

Constitution
Of the Tlingit and Haida Indians
Of Pelican

Preamble

We the members of the Tlingit and Haida of Pelican, which Community is entitled to elect delegates to the Central Council of the Tlingit and Haida Indians of Alaska, in order to better provide for the organization of the Community, both generally and as a constitute part of the Central Council, and in order to promote the welfare of ourselves and our posterity, do ordain and establish this constitution.

Article I
Membership

The voting members of the Community shall be those persons whose names are included from time to time on the official voting list of the Community prepared in accordance with Rules of Election adopted and approved as provided by section 7 of the Act of June 19, 1935 (49 stat. 388), as amended by Act of August 17, 1365 (79 stat. 543).

Article II
Community Council

Section 1 The governing body of the Community shall be a council composed of 5 persons who shall be elected in accordance with such Rules of Election by the voting members of the Community from their number, which will named the Community of the Tlingit and Haida Indians of Pelican.

Section 2 The terms of members of the Community Council shall be two years, or until their successors are seated, and shall correspond as nearly as practicable to the terms of delegates from the Community to the Central Council. Upon death, resignation, or removal of an officer, the Community Council shall elect a qualified voter to serve the remainder of the term. A person may hold the offices of member of the Community Council and delegate to the Central Council at the same time. The members of the Community Council shall be elected at the same elections as delegates to the Central Council; provided, that upon the adoption of this Constitution the Central Council may authorize the Community to hold a special election for the purpose of choosing initial members of the Community Council to serve until their successors, who shall be chosen at the next general election, are seated.

Section 3 Within 30 days of their election the members of the Community Council, shall meet and elect from their number the following officers: Chairman, Vice-Chairman, Secretary, and Treasurer, who shall be the executive officers of the Council and of the Community. The same person may be elected of the office of Secretary and Treasurer. The Council may appoint such other officers as it deems desirable. All officers of the Council shall serve at its pleasure and shall receive such compensation and allowance, if any, as shall be prescribed by the Council, subject to the availability of funds.

Section 4 Subject to the foregoing section, the Community Council may hold special meetings at such times and places, as it shall by resolution provide. Special meetings may be called by written notice signed by the Chairman or by a majority of the members of the Council, or by one-fourth of the registered voters, and at such meetings the Council, may transact any business and take any actions within its powers, that such business is specified in the call for the meeting. At all meetings of the Council a quorum shall consist of a majority of the members and no business shall be transacted unless a quorum is present. Whether assembled or not, a majority of the members of the Council shall be able to transact any business or take any action when not assembled, a reasonable effort shall be transmitted to the Secretary of the Council for preservation in its records. Regular meetings shall be held on the second Thursday of each month.

Section 5 One-fourth or more of the voting members of the Community by petition in writing may demand an election to vote on the recall of any member of the Community Council. Such petition may be filed with any member of the Community Council who shall immediately notify the other members of its receipt. Upon receiving such notice the Council shall assemble without delay to examine the petition. If it finds that the petition has been executed by one-fourth or more of the members of the Community appearing on the voting roll of the Community last compiled, the Council shall call a special election without delay members of the Community shall be entitled to vote for or against the recall of the member of the Community Council or the delegate to the Central Council who is the subject of the petition. Such an election shall be conducted as nearby as practicable in accordance with the Rules of Election referred to in Article I of this Constitution; provided, that the voting roll of the Community last compiled shall be used without opening to receive applications for registration. The affirmation vote of majority of those eligible to vote in the election shall be required to effect the recall of the member or delegate concerned.

Article III Powers of Community Council

Section 1 Subjects to applicable laws and regulations of the United States and to the Constitution and resolutions of the Central Council of the Tlingit and Haida Indians of Alaska, the Community Council shall have full powers necessary and convenient to govern, conduct and manage the affairs and property of the Community

Section 2 The Community Council shall advise the Community, by form of public and written notices, before taking action relevant to any of the following powers:

- (a) When considering the interest of the Community in the acquisition or disposition of real or personal property, or when acquiring or disposing of stocks and bonds for and on behalf of the Community.
- (b) When borrowing money, or when pledging the credit of the Community

Without limitation of the foregoing, the Community Council shall have the following powers:

- (c) To authorize the advance, expenditure, use, investment and reinvestment of funds on deposit in the Treasury of the United States to the credit of the Community in such manner and for such purposes as may be authorized by Governing Bodies.
- (d) To charter or otherwise authorize and provide for the organization of subordinate groups or entities to perform governmental or proprietary functions for the Community, and to delegate to such subordinate groups or entities such powers as it shall decide under such rules and regulations and subject to such limitations and conditions as it shall prescribe.
- (e) To employ lawyers and other persons to render professional, technical, and other services of every kind and description to the Community.
- (f) To negotiate and enter into contracts for or on behalf of the Community with persons and entities of every kind and description, public and private.
- (g) To instruct the delegates from the community to the Central Council concerning their representation of the Community on the Central Council.
- (h) To provide for the organization of a Local Election Committee and to appoint the Registrar of voters for the Community.

Section 3 The Community Council shall possess such powers as are incident or necessary to the execution of the powers set forth above such further powers as it may from time to time be granted by the Central Council or other authority.

Article IV

Functions of Officers

Section 1 The Chairman of the Community Council shall be its chief executive officer and the chief executive officer of the Community. He shall preside over all the meetings of the Council, and, subject to its directions, conduct and manage the business of the Community, execute documents for and on behalf of the Council and the Community, and exercise such other powers as may be delegated to him. He may delegate authority to others to perform functions and exercise powers of his office, and appoint committees to assist the Council or the Chairman in the performance of their functions.

Section 2 The Vice-Chairman shall assist the Chairman when called upon to do so. In the absence of the Chairman from a meeting of the Council he shall preside. When the Chairman is temporarily disabled, or absent from the Community and unavailable, the Vice-Chairman shall act as Chairman.

Section 3 The Secretary shall keep an accurate record of all actions taken and business conducted by the Council and conduct its correspondence. He shall promptly transmit copies of all minutes of meetings and resolutions of the Council to Chairman of the Central Council or his delegate and to the Secretary of the Interior or his representative, and attest the signature of the Chairman or other authorized officer on legal documents executed for or on behalf of the Council of the Community.

Section 4 The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the possession or custody of the Council or the Community, whether as owner, trustee or otherwise. He shall deposit all such funds in such depositories as the Council shall direct and keep adequate and accurate records and accounts of the same. He shall report on all receipts and disbursements and on the amount and nature of all such funds in his possession or custody at each meeting of the Council and at such other times as requested by the Chairman. He shall not pay out or disburse any funds except as authorized by the Council. He shall be required to give bond satisfactory to the Council, and, in the case of funds allocated or made available to the Community by the Central Council, to the Central Council. The Community Council may at any time make such further provisions concerning funds in its possession or custody as it deems necessary or desirable for their safety and proper use.

Article V

Definitions

Section 1 When used in this Constitution, unless the context clearly indicates otherwise, the following definitions shall prevail.

- (a) Community--A body consisting of all registered voters of the Tlingit and Haida Indians of Pelican
- (b) Eligible persons of Tlingit and Haida blood-- Only a person of Tlingit or Haida blood residing in the United States or Canada, who was a legal resident of the Territory of Alaska in June 19, 1935, or prior thereto, or who is a descendent of person of Tlingit or Haida blood who was a legal resident of the Territory of Alaska on June 19, 1935, or prior thereto
- (c) Central Council-- The official Central Council of Tlingit and Haida Indians as defined in Section 7 of the Act of June 19, 1935 (49 stat. 388) as amended by the Act of August 17, 1965 (79 stat. 543).
- (d) Qualified Vote--A 19 year old eligible person of Tlingit or Haida Blood who is registered on the official voting list of the Community
- (e) Rules of Election-- Those Rules of Election provided by the Central Council
- (f) Officer--Any one elected to the Council or appointed by the Council

Article VI

Any contingency not provided for in this constitution, shall be conducted under the provisions of "Roberts Rules of Order, Revised."

Article VII

Adoption and Amendment

This constitution, subject to approval by or on behalf pf the Central Council, shall be in force and effect when ratified by a majority of the members of the Community, who vote at a meeting called for this purpose, upon not less than seven days notice. It may be amended in like manner.

ADOPTED and APPROVED the 8th day of November, 1973, by majority of members of the Community.

Temporary Chairman

Acting Secretary