

GRBOI Constitution and By-Laws
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CONSTITUTION AND BY-LAWS
OF
GRAND RIVER BANDS OF OTTAWA INDIANS

ARTICLE I

PREAMBLE

The Grand River Bands of Ottawa Indians in order to provide for the preservation of our way of life and the welfare of our people establish this Constitution. Until a constitution is ratified pursuant to the Indian Reorganization Act, 25 USC §461 *et seq.*, this Constitution shall also serve as the bylaws for the GRAND RIVER BANDS OF OTTAWA INDIANS, INC., and references to Tribe or Tribal shall be understood to pertain to the GRAND RIVER BANDS OF OTTAWA INDIANS, INC.

ARTICLE II

INCORPORATION AND LOCATION

Section 1. The GRAND RIVER BANDS OF OTTAWA INDIANS, INC. is a Nonprofit Corporation incorporated under the Laws of the State of Michigan by the Grand River Bands of Ottawa Indians.

Section 2. The Principal Office shall be located in Grand Rapids, Michigan.

Section 3. Upon ratification of a constitution for Grand River Bands of Ottawa Indians under the Indian Reorganization Act the GRAND RIVER BANDS OF OTTAWA INDIANS, INC. shall be dissolved or established as a subordinate entity of the Tribe.

Section 4. Articles II and III and Sections 2 and 3 of Article IV pertain only to the GRAND RIVER BANDS OF OTTAWA INDIANS, INC..

ARTICLE III

CORPORATE PURPOSES

The GRAND RIVER BANDS OF OTTAWA INDIANS, INC. is organized exclusively for charitable, religious, and educational purposes as defined in Section 501(c) (3) of the Internal Revenue Code of 1954, as amended, and shall limit its activities to those permitted a corporation organized under Section 501(c) (3) of the Internal Revenue Code of 1954, as amended.

ARTICLE IV

PURPOSES

The purposes for which the Constitution and Bylaws were established shall include, but not be limited to:

To provide for the preservation of our way of life and the welfare of our people, and provide interim governance of the tribe;

To promote and restore the harmony and cooperation between the Grand River Bands, other Michigan Ottawa and Chippewa bands, and the general public;

To promote and preserve our culture, crafts and traditions by all means including the education of our members and the general public;

To coordinate and administer housing, economic development, and social service programs and to serve as a clearinghouse for information and mutual assistance on behalf of the Grand River Bands, communities and persons comprising this organization and through cooperation with other governments, agencies and organizations;

To engage in any and all activities incidental to the foregoing purposes including but not limited to: (a) identifying and maintaining a roll of descendants of the Grand River Bands of Ottawa Indians; (b) initiating and coordinating the necessary activities leading to restoration and reaffirmation of the Grand River

Bands of Ottawa Indians as a federally-recognized Indian tribe; and, (c) the acquisition of land and other resources necessary to carry out the foregoing purposes, (d) to receive and administer grants, gifts of real or personal property, bequests and devises.

Section 2. The GRAND RIVER BANDS OF OTTAWA INDIANS, INC. shall not as a substantial part of its activities attempt to influence legislation.

Section 3. The GRAND RIVER BANDS OF OTTAWA INDIANS, INC. shall not participate in or intervene in any political campaign on behalf of any candidate for public office.

ARTICLE V

TRIBAL COUNCIL

Section 1. The operation and business of the Tribe shall be vested in the Tribal Council.

Section 2. The Tribal Council shall consist of nine (9) persons.

Section 3. ELECTION OF TRIBAL COUNCIL MEMBERS .

a) INITIAL ELECTION

(1) Election of members to the Tribal Council shall be conducted at a TRIBAL COUNCIL MEETING called for that purpose.

(2) Each member of the Tribe attending such meeting shall be entitled to one (1) vote.

(3) Nominations of persons to serve on the Tribal Council may be made from the floor.

(4) The four (4) persons receiving the highest number of votes shall serve as the Tribal Council. These four (4) persons constitute the entire

Tribal Council until new members are appointed pursuant to Article V, Section 3(b) and the newly appointed Tribal Council members meet the requirements of Article V, Section 4.

(5) **TERMS OF SERVICE:** The four (4) members of the Tribal Council elected pursuant to this section shall serve until their terms of office expire as designated by the Tribal Council in Article V, Section 3(b)(2) and (3).

(b) INTERIM APPOINTMENTS TO EXPAND COUNCIL TO NINE MEMBERS

(1) The current Tribal Council elected at the initial election shall appoint five (5) additional members to the Tribal Council.

(2) The current Tribal Council elected at the initial election shall continue in office until a council member elected at the annual meeting in 2001 takes office. The five members appointed by the Tribal Council shall continue in office until a council member elected at the annual meeting in 1999 takes office.

(3) To implement staggered terms of office for the next two elections as specified under Section 3 (c) the current Tribal Council shall extend terms of office of current council members.

(c) SUBSEQUENT ELECTIONS.

(1) Election of members of the Tribal Council shall be conducted at the annual membership every other

year beginning in 1999 to fill positions on the Tribal Council where the term of office expires in that year.

- (2) Each member of the Tribe over the age of 18 shall be entitled to one (1) vote for each seat open in election of members to the Tribal Council.
- (3) The Tribal Council may enact appropriate ordinances to implement nominations and the holding of subsequent elections.

Section 4. QUALIFICATIONS FOR TRIBAL COUNCIL. After the adoption of this amendment to the Constitution and Bylaws no person shall be eligible to be appointed to, stand for election or be elected to the Tribal Council unless that person is a eligible for membership in the Tribe and has become a member through the membership procedures adopted by the Tribal Council.

Section 5. TERMS OF SERVICE. Except as limited in Section 3 of this Article, each member of the Tribal Council shall serve for a term of four (4) years.

Section 6. CONTINUOUS SERVICE ALLOWED. There shall be no prohibition against continuous service.

Section 7. VACANCIES. If, for any reason, a vacancy or vacancies occur on the Tribal Council, the remaining members of the Tribal Council shall appoint a person to fill the vacancy.

Section 8. REMOVAL.

- (a) Any Tribal Council member absent from two (2) consecutive REGULAR MEETINGS of the Tribal Council, without an acceptable excuse, may be dismissed and removed from the Tribal Council by majority vote of the Tribal Council.

(b) A Tribal Council member may also be removed for gross misconduct, including any violation of federal or state law, a violation of this constitution and bylaws or any duly enacted resolution or law of the Tribal Council.

(c) An official charged with gross misconduct shall be provided written notice of the charges against him/her and shall be provided with a hearing before the Tribal Council and opportunity to respond to such charges.

ARTICLE VI

MEMBERSHIP

Section 1. MEMBERSHIP ROLL. An individual is eligible for inclusion on the membership roll, if that individual-

- (a) Is at least one-fourth (1/4) documented Indian blood; and,
- (b) traces to members of the Grand River Bands whose members are included on the Durant Roll of 1908 as approved by the Secretary of the Interior on February 18, 1910; or,
- (c) Traces to individuals on the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan listed under the following chiefs:

Ne-be-nay-ke-zhick	Pay-shaw-se-ga
Maw-beece	Kaw-gay-gaw-bo-we
Me-tay-wis	Naw-gaw-ne-quo-ung
Aish-ke-baw-gosh	Maish-ke-aw-she
Shaw-be-quo-ung	Ching-gwa-she
Pay-baw-me	Aw-ke-be-mo-say
Maish-key	Me-tay-o-mig
Aish-quay-o-say	A-ken-bell
Pe-Nay-Se	Waw-be-gay-kake
Pay-Quo-Tush	

and,

- (d) is not currently enrolled in any other federally-recognized or state-historic Indian tribe, band, or group.

Section 2. FUTURE MEMBERS.

- (a) Descendants of members are eligible for enrollment as members if they are of at least one-fourth (1/4) Indian blood and,
- (b) are not currently enrolled in any other federally-recognized or state-historic Indian tribe, band, or group.

Section 3. DUAL MEMBERSHIP PROHIBITION. No person shall be eligible to be a member of the Grand River Bands of Ottawa Indians if that person is enrolled in another federally-recognized or state-historic Indian tribe, band, or group. Any member of the Grand River Bands of Ottawa Indians who applies for and is accepted as a member of another federally-recognized Indian tribe, band, or group shall be subject to disenrollment.

Section 4. MEMBERSHIP PROCEDURE. The Tribal Council shall promulgate ordinances governing enrollment, disenrollment, and adoption.

Section 5. RIGHT OF APPEAL. Any person whose application for membership has been denied or who has been disenrolled shall have a right to appeal to the Tribal Council.

ARTICLE VII

MEETINGS

Section 1. TRIBAL COUNCIL.

- (a) **REGULAR MEETINGS.** The Tribal Council shall meet once a month. Each REGULAR MEETING shall be held at a date, time, and place established by the Tribal Council at the immediate preceding REGULAR MEETING.

(b) SPECIAL MEETINGS.

(1) SPECIAL MEETINGS may be called at any time, provided three (3) days written notice of such meeting is made to all members of the Tribal Council.

(2) Any five (5) members of the Tribal Council may call a SPECIAL MEETING of the Tribal Council.

(3) All business transacted at such SPECIAL MEETING shall be limited to the specific purposes for which the meeting was called.

Section 2. MEMBERSHIP. The membership of the Tribe shall meet once each year. The MEMBERSHIP MEETING shall be held at a date, time, and place established by the Tribal Council at the immediate preceding MEMBERSHIP MEETING.

ARTICLE VIII

CONDUCT OF BUSINESS

Section 1. QUORUM. Five (5) members of the Tribal Council shall constitute a quorum to conduct the official business of the Tribe.

Section 2. MAJORITY VOTE. Official Tribal business shall be conducted by majority vote, unless otherwise specified herein.

Section 3. Telephone conference call to conduct Tribal business shall be permitted.

Section 4. Proxy voting shall be permitted by written proxy.

ARTICLE IX

TRIBAL OFFICERS

Section 1. The following Tribal Officers shall be nominated from the Tribal Council and elected by majority vote of the Tribal Council members:

- (a) Chairperson
- (b) Vice-Chairperson
- (c) Secretary
- (d) Treasurer

Section 2. TERM OF OFFICE. The term to be served by each newly elected Tribal Officer should be two (2) years from their date of being elected to the Officers position.

Section 3. VACANCIES. If, for any reason, a vacancy or vacancies occur in the Tribal Officer positions, the Tribal Council shall seat a person to complete the unexpired term.

Section 4. RESIGNATIONS. Tribal Officers may resign at any time by giving written notice of such resignation to each member of the Tribal Council.

ARTICLE X

DUTIES OF THE TRIBAL OFFICERS

Section 1. CHAIRPERSON. The Chairperson shall preside at meetings of the Tribal Council. The Chairperson shall sign, with any other Officer so Designated, any instrument authorized by the Council to be executed for the Tribe. The Chairperson shall perform all duties incident to the Office and such other duties as become necessary or as the Council may prescribe from time to time.

Section 2. VICE-CHAIRPERSON. The Vice-Chairperson shall perform the duties of the Chairperson in the event of the Chairperson's absence, refusal to

carry out an express mandate of the Tribal Council, or inability to act. An affirmative vote of five (5) of the Tribal Council shall be necessary to determine that the Chairperson is unable to perform the duties of the Office. Further duties of Vice-Chairperson shall be prescribed by the Tribal Council.

Section 3. SECRETARY. The Secretary shall ensure the following: recording the minutes and Notice of the next Council Meeting, Regular or Special, to the Council Members within the time limits prescribed by these By-laws; preserve the Tribal records; and such other duties as shall be prescribed by the Tribal Council.

Section 4. TREASURER. The Treasurer shall ensure the following: Report receipt and disbursement of all funds, securities, and assets and liabilities at each REGULAR MEETING to the Tribal Council; keep full and accurate accounts of receipts and expenditures; make full reports of the same at each REGULAR MEETING and such other times as may be designated by the Council; deposit all funds of the Tribe in an approved bank; execute all necessary drafts for payment of bills, expenses, or such other outlays of funds passed upon by the Council, and for no other purpose unless authorized by the Tribal Council. All drafts of the Corporation shall require the signature of the Treasurer and/or one other Officer designated by the Tribal Council.

ARTICLE XI

POWERS OF THE TRIBAL COUNCIL

The Tribal Council shall exercise all powers that may be exercised by the governing body of an Indian tribe, subject to any limitations imposed by the laws of the United States and subject further to all express restrictions upon such powers contained in this constitution and bylaws. The following powers shall be illustrative of the powers of the Tribal Council but shall not be construed as a limitation on the powers of the Tribal Council.

- (a) To employ legal counsel, subject to the approval of the Secretary of the Interior, if required by federal law;
- (b) To negotiate and consult with the Federal, State and local governments on behalf of the Grand River Bands;
- (c) To expend funds for public purposes of the Bands and to regulate the conduct of trade and the acquisition, use and disposition of property;
- (d) To promulgate and enforce ordinances governing the conduct of persons subject to the jurisdiction of the Bands, to establish a tribal court and define its duties and powers;
- (e) To adopt resolutions, ordinances and codes, providing for the licensing, regulation, and control of Bands members who hunt, fish, trap, gather fruits of the earth or exercise other usual rights of occupancy upon or within the territory or jurisdiction of the Bands;
- (f) To manage, lease, acquire or otherwise deal with tribal lands, interests in lands and waters or other assets of the Bands;
- (g) To manage any and all economic affairs and enterprises of the Bands and to engage in any business not contrary to federal law that will further the economic development of the Bands or its members, and to use the Bands funds or other resources of the Bands for such purposes;
- (h) To establish and delegate to subordinate boards, organizations, officers, committees, or other Bands groups, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power or to cancel any delegation.

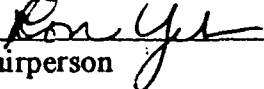
ARTICLE XII
AMENDMENTS


Section 1. ARTICLES OF INCORPORATION. The Articles of Incorporation may be amended by a unanimous vote of the members of the Tribal Council. Twenty (20) calendar days written Notice of the Intent to Amend the Articles of Incorporation shall be given. Such Notice shall set forth specifically the amendment(s) proposed.

Section 2. CONSTITUTIONS AND BY-LAWS. The Constitution and By-laws may be amended by a majority vote of the members of the Tribal Council.

CERTIFICATE OF ADOPTION

The undersigned certify that the amended Constitution and Bylaws were duly adopted at a meeting of the Tribal Council on the 1st the day of December, 1997.


Chairperson


Secretary