

CONSTITUTION
OF
THE SPOKANE TRIBE-SPOKANE RESERVATION

Wellpinit, Washington

PREAMBLE

We, the Indians of the Spokane Reservation, initially organized under a constitution and bylaws effective on June 27, 1951, in order to improve our recognized tribal organization for management of our tribal affairs, do hereby establish this Constitution.

ARTICLE I - PURPOSE

Our purpose shall be to promote and protect the sovereignty, rights, and interests of the Spokane Tribe of Indians.

ARTICLE II - TERRITORY AND JURISDICTION

The jurisdiction of the Spokane Tribe, acting through its government as hereby established, shall extend to and include all lands and water areas within the exterior boundaries of the Spokane Reservation established by Executive Order, January 18, 1881, and any extensions thereof, and all Spokane Tribal and allotted Indian lands outside the exterior boundaries of the Spokane Indian Reservation. 1/

ARTICLE III - MEMBERSHIP

Section 1. The membership of the Spokane Tribe shall consist of:

(a) All persons of Spokane Indian blood whose names appear on the official census of the Spokane Tribe as of January 1, 1951, provided that corrections may be made in said census by the Business Council subject to the approval of the Secretary of the Interior, as long as such approval is required by law.

(b) All children of one-fourth (1/4) or more degree of Indian blood born subsequent to January 1, 1951, but prior to midnight, September 1, 1963, to any parent who is an enrolled member of the Spokane Tribe and:

(c) All children of one-fourth (1/4) or more degree of Indian blood born subsequent to midnight, September 1, 1963, to any enrolled member of the Spokane Tribe who is one-fourth (1/4) or more degree of Spokane Indian blood.

Section 2. Transfer of Enrollment: There are hereby established the following eligibility requirements for applicants for transfer of enrollment from another tribe into the Spokane Tribe.

(a) Applicants must be at least one-fourth (1/4) degree of Spokane Indian blood.

(b) Applicants must have lived on the Spokane Indian Reservation for a period of at least ten (10) years prior to filing application (provided that bona fide absence for purposes of attending school or service in the U.S. Armed Forces shall not be deemed to be absence from the reservation).

(c) No person may transfer enrollment into the Spokane Tribe unless a notarized written statement is signed relinquishing membership in any other tribe and in the tribal property or other assets of any other tribe or reservation.

Section 3. The Business Council shall have the power to enact ordinances, subject to this Constitution governing future membership, transfer of enrollment, and loss of membership in the Spokane Tribe. Such ordinances, however, shall not be in conflict with the foregoing standards and requirements for membership.

ARTICLE IV - RIGHTS OF MEMBERS

Section 1. Every tribal member shall have an equal opportunity to participate in the economic resources and activities of the Spokane Indian Tribe and the right to exercise traditional rights and privileges of members of the tribe where not in conflict with other provisions of this Constitution, Tribal laws and ordinances, or the laws of the United States.

Section 2. This Constitution and the Tribal Government it establishes shall not encroach upon or limit any person's right to enjoy freedom of worship, conscience, speech, press assembly and association, and other rights established by Federal Law.

ARTICLE V - GOVERNING BODY

Section 1. The governing body of the Spokane Tribe shall be a Business Council of five (5) members, consisting of a Chairman, Vice Chairman, Secretary, and two (2) Members.

Section 2. No person shall be a candidate for membership on the Business Council or for any other elective office unless he is a member of the Spokane Tribe, shall have actually lived on the Spokane Reservation for two (2) years next preceding the election and shall be at least twenty-five (25) years of age, but not more than seventy (70) years of age.

Section 3. No person shall be eligible to be a candidate for membership on the Business Council or any other elective office or to remain as an incumbent in any such office if convicted of a felony or of a misdemeanor involving dishonesty. Such ineligibility shall continue for a period of five (5) years after conviction or five (5) years after completion of actual incarceration, whichever comes later.

Section 4. Business Council members shall be elected for three-year staggered terms. Council positions shall be numbered 1, 2, 3, 4 and 5, which numbers shall permanently identify each Council position. Position 3 shall be filled by the election held in June, 1981; Position 4 and 5 shall be filled by the election held in June, 1982; Positions 1 and 2 shall be filled by the election held in June 1983. The first order of business of the new council after each election shall be the election of officers for the ensuing year. A candidate for the Business Council shall identify the number of the position for which he is running. The term of an incumbent Council member shall continue until his successor is duly elected and installed.

Section 5. The General Council shall be composed of all the qualified voters of the Spokane Tribe who attend a General Council or Tribal meeting properly called in accordance with this Constitution and shall be authorized to exercise such powers as may be delegated to that body by the terms of this Constitution.

ARTICLE VI - NOMINATION AND ELECTIONS

Section 1. Elections of Business Council members and of other tribal elective officers shall be held annually during the month of June and shall be called by the Business Council and conducted by the Election Committee according to an election ordinance provided by the Election Committee and approved by the Business Council. All elections shall be by secret ballot. The election ordinance shall include provisions for resolving election disputes, procedures for submitting any petitions provided for in this Constitution and a procedure for determining their validity.

Section 2. All elections shall be conducted by an Election Committee composed of three (3) qualified tribal voters. One (1) alternate shall be available to serve in the absence of a regular member of the Election Committee. Such committee shall conduct elections in conformity with the Election Ordinance and this Constitution, and certify the results of the election to the Business Council on the Monday following the election. The Business Council shall immediately consider the certified results of the election and, unless some invalidity, illegality, tie vote or a failure of the leading candidate for an office to receive a fifty percent (50%) or greater majority (as provided in Section 3 of this Article) requiring another election, officially accept the certified results. A Spokane Tribal Judge shall administer the oath to the elected members. Elected officers shall assume responsibility ten (10) working days after said certification.

Section 3. If the top two (2) candidates for an elective office are tied or no candidate for an office has received fifty percent (50%) or more of the total vote cast for that office, a run-off election shall be called for and held the second Saturday after the Annual Election. Such election shall be between said tied candidates or between the two candidates for the particular office who received the most votes. 3/

Section 4. A qualified voter is any member of the Spokane Tribe, eighteen (18) years of age or over. He shall exercise his right of vote in person at a prescribed voting place.

ARTICLE VII - VACANCIES AND RECALL

Section 1. Any vacancy in the Business Council shall be filled by the Business Council. Such appointee shall qualify pursuant to Article V and hold office until the next regular election when it shall be filled by election for the balance, if any, of the unexpired term. No vacancies that occur within three (3) months of the next regular election shall be filled except that the remainder of the Business Council shall fill any vacancies in excess of two (2) so that the Business Council may maintain a quorum.

Section 2. Recall: Upon receipt of a written petition signed by one hundred twenty-five (125) qualified voters calling for the recall of any tribal elected official, it shall be the duty of the Business Council to call a special General Council meeting to conduct a hearing for the member involved within ten (10) days of receipt of said petition. Any enrolled member of the Tribe may attend said hearing. If at the conclusion of the hearing, a majority of voting members of the Spokane Tribe attending the hearing vote to hold a recall election, an election shall be called for that purpose. The challenged incumbent shall automatically be a candidate in said election, unless he withdraws. Other candidates may have their names placed on the ballot and said election shall be conducted within thirty (30) days in the same manner as a regular general election.

ARTICLE VIII - POWERS AND DUTIES OF THE SPOKANE BUSINESS COUNCIL

The powers and duties set forth in this Article shall be exercised by the Business Council to the full extent permitted by Federal Law. All the powers and legal authority, express, implied or inherent, vested by existing law in the Spokane Indian Tribe as a sovereign political entity, which powers and legal authority shall include but not be limited to the following specific powers and duties:

(a) To legislate and enforce a comprehensive law and order code and Tribal Court System extending tribal, civil, and criminal jurisdiction, to the extent said code provides, over all persons residing on or coming upon the reservation and over all land and water areas over which the Tribe has jurisdiction as provided in Article II above.

(b) To administer the affairs and assets of the Tribe including tribal lands, funds, minerals, timber, water rights and other resources under appropriate contracts, leases, permits, loans or sale agreements. In the sale or other transfer of tribal lands, the Tribe and Business Council shall take every precaution in appropriate cases so that the land does not go out of trust.

(c) To provide for taxes, assessments, permits and license fees upon members and non-members of all lands within the jurisdiction of the Spokane Tribe of Indians. 2/

(d) To employ legal counsel to assist in the protection and advancement of the Tribe. The choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative as long as such approval is required by law.

(e) To negotiate with and represent the Tribe before Federal, State and local governments and their departments and agencies.

(f) To appoint necessary committees.

(g) To have and exercise such other powers and authority necessary to fulfill its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe.

(h) To foster, encourage and retain the arts, crafts, culture and traditions of the Tribe.

ARTICLE IX - BILL OF RESERVED POWERS

The Business Council and other Agencies of the Tribe are required to obtain the advice and consent of the General Council prior to taking any action with regard to the following powers. The advice and consent of the General Council shall be final when ratified by a majority vote of the membership of the Spokane Tribe at the next general election. 4/

(a) The relinquishment of any Spokane Tribal criminal or civil jurisdiction to any agency, public or private; provided, however, that this provision shall not prevent the Business Council from commissioning non-Spokane or non-Bureau of Indian Affairs peace officers to enforce Spokane Tribal law and order regulations.

(b) The termination or partial termination of the Spokane Indian Reservation.

(c) The sale or tribal hunting, fishing or water rights.

(d) The Business Council may prescribe such compensation of members of the Business Council as it deems advisable from funds as may be available, subject to the approval of the General Council. Unless contrary action is taken by a General Council, yearly salary increase will be made, based on the "National Consumer Price Index," published by the U.S. Department of Labor. The amount of increase will be based on the percent of increase in cost of living from the previous year.

ARTICLE X - INITIATIVE AND REFERENDUM

Section 1. The Spokane Tribe's voting membership is empowered to exercise the legislative powers and duties enumerated in Article VIII through either an initiative or referendum action.

Section 2. Initiative: An initiative shall be in the form of a petition, signed by at least one hundred twenty-five (125) qualified voters, setting out in clear language the legislative action to be taken. Such petition shall comply with the petitioning procedures provided by Section 1, Article VI of this Constitution.

Section 3. Referendum: A referendum is an action by the Business Council referring a legislative matter to the tribal members for enactment or rejection.

Section 4. Elections on Initiatives or Referendums. Whenever an initiative petition with the required signatures is filed at the tribal office or a resolution for a referendum is adopted by the Business Council, an election thereon shall be conducted within forty-five (45) days, unless there is a regular election to be held within ninety (90) days. An election on a referendum or initiative must have a minimum voter turnout of fifty-one percent (51%) of the average voter turnout at the regular tribal elections held during the previous five (5) years.

ARTICLE XI - DUTIES OF OFFICERS

Section 1. Chairman. The Chairman of the Business Council shall preside over all meetings of the Tribe and the Business Council. He shall perform all duties of the Chairman and exercise any authority delegated to him by the Business Council.

Section 2. Vice Chairman. The Vice Chairman shall act as Chairman and perform the duties of Chairman in the Chairman's absence.

Section 3. Secretary. The Secretary shall be responsible for tribal correspondence and reports and shall keep a complete record of minutes of all business conducted at Business Council meetings and Tribal or General Council meetings. The Business Council may delegate an assistant or recording secretary to assist the Secretary in the performance of his duties.

Section 4. Executive Director. The Business Council may employ an Executive Director to assist the Business Council in the performance of the administrative duties. The Executive Director shall be the manager and ranking officer, subject to supervision by the Business Council, in charge of the Tribe Office and its staff. His duties and responsibilities shall be more specifically detailed and outlined in his employment contract.

Section 5. Appointive Officers. The duties of all committees and officers appointed by the Business Council shall be clearly defined in an ordinance passed by the Business Council. Such committee members and officers shall make reports to the Business Council as required.

ARTICLE XII - CODE OF CONDUCT FOR COUNCILMEN AND OTHER EXECUTIVE OFFICERS

Section 1. Hours of duty for Business Councilmen and other elective officers shall be determined as necessary to fulfill their obligations, responsibilities, objectives and purpose as the governing body of the Spokane Tribe.

Section 2. Notice of absence shall be in advance to an authorized representative designated by the Business Council. In case of an emergency, notification should be given at the earliest time possible.

ARTICLE XIII - TIME AND PLACE OF MEETINGS

Section 1. Meetings of Business Council. The Business Council shall hold at least one (1) regular meeting a week at the Tribal headquarters at Wellpinit, Washington, or at other times and places required to satisfactorily fulfill its duties and responsibilities as outlined in this Constitution. Special meetings may be called at any time by the Chairman, by any three Council Members or by a written request signed by at least twenty-five (25) qualified voters of the Spokane Tribe.

Section 2. Tribal and General Council Meetings. There shall be at least (2) General Council meetings a year. One (1) in the month of April and another in the month of November. Additional General Council meetings may be called by the Chairman, by a majority of the Business Council or by a petition signed by at least fifty (50) qualified voters of the Spokane Tribe.

Section 3. Quorum. A quorum of the Business Council shall consist of three (3) members. A quorum of the General Council shall consist of fifty (50) qualified voters of the Spokane Tribe. Once a quorum is established at a General Council meeting it shall be deemed to continue until the end of that day's meeting.

Section 4. Binding Power of the General Council Votes. A vote of the General Council on any and all matters shall be final and binding on the Business Council when ratified by a majority vote of the membership of the Spokane Tribe at the next general election. 5/

ARTICLE XIV - AMENDMENTS

The Constitution may be amended by a majority vote of the qualified voters of the Spokane Tribe voting in an election in accordance with Article X, Section 4, called for that purpose, by the Business Council. No amendments shall become effective until it has been approved by the Commissioner of Indian Affairs. It shall be the duty of the Business Council to call an election on a proposed amendment upon receipt of a petition therefore signed by at least one hundred twenty-five (125) qualified voters. Such petition shall comply with the petitioning procedures provided by Section 1, Article VI.

ARTICLE XV - ADOPTION

This Constitution shall become effective when adopted by a majority of the qualified voters of the Spokane Tribe voting at an election called for that purpose by the Business Council and when approved by the Commissioner of Indian Affairs.

AMENDMENTS
TO
CONSTITUTION

APPROVAL

I, William Hallett, Commissioner of Indian Affairs, by virtue of the authority granted to me by Article VIII of the 1951 Constitution and Bylaws of the Spokane Tribe, as amended, do hereby approve this Constitution of the Spokane Tribe; provided, that nothing in this approval shall be construed as authorizing any action under the constitution that would be contrary to Federal Law.

William Hallett
Commissioner of Indian Affairs

Washington, D.C.

Date: APR 11 1980

RECORD OF ADOPTION

By actions taken on April 11, 1980, and May 5, 1980, the Commissioner of Indian Affairs approved this constitution as a proposed governing document which was submitted to the qualified voters of the Tribe. According to Spokane Tribal Business Council Resolution No. 1981-56 enacted on November 24, 1980, the proposed constitution was on November 22, 1980, duly adopted by a vote of 101 for and 33 against which constitutes a majority of those voting as required by Article VIII of the then existing constitution. This constitution is effective from the date of its adoption (November 24, 1980).

A M E N D M E N T S

Constitution

of

THE SPOKANE TRIBE - SPOKANE RESERVATION

- 1/ page 1: Amendment Approved by Commissioner of Indian Affairs on December 19, 1983 (memo 1/13/84)
- 2/ page 6: Amendment Approved by Commissioner of Indian Affairs on December 19, 1983
- 3/ page 4: Amendment Approved by Area Director pursuant to authority redelegated (10BIAM 3.1 (dated June 3, 1975) on May 2, 1986 (memo 5/2/86)
- 4/ page 6: Amendment Approved by Area Director pursuant to authority redelegated (10BIAM 3.1 (dated June 3, 1975) on December 3, 1986.
- 5/ page 9: Amendment Approved by Area Director pursuant to authority redelegated (10BIAM 3.1 (dated June 3, 1975) on December 3, 1986.