

Poarch Band of Creek Indians



Location: Alabama

Population 2300

Date of Constitution 1985, as amended 1997, 2001, 2003, 2006, 2008, 2009, 2010, 2011, and 2012

PREAMBLE

We, the members of the Poarch Band of Creek Indians, acknowledging the powers of inherent and aboriginal tribal sovereignty, and exercising the right to self-determination, and with the desire to organize pursuant to 25 U.S.C. 476 and the Act of June 18, 1934 (48 Stat., 984), hereby adopt this Constitution and our Tribal Government in order to:

- (1) Continue forever, with the help of God our Creator, our unique identity as members of the Poarch Band of Creek Indians and to protect that identity from forces that threaten to diminish it;
- (2) Protect our inherent rights as members of a sovereign American Indian tribe;
- (3) Promote our cultural and religious beliefs and to pass them in our own way to our children, grandchildren, and grandchildren's children forever;
- (4) Help our members achieve their highest potential in education, physical and mental health, and economic development;
- (5) Maintain good relations with other Indian tribes, the United States, the State of Alabama and local governments;
- (6) Support the Government of the United States and encourage our members to be loyal citizens;
- (7) Acquire, develop, and conserve resources to achieve economic and social self-sufficiency for our tribe; and
- (8) Ensure that our people shall live in peace and harmony among ourselves and with all other people.

ARTICLE I - MEMBERSHIP

Section 1. Eligibility

Membership of the Poarch Band of Creek Indians shall consist of:

(A) All persons enumerated or recognized by the Poarch Band of Creek Indians Tribal Council as Indian on the following official documents:

- (1) 1870 U.S. Census of Escambia County, Alabama;
- (2) 1900 U.S. Census of Escambia County, Alabama; and
- (3) 1900 U.S. Special Indian Census of Monroe County, Alabama.

NOTE: For the purpose of computing blood quantum of their descendants for tribal membership, all Indians eligible under Section 1(A) are hereby declared as full blood (4/4) shall constitute the base roll of

the Poarch Band of Creek Indians.

(B) All living relatives of those eligible under Section 1(A) of at least one fourth (1/4) degree Poarch Creek Indian blood, provided they are not enrolled as members of any other federally recognized tribe, group or band of Indians.

Provided, however, that no person whose name does not appear on the official tribal roll of the Poarch Band of Creek Indians as of December 31, 2008, shall be eligible for membership, unless (i) the person has submitted a completed application by December 31, 2008; (ii) the person is eighteen (18) years of age or younger on December 31, 2008 and a completed application for his or her membership is submitted by his or her twenty-first birthday; (iii) the person is born on or after December 31, 2008 and a completed application for his or her membership is submitted by his or her twenty-first birthday; or (iv) the person becomes eligible for membership because of a correction in an enrolled tribal member's blood quantum.

Section 2. Powers of to Determine Membership

The Poarch Creek Indian Tribal Council shall have the sole authority to determine membership of the Poarch Band of Creek Indians.

No decree of any Court purporting to determine membership in the Poarch Band of Creek Indians, paternity, or degree of Creek Indian or other blood shall be recognized as determination of membership in the Poarch Band of Creek Indians.

Section 3. Membership Ordinance

The Tribal Council shall enact an ordinance establishing procedures for processing membership matters including application procedures and blood degree corrections of the roll as provided in Article I, Section 1 of this Constitution, within six months of the first Tribal Council's election to office under this Constitution. That ordinance shall contain procedures, including the right of appeal.

Section 4. Adoption and Loss of Membership

The Tribal Council shall have the power to prescribe rules and regulations governing the adoption of members and loss of membership.

ARTICLE II - RIGHTS OF MEMBERS Section 1. Individual Rights

Members of the Poarch Band of Creek Indians shall have the following rights:

The right to equal opportunity to participate in the economic resources and activities of the Poarch Band of Creek Indians in accordance with eligibility requirements set by the Tribe; and the right to exercise the tribal rights and privileges of members of the Poarch Band of Creek Indians where not in conflict with other provisions of this Constitution, tribal laws and ordinances, or the laws of the United States.

ARTICLE III - TERRITORY AND AUTHORITY OF GOVERNMENT

Section 1. Territory

The jurisdiction of the Poarch Band of Creek Indians shall extend to all lands now held in the name of the Band or which hereafter may be acquired for or by and held in the name of the Poarch Band of Creek Indians.

Section 2. Authority

The authority of the government established by this Constitution shall extend over all persons and property now or hereafter included within the jurisdiction of the Poarch Band of Creek Indians, except and only as limited by this Constitution and the Laws of the United States. The government shall not inhibit any person's right to enjoy freedom of worship, conscience, speech, press, assembly and association, and other rights enumerated by Federal Law.

Any rights or powers heretofore vested in the Poarch Band of Creek Indians, but not expressly referred to in this Constitution, shall not be lost by their omission, but may be exercised by the adoption of appropriate amendments of the Constitution.

ARTICLE IV - BRANCHES OF GOVERNMENT

Section 1. General Council

Members of the Poarch Band of Creek Indians who are eighteen (18) years of age or older shall constitute the General Council. In accordance with Articles V, VI, VII, VIII, and IX of this Constitution, the General Council shall have the powers specified in Section 2 of this Article.

Section 2. Powers of the General Council

- (A) Elect, recall, and remove elected tribal officials;
- (B) Exercise the powers of initiative and referendum;
- (C) Amend this Constitution;
- (D) Make advisory recommendations to the Tribal Council; and
- (E) Approve, amend, or repeal proposed or previously enacted ordinances or resolutions.

Section 3. Tribal Council

The Tribal Council shall consist of a Chairman, Vice-Chairman, Secretary, Treasurer, and five (5) at large members elected by the General Council to terms of three years each, except as provided in Article VII, and each member shall continue until his or her successor is duly elected and installed. Five members shall constitute a quorum.

Section 4. Powers of the Tribal Council

- (A) Prevent the sale, disposition, or encumbrance of tribal trust lands, interest in lands, or other tribal assets, unless prevented by the terms under which such lands were acquired;
- (B) To employ legal counsel for the protection and advancement of the rights of the Poarch Band of Creek Indians;
- (C) Consult, negotiate, contract, and conclude arrangements on behalf of the tribe with federal, state, and local governments on all matters within the powers of the governing body authorized and included in this Constitution;
- (D) As authorized by law, manage, lease, permit, or otherwise deal with tribal lands, interest in lands or other tribal assets and purchase of otherwise acquired lands or interests in lands within or without the reservation, provided tribal trust lands shall not be sold without the approval of the General Council;
- (E) Engage in any business that will further the economic well-being of the members of the tribe, or undertake any programs for the economic advancement of the people;
- (F) Make and perform contracts and agreements of every description, consistent with the provisions of this Constitution;

- (G) Borrow money from the Federal Government, or other sources, and to direct the use of such funds for productive purposes;
- (H) Prepare an annual budget and administer any funds within the control of the tribe; make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or employees. All expenditures of tribal funds shall be authorized by resolution in a legal session and the amounts so expended shall be a matter of public record for tribal members;
- (I) The Tribal Council shall cause to be installed, maintained, and audited a complete and detailed accounting system and such safeguards as bonding officials and employees responsible for the safety, accuracy, and maintenance of such records and funds. All checks, drafts, and other orders for the payment of tribal money, notes, or other indebtedness issued in the name of the tribe shall be signed by such officers or agents as provided for in this Constitution;
- (J) Advise the Secretary of the Interior with regard to all appropriation estimates or federal projects for the benefit of the Poarch Band of Creek Indians prior to the submission of such estimates or projects to the Office of Management and Budget and to Congress;
- (K) Establish and enforce ordinances governing the conduct and civil relations of the residents within the territorial jurisdiction of the Tribe and establish a civil and criminal law enforcement code and judicial system governing the conduct of the Indian residents within the reservation lands of the Poarch Band of Creek Indians by a separate and independent judicial system whose powers and duties shall not be encroached upon by another branch of tribal government, except as may be provided for by this Constitution or any amendments thereto;
- (L) Levy and collect taxes, including general and special assessments, from any member or other person or entity residing on or engaged in an activity on the tribal lands of the Poarch Band of Creek Indians;
- (M) Regulate trade, inheritance, land holdings and use, and private dealings in tribal land among members and other persons or entities residing on or engaged in activity on the tribal lands of the Poarch Band of Creek Indians;
- (N) Exercise its powers under this Constitution and to exercise all inherent powers of the Poarch Band of Creek Indians not expressly excluded from its authority by the U.S. Congress;
- (O) Organize and maintain subordinate committees, organizations, profit and/or nonprofit corporations.
- (P) Approve or disapprove any salary or wages paid for performance of Tribal Council duties;
- (Q) Remove any Tribal Council member convicted of a felony or enforce any order to remove a Tribal Council member for an ethical violation in accordance with the Poarch Band of Creek Indians Ethics Code and fill this position in accordance with Article VII, Section 4 of this Constitution; and
- (R) Impeach any Tribal Council Officer or member.

ARTICLE V - COUNCIL PROCEDURES

Section 1. General Council

The General Council shall hold meetings in accordance with the following procedures, and shall exercise its electoral power in accordance with the provisions of Article IV of this Constitution.

- (A) Meetings of the General Council may be called by the Tribal Council upon one month's notice to the membership of the General Council. The Tribal Council may call such meetings upon its own motion, but it must call such meetings at the request of the Election Board which presents a properly

verified petition signed by thirty (30) percent of the General Council of the Poarch Band of Creek Indians.

(B) The agenda for the General Council meetings shall be set by the Tribal Council, provided that any member may submit, in writing, items to the Tribal Council for consideration for the agenda, and provided further that each agenda shall include time for discussion of items from the floor regardless of whether said items appear on the agenda. The agenda shall be posted at a public place at the tribal center and available to individual members upon request;

(C) The Tribal Council Chairman shall chair General Council meetings; and

(D) A quorum shall consist of thirty (30) percent of the General Council for all purposes other than the election of Tribal Council Members which shall result in a valid election regardless of the number of votes cast.

Section 2. Tribal Council

The Tribal Council shall hold meetings and take actions in accordance with the following procedures, which it may augment by its own rules of procedures so long as they do not conflict with any provisions of this Constitution:

(A) Regular meetings of the Tribal Council shall be held monthly at a time and place to be set by the Tribal Council;

(B) Special meetings of the Tribal Council may be called by the Chairman at his or her discretion, but the Chairman must call a special meeting upon written request of three or more members of the Tribal Council. No special meeting shall be called without at least twelve hours' notice to each member, unless each member shall waive the notice requirement in writing;

(C) The agenda shall be set by the Chairman, provided that it shall include any items submitted upon the written request of three or more members of the Tribal Council. The agenda shall be available to Tribal Council members no less than five days prior to any regularly scheduled meeting, and at the time notice is given of any special meeting. Items may be added to the agenda at a Tribal Council meeting upon concurrence of three or more members;

(D) Matters of business shall be decided by majority vote, except where otherwise required by this Constitution or the Tribal Council's own rules set forth by ordinance. Voting shall be by roll call votes and the ayes and nays shall be recorded in minutes;

(E) All meetings of the Tribal Council shall be open to the membership of the Poarch Band of Creek Indians; however, the Tribal Council may recess at its discretion to discuss any matter in a closed or executive session, provided that the general subject matter discussed is expressed in the motion calling such session and no final or official action is taken thereon in the closed or executive session;

(F) All final decisions of the Tribal Council on matters of general and permanent interest to the members of the tribe shall be embodied in ordinances. The Tribal Council shall enact, amend or repeal an ordinance only by a vote of two thirds of the total membership of the Tribal Council. The ordinances shall be collected and made available to tribal members and other affected persons upon reasonable request;

(G) All final decisions of the Tribal Council on matters of temporary interest shall be embodied in resolutions. The Tribal Council shall enact, amend or repeal a resolution by a majority vote of the Tribal Council. The resolutions shall be collected and made available to tribal members and other affected persons upon reasonable request;

(H) All questions of procedures shall be determined by Robert's Rules of Order;

(I) No Tribal Council member shall vote on any matter wherein he or she or a member of his or

her immediate family has a direct personal interest, including but not limited to employment contracts, project funding, and appointments to tribal committees;

(J) A written record shall be kept of Tribal Council proceedings. The record shall be open for inspection by all members of the Poarch Band of Creek Indians;

(K) The Tribal Council may impeach a Tribal Council Officer or at large member of the Tribal Council for breach of fiduciary duty, conduct unbecoming a tribal official, and other high crimes and misdemeanors. Impeachment requires a 2/3 vote of the total membership of the Tribal Council in favor of the impeachment. All members of the Tribal Council do not need to be present. If the Tribal Council member is impeached, then a special election shall be held for the General Council to consider removal of the impeached official; and

(L) In the event of a Tribal Council Officer's or at large member's temporary inability to fulfill the powers and duties of his or her office, (1) the Tribal Council Officer or at large member may transmit a written declaration to the Tribal Council that he or she is temporarily unable to fulfill the powers and duties of his or her office or

(2) 2/3 of the total membership of the Tribal Council may declare that the Tribal Council Officer or at large member is temporarily unable to fulfill the powers and duties of his or her office. In either instance, the Tribal Council shall temporarily appoint a person to the Tribal Council Officer's or at large member's position in accordance with the vacancy provisions of Article VII, Section 4 of this Constitution, except that if it is the Chairman who is unable to fulfill his or her duties, the Vice-Chairman shall temporarily assume the role of Chairman and any temporary appointment to any vacancy shall be filled by the vacancy provisions of Article VII, Section 4. The temporary appointment shall cease and the Tribal Council Officer or at large member shall resume the powers and duties of office upon the Tribal Council Officer or at large member transmitting a written declaration to the Tribal Council that he or she is able to resume the powers and duties of the office.

ARTICLE VI - POWERS AND DUTIES OF THE OFFICERS

Section 1. Chairman

The Chairman shall be the Chief Executive Officer of the Poarch Band of Creek Indians, shall preside at the Poarch Creek Tribal Council meetings, and shall exercise any lawful authority delegated by the Tribal Council.

Section 2. Vice-Chairman

The Vice-Chairman shall assist the Chairman in the exercise of any delegated authority, duties, and responsibilities and shall preside at any meeting in the absence of the Chairman.

Section 3. Treasurer

The Treasurer shall supervise the financial affairs of the Poarch Band of Creek Indians in accordance with policies, direction, and subject to controls as are established by the Poarch Creek Tribal Council, and he or she shall be responsible for maintaining the necessary financial records. The Treasurer shall provide financial reports at least annually to the Poarch Creek Tribal Council.

Section 4. Secretary

The Secretary shall be responsible for maintaining the records and files of the Poarch Creek Tribal Council other than the financial records. The Secretary shall be responsible for taking and recording the

minutes of all Tribal Council meetings and such other official meetings as the Tribal Chairman may direct.

ARTICLE VII - ELECTIONS

Section 1. Voters

Members of the Poarch Band of Creek Indians who are eighteen (18) years of age or older shall have the right to vote in all tribal elections.

Section 2. Election Ordinance

The Tribal Council shall enact an election ordinance to govern any elections. The ordinance shall include provisions for appointment of a five (5) member Election Board, the time, place, and manner of voting, absentee and walk-in voting, ties, and settlement of election disputes, including the right to appeal to the tribal judiciary.

Section 3. Tribal Council Officer and At Large Member Election

(A) Candidates for Tribal Council or Tribal Council Officers must be members of the Poarch Band of Creek Indians who will be at least twenty-one (21) years of age on the date of the election, who have never been expelled in accordance with Article VIII, Section 3, and who have never been convicted of a felony.

(B) The election of Tribal Council Officers and at large members of the Tribal Council shall be staggered as follows:

The Chairman and two (2) at large Tribal Council members will be elected once every three years;

The Vice-Chairman and two (2) at large Tribal Council members will be elected once every three years; and

The Secretary and Treasurer and one (1) at large Tribal Council member will be elected once every three years.

Once elected, the Tribal Officers and at large members of the Tribal Council shall serve a term of three (3) years.

(C) In any election of the Tribal Council Officers, each voter shall be allowed to cast one vote for each officer vacancy. The winner of each Tribal Council Office shall be chosen by majority of the votes cast. In the event that a candidate does not receive a majority of the votes cast, a run-off election between the two candidates receiving the most votes, or three candidates in the event there is a tie for the second candidate receiving the most votes, shall be held and shall be conducted in the same manner as observed in the annual election.

(D) In any election of the at large members of the Tribal Council, each voter shall be allowed to cast one vote for each at large vacancy. No more than one vote per candidate shall be cast. The winners shall be chosen by plurality according to the rank order of votes received. In the event of a tie for the last remaining vacancy, a run-off election between those candidates tied for the last remaining vacancy shall be held and shall be conducted in the same manner as observed in the annual election.

(E) Until the Tribal Council Officers are elected by the General Council in the manner as set forth in the election ordinance, any vacancy in a Tribal Council Officer position shall be filled by the Tribal Council from the membership of the Tribal Council. Any Tribal Council Officer elected by the Tribal Council shall serve until the end of his or her term as a Tribal Council member or until installation of the Tribal Council Officer elected by the General Council in accordance with this Section, whichever

shall come first.

Section 4. Vacancies

(A) In the event of the Chairman's death, resignation, or removal, the Vice-Chairman shall be duly sworn in as Tribal Chairman at a special-called Tribal Council meeting within three (3) days of the position becoming vacant. The Vice-Chairman shall temporarily serve as Chairman until the next election at which time the members of the General Council shall elect a Chairman to serve the balance of the three-year term of office. After the swearing-in of the Chairman, the Vice Chairman shall return to his or her seat for the remainder of his or her original term.

(B) In the event that the Vice-Chairman, Secretary, or Treasurer position becomes vacant between elections, the Tribal Council shall appoint from its membership a person to fill the vacancy. Such appointed Tribal Council member shall assume office and temporarily serve until the next election at which time the members of the General Council shall elect a person to serve the balance of the three-year term of office that became vacant. The Tribal Council Member appointed to serve in the Officer position shall return to the seat to which he or she was elected after the swearing-in of the newly elected Officer.

(C) In the event that any At-Large Position becomes vacant between elections, the position shall remain vacant until the next election. The person elected to the vacant At-Large position in the next election shall serve the balance of the three-year term of office that became vacant.

(D) The General Council shall elect a person to fill any vacant Officer or At-Large position at the next annual Tribal Council election as long as the annual election is scheduled to be held within one hundred eighty (180) days. If there is no annual election scheduled within the next one hundred eighty (180) days, a special election shall be held to fill the vacancy.

Section 5. Oath of Office

Prior to assuming the elected office, the individual elected shall take the following oath of office:

I, _____, do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the Poarch Band of Creek Indians; and that I will faithfully, honestly and impartially discharge the duties of the office of the Chairman/Vice-Chairman/Secretary/Treasurer/Tribal Council to the best of my ability, so help me God.

As a proud leader of our Tribe, my integrity demands that I be true to who I am. My integrity is the foundation of my love for my family and our community, which strengthens my faith and commitment to do what is right for the Tribe. I will further the legacy of self-determination and self-reliance inherited from our elders by investing in the progress and driving a vision for the future that leads to our prosperity. I understand that I am beholden to the electorate and to the other Tribal Council members. To that end, I shall conduct myself in a manner which will foster respect and dignity.

ARTICLE VIII POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative

Upon receipt and verification by the Election Board of a petition of at least thirty (30) percent of the General Council of the Poarch Band of Creek Indians a proposed ordinance or resolution made by the people shall be submitted for a vote by the General Council at a regular or special election to be held within sixty (60) days of verification of the petition by the Election Board. The vote of a majority of those actually voting shall be conclusive and binding upon the Tribal Council.

Section 2. Referendum

Upon the request of two thirds of the total membership of the Tribal Council, any proposed or previously enacted ordinance or resolution of the Tribal Council shall be submitted for a vote by the General Council at a regular or special election to be held within sixty (60) days of the vote by the Tribal Council. The vote by a majority of at least thirty (30) percent of the General Council shall be conclusive and binding upon the Tribal Council.

Section 3. Recall

Upon receipt and verification by the Election Board of a petition of at least thirty (30) percent of the General Council of the Poarch Band of Creek Indians, it shall be the duty of the Election Board to call a special election to consider the recall of the elected tribal official named in the petition. The election shall be held within sixty (60) days of receipt of the petition by the Election Board, provided that if the petition is received less than six (6) months prior to the annual election, the Election Board may direct that the matter be placed on the ballot of that election. If a majority of those actually voting favor the recall of the official, the office shall be declared vacant and filled in accordance with Article VII, Section 4 of this Constitution. If the recall fails, that officer cannot be recalled again for twelve (12) months.

Section 4. Removal following Impeachment

If the Tribal Council impeaches a Tribal Council Officer or at large member in accordance with Article V, Section 2(K) of this Constitution, then the Election Board shall call a special election to consider the removal of the impeached tribal official. The election shall be held within thirty (30) to sixty (60) days of the impeachment vote. If a majority of the General Council vote in favor of removal of the official, the office shall be declared vacant and filled in accordance with Article VII, Section 4 of this Constitution.

ARTICLE IX - AMENDMENTS

Section 1. Resolution of Tribal Council

Election to vote on proposed amendments to this Constitution shall be authorized by resolution of the Tribal Council. The Tribal Council shall provide the General Council notice of such proposed amendment at least thirty (30) days prior to the Tribal Council's vote on the authorizing resolution. The notice shall specify the purpose and draft language of the proposed amendment.

Section 2. Petition by General Council

The General Council shall have the right to initiate proposals to amend this Constitution by submitting to the Tribal Council a petition signed by at least thirty (30) percent of the General Council. If the petition is determined to be valid pursuant to the petitioning provisions of the tribe's Election Ordinance, the Tribal Council shall then consent to the proposal by an appropriate resolution for authorization of an election to vote upon adoption of the proposed amendment.

Section 3. Voting Requirements

If adopted by a majority of the qualified voters voting on the amendment in an election authorized by a Tribal Council Resolution at which election at least thirty (30) percent of those qualified to vote cast their ballots, the amendment shall become effective.

ARTICLE X - TRIBAL ADMINISTRATIVE PLAN OF OPERATIONS

The Tribal Council shall develop an Administrative Plan of Operations in a formal ordinance which shall further specify duties and responsibilities of the tribal officers and employees.

ARTICLE XI - ADOPTION

This Constitution, when adopted by a majority vote of the qualified voters of the Poarch Band of Creek Indians voting at an election called by the Tribal Council, in which at least thirty (30) percent of those entitled to vote shall cast their ballots, shall be adopted upon certification of the Tribal Election Board.

CERTIFICATION

I, the Secretary of the Poarch Band of Creek Indians, acknowledge that the foregoing Constitution is a true and accurate reflection of the law of the Poarch Band of Creek Indians as of this 7th day of June, 2012.

David W. Gehman, Secretary Poarch Band of Creek Indians

TRIBAL CONSTITUTION

Adopted June 1, 1985; amended June 7, 1997, June 2, 2001, June 7, 2003, June 3, 2006, June 7, 2008, June 6, 2009, June 5, 2010, June 4, 2011 and June 2, 2012.

ARTICLE I - MEMBERSHIP

Section 1. Eligibility:

Amended June 7, 2008 (closing tribal roll as of December 31, 2008 and clarifying Tribal Council intent).

June 5, 2010 (clarifying "Indian blood" as Poarch Creek Indian blood).

ARTICLE IV - BRANCHES OF GOVERNMENT

Section 2. Powers of the General Council:

Amended June 7, 2008 (amending Section 2(A) to combine "elect, recall and remove" language, deleting the previous Section 2(C), and renumbering the remainder of Section 2).

Section 2.(E) Powers of the General Council:

Amended June 2, 2001 (adding paragraph F to the powers of General Council to approve, amend, or repeal, proposed or previously enacted Ordinances).

Amended June 7, 2008 (renumbering paragraph F to E).

Section 3. Tribal Council:

Amended June 7, 2008 (establishing direct election of Tribal Council Officers).

Section 4.(Q) Powers of the Tribal Council:

Amended June 3, 2006 (adding provisions to remove a Tribal Council member convicted of a felony or for an ethical violation).

Section 4.(R) Powers of the Tribal Council:

Amended June 7, 2008 (adding Section 4(R) addressing impeachment of Tribal Council officer or member).

ARTICLE V - COUNCIL PROCEDURES

Section 1.(A) General Council:

Amended June 7, 2008 (deleting Section 1(A), renumbered remaining sub-paragraphs and

amended original subparagraph (B), now (A)).

Section 1.(D) General Council:

Amended June 7, 2003 (adding language to provide for the valid election of Tribal Council Members regardless of the number of votes cast).

Section 2.(A) Tribal Council:

Amended June 7, 1997 (changing Tribal Council meetings to “monthly”).

Section 2.(F) Tribal Council:

Amended June 1, 2001 (requiring that the General Council repeal or amend a previously enacted ordinance unless the previously enacted ordinance violated federal law, in which case the ordinance could be repealed or amended by an unanimous vote of the total membership of the Tribal Council).

Amended June 3, 2006 (requiring a vote of two-thirds of the total Tribal Council membership to enact, amend, or repeal ordinance).

Section 2.(K) Tribal Council:

Amended June 7, 2008 (adding paragraph K regarding impeachment of Tribal Council member for breach of fiduciary duty, conduct unbecoming a tribal official, and other high crimes and misdemeanors).

Section 2.(L) Tribal Council:

Amended June 7, 2008 (adding Paragraph L to address a Tribal Council member’s inability to fulfill the powers and duties of his or her office).

ARTICLE VI - POWERS AND DUTIES OF THE OFFICERS

Section 1. Chairman:

Amended June 2, 2012 (removing language regarding vacancy which is addressed in Article VII, Section 4).

Section 2. Vice-Chairman:

Amended June 2, 2012 (removing language regarding vacancy which is addressed in Article VII, Section 4).

ARTICLE VII - ELECTIONS

Article VII:

Amended June 7, 2008 (amending provisions of Article VII to make necessary changes to implement a direct election of Tribal Council Officers).

Section 2. Election Ordinance:

Amended June 5, 2010 (increasing Election Board membership from three to five members).

Section 3.(C) Tribal Council Officer and At Large Member Election:

Amended June 6, 2009 (instituting a run-off election for a Tribal Council Officer position in the event that a candidate did not receive a majority of the votes cast, inserting lettering for paragraphs in this Section, and making minor language changes to the current Paragraph (D) in light of insertion of Tribal Council Officer provisions in paragraph (C)).

Section 3. (D) Tribal Council Officer and At Large Member Election:

Amended June 7, 2008 (requiring a run-off election in the event of a tie instead of flipping a coin).

Section 4. Vacancies:

Amended June 2, 2012 (clarifying the language for filling of Tribal Council vacancies).

Section 5. Oath of Office:

Amended June 4, 2011 (approving an oath of office).

ARTICLE VIII - POPULAR PARTICIPATION IN GOVERNMENT

Section 4. Removal following Impeachment:

Amended June 7, 2008 (adding Section 4 vacancy provisions after impeachment of a Tribal Council member).

ARTICLE IX - AMENDMENTS

Article IX:

Amended June 5, 2010 (adding headings and amending Sections to require notice to General Council on proposed Constitutional amendments, including a short description with the exact amendment language).

Modified July, 2012

Produced for distribution by

Government Relations Department In conjunction with the Legal Department of
The Poarch Band of Creek Indians