

Constitution
Of the
Kake Community of Tlingit and Haida Indians

Preamble

We the members of the Kake Community of Tlingit and Haida Indians, which Community is entitled to elect delegates to the Central Council of the Tlingit and Haida Indians of Alaska, in order better to provide for the organization of the Community, both generally and as a constituent part of the Central Council, and in order to promote the objectives of the Central Council and the welfare of ourselves and our posterity, 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 the Act of August 17, 1965 (79 stat 543).

Article II
Community Council

Section 1 The governing body of the Community shall be a council composed of 9 persons who shall be elected in accordance with such Rules of Election by the voting members of the Community from their number which shall be named the Council of the Kake Community of Tlingit and Haida Indians.

Section 2 The terms of members of the Community Council shall be two years, or until their successors are elected and seated, and shall correspond as nearly as practicable to the terms of delegates from the Community to the Central Council. 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 election 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 to the offices 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 shall hold such regular and special meetings, at such times and places, as it shall by resolutions provided. Special meetings may be called by written notice signed by the Chairman or by a majority of the members of the Council, and at such meetings the Council may transact any business and take any actions within its powers. At all meetings of the Council a quorum 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 within the powers of the Council; provided, that before the Council shall take action when not assembled, a reasonable effort shall be made to advise and consult each member and provision shall be made for evidencing the concurrence of the majority in a writing of writings which shall be transmitted to the Secretary of the Council for presentation in its records.

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 or any delegate from the Community to the Central 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 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 at which the voting members of the Community shall 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 the Constitution; provided, that the voting roll of the Community last compiled shall be used without opening to receive applications for registration. The affirmative vote of a majority of those eligible to vote in the election shall be required to effect the recall of the member of delegate concerned.

Article III Powers of Community Council

Section 1 Subject 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. Without limitations of the foregoing, the Community Council shall have the following powers:

- (a) To acquire and dispose of property, real or personal, for and on behalf of the community by any and all means, for such considerations and upon such terms as it shall decide;
- (b) To negotiate and enter into contracts for and on behalf of the Community with persons and entities of every kind and description, public and private;

- (c) To borrow and raise money by all lawful means and to pledge the credit of the Community;
- (d) To employ lawyers and other persons to render professional, technical, and other services of every kind and description to the Community;
- (e) 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 Congress, and of funds allocated or made available to the Community by the Central Council in such manner and for such purposes as may be authorized by the Central Council;
- (f) To consult with and to advise any and all persons, officers and entities, public and private, concerning subjects and matters affecting the interests of the Community.
- (g) 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;
- (h) To instruct the delegates from the Community to the Central Council concerning their representation of the Community on the Central Council;
- (i) To provide for the organization of a local election committee and to appoint the Chairman and members thereof, and to appoint a registrar of voters for the Community;

Section 2 The Community Council shall possess such power as are incident or necessary to the execution of the powers set forth above and such further power as it may from time to time be granted by Central Council or other authority.

Article IV Functions and 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 meetings of the Council, and, subject to its direction, 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 of his delegates and to the Secretary of the Interior or his delegates and to the Chairman or other authorized officers on legal documents executed for or on behalf of the Central or 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 Adoption and Amendment

This Constitution, subject to approval by or on behalf of the Central Council, shall be force and effect when ratified by a majority of the members of the Community who vote at an election called for the purpose upon not less than 30 days notice. It may be amended in like manner.