Council or Executive Committee meetings and shall be custodian of all Tribal property and shall counter-sign all checks issued by the Tribal Council.

Section 2 – Vice President

In the absence of the President, the Vice President shall assume the duties and exercise the authority of the President as the Executive Officers of the Tribes.

Section 3 – Secretary.

The Secretary shall call the roll of officers and delegates, record and distribute the minutes of all meetings of Tribal Council, including regular, special and annual meetings, handle all official correspondence of the Tribal Council and be custodian of all official documents of the Tribal Council. The Secretary shall keep a record of the proceedings of the Executive Committee and present its recommendations to the Tribal Council when it convenes. The Secretary shall post an electronic and/or hard copy of every notice required to be posted by this Constitution pursuant to the Tribal Council's direction.

Section 4 – Treasurer.



The Treasurer shall be responsible for all funds under the exclusive control of the Tribal Council and shall deposit them in an appropriate account. The Treasurer shall keep an accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his or her custody pursuant to the regulations of the Tribal Council. The Treasurer shall sign all checks issued by the Tribal Council together with the President or Vice President.

#### Section 5 – Sergeant---at---Arms.

The Sergeant---at---Arms shall be responsible for the coordination of all regular, special and annual meetings of the Tribal Council and Tribal Members, for securing and setting up the meeting place and advertising the time and place of the meeting. The Sergeant--- at---Arms shall be responsible for maintaining order at all meetings of the Tribal Council.

#### Section 6 - Duties of Employees, Boards and Committees.

6.1 The duties of all employees, boards and committees of the Tribal Council shall be clearly defined by a Tribal Council Resolution at the time of employment or appointment.

6.2 Such employees, boards and committees shall report to the Tribal Council from time to time, as required, and their activities and decisions shall be subject to Tribal Council review.

6.3 All employees, boards and committees shall be appointed or employed by the President with the consent of the Tribal Council.

### ARTICLE XII TRIBAL AND PUBLIC MEETINGS.

#### Section 1 – Annual Meeting

An Annual Meeting shall be held in the spring. The Tribal Officials and Delegates to the Central Council shall report to the Tribes on their activities during the past year.

#### Section 2 – Special Meetings.

Special Meetings may be called by the President, Vice President or three members of the Executive Committee by written request delivered to the President or Vice President.

### Section 3 – Quorum.

A quorum of the Tribes necessary for the transaction of any business at a regular, special or annual meeting shall be a majority of the Tribal Officials and two Tribal Citizens. An attendance roll must be recorded for all such meetings.

## ARTICLE XIII TRIBAL COURTS.

The Tribal Council shall enact an Ordinance, which shall cover all aspects of the Tribal Court including but not limited to its jurisdiction; personnel make up; procedures and powers.

## ARTICLE XIV DELEGATES TO THE CENTRAL COUNCIL.

Delegates shall be elected to represent the ATTHIA in the Central Council pursuant to Article III of the Constitution of the Central Council of the Tlingit and Haida Indian Tribes of Alaska and the “Rules of Election of Delegates to the Official Central Council of the Tlingit and Haida Indian tribes of Alaska”.

### Section 1 – Election of Delegates.

The Tribal Council shall incorporate the election procedures for the election of Delegates to the Central Council into the Election Ordinance with the 60 days after the adoption of this Constitution.

### Section 2 – Function of Delegates.

The elected Delegates to the Central Council are the official representatives of the ATTHIA to the Central Council and as such are the liaison officials between the Central Council and the ATTHIA. Each delegate shall be required to attend all regular, special and annual meetings of the Tribal Council and Tribal Members and shall report on all correspondence to and from the Central Council. Delegates must report to the Tribal Council as to all other meetings or conventions they attend as official delegates of the Anchorage Tribal Council or of the Central Council.

### Section 3 – Delegate Vacancy Interim Appointment.

Pursuant to Article IV, Section 4, "Elections" of the Constitution of the Central Council, a vacancy occurring during the term of office of a delegate to the Central Council shall be filled by the Tribal Council.

Section 4 – Removal of Delegates.

The Tribal Council, by a majority vote, may remove any Delegate convicted of a felony, crime involving moral turpitude, or for gross neglect of duty, misconduct reflecting on the dignity and integrity of the Tribal Council or the Central Council or disqualification to serve as a delegate to the Central Council. Prior to any removal due to a felony or crime of moral turpitude the delegate will be given a ten-day notice to meet with the Tribal Council to answer to the charges against him. If the delegate refuses to appear before the Tribal Council the Tribal Council shall proceed to remove the delegate from office.

Section 5 – Recall of Delegate.

The recall of a delegate shall be conducted pursuant to the Election Ordinance.

Section 6 – Voting Prohibition.

No delegate shall vote in a special Recall Election upon his own removal or upon his qualification to serve as a delegate to the Central Council.

ARTICLE XV REPEAL AND SAVINGS CLAUSE.

Section 1 – Repeal of the 1987 Constitution.

The amended Constitution and Bylaws of the Anchorage Community Council of Tlingit and Haida Indian Tribes of Alaska adopted in October 1987 is hereby repealed and superseded by this Constitution.

Section 2 – Existing Ordinances and Resolutions.

All ordinances and resolutions heretofore enacted by the Anchorage Community Council shall remain in full force and effect to the extent they are consistent with this Constitution.

Section 3 – Incumbents.

The Anchorage Community Council Officials incumbent on the effective date of this Constitution, shall remain in office and shall be entitled to exercise all powers as provided in this Constitution until their successors are duly elected and installed in office according to the "Election Ordinance".

## ARTICLE XVI SEVERABILITY

If a court of competent jurisdiction shall in the future declare any provision of this constitution invalid, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

## ARTICLE XVII AMENDMENTS

### Section 1 – Amendment Proposals.

Amendments may be proposed to this Constitution by a two---thirds vote of the Tribal Council or a petition signed by 30 percent of the eligible voters and presented to the President.

### Section 2 – Amendment Elections.

Upon receipt of a proposed amendment the President shall call a special election, pursuant to the Election Ordinance, to vote upon the amendment. The amendment shall become effective upon approval of two thirds vote of eligible Tribal Citizens who turn out to vote in duly noticed and called Special Election.

## ARTICLE XVIII ADOPTION OF CONSTITUTION.

This Constitution, when ratified by the two---thirds vote of eligible Tribal Citizens who turn out to vote in a duly noticed, called and convened Special Election, shall be effective from the date of ratification. Voters shall be given a 30-day notice of the election, ballots shall be printed, and voting shall be done by absentee and/or a polling station shall be open from 8:00 a.m. to 8:00 p.m.

## CERTIFICATION OF ADOPTION OF THIS CONSTITUTION.

I, Ashli Colon, Secretary of the of Tlingit Haida Indians of Alaska, hereby certify that the Election for the adoption of this Constitution was duly called, noticed, convened and held on May 17, 2016. The Constitution was approved far in excess of the necessary two---thirds vote of eligible voters who turned out to vote in this Special Election.

Ashli Colon, Secretary

**ATTEST:**

Alvin "Dooner" Edenshaw, President