

CONSTITUTION
OF THE
KAIBAB BAND OF PAIUTE INDIANS
OF THE
KAIBAB INDIAN RESERVATION, ARIZONA

PREAMBLE

We, the Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona, members of the Southern Paiute Nation, in order to improve and strengthen the governing structure of our tribal government, to protect and conserve our tribal property and to develop its national resources; to administer justice and to promote the welfare of ourselves and our descendants; and to otherwise govern the affairs of this band, do ordain and establish this constitution pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, which shall govern the Kaibab Band of Paiute Indians from its effective date. The Constitution and By-laws of the Kaibab Band of Paiute Indians, approved by the Secretary of the Interior on June 15, 1951, and Amendment No. 1 approved May 29, 1965, is hereby superseded by this constitution.

ARTICLE 1 - NAME

The Kaibab Band of Paiute Indians shall be the name of this tribe. The word "band" as used in this document shall have the same meaning as "Kaibab Band of Paiute Indians."

ARTICLE II - TERRITORY AND JURISDICTION

Section 1. Territory. The territory of the Kaibab Band of Paiute Indians shall extend to all reservation lands and Indian country within the exterior boundaries of the Kaibab Indian Reservation as established by Executive Orders of June 11, 1913, and July 17, 1917, and to such other lands as may be hereafter acquired by the United States in trust, or added thereto by purchase or otherwise, and made a part of the reservation.

Section 2. Jurisdiction. The governmental powers, consistent with applicable Federal law and this constitution, shall extend to all persons, subject matter and property, including natural resources, within the exterior boundaries of the reservation, and any other lands held in trust for the band and made a part of the reservation.

ARTICLE III - MEMBERSHIP

Section 1. The membership of the Kaibab Band of Paiute Indians shall consist of:

- (a) All persons of Indian blood whose names appear on the official census rolls of the Kaibab Indian Reservation as of January 1, 1940, except those individuals who have relinquished membership in the band or have become enrolled as members of some other tribe or band.
- (b) All persons who are one-fourth (1/4) or more degree Indian blood born to a member of the Kaibab Band of Paiute Indians who is listed on or is descended from a member listed on the January 1, 1940, base roll.
- (c) All persons who prior to the ratification of this amendment qualified for membership under previous membership requirement except those persons who voluntarily relinquished membership in the band.

Section 2. Adoptions.

- (a) Direct descendants of Kaibab Paiute tribal members who are listed on the January 1, 1940 base roll may be adopted into the band as members with full rights and benefits.
- (b) Persons of one-fourth (1/4) or more degree of Indian blood may be adopted into the band with all tribal rights and benefits, except for those benefits derived from distribution of judgement monies, including payments paid to the band or its members in the past or any judgement payment that may be paid to the band or its members in the future.
- (c) Children of adopted members of the band who are not eligible for enrollment under Section 1 (a) and (b) of this article may be adopted in accordance with Section 2(a).
- (d) Voting on all petitions for adoption will be accomplished at the annual general council meeting; provided that a petition for adoption and supporting document as may be required by Section 5 of this article must be received not less than ninety (90) days prior to the annual general council meeting. A majority of those voting must approve the adoption of any person into the band.

Section 3. Appeal. Any person whose application for enrollment is rejected as a member of the band under Section 1 shall have the right to appeal the denial in accordance with applicable tribal ordinances. Applicants for enrollment by adoption shall have no appeal rights.

Section 4. Membership Roll. The tribal council shall insure that the membership roll of the band is kept current.

Section 5. Ordinance. The tribal council shall have the authority to enact ordinances containing procedures governing adoption, voluntary relinquishment, future membership and loss membership; Provided, that such ordinances are in compliance with this constitution.

Section 6. Corrections in Roll. Corrections may be made with the approval of the Secretary of the Interior or his authorized representative to the base roll at any time including, but not limited to, the addition of the names of persons who were omitted from the base roll but who are otherwise eligible for enrollment.

Section 7. Dual enrollment. No person who is or becomes enrolled as a member of another tribal entity may be or may become a member of the band. Any person who refuses to relinquish membership in such other tribal entity after being notified of his/her dual enrollment status shall be subject to disenrollment.

ARTICLE IV - BILL OF RIGHTS

Section 1. The band, in exercising 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 rights 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 twice put in jeopardy;
- (d) Compel any person in any criminal case to be a witness against himself or herself;

- (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 against him or her, to have compulsory process for obtaining witnesses in his or her favor, and at his or her own expense to have the assistance of counsel for his or her defense;
- (g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one (1) offense any penalty or punishment greater than imprisonment for a term of one (1) year or a fine of five thousand dollars (\$5,000) or both;
- (h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of laws;
- (i) Pass any bill of attainder or ex post facto law; 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 V - GOVERNING BODY

Section 1. Tribal Council. The governing body of the Kaibab Band of Paiute Indians shall be a council known as the Kaibab Paiute Tribal Council.

Section 2. Composition. The tribal council shall consist of a chairman, vice-chairman, and five (5) members.

Section 3. Term of Office.

- (a) At the first election under this constitution, the chairman and vice-chairman shall be elected to serve a term of three (3) years. The terms of the five (5) tribal council members shall be staggered with one (1) member to serve three (3) years; two (2) members to serve two (2) years; and two (2) members to serve one (1) year as may be determined by lot. Thereafter, the members of the tribal council shall be duly elected to serve for a term of three (3) years.
- (b) Those members of the tribal council who are in office at the time of the adoption of this constitution shall remain in office until the first election held

in October.

- (c) Upon the expiration of the term of office of the members of the tribal council who are duly in office at the time of the adoption of this constitution, nominations and elections shall be held in accordance with Articles IX and X of this constitution.

Section 4. Officers Defined. Officers of the tribal council are the chairman, vice-chairman, and treasurer.

- (a) The chairman and vice-chairman shall be elected by majority vote of the ballots cast by eligible voters of the band.
- (b) The treasurer shall be elected from within the tribal council.

Section 5. Duties of Tribal Officers.

- (a) Chairman. The chairman of the tribal council shall:
 - (1) Be the executive officer and primary representative of the band;
 - (2) Preside over all meetings of the tribal council and the band;
 - (3) Have the power to call special meetings of the tribal council subject to Article VII, Section 1(c);
 - (4) Sign all negotiable documents, contracts, applications for Federal or other funds authorized by the tribal council;
 - (5) Vote only in case of a tie;
 - (6) Have the right to express his or her opinion on all issues;
 - (7) Implement and carry out all directives of the tribal council;
 - (8) Make written and oral reports at all tribal council meetings of tribal activities;
 - (9) Be responsible for general supervision of all tribal employees; and,

- (10) Perform other duties as specified in a delegation of authority as established and approved by the tribal council.
- (b) Vice-chairman. The vice-chairman of the tribal council shall assist the chairman, and in the absence of the chairman, shall assume the same duties and powers of the chairman as specified in Section 5(a) of this article.
- (c) Treasurer. The treasurer shall:
- (1) Act as chairman in case of absence of the chairman and vice-chairman;
 - (2) Be responsible for the funds of the band;
 - (3) Accept, receive, receipt for, preserve, and safeguard all funds in the custody of the tribal council;
 - (4) Obtain a surety bond as required by the tribal council;
 - (5) Expend funds as authorized by the tribal council;
 - (6) Sign checks which must be countersigned by the chairman or designated representative of the chairman; and,
 - (7) Delegate duties described in (2) through (6) with approval by the tribal council.
- (d) Secretary. The secretary to the tribal council, who is not a tribal council member, shall:
- (1) Record and read minutes of the tribal council meetings;
 - (2) Attest all resolutions and ordinances;
 - (3) Preserve all resolutions, ordinances, minutes of the tribal council and make them available upon request to band members during regular business hours; and,
 - (4) Perform all other such duties as may be required by the office of the chairman, vice-chairman, and the tribal council.

ARTICLE VI - POWER OF THE TRIBAL COUNCIL

Section 1. Enumerated Powers. The tribal council is authorized to exercise all of the powers possessed by the band now and in the future, subject to any limitations imposed by the Constitution and Laws of the United States and subject to the referendum provisions in Article XII and any other restrictions imposed by this constitution, including but not limited to the following:

- (a) To negotiate, consult, and contract with the Federal, State, local, and tribal governments, private enterprises, individuals and other organizations for the benefit of the band;
- (b) To levy taxes and issue licenses upon members and non-members for purposes of hunting, fishing, trading or business activities within the reservation;
- (c) To regulate hunting, fishing, camping and recreation, trading and business activities on the reservation, and to enforce those regulations by appropriate ordinances;
- (d) To provide by resolution or ordinance the conditions upon which non-members may enter or remain on the reservation and for the removal or exclusion of non-members from the reservation whose presence may be injurious to the tribal members or to the interest of the band;
- (e) To provide for the appointment of guardians for minors, mental incompetent and the adoption of minor children by ordinances or resolution;
- (f) To plan and approve all economic affairs and enterprises of the band;
- (g) To create, regulate, charter, appoint and oversee independent organizations, subordinate organizations and committees of the band by ordinances; and to review any action taken by virtue of such delegated powers or to delegate powers as appropriate, retaining the right to rescind delegated powers;
- (h) To promulgate ordinances and resolutions to promote and protect the peace, health, education, safety and welfare of the band, its members and all other persons within its jurisdiction;
- (i) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed

by the Secretary of the Interior or his authorized representative;

- (j) To promulgate and enforce civil and criminal ordinances governing the conduct of members of the Kaibab Band of Paiute Indians and providing for the maintenance of law and order on the reservation;
- (k) To establish tribal courts and prescribe rules for tribal courts and tribal law enforcement agencies;
- (l) To make appointments for the tribal judicial system pursuant to provisions of Article XIII and ordinances enacted pursuant thereto;
- (m) To hire a tribal secretary to record and read minutes of the tribal council meetings and perform such other duties as may be assigned by a position description;
- (n) To make rules and regulations for the conduct of all tribal elections provided for under this constitution; and,
- (o) To adopt resolutions regulating the procedures of the tribal council itself and of other tribal agencies and tribal officials within its jurisdiction.

Section 2. Secretarial Approval. The tribal council is authorized to exercise these powers possessed by the band listed in this section; Provided, that the exercise of such powers shall not conflict with Federal law or provisions of the constitution:

- (a) To employ legal counsel, 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 so long as such approval is required by Federal law;
- (b) To spend tribal funds and trust funds in accordance with an annual budget approved by the tribal council by resolutions subject to the approval of the Secretary of the Interior or his authorized representative so long as such approval is required by Federal law;
- (c) To negotiate and grant permits and leases for business, home sites and other purposes for terms of years authorized by Federal law, and said leases to be valid only after approval by the Secretary of the Interior or his authorized representative;

- (d) To make corrections to the base roll at any time including, but not limited to, the addition of the names of persons who were omitted from the base roll but who are otherwise eligible for enrollment, subject to the approval of the Secretary of the Interior or his authorized representative; and,
- (e) To introduce, possess, sell, transport, and consume alcoholic beverages on the Kaibab Indian Reservation by ordinances, subject to the certification and publication in the Federal Register by the Secretary of the Interior.

Section 3. Future Powers. The Tribal Council of the Kaibab Band of Paiute Indians may exercise such further powers as may in the future be delegated to it by members of the band or the Secretary of the Interior or by any other duly authorized official or agency of the State or Federal Government.

Section 4. Reserved Powers. Any rights and powers heretofore vested in the Kaibab Band of Paiute Indians, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Kaibab Band through the adoption of appropriate constitutional amendments.

ARTICLE VII - MEETINGS

Section 1. The tribal council shall hold meetings and take action in accordance with the following procedures, which it may augment by its own rules and procedures so long as they do not conflict with any provisions of this constitution.

- (a) Regular Meetings. Regular meetings of the tribal council shall be held each month at a time and place designated in an ordinance by the tribal council. All regular meetings of the tribal council shall be open to the membership of the band. The tribal council, at its discretion, may recess to discuss any matter in closed or executive session after which the regular meeting may be reconvened. No regular meeting shall commence until a quorum is present and in person.
- (b) General Council Meetings. The tribal council shall hold an annual general council meeting of the band on the first Saturday in October. The time and procedures for the general council meetings shall be determined by the tribal council by ordinance and timely notice of the meeting shall be made to the general membership. The chairman shall preside over that meeting. No business of the general council shall be conducted unless a quorum of the eligible voters is present. A quorum shall consist of one-third (1/3) of the

eligible voters.

- (c) Special Meetings. Special meetings of the tribal council may be called on written notice at the discretion of the chairman, but the chairman shall call a special meeting upon receipt of a written request by three (3) or more members of the tribal council. No special meeting shall be called without written notice given to each member of the tribal council at least twenty-four (24) hours prior to special meetings, which may be waived by their presence at any meeting.
- (d) Agenda. An agenda shall be prepared by the chairman; Provided, that it shall include any item submitted upon the written request of two (2) or more members of the tribal council. The agenda together with any drafts of proposed resolutions or ordinances shall be provided to the members of the tribal council not less than twenty-four (24) hours prior to any regularly scheduled or special meeting.
- (e) Quorum. Four (4) members of the tribal council shall constitute a quorum. Matters of business properly brought before the tribal council shall be decided by a majority vote of those present constituting a quorum.
- (f) Minutes. Minutes of regular and special tribal council meetings shall be kept. Minutes may be made available for inspection by members of the band upon request during regular business hours.
- (g) Order of Business. Meetings of tribal council shall be conducted as follows:
 - (1) Call to order by the chairman;
 - (2) Roll call and ascertainment of a quorum;
 - (3) Reading of minutes of last meeting;
 - (4) Reports;
 - (5) Unfinished business;
 - (6) New business; and,
 - (7) Adjournment.

(h) Enactments:

- (1) All final decisions of the tribal council on matters of general and permanent interest to the members of the band shall be embodied in ordinances. The ordinances shall be collected and made available to tribal members and others affected upon reasonable request.
- (2) All final decisions of the tribal council on matters of temporary interest shall be embodied in resolutions. The resolutions shall be collected and made available to tribal members and others affected upon reasonable request.

- (i) Compensation of Tribal Council. The tribal council may prescribe compensation for officers or members of the tribal council, as is deemed advisable from such funds as may be available, subject to the approval of the general membership of the band at the annual October meeting.

ARTICLE VIII - REGISTRATION AND VOTING

Section 1. Voters. All duly enrolled members of the band who are eighteen (18) years of age or older are eligible to vote in all band elections.

Section 2. Eligible Voter's List. The tribal election committee shall keep a current list of eligible voters and shall provide complete records of the same to the tribal council at least fifteen (15) days before the band election. The list shall be posted for inspection by all band members.

ARTICLE IX - CANDIDATES FOR OFFICE

Section 1. Eligibility of Candidates for Chairman or Vice-Chairman. No person shall be a candidate for chairman or vice-chairman of the Kaibab Paiute Tribal Council unless that person:

- (a) Is a duly enrolled member of the Kaibab Band of Paiute Indians;
- (b) Is at least twenty-one (21) years of age or older;
- (c) Has resided on or near the Kaibab Indian Reservation for the last six (6) months immediately preceding the election; and,

- (d) Shall declare his or her candidacy for the office of chairman or vice-chairman not later than forty-five (45) days preceding the election.

Section 2. Eligibility of Candidates.

- (a) Is a duly enrolled member of the Kaibab Band of Paiute Indians;
- (b) Is at least twenty-one (21) years of age or older;
- (c) Has resided on or near the Kaibab Indian Reservation for the last six (6) months immediately preceding the election; and,
- (d) Shall declare his or her candidacy for the office of tribal council not later than forty-five (45) days preceding the election.

Section 3. Ruling of Candidacy. The tribal election committee established pursuant to Section 5 of Article X shall inform prospective candidates within five (5) days of submission of his or her name for candidacy whether the candidate is acceptable as set forth in Section 1 of this article and election ordinance. It shall be the duty of the tribal election committee to post in public places at least thirty (30) days before the election the names of all certified candidates for the tribal council.

Section 4. Appeal Rights of Rejected Candidates. Any person who is refused candidacy by the tribal election committee may, within five (5) working days of the committee's ruling, appeal the decision to the tribal court. The decision of the tribal court on the appeal shall be final.

ARTICLE X - ELECTION

Section 1. Tribal Council Election. Elections for the tribal council shall be held annually on the first Saturday in October. The time, place and manner of voting shall be determined in accordance with procedures contained in the election ordinance.

Section 2. Installation. Newly-elected members shall take office at the next regular or special meeting of the tribal council upon certification of the election results, but no later than ten (10) days after the election. Election results shall be certified within five (5) days of the elections in accordance with procedures contained in the election ordinance.

Section 3. Oath of Office. Each member of the tribal council and each officer, elected or appointed hereunder, shall take an oath of office at their installation administered by the tribal chief judge:

I, _____, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the Kaibab Band of Paiute Indians; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote and protect the best interest of my people, in accordance with this constitution.

Section 4. Election Ordinance. The tribal council shall enact an election ordinance governing the conduct of elections. Such ordinance shall be consistent with this constitution and shall include, but not be limited to the following provision:

- (a) Establishment of a tribal election committee;
- (b) Maintenance of a current list of eligible voters;
- (c) Nomination and screening of prospective candidates;
- (d) Secret balloting;
- (e) Absentee voting;
- (f) Determination of a winner in the event of a tie;
- (g) Settlement of election disputes;
- (h) Procedures for filing petitions and determining their validity; and,
- (i) Conduct of referendum, initiative, and recall election.

Section 5. Tribal Election Committee. The tribal council shall appoint an ongoing impartial tribal election committee composed of three (3) or more qualified voters to conduct all band elections in accordance with this constitution and the election ordinance.

ARTICLE XI - VACANCIES, REMOVAL AND FORFEITURE FROM OFFICE

Section 1. Vacancy of Office. If any position on the tribal council shall become

vacant for any reason other than the expiration of the term of office, the tribal council shall declare the position vacant and shall appoint an individual to serve in that position until the next election at which time an election shall be held to fill the unexpired term. Appointment shall be made by the tribal council with preference being given to the defeated candidate who received the next highest number of votes at the last election.

Section 2. Removal. The tribal council shall, by an affirmative vote of all its members of the tribal council except the one being considered for removal, after due notice and an opportunity to be heard, remove any member of the tribal council or the tribal judiciary who during his term of office is found guilty of a misdemeanor involving moral turpitude; gross neglect of duty, malfeasance in office, or misconduct reflecting on the dignity and integrity of the tribal government. Before any vote for removal is taken, the accused shall be given a written statement of the charges at least fifteen (15) days in advance of the hearing. Voting shall be by secret ballot and the chairman shall be entitled to vote. No officer or member shall preside over the meeting at which said removal is being considered.

Section 3. Recall. Upon receipt of a valid petition signed by thirty percent (30%) of the eligible voters of the band demanding the recall of any member or members of the tribal council named in said petition;

- (a) It shall be the duty of the tribal council to direct the tribal election committee to call and conduct a recall election which shall be not less than ten (10) day and not more than thirty (30) days from the date the petition is received by the secretary of the tribal council. Should the tribal council fail to act within five (5) days from receipt of a valid petition, the election committee shall automatically call and conduct the election.
- (b) No member may be recalled in any such election unless fifty percent (50%) of the eligible voters of the band shall vote and a majority of those voting in said election vote in favor of such recall. In the event the recall is defeated, no petition may be filed for the recall of that member for a period of one (1) year. The tribal council shall proceed in the manner prescribed in Section 1 of this article to fill the vacancy if the recall is successful.

Section 4. Forfeiture. In the event of death, resignation, conviction of a felony while in office, or failure to attend four (4) consecutive regular tribal council meetings, a tribal council member shall automatically forfeit his or her office and a vacancy shall be created. The tribal council shall proceed in the manner prescribed in Section 1 of

this article to fill the vacancy.

ARTICLE XII - POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Tribal Initiative. The eligible voters of the band shall have the right to propose legislation and vote by secret ballot to determine whether it will be adopted or rejected. Upon receipt of a valid petition signed by at least thirty percent (30%) of the eligible voters, the secretary to the tribal council shall direct the tribal election committee to call an election to be conducted pursuant to the election ordinance no later than thirty (30) days after receipt of the valid petition; Provided, that if the next regular election is six (6) months or less from the date the petition is filed, the voting on the initiative shall take place at that election. The initiative shall be adopted upon the affirmative vote of a majority of those voting in said election; Provided, that at least thirty percent (30%) of the eligible voters of the band vote in such election.

Section 2. Tribal Referendum. Upon the request of the majority of the members of the tribal council, any enacted or proposed ordinance or resolution of the tribal council shall be submitted by the tribal election committee to popular referendum of the eligible voters. The eligible voters shall be majority vote, in such referendum, decide whether the ordinance or resolution shall thereafter be in effect; Provided, at least thirty percent (30%) of the eligible voters in such referendum.

ARTICLE XIII - JUDICIAL BRANCH OF GOVERNMENT

Section 1. Tribal Judiciary. The tribal judiciary shall consist of a trial court of general jurisdiction and an appellate court.

Section 2. Powers of the Courts. All judicial powers of the band shall be vested in the tribal judiciary, including such powers as may in the future be granted or restored to the band by any law of the United States of other authority, except as limited by this constitution.

Section 3. Jurisdiction. The Judicial power of the court shall extend to all suits in law or equity arising under this constitution, tribal ordinances, or a civil and criminal code. Decisions of the tribal judiciary shall be binding upon all persons and property within the jurisdiction of the band as referenced in Article II. The appellate court of the band shall be the final and supreme interpreter of this constitution and tribal ordinances.

Section 4. Term of Office. The tribal council shall appoint persons to fill said positions for a term of two (2) years for chief judge, associate judge, and appellate judge(s) and may renew said appointments at the expiration of the term.

Section 5. Qualifications. The judges of the Kaibab Paiute Tribal Court may be any person, Indian or non-Indian, from within or without the membership of the band; Provided, that the following requirements are met:

- (a) Is twenty-one (21) years of age or older;
- (b) Has never been convicted of a felony, or within one (1) year been convicted of a misdemeanor;
- (c) Is willing to attend training sessions for tribal judges;
- (d) Will abide by an applicable judicial code of ethics; and
- (e) The chief judge and appellate judge must be capable of supervising a staff of judges, clerks and other personnel.

Section 6. Removal. No judge shall be removed except for good cause as defined by Section 2 of Article XI. Prior to removal, the judge who is the subject of a removal action shall receive written notice of the charges five (5) business days prior to a hearing before the tribal council to consider removal. At the removal hearing, said judge shall have the right to examine witnesses, shall have the right to call witnesses, and shall have the right to be represented, at the judge's own expense, by an individual of his/her own choice. An affirmative vote of four (4) members of the tribal council shall be required to remove any judge.

Section 7. Rules of Procedures. The chief judge shall issue rules of pleading, practice, and procedure applicable to any and all proceedings of the trial court and appellate court, consistent with the provisions of this constitution. In the event the chief judge fails to establish said rules, the tribal council shall have the authority to establish them.

ARTICLE XIV - LAND

All lands of the Kaibab Indian Reservation and all lands which may hereafter be acquired by the Kaibab Band of Paiute Indians or by the United States in trust for the Kaibab Band of Paiute Indians shall be held as tribal land. No part of such land

shall be mortgaged or sold, except as may be provided by Federal law. Tribal land shall not be allotted to individual Indians, but may, consistent with Federal law, be assigned to members of the band, or leased, or otherwise used by the band in accordance with such ordinances and resolutions as may be adopted by the tribal council.

ARTICLE XV - SOVEREIGN IMMUNITY

Section 1. The band shall waive its immunity to suit for declaratory and injunctive relief in tribal courts by persons subject to tribal jurisdiction for the purpose of enforcing rights and duties established by this constitution, by the ordinances of the band, and by the Indian Civil Rights Act, 25 U.S.C., Section 1301 and 1302.

Section 2. The members of the tribal council and employees acting within the scope of their authority or employment shall be personally immune from suit, and said immunity shall extend beyond their term of office for actions occurring during said term.

Section 3. Except as provided above, the band does not waive its immunity from suit in the courts of the band, the United States or of any state, unless the waiver is expressly authorized by a majority of the tribal council in writing.

ARTICLE XVI - ADOPTION OF CONSTITUTION

Section 1. Adoption. This constitution shall become effective when adopted by a majority vote of the qualified voters who cast ballots at an election called and conducted pursuant to regulations of the Secretary of the Interior for the purpose of adopting this constitution; Provided, that at least thirty percent (30%) of those registered to vote cast their ballots and the Secretary of the Interior shall have approved the same. This constitution shall become effective on the date of such approval.

Section 2. Savings Clause. All ordinances, resolutions and other expressions of policy of the band of whatever nature predating the effective date of this constitution are ratified and continued in full force and effect if such are consistent with this constitution.

Section 3. Prior Inconsistent Actions Nullified. All ordinances, resolutions and other expressions of policy of the band of whatever nature predating the effective date of this constitution that are not consistent with this constitution are superseded to the

extent they are inconsistent with this constitution.

Section 4. Former Constitution and Bylaws. The Constitution and Bylaws of the Kaibab Band of Paiute Indians of Arizona approved June 15, 1951, as amended, is hereby superceded.

ARTICLE XVII - AMENDMENTS

Section 1. Amendments to the Constitution. This constitution may be amended by a majority vote of the qualified voters of the band who cast ballots in an election called for that purpose by the Secretary of the Interior or his authorized representative and conducted pursuant to Federal regulations; Provided, that at least thirty percent (30%) of those duly registered to vote shall cast ballots in such election; but no amendment shall become effective until it is approved by the Secretary of the Interior or his authorized representative.

Section 2. Election for Amendments. It shall be the duty of the Secretary of the Interior or his authorized representative to call an election on any proposed amendment upon receipt of a resolution adopted by two-thirds (2/3) of the entire tribal council or upon receipt of a petition signed by at least twenty-five percent (25%) of the eligible voters of the band.

ARTICLE XVIII - SEVERABILITY

If any provision of this constitution 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 XIX - CERTIFICATE OF RESULTS

Pursuant to an order issued on OCT 30 1986, 1986, by /S/ Ross O. Swimmer, Assistant Secretary - Indian Affairs, the foregoing Constitution of the Kaibab Band of Paiute Indians of Arizona, was submitted for adoption to the qualified voters of the band and was on June 20, 1987, duly adopted/rejected by a vote of 23 for, and 2 against, in an election in which at least thirty percent (number) (number) (30%) of the 40 entitled to vote, cast their ballots in accordance with Section (number) 16 of the Indian Reorganization Act on June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), and May 1, 1936 (49 Stat. 1250).

[Signature]
Chairman, Election Board

[Signature]
Election Board Member

[Signature]
Election Board Member

ARTICLE XX - APPROVAL

I, /S/ Ross O. Swimmer, Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 209 DM 8.3, do hereby approve the Constitution of the Kaibab Band of Paiute Indians of Arizona. It is effective as of this date; provided, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

[Signature]
Assistant Secretary - Indian Affairs

Washington, DC

Date: JUL 14 1987

AMENDMENT
CONSTITUTION
OF THE
KAIBAB BAND OF PAUITE INDIANS
OF THE
KAIBAB INDIAN RESERVATION, ARIZONA

PROPOSED AMENDMENT I

Subsection (b) of Section 1 of Article VII - MEETINGS, shall be amended to read as follows:

- (b) General Council Meetings. The tribal council shall hold an annual general council meeting of the band on the first Saturday in October. The time and procedures for the general council meetings shall be determined by the tribal council by ordinance and timely notice of the meeting shall be made to the general membership. The chairman shall preside over that meeting. A quorum shall consist of one-fifth (1/5) of the eligible voters of the Tribe. No business of the general council shall be conducted unless a quorum of the eligible voters of the Tribe is present.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial Election authorized by the Acting Phoenix Area Director, on May 27, 1994, the attached Proposed Amendment I to the Constitution of the Kaibab Paiute Tribe was submitted to the qualified voters of the Tribe and on August 13, 1994, was duly adopted/rejected by a vote of 12 for, and 1 against, and 0 cast (number) (number) (number) ballots found spoiled or mutilated in an election in which at least thirty percent (30%) of the 26 members entitled to vote, (number) cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat.984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Philbert H. Swain
Chairman, Election Board

Ora Segundo
Election Board Member

Ando Hico
Election Board Member

Date: August 19, 1994

A P P R O V A L

I, Walter R. Mills, Area Director, Phoenix Area Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior, or his Authorized Representative by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 1.4, do hereby approve the Amendment I to the Constitution of the Kaibab Band of Paiute Indians. This Amendment to the Constitution is effective as of this date, provided, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.



Area Director, Phoenix
Bureau of Indians Affairs