

CONSTITUTION AND BYLAWS OF THE OTTAWA TRIBE
OF OKLAHOMA

PREAMBLE

We, the Ottawa Indians of Oklahoma, in order to take advantage of the opportunities of economic independence and social advancement offered by the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936, do hereby establish this constitution and bylaws pursuant to that act. This document supersedes the original constitution and bylaws approved by the Acting Secretary of the Interior on October 10, 1938, and ratified by the qualified voters of the tribe on November 30, 1938.

ARTICLE I - NAME

The name of this organization shall be the Ottawa Tribe of Oklahoma.

ARTICLE II - PURPOSE

The purpose shall be to promote the general welfare of the Ottawa Tribe of Oklahoma.

ARTICLE III - MEMBERSHIP

Section 1. The membership of the Ottawa Tribe of Oklahoma shall consist of the following persons:

- (a) All persons of Indian blood whose names appear on the official roll of the tribe as of August 3, 1956, and/or the official Census Roll of January 1, 1940.
- (b) All children born since the date of the said roll, both of whose parents are members of the tribe.
- (c) Any child born to a member of the Ottawa Tribe and a member of any other Indian tribe whose parents choose to enroll said child with the Ottawa Tribe.
- (d) Any child born to a member of the Ottawa Tribe and any other person may be admitted to membership by a majority vote of the Ottawa Council.

Sec. 2. The council shall have the power to prescribe rules and regulations, subject to the approval of the Secretary of the Interior, covering future membership including adoptions and loss of membership.

Sec. 3. No member of another tribe shall be eligible for membership in the Ottawa Tribe of Oklahoma.

ARTICLE IV - OTTAWA COUNCIL

The supreme governing body of this organization shall be the Ottawa Council composed of all members of the Ottawa Tribe of Oklahoma, eighteen (18) years of age and over.

ARTICLE V - OFFICERS

The officers of the tribe shall be a chief, second chief, secretary-treasurer and two council members.

ARTICLE VI - BUSINESS COMMITTEE

There shall be a business committee composed of the officers of the Ottawa Tribe.

The business committee shall have power to transact business and otherwise speak or act on behalf of the Ottawa Tribe in all matters on which the tribe is empowered to act.

ARTICLE VII - GRIEVANCE COMMITTEE

Section 1. The grievance committee shall consist of five (5) members who shall be elected by the Ottawa Council and shall not include any members of the business committee. The grievance committee shall resolve grievances of tribal members relating to the conduct of tribal officials pursuant to Article X; ensure that the individuals rights of tribal members which have been guaranteed by the Indian Civil Rights Act of April 11, 1968 (82 Stat. 77) are not violated; and shall hear disputes arising under any provision of the Ottawa Constitution or any resolution of the business committee. The grievance committee shall be impartial in its handling of complaints. It shall neither solicit support for or against any grievance submitted to the committee. Accordingly, its members shall not sign petitions involving complaints to be submitted nor shall members of that committee circulate such petitions.

Sec. 2. The grievance committee shall be elected for a term of three (3) years at the annual election of the business committee and in accordance with Article VIII. The grievance committee shall choose from among its membership a chairman and a secretary and such other officers as it deems necessary. The grievance committee shall adopt a resolution which shall establish the duties of its members and its procedures.

Sec. 3. The grievance committee shall investigate complaints of misconduct or other acts of the officers of the tribe and upon proper showing in writing shall call a special meeting of the Ottawa Tribe to act upon said complaint. The Ottawa Council shall have the power, by a majority vote after giving the accused a hearing, to remove him/her from office and proceed to elect a successor in accordance with Article X. Should a member of the grievance committee be the subject of a complaint, he/she shall not participate in the investigation. If, within twenty (20) days after receipt of a valid petition asking for removal or recall of an elected tribal official, a meeting of the grievance committee has not been duly conducted with at least three (3) members of the committee present, the designated spokesman for the petitioners shall call and conduct a special meeting of the Ottawa Council. The Ottawa Council shall act on the complaint in the petition and its decision shall be final.

Sec. 4. When the grievance committee receives a complaint of a rights violation, it shall conduct a hearing with all parties present. If, by a vote of at least three (3) members, the committee determines that the evidence presented is sufficient to substantiate the complaint, the committee shall call a special meeting of the Ottawa Council to act upon the complaint. The decision of the Ottawa Council is final.

Sec. 5. When the grievance committee receives a complaint of a dispute arising under any provision of the Ottawa Constitution or resolution of the business committee, it shall conduct a hearing with all parties present. If the committee determines by a vote of at least three (3) members that the evidence substantiates the complaint, the committee shall call a special meeting of the Ottawa Council to act upon the complaint. The committee shall make its recommendation to the Ottawa Council and the decision of the Ottawa Council shall be final.

Sec. 6. Meetings of the grievance committee may be called at the discretion of the chairman and shall be called by him/her upon receipt of a written request of a majority of the grievance committee or upon receipt of a petition signed by at least twenty (20) members of the Ottawa Council.

ARTICLE VIII - ELECTIONS

Section 1. First Election. The first regular election of officers under this constitution shall take place within one hundred-twenty (120) days following approval of this constitution and bylaws at which time a system of staggered terms shall be established. At this election; the chief and two members of the grievance committee shall be elected for a term of three (3) years; the second chief, the second council member and two (2) members of the grievance committee shall be elected for a term of two (2) years; and the secretary-treasurer, the first council member, and one (1) member of the grievance committee shall be elected for a term of one (1) year. Thereafter, all terms of office shall be for three (3) years and elections shall be held annually on the first Saturday in May. Officials of the business committee and the grievance committee shall hold office until their successors are duly elected and installed.

Sec. 2. Election Committee. At least sixty (60) days before the annual election, the business committee shall appoint at least four (4) responsible adults of the Ottawa Council to serve on the election committee. The election committee shall be solely responsible for calling and conducting the annual election of officers and any other tribal elections which may be necessary throughout the year. No elective tribal official or candidate shall serve on the election committee. The committee shall conduct fair and impartial elections.

Sec. 3. Any member of the Ottawa Tribe shall be eligible to vote, provided the member is eighteen (18) years of age or over on the date of the election.

Sec. 4. Qualification of Candidates. Any member of the Ottawa Tribe who is at least eighteen (18) years of age on the date of the election and who has not been convicted of a felony in a court of competent jurisdiction within the five (5) years immediately prior to the subject election shall qualify as a candidate for membership on the business committee and grievance committee. Any member of the tribe duly nominated and elected shall have the right to hold office. The candidate receiving a majority vote for the respective office shall be declared elected.

Sec. 5. Nominations. Nominations for the business committee and the grievance committee shall be made from the floor at a general council meeting held solely for that purpose at least thirty (30) days prior to the election.

Sec. 6. Election Ordinance. All tribal elections, including the first one under this constitution, shall be conducted in accordance with an election ordinance enacted by the business committee consistent with this constitu-

tion and bylaws. Such ordinance shall provide for secret balloting, majority election, tie votes, absentee balloting and a procedure for handling protests and resolving election disputes. It shall further provide that no write-in votes shall be accepted in any tribal election. Provisions shall also be included regarding the conduct of recall, referendum and initiative elections and a uniform procedure for submitting petitions.

Elections to amend this constitution shall be conducted pursuant to Article XV of this constitution and bylaws.

Sec. 7. Installation of Officers. All duly elected officials of the Ottawa Tribe shall assume office immediately upon their election.

ARTICLE IX - REMOVAL, RECALL AND FORFEITURE

Section 1. Removal. Each elected or appointive body of the Ottawa Tribe shall have the power to remove any of its members for cause by affirmative vote of a majority of the total membership of the elected or appointive body. The business committee shall enact an resolution providing for such removal. The procedures set out in the resolution shall be used in removal proceedings by each of the elected or appointive bodies. Included in the resolution shall be procedures for the accused to confront his/her accusers and speak on his/her behalf in answer to a written statement of the charges at a special meeting of the affected body called for that purpose. The accused shall be provided with the written statement of charges at least fifteen (15) days prior to the removal meeting. Such resolution shall further provide that only one (1) person from any governmental body of the tribe shall be considered for removal at any meeting called for that purpose. Should the process result in removal, no further removal shall be considered until the resulting vacancy has been filled. Any tribal member who has knowledge of wrong doing of a tribal official may file such charges with the appropriate body.

In the event either the accused or the accuser requests an investigation into the matter, it shall be the duty of the grievance committee to conduct such investigation and within twenty (20) days provide its findings to the affected body for its use in making a final determination.

In the event an official is accused of misfeasance or malfeasance in office and the respective body refuses to invoke the removal process, such charges may be submitted in writing to the grievance committee. Upon its receipt of written charges, it shall be the duty of the grievance committee to determine whether such charges have sufficient substance to warrant serious consideration. If so, the grievance committee shall conduct a hearing within thirty (30) days of its receipt of the written charges.

The same advance notification and rights of the accused apply as set forth in this section. If the accused refuses to attend such hearing, it may be grounds for forfeiture of his office. If the accuser fails to attend, the charges may be dismissed. The grievance committee shall decide whether the accused shall be cleared of the charges or removed from office.

In the event a member of the grievance committee is the subject of removal action, the business committee shall be responsible for conducting the procedures stipulated above.

Sec. 2. Recall. Upon receipt of a valid petition signed by at least thirty percent (30%) of the Ottawa Council, it shall be the duty of the grievance committee to call and conduct within sixty (60) days an election for the purpose of recall of a tribal official holding elective office. The election shall be conducted pursuant to the election ordinance. Once an individual is subjected to recall proceedings, he shall not again be subject to such action during the balance of his term.

Sec. 3. Forfeiture. It shall be the duty of the affected governmental body to immediately declare vacant any position within its body and to promptly fill such vacancy in the manner provided in Article X when it is determined that the incumbent has:

- a. Has died;
- b. Has resigned;
- c. Has been convicted of a felony while in office;
- d. Has been convicted while in office of a crime involving dishonesty;
- e. Has been absent without being excused by the respective body for more than three (3) consecutive meetings;

ARTICLE X - VACANCIES

Vacancies in any elective office shall be filled for the unexpired term at any regular or special meeting of the Ottawa Council.

ARTICLE XI - BILL OF RIGHTS

Section 1. All members of the Ottawa Tribe shall enjoy without hindrance freedom of worship, conscience, speech, press, assembly and association.

Sec. 2. This constitution and bylaws shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of this tribe as citizens of the State of Oklahoma or the United States.

Sec. 3. The individual property rights of any member of the tribe shall not be altered, abridged or otherwise affected by the provisions of this constitution and bylaws without the consent of such individual member.

Sec. 4. In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the Ottawa Tribe of Oklahoma in exercising its powers of self-government shall not:

a. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition for a redress of grievances;

b. 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;

c. Subject any person for the same offense to be put twice in jeopardy;

d. Compel any person in any criminal case to be a witness against himself;

e. Take any private property for a public use without just compensation.

f. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

g. Require excessive bail, impose excessive fines, inflict cruel and unusual punishment and in no event impose for conviction of any one (1) offense any penalty or punishment greater than

imprisonment for a term of six (6) months or a fine of \$500, or both;

h. Deny to any person within its jurisdiction the equal protection of its law or deprive any person of liberty or property without due process of law;

i. Pass any bill of attainder or ex post facto; or

j. Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

ARTICLE XII - SEVERABILITY

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

ARTICLE XIII - POWERS

Section 1. The business committee shall have the power to transact business, propose ordinances and resolutions, and otherwise speak and act on behalf of the Ottawa Tribe of Oklahoma in all matters on which the tribe is empowered to act now or in the future, including the employment of legal counsel. However, the choice of counsel and fixing of fees shall be subject to approval by the Secretary of the Interior. The exercise of the above powers shall be subject to any limitations imposed by Federal Law or the Constitution of the United States.

Sec. 2. The Ottawa Council shall exercise those powers delegated to it by this constitution and bylaws.

ARTICLE XIV - INITIATIVE AND REFERENDUM

Section 1. Initiative is the procedure whereby the members of the Ottawa Council may exercise their right to present to the business committee proposed legislation and compel a popular vote on its adoption. An initiative is put into motion by a petition. Upon receipt of a valid petition signed by at least twenty percent (20%) of the Ottawa Council, it shall be the duty of the Chief to call and conduct an initiative election within sixty (60) days

presenting to the voters for their determination such issues or questions as are contained in the petition. An initiative election shall be conducted by secret balloting. A majority of those voting shall be required to adopt the proposed measure, provided that at least thirty percent (30%) of the eligible voters of the Ottawa Council vote in such election. If the proposed measure is adopted, it shall be binding on the tribe and the business committee and shall remain in force until amended or rescinded by subsequent initiative or referendum action, except as it may expire by its own terms.

Sec. 2. Referendum. At the discretion of the business committee, any matter within its authority may be referred to the Ottawa Council for its decision. A referendum election shall be conducted by secret ballot. A majority of those voting shall be required to adopt such measure, provided at least thirty percent (30%) of all members of the Ottawa Council cast ballots in such election. If the proposed measure is adopted, it shall be binding on the Ottawa Tribe and the business council and shall remain in force until amended or rescinded by subsequent initiative or referendum action except as it may expire by its own terms.

ARTICLE XV - AMENDMENTS

Amendments to this constitution and bylaws may be proposed by a majority vote of the business committee or by a petition signed by twenty percent (20%) of the adult members of the tribe, and, if approved by the Secretary of the Interior, shall be submitted to a referendum vote of the adult members of the tribe pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), and shall be effective if ratified by a majority of those who vote.

BYLAWS

ARTICLE I - DUTIES OF OFFICERS

Section 1. Chief. It shall be the duty of the chief to preside at all meetings of the Ottawa Council and the business committee. He shall have general supervision of the affairs of the tribe and shall perform all duties appertaining to the office of chief.

Sec. 2. Second Chief. In the absence of the chief, or during removal proceedings of the chief, the second chief shall perform the duties of that office. In case of a vacancy, the second chief shall succeed at once to the office of chief and shall serve the unexpired term of that office.

Sec. 3. Secretary-Treasurer. The secretary-treasurer shall correctly record the proceedings of all meetings of the council and of the business committee. He shall make out the order of business for the chief, shall notify all committees of their appointment, shall have custody of the records and all papers of the council. All official records of the secretary-treasurer shall be open to inspection during normal working hours by the members of the council at their request in his presence. In the event a member is refused access to such records he may request the grievance committee to so order. Upon such order, the secretary shall provide access to the requested records. These records and papers shall remain the property of the Ottawa Tribe. He shall keep a correct list of all members of the council, shall authenticate all accounts or orders of the council and, in the absence of the chief and second chief, shall call the meeting to order until a chairman pro tem is selected. He shall render a written report at the annual meeting and, at the expiration of his term of office, the records and all papers in his possession shall be turned over to his successor or the business committee. He shall issue notices of all meetings and conduct all general correspondence as directed by the council or the business committee.

The secretary-treasurer shall be the custodian of all monies in possession of the council. He shall keep an accurate account of all receipts and shall disburse the same as directed by the business committee. The secretary-treasurer shall keep all tribal monies entrusted to his care in a special account and all disbursements therefrom shall be made by check. He shall be bonded and the cost of such bond shall be paid out of tribal monies. He shall have conducted by a Certified Public Accountant of the Bureau of Indian Affairs at least once a year.

ARTICLE II - MEETINGS

Section 1. Regular meetings of the Ottawa Council shall be held annually in May the exact dates to be determined by the chief. Appropriate notice of the time and place of all annual and special meetings shall be given by the secretary-treasurer of the council, through announcement in the local newspaper, and other media of communication, such as radio, or television, at least ten (10) days prior to the date of the meeting.

Sec. 2. Special meetings of the Ottawa Council may be called at the discretion of the chief and shall be called by him upon the written request of the majority of the business committee or the written request of twenty (20) members of the council.

Sec. 3. The regular meetings of the business committee shall be held quarterly during the first week in January, April, July and October of each year unless otherwise provided by resolution of the business committee.

Sec. 4. Special meetings of the business committee may be called by the chief at his discretion, and shall be called by him upon the written request of three (3) members of the business committee. If the chief fails to call such meeting within five (5) days after receipt of a written request, any three (3) members of the business committee shall be empowered to do so.

Sec. 5. The principal purpose of a special meeting must be stated in the call for same and may include the words "and for the transaction of other business that may be presented." Unless these words are added, no other business can be transacted except for the purpose stated in the call.

ARTICLE III - QUORUM

Section 1. Three (3) members of the business committee shall constitute a quorum at any meeting.

Sec. 2. Twenty (20) members of the Ottawa Council shall constitute a quorum to transact regular business.

Sec. 3. Three (3) members of the grievance committee shall constitute a quorum at any meeting.

ARTICLE V - ADOPTION

This constitution and bylaws shall be effective when approved by the Secretary of the Interior and ratified by a majority vote of the adult members of the Ottawa Tribe of Oklahoma voting in an election called by the Secretary of the Interior under regulations which he may prescribe pursuant to Section 3 of the Oklahoma Welfare Act of June 26, 1936, provided that at least thirty percent (30%) of the eligible voters vote in such election.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order approved by *[Signature]*
Commissioner of Indian Affairs on _____, the foregoing
(date)

Constitution and Bylaws of the Ottawa Tribe of Oklahoma was submitted
for ratification to the adult members of the Ottawa Tribe of Oklahoma

and was on _____, duly ^{ratified} ~~rejected~~ by a vote of
(date)

_____ for, and _____ against, in an election in which at
(number) (number)

least thirty percent (30%) of the _____ entitled to vote cast their
(number)

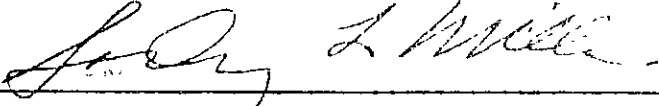
ballots in accordance with an election called for that purpose.


Chairman, Election Board

Election Board Member

Election Board Member

APPROVAL

I, , Acting Deputy
Commissioner of Indian Affairs, by virtue of the authority granted to the
Secretary of the Interior by the Act of June 26, 1936 (49 Stat. 1967), as
amended, and delegated to me by 230 D.M. 1.1, do hereby approve the
Constitution and Bylaws of the Ottawa Tribe of Oklahoma provided that
nothing in this approval shall be construed as authorizing any action under
the constitution and bylaws that would be contrary to Federal Law.


Acting Deputy Commissioner of Indian Affairs

Washington, D.C.

Date: OCT 15 1979

