

Wampanoag Tribe of Gay Head (Aquinnah)



Location: Massachusetts

Population: 1100

Date of Constitution: 1990, amended 1994 and 1995

PREAMBLE

We, the native Wampanoag people of Aquinnah, in order to sustain and perfect our historic form of tribal government, do proclaim and establish this constitution for the Wampanoag Tribe of Gay Head (Aquinnah).

Our tribal government shall be dedicated to the conservation and careful development of our tribal land and other resources, to promote the economic well-being of all tribal members, to provide educational opportunities for ourselves and our posterity, and to promote the social and cultural well-being of our people.

This constitution supersedes the by-laws of the Wampanoag Tribal Council of Gay Head, Inc., a non-profit state chartered corporation of Massachusetts. All authority previously exercised by the Wampanoag Tribal Council of Gay Head, Inc. on behalf of the tribe shall cease as of the effective date of this constitution and any responsibility undertaken by the Wampanoag Tribal Council of Gay Head, Inc. shall hereinafter be the sole responsibility of the tribe as organized pursuant to this constitution.

ARTICLE I. NAME, TERRITORY, AUTHORITY and STATUS OF TRIBE

SECTION 1. Name: The name of this Tribe shall be the Wampanoag Tribe of Gay Head (Aquinnah) [tribe].

SECTION 2. Territory: The territory and jurisdiction of the Tribe shall extend to the settlement lands as that term is defined in 25 U.S. C. 1771 f. (8) of the act entitled "Wampanoag Tribal Council of Gay Head, Inc., Indian Claims Settlement Act of 1987" (settlement act), and to such other lands as may hereafter be acquired by the tribe or held in trust for the use and benefit of the tribe by the United States.

SECTION 3. Authority: The Wampanoag Tribe of Gay Head (Aquinnah) has been acknowledged as an Indian tribe by the United States since February 10, 1987 (Fed. Reg. 4193).

SECTION 4. Status of Tribe: As a Tribe which has existed from prehistoric-historic times to the present, the Wampanoag Tribe of Gay Head (Aquinnah) shall, at its option, exercise such authority as is inherent in any federal tribe except to the extent that such authority has been expressly limited by this constitution, by the federal settlement legislation or any other federal legislation which limits the authority of federal Indian tribes generally.

SECTION 5. Governmental Entity: The elected body of government responsible for ensuring the maintenance of the government to government relationship and preserving the of sovereignty as defined in these Articles on- behalf of the general membership of the Wampanoag Tribe of Gay Head (Aquinnah), shall be known as the Tribal Council.

ARTICLE II. MEMBERSHIP

The membership of the Tribe shall consist of the following:

SECTION 1. Enrolled members: All persons whose names appear on the list of members submitted by the Wampanoag Tribal Council of Gay Head, Inc. (WTCGH) in its petition for federal acknowledgment as an Indian tribe pursuant to 25 CFR Part 54 (1978) who met the membership criteria specified in the petition and those 91 individuals who have had their names added to the membership list since acknowledgment as evidenced by a certified letter sent to the BIA dated October 22, 1990.

SECTION 2. Criteria for Enrollment: Any person who can document their direct descent from a specifically identified Gay Head Wampanoag Indian on the 1870 census roil of the tribe compiled by Richard L. Pease and included in a report submitted to the State of Massachusetts on May 22, 1871 pursuant to an act of the General Assembly (Ch. 67, 1866) shall be eligible for enrollment in the tribe.

SECTION 3. Enrollment: The Tribal Council shall have the sole authority to accept an applicant for membership in the tribe.

SECTION 4. Enrollment Ordinance: The Tribal Council shall enact ordinances which will specify the procedures which must be followed by any person who is applying for tribal membership. Upon initial adoption of a membership ordinance, no subsequent membership ordinance adoption or amendment shall be effective unless it is approved by a three-fourths majority of the general membership in attendance at a regularly called membership meeting.

SECTION 5. Resignation: The tribal council may develop a tribal ordinance which provides for the resignation of tribal members. No such ordinance shall be effective unless it is approved by a three-fourths majority at a regularly called membership meeting.

SECTION 6. Limitation: No person shall qualify for membership in the tribe who is a member of any other organized tribe, band or Indian community which is either recognized by the Secretary of the Interior or not, unless he or she has relinquished in writing his or her membership in such tribe, band or community.

SECTION 7. Adoption and Honorary Members: No person may become a member of the tribe through adoption or honorary membership.

SECTION 8. Appeal Rights: Any decision of the tribal council with respect to any issue of membership is final and is not subject to judicial review by any tribal, state or federal court or agency.

ARTICLE III. CIVIL RIGHTS

SECTION 1. The Tribal Council, in exercise of its sovereign powers of self-government, shall not:

- a.) Make or enforce any law prohibiting the right of members to petition the tribal council for a redress of grievances or to peaceably assemble.
- b.) Take any private property for a tribal purpose unless the taking is approved by a three-fourths vote at a regularly scheduled general membership meeting and provided further that just compensation is made for the taking.
- c.) Make or enforce any law which divests title of a member or his heirs or assigns to an allotment of tribal land.
- d.) Deny to any tribal member within its jurisdiction the equal protection of the law or to deny any tribal member the due process of the law.
- e.) Pass any bill of attainder or ex post facto law.
- f.) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

SECTION 2. Full Disclosure and Equal Opportunity The members of the Wampanoag Tribe of Gay Head (Aquinnah) are guaranteed full disclosure of information concerning the governance of the tribe and an equal opportunity to participate in all tribal programs and business activities. This Article shall be interpreted liberally and shall favor disclosure.

SECTION 3. Rights of Members: In furtherance of the basic principles stated in Section 2 of this Article, the Tribal Council shall:

- a.) Permit tribal members to attend any meeting in which tribal business or governance is being discussed except those meetings wherein personnel or membership matters are being resolved.
- b.) Ensure that tribal members have free access to the clay in the cliffs on an equal basis provided that such access is subject to reasonable regulation in order to protect and preserve the resource.
- c.) Allow the opportunity to inspect all audit reports which examine the financial condition of the tribe, including but not limited to, annual audits of federal funds expended to benefit the tribe or any audit done in connection with a tribal enterprise or any partnership in which the tribe may be involved which is funded by non-federal funds.
- d.) Tribal members shall have the right to inspect any and all employment or consulting contracts which have been entered into between the tribe and individuals covered by these contracts.

SECTION 4. Claims: The tribal council shall hear all claims arising under the provisions of this Article unless a tribal court system is adopted as authorized by Article- XIII of this constitution.

ARTICLE IV. GOVERNING BODY

SECTION 1. Council: The governing power of the tribe shall be vested in the Tribal Council. The Tribal Council, acting as one governmental entity, shall be composed of the following positions:

- a.) One Chairperson.
- b.) One Vice-Chairperson.
- c.) One Secretary.
- d.) One Treasurer.
- e.) Seven Council Members.

SECTION 2. Lifetime Positions: There shall be two lifetime positions with the tribe. These shall consist of a Chief and a Medicine Man. Donald Malonson, Chief and Luther Madison, Medicine Man, shall continue to hold these positions under this constitution.

- a.) Responsibilities: The Chief and Medicine Man may attend meetings of the tribal council and may be called upon to present their advice to the council but they may not vote nor may they be counted in order to achieve a quorum at any council meeting. They may, at the request of the council, represent the tribe at social or official functions where a representative of the tribe is appropriate.

SECTION 3. Subordinate Officers: The tribal council may, from time to time, establish offices in addition to those designated pursuant to this Article along with such duties' as they may determine.

ARTICLE V. TERM OF OFFICE AND ELECTIONS

SECTION 1. Officers: officers of the tribal council are elected for a staggered three-year terms or until their resignation or removal from office in a manner provided herein.

SECTION 2. Tribal Council Members: The seven members of the tribal council are elected for staggered three-year terms.

SECTION 3. Continuity of Office: The tribal council members who have been elected to serve as members of the Wampanoag Tribal Council of Gay Head, Inc. shall continue as members of the tribal council as established pursuant to this constitution. They shall be required to stand for re-election as their terms would have expired under the previous Articles and by-laws of the Wampanoag Tribal Council of Gay Head, Inc.

SECTION 4. Election ordinance: The Tribal Council shall enact ordinances which will specify the procedures which must be followed by any tribal member who is a candidate for a position on Tribal Council; whether an officer or council member. Upon initial adoption of an Election Ordinance, no subsequent election ordinance or amendment shall be effective

unless it is approved by a three-fourths majority of the general membership in attendance at a regularly called membership meeting.

SECTION 5. Resignation: Members of the tribal council shall remain in office until their successors are duly elected and installed. Any member may resign from office by notifying the Chairperson or the secretary in writing. Such retirement shall take effect upon receipt by the Chairperson or secretary.

SECTION 6. Vacancies: vacancies shall be filled by the tribal council at the first regularly scheduled meeting of the tribal council which occurs within thirty consecutive calendar days of the date of the vacancy.

SECTION 7. Procedure: The Chairperson shall accept nominations from the tribal council to fill such vacancy. All persons nominated must be eligible to vote in the next tribal election. A majority of votes cast shall elect. All votes shall be conducted by secret ballot. The tribal member so elected shall fill the unexpired term of the tribal council member that they replace.

ARTICLE VI. RECALL OF TRIBAL COUNCIL MEMBER

SECTION 1. Recall and Removal: A member of the-tribal council shall be recalled in the following manner:

- a.) Petition Procedure: A petition stating the grounds for recall shall be submitted to the secretary of the tribe. The statement of reasons supporting the recall shall appear at the top of each page of the recall petition. Specific reasons for recall shall be:
 - 1) felony in the U.S.A.
 - 2) documented misappropriation of funds; or
 - 3) absent from 3 regular scheduled Council meetings in a 3 month period (excluding verifiable sickness, death in immediate family or out of town tribal business).
- b.) Time Requirements: Within seven consecutive working days the secretary shall determine whether or not the requisite number of signatures appears on the recall petition. In the event that the secretary is being recalled, then the Chairperson shall validate the signatures.
- c.) Number of Required Signatures: In order to successfully recall a member of the tribal council, the secretary must find and certify that fifty (50) eligible voters have signed the petition.
- d.) Eligibility: Any member who meets the voting requirements set forth in Article V, Section 5 shall be eligible to sign a recall petition.
- e.) Signature Requirements: Each signature must be accompanied by the printed name, box number, street, town, state, zip code, tribal roll number and telephone number of the signing tribal member.
- f.) Unsuccessful Recall: Should the secretary find that an insufficient number of signatures appears on the recall petition, the secretary shall return the petition with a statement indicating why each unaccepted signature was rejected. The sponsors of the recall petition shall have ten consecutive working days from the date they receive the returned petition to cure the defects. If they fail to cure the signature defects the

petition is invalid and no new petition may be circulated against the same office holder for 180 (one hundred eighty) consecutive calendar days.

- g.) Recall Election: Within thirty (30) consecutive calendar days of the validation of the recall petition a recall election shall be held. 30% of the eligible voting membership shall vote to constitute a valid recall election.
- h.) Recall Election Procedure: At least ten (10) consecutive working days prior to the recall election the Secretary shall cause a notice to be sent to the membership of the recall election. The notice shall state the date of the recall election and the hours of 11 polling. In addition, the Secretary shall publish the same notice in a newspaper of general local circulation on Martha's Vineyard at least ten (10) consecutive working days prior to the recall election. The recall election shall be conducted by the same provisions which apply to a general election.
- i.) Immunity from Recall. - In the event that a recall vote is unsuccessful, the subject of the unsuccessful recall election shall not be subject to another recall election which is based Upon the same or similar grounds for at least one year from the date of the recall election.
- j.) Successful Recall: In the event that sufficient votes are cast to require recall, the Chairperson shall declare the position vacant and shall fill the position pursuant to Article V, Sections 10 and 11 of this constitution. The person recalled may not be named to fill the vacant position.

ARTICLE VII. POWERS

SECTION 1. Delegated Authority: The Tribal Council shall possess and, at their discretion, exercise such inherent sovereign powers as those possessed by any other federally recognized Indian tribe except as specifically limited by the settlement act, this constitution and any laws of the United States which limit the authority of Indian tribes generally. The Tribal Council shall manage, control and administer the affairs of the tribe and shall determine its policies and procedures. The general tribal membership, however, reserves the right to override any action of the Tribal Council by referendum or by tribal vote at a properly called special or regular meeting of the general tribal membership.

SECTION 2. Referendum: Upon receipt by the tribal secretary of a petition signed by at least fifty (50) eligible voters, or upon the request of a majority of the members of the Tribal Council present at a valid meeting, any enacted or proposed ordinance or resolution of the tribal council shall be submitted to popular referendum within ninety consecutive calendar days. The vote of two-thirds of the qualified voters in such a referendum shall be conclusive and binding on the Tribal Council. Once a referendum has been called and the results announced, no new referendum may be called on the same subject for one year from the date of the referendum.

SECTION 3. Chairperson:

- a.) Duty to Preside: The Chairperson shall preside over all meetings of the Tribal Council and the general tribal membership meetings.
- b.) Duty to Report: The Chairperson shall report annually to the tribal membership as to the state of the tribe.

- c.) Duty to Supervise: The Chairperson shall be responsible for the general supervision of all tribal employees.
- d.) Duty to Implement Council Policy: The Chairperson shall implement and carry out all directives and policies of the Tribal Council.
- e.) Duty to Inform the Council: The Chairperson shall ensure that the Tribal Council is fully informed as to all aspects of tribal business and programs.
- f.) Duty to Seek Guidance: The Chairperson shall seek guidance from the Tribal Council as to future policy and conduct of tribal business and programs.

SECTION 4. Vice-Chairperson:

- a.) Duty to Act: The Vice-Chairperson shall have governing authority upon authorization of the Chairperson or, in the absence of the Chairperson, upon assent of a majority of a quorum of the Tribal Council. The Vice-Chairperson may act as Chairperson in the absence or inability of the Chairperson to perform his or her duties.
- b.) Other Duties: The Vice-Chairperson shall perform such other duties as may from time to time be required by the Chairperson or the Tribal Council.

SECTION 5. Secretary:

- a.) Duty to Act: The secretary shall have governing authority, upon authorization of the Chairperson or, in the absence of the Chairperson, upon assent of a majority of a quorum of the Tribal Council. The secretary shall act as Chairperson in case of absence or incapacity of the Chairperson and Vice-Chairperson.
- b.) Duty to Keep Records: The secretary shall be responsible for the preparation and preservation of an accurate record of all meetings of the Tribal Council and general membership.
- c.) Duty to Rule on Signatures: The secretary shall be responsible for ruling upon the validity of signatures on petitions for recall and referendum.
- d.) Duty to Provide Information: The secretary shall be responsible for the processing of all freedom of information requests filed by tribal members pursuant this constitution.
- e.) Duty to Notify: The secretary shall ensure that all notices of meetings are mailed as required by this constitution.
- f.) Other Duties: The secretary shall perform such other duties as may from time to time be required by the Tribal Council.

SECTION 6. Treasurer:

- a.) Duty to Act: The treasurer shall have governing authority upon authorization of the Chairperson or, in the absence of the Chairperson, upon assent of a majority of a quorum of the Tribal Council- The treasurer may act as Chairperson in case of the absence or incapacity of the Chairperson, Vice-Chairperson and secretary.
- b.) Duty to Keep Financial Records: The treasurer shall ensure that the financial records of the tribe are properly kept.
- c.) Duty to Protect Tribal Funds: The treasurer shall ensure that tribal funds are only expended upon proper authorization and that expenditures are consistent with the established policies of the Tribal Council.
- d.) Duty to Provide Information: The treasurer shall be responsible for ensuring that requests by tribal members for financial information concerning the public and

private funds of the tribe is conveyed promptly and fully as is required by this constitution.

- e.) Duty to Ensure Audit: The treasurer shall ensure that the books and financial records of the tribe are audited at least once a year.
- f.) Duty to Report to Council: The treasurer shall report on the financial condition of the tribe upon request of the Tribal Council.
- g.) Duty to Report to Membership: The treasurer shall report to the tribal membership at the annual meeting of the tribe as to the financial condition of the tribe.
- h.) Other Duties: The treasurer shall perform such other duties as may from time to time be required by the Tribal Council.

ARTICLE VIII. OPEN MEETINGS

SECTION 1. Open Meetings: All meetings of the Tribal Council or its sub-committees or other working groups shall be open to members of the tribe. Non-members of the tribe may attend with the permission of a majority of the members of the sub-committees or working groups or by majority vote of a quorum of the Tribal Council. Tribal members attending any open, special, general, annual committee or council meetings must have in their possession a tribal identification card. The Tribal Council and any of its appointed committee persons reserve the right to request proof of tribal membership for anyone attending any of the foregoing meetings.

SECTION 2. Exceptions: All meetings of the Tribal Council or its sub-committees or working groups wherein personnel matters or applications for tribal membership are considered shall be closed to all tribal members. At the request of the sub-committee or other working group, a meeting may be closed if, upon a showing of good cause, the Tribal Council, by majority vote of a quorum, permits the closed session.

ARTICLE IX. REGULAR MEMBERSHIP MEETINGS

SECTION 1. General Tribal Membership Meetings: The general tribal membership shall hold four quarterly meetings on the third Sunday of February, May, August and November. The November meeting shall be considered the annual meeting of the tribal membership.\

SECTION 2. Notices: Notices of the regular quarterly meetings of the general tribal membership shall be posted at the Tribal Council office and sent to all voting members at least thirty days prior to the regular quarterly meeting.

SECTION 3. Annual Meetings: At the November annual meeting, elections shall be conducted pursuant to Article V of this constitution. A preliminary financial summary of the tribe's business and program activities shall be presented to the tribal membership at the annual meeting and final audit report of the previous financial year activities will be made at the February General Membership meeting. The Chairperson shall report on the state of the business and program activities of the tribe and shall summarize the future plans of the Tribal Council on behalf of the tribe.

SECTION 4. Quorum: A quorum shall consist of at least 50 members who are eligible to vote pursuant to Article V Section 5 of this constitution.

ARTICLE X. SPECIAL MEMBERSHIP MEETINGS

SECTION 1. Special Meetings of the Tribal Membership-o: The Tribal Council shall hold special meetings of the tribal membership upon the call of the Chairperson, or, in the absence or unwillingness of the Chairperson, by a majority vote of the Tribal Council. The Chairperson shall also call a special meeting of the general tribal membership upon written request thereof, signed by fifty (50) members of the tribe.

- a.) Place and Time of Special Meetings: The place and time in which special meetings of the Tribal Council will be held shall be determined by the Chairperson or, in the absence or unwillingness of the Chairperson, by a majority of a quorum of the Tribal Council.
- b.) Notice of Special Meetings: The secretary shall have posted in a prominent place in the tribal office and shall state the date, place and time and proposed agenda of a special meeting of the general tribal membership. Such notice shall be posted at least fourteen consecutive working days prior to the date of the' special tribal membership meeting.
- c.) Quorum: A quorum shall consist of at least 50 members who are eligible to vote pursuant to Article V Section 5 of this constitution.

ARTICLE XI. REGULAR TRIBAL COUNCIL MEETINGS

SECTION 1. Meetings of the Tribal Council: The Tribal Council shall meet on the first Saturday and third Wednesday of each month. A notice of the time and place of the regular Tribal Council meeting and a proposed agenda shall be posted in a prominent place in the tribal offices at least twenty-four hours before the start of the regular -meeting. A similar notice shall be sent to Tribal Council members at least five (5) consecutive working days prior to the date of the regular meeting.

SECTION 2. Changes: The regular meeting date of the Tribal Council can be changed or a special meeting of the Tribal Council may be called by:

- a.) By Chairperson: The Chairperson may change the date of the next regular tribal meeting or may schedule a special meeting of the Tribal Council provided
- b.) By Tribal Council: The Tribal Council may, by majority vote of quorum of the Tribal Council, change the regular meeting date of the next scheduled meeting date provided that the date, time, place, and purpose of the meeting is posted in a prominent location in the office of the Tribal Council at least seven consecutive working days prior to the date of the meeting and provided further that written notice is sent to each Tribal Council member at least seven (7) consecutive working days prior to the date of the meeting.

SECTION 3. Quorum. A majority of voting officers and members shall constitute a quorum for the conduct of business at any regular meeting of members of the Tribal Council.

ARTICLE XII. SPECIAL MEETINGS OF TRIBAL COUNCIL

SECTION 1. Special meetings: Special meetings may be called by submission of a written request signed by at least four members of the Tribal Council. Such written requests shall be directed to the Chairperson and shall state a date, time, place and subject of the proposed special meeting. The proposed date of the meeting shall be at least seven consecutive working days prior to the date the demand for a special meeting is served on the Chairperson. Upon certification by the secretary that the signatures contained in the demand for a special meeting are genuine, the special meeting shall be called by the Chairperson as proposed. The secretary shall ensure that the notice requirements of this Article are complied with.

SECTION 2. Validity: Prior to taking action at any meeting of the Tribal Council which is held at a date at variance with the dates established in Article XI Section 1. of this Article and at any special meeting of the Tribal Council, the secretary shall certify that the notice requirements of this Article have been complied with. In the absence of this certification, no action taken by the Tribal Council at that meeting shall have any validity.

SECTION 3. Emergency Special Meetings: The notice provisions of this section may be waived if immediate action by the Tribal Council is deemed necessary by the Chairperson, provided that at least eight members of the Tribal Council agree and Provided further that any action taken in emergency session is later ratified at the next regular meeting of the Tribal-Council.

SECTION 4. Quorum: A majority of voting officers and members shall constitute a quorum for the conduct of business at any special meeting of members of the Tribal Council.

SECTION 5. Action Without a Meeting: All business of the Tribal Council may be accomplished by mail, telegraph, cable and facsimile machine or telephone provided that a verbal consent of at least eight (8) voting members of the Tribal Council of the proposed manner of taking action.

ARTICLE XIII. JUDICIARY

SECTION 1. Authority to Establish: The tribe may establish by tribal ordinance a judicial branch of government.

SECTION 2. Procedure to Establish: The ordinance establishing the judicial branch of government must be approved at a regularly scheduled annual tribal membership meeting held pursuant to Article V of this constitution.

SECTION 3. Jurisdiction: The judicial power of the courts of the tribe shall extend to all cases and matters in law and equity arising under the settlement act, this constitution, and the ordinances of the tribe, subject only to the limitations, restrictions or exceptions imposed by or under authority of the laws of the United States.

ARTICLE XIV. CONTINUITY OF ACTION

SECTION 1. Ratification of Prior Tribal Action: All: action, including but not limited to ordinances, resolutions, enactments, staffing decisions-or any other action taken on behalf of the tribe by the Wampanoag Tribal Council of Gay Head, Inc. adopted before the effective date of this constitution shall continue in effect to the extent that they are consistent with this constitution.

SECTION 2. Savings Clause: Should any Article or section of this tribal constitution be found to be unconstitutional or in violation of any applicable federal law then the remainder of this constitution shall remain in full force and effect.

ARTICLE XV. SOVEREIGN IMMUNITY

SECTION 1. Immunity and Waiver: The sovereign immunity of the tribe or any of its programs or business ventures, is hereby preserved except to the extent it may be specifically limited in the settlement act or in the general federal law which is applicable to federal Indian tribes.

The Tribal Council may, upon a vote of eight (8) members of the Tribal Council, provide an explicit written waiver of tribal sovereign immunity. The waiver must state the extent and purposes for which the waiver is granted. Waivers must be construed narrowly.

SECTION 2. Exhaustion of Tribal Remedies.: In seeking redress of grievances against the tribe, persons subject to tribal jurisdiction shall exhaust all remedies available to them under this constitution and by-laws and the ordinances of the tribe before seeking redress of grievances against the tribe in the courts of the United States or, 'In the extent made specifically available in the settlement act, in the courts of the State of Massachusetts.

SECTION 3. Jurisdiction: Unless specifically granted in the settlement act or as provided in federal law generally applicable to federal Indian tribes, the state or federal courts shall have no jurisdiction over the tribe, its tribal lands or its membership. The provisions of this section shall be liberally construed in favor of the tribe.

ARTICLE XVI. AMENDMENTS

This constitution may be amended by a two-thirds vote of those participating in a referendum election as provided for in Article VII of this constitution.

ARTICLE XVII. REPEAL

The Articles and by-laws of the Wampanoag Tribal Council of Gay Head, Inc. (a Massachusetts state chartered corporation) are hereby repealed and superseded by this constitution.

ARTICLE XVIII. RATIFICATION

SECTION 1. Effective Date: This constitution shall be effective upon approval of a majority of tribal members eligible to vote in a special tribal referendum called for the express purpose of ratifying this constitution.

SECTION 2. Eligibility to Vote: Any tribal member who is at least eighteen years of age at the time of the referendum shall be eligible to vote. No other restrictions shall apply.

ARTICLE XIX. FISCAL YEAR

The fiscal year of the tribe shall end September 30th.

ARTICLE XX. ANNUAL REPORT

The Tribal Council shall prepare an annual report each year. The annual report shall be presented to the tribal membership at the annual tribal membership meeting. The annual report shall be available for distribution to tribal members at the annual tribal meeting. The annual report shall contain a balance sheet and income and expense statement of the tribe which shall briefly describe the financial activities of the tribe for the past year, and which shall contain such other material as the Tribal Council shall determine. It shall be the responsibility of the Chairperson to oversee the production of the annual report.

ARTICLE XXI. FREEDOM OF INFORMATION

SECTION 1. Members' Right to Information: Members of the tribe have an absolute right to review the financial or other business related activities of the tribe. Business records, financial balance sheets and documents relating to the administration of tribal programs shall be made available for review by tribal members. Copies of documents shall be made available at the expense of the requesting tribal member. Exceptions may be made for information concerning personnel matters, application for tribal membership, health information or business financial information which is of such a sensitive matter that release of the information would jeopardize the financial stability of a tribal enterprise.

SECTION 2. Freedom of Information Act Procedures. The Tribal Council may adopt a freedom of information ordinance within one year of the effective date of this constitution which fully provides for the procedures that a tribal member must follow in order to obtain financial or other types of program documents or information which concern tribal governmental or business activities.

ARTICLE XXII. Signatures:

SECTION 1. Signatures: Wherever this constitution requires fifty (50) signatures to initiate some action, the number of signatures shall be increased by fifty (50) signatures for every five hundred (500) additional tribal members that are added to the tribal roll after the effective date of this constitution.

SECTION 2. Quorum Requirements: Wherever this constitution requires the presence of 50 tribal members to establish a quorum that number shall be increased by 50 for every five

hundred (500) additional tribal members that are added to the tribal roll after the effective date of this constitution.