

CONSTITUTION AND BY-LAWS
OF THE
CHIHENE NDE NATION OF NEW MEXICO



2012 EDITION

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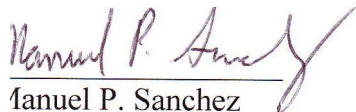
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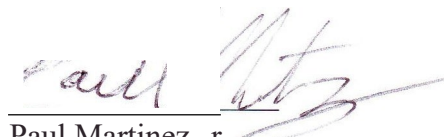
Forward from Tribal Chair and Council

The Tribal Council/Board of Director of the Chihene Nde Nation of New Mexico has ratified and adopted this Constitution and By-laws on January 21, 2012, in San Lorenzo, NM, during the quarterly meeting.

This shall serve as our official governance instrument in maintammg the decorum, protocol and operations procedures for this body pursuant to state and federal laws and regulations.

We the elected officer of this body execute and attest to the approval by majority vote and approval of our Board or Directors, referred to as the Tribal Council on this 21st day of January 2012, in the county of Dofia Ana, state of New Mexico.


Manuel P. Sanchez
Chairman


Paul Martinez, r.
Secretary

Chihene Nde Nation of New Mexico
CONSTITUTION AND BYLAWS

I. PREAMBLE

Under the guidance of our Creator, we the People of the Chihene Nde Nation of New Mexico, in order to establish a sovereign nation, whose aims are to promote unity amongst its people, to secure for ourselves and our children the blessings and responsibilities of freedom, to preserve our language, culture, tribal traditions, and to exercise our indigenous right to self-govern, do hereby adopt this Constitution and Bylaws.

**II. LEGAL PROVISIONS OF THE
CHIHENE NDE NATION OF NEW MEXICO**

ARTICLE I - NAME:

The name of this body shall be the "Chihene Nde Nation of New Mexico."

ARTICLE II - PHILOSOPHY, AIMS AND PURPOSE:

The purpose of this body shall be:

- To establish federal re-recognition and State support of the Chihene Nde Nation of New Mexico.
- To promote, teach and preserve the language of the Chihene Nde.
- To promote and preserve the culture and tribal traditions of the Chihene Nde.
- To promote and advocate for quality education that will equip our people to be self-reliant and self-sufficient.
- To teach the history of our people, protect historical and sacred sites.
- To develop economic independence and sustainability for the Chihene Nde Nation of New Mexico.

ARTICLE III- BILL OF RIGHTS:

This Constitution will not in any way impede on the rights of the members of the Chihene Nde Nation of New Mexico as citizens of the United States, or any other State or Country, which a member resides. Members have freedom of spirituality, worship, speech, press, assembly and association.

Individual property rights of the Chihene Nde Nation of New Mexico will not be affected by this Constitution and Bylaws.

All rights in Article 8 will not limit or restrict the rights of its members granted by the Indian Civil Rights Act of 1968. All members will continue to enjoy their rights as United States citizens and as part of a Sovereign Apache Band.

III. ORGANIZATIONAL STRUCTURE

ARTICLE I- STATUS:

The Chihene Nde Nation of New Mexico is organized as a domestic non-profit organization in the state of New Mexico. The Tribal Organization is seeking tax exempt status with the Internal Revenue Service, pursuant to Sections 501 (c) of the United States Revenue Code. Once the organization becomes federally recognized as an American Indian Tribe, the Tribe will notify the IRS and request an advance ruling to be reclassified into the appropriate Section of the United States Internal Revenue Code.

ARTICLE II- TRIBAL MEMBERSHIP:

Section 1.-General Assembly:

The Chihene Nde Nation of New Mexico shall have the authority to remedy any future amendments, subject to the approval of the Secretary of the Interior, including and not limited to future membership. All official records of the Membership shall be maintained and housed by the Tribe.

Section 2- Membership Enrollment Criteria:

Membership Enrollment in the Chihene Nde Nation of New Mexico must be met by one of the following criteria listed below:

- A. All applicants who can prove Chihene Nde (Warm Springs) or any Apache bloodline thru genealogical birth (lineal descendant), supported by documentation. A policy shall be established by the Membership Committee and approved by Tribal Council. Once an applicant has been validated by the Membership Committee, the enrollment application for membership will be referred to the Tribal Council for final approval.
- B. All applicants whose parent(s) or legal guardian (s) are members of another Native American Band or Tribe of Apache, are eligible for membership as a member of the Chihene Nde Nation of New Mexico provided he/she meets the application criteria as described in Article II, Sections 2 and 3.
- C. Application for membership must be supported by documentation of Census rolls, a copy of a certified birth certificate, baptism records recognized as official government documents, and in special circumstances concerning the lack of the aforementioned documentation, the applicant may submit certified MTDNA or YDNA as scientific evidence to prove Apache heritage. This process must be validated by the Chihene Nde Nation of New Mexico Membership Committee and approved by the Tribal Council.
- D. If the applicant has met the criteria for application, the applicant must be interviewed and voted on by the Membership Committee of the Chihene Nde Nation of New Mexico. If the Membership Committee approves the applicant for membership, the Membership Committee must refer application for final approval by Tribal Council at the next available meeting. If the applicant is a member of another federally recognized tribe, the applicant must relinquish his/her

membership and affiliation in the respective nation in writing. All relinquishments for an applicant under the age of eighteen must be signed by his/her legal guardian(s) and all documentation must be notarized. Supporting documentation from any and all other Native Nations must be filed with the Membership Committee in order to finalize enrollment.

- E. Any findings of falsified documentation are cause for immediate removal from the Chihene Nde Nation of New Mexico.
- F. Tribal Membership records will be housed and maintained in New Mexico at the discretion of the Tribal Council, until a permanent office is secured. The Secretary or Registered Agent may house records in the interim for the purposes of inspection by federal authority during the re-recognition process outlined in the Code of Federal Regulations.

Section 3- Application for Membership by Other Native American Bands or Tribes of Chiricahua Apache:

All applicants must meet the requirements of Chihene Nde Nation of New Mexico for membership under Article 2, Section 2. Member(s) of another Native American or Indigenous North American Apache Band may, upon filing an application, be considered for membership of the Chihene Nde Nation of New Mexico.

Section 4- Adopted Children:

- A. Children adopted by a current Band member(s) may be enrolled as a member of the Chihene Nde Nation of New Mexico. The adopted children must reside and be under the supervision of the adopted parent(s) or legal guardian(s) until age eighteen (18). When the child has attained the age of eighteen (18), he/she may continue to be a member with full membership privileges in the Band. Under traditional custom, a child raised in a Chihene family is entitled to full membership.

Section 5- Loss of Membership:

- A. Any adult member of the Chihene Nde Nation of New Mexico who wishes to relinquish his/her membership in the Band must do so in writing. A notarized letter must be submitted to the Secretary, so the requesting member may be withdrawn from membership in the Chihene Nde Nation of New Mexico. A member who relinquishes his or her membership does so in a permanent capacity.
- B. Any adult member who by their action, or if a minor, the action of his/her parent(s) or legal guardian(s) becomes approved for membership, or becomes a member of another Native American Tribe or Band, shall by virtue of said action, be removed from membership in the Chihene Nde Nation of New Mexico by the Tribal Council.
- C. Any member who acts willful or malicious against the Tribe to either publically discredit efforts, acts of treason, sabotage or whose actions adversely effect and/or

harms the Chihene Nde Nation of NM, may be removed or banned from membership indefinitely by the Tribal Council.

- D. A member that is being considered to be removed or banned by the Tribal Council shall be afforded a hearing at the Tribal Council's discretion. The Chair will place matter on the Tribal Council agenda. The hearing will be closed session. The accused member will be issued a "contemplated action notice" for a hearing via U.S. Mail to the charged member's last known address. The charged member will be afforded thirty (30) minutes to rebut or refute charges. The accused will be allowed to present defense uninterrupted. Disruptive or disorderly behavior may cause hearing to cease. The Tribal Council will vote in open meeting to remove or ban a member with or without the charged member having to be present.

ARTICLE III-TRIBAL GOVERNMENT:

Section 1- General Assembly Powers and Authority:

All members eighteen (18) years of age or older of the Chihene Nde Nation of New Mexico whom attend the Annual June Gathering for the purpose of voting shall be known as the General Assembly. The General Assembly may grant other powers and authority to the Tribal Council as it deems appropriate by amendment to this Constitution and By-laws.

Section 2- Tribal Council Powers and Authority:

The Tribal Council shall have full authority and responsibility to act on behalf of the membership of the Chihene Nde Nation of New Mexico, in all business matters in which it is instructed to act on now or in the future. The Tribal Council shall have authority to determine eligibility for emollment and membership validation; including and not limited to the Indian Welfare Act of Congress 1936 and the Indian Child Welfare Act of Congress 1978.

Section 3- Tribal Council Members:

The Tribal Council will be composed of the following elected Officers: Chair, Vice-Chair, Secretary and Treasurer. This will be in affect until organization gains federal re-recognition as an American Indian Tribe. In addition, the Tribal Council will also be composed of the following elected members: two (2) Elders, and three (3) Members-at-Large. The Members-at-Large and the four (4) officer will be elected by the membership present at the June Annual Tribal Gathering in New Mexico on the even number year. The Members at Large can be from any jurisdictions, but must be willing to attend quarterly Tribal Council Meetings. The Tribal Council shall perform the duties of elected office as described in Article III, Section 4. The majority of the Tribal Council must reside in New Mexico.

The Tribal Council will meet quarterly as defined in 53-8-13NMSA (1978), as a domestic non-profit New Mexico Corporation, until the Tribe has been federally re-recognized.

All members of the Tribal Council or appointed Committees shall sign a Non-disclosure, Confidentiality and Intellectual Property Agreement.

Section 4- Duties of Tribal Council:

The Tribal Council has the following duties:

- A. To provide current procedures for enrollment; receive all applications for enrollment; create and establish a current up-to-date membership roll.
- B. To develop and oversee the band operations, proposals and resolution passed.
- C. To engage in meetings and faithful negotiations with all governments to include federal and/or state governments, municipalities, sovereign Native American Bands or Tribes, and to promote the purposes of the Chihene Nde Nation of New Mexico as defined in Article 2, Section 1.
- D. To prepare for the Annual Gathering of the General Assembly Elections, and to provide quarterly News Letters containing reports on Tribal Council activities.

Section 5- Duties of Officers:

Subsection 1- Chair:

- A. The Chair will preside at all meetings of the Tribal Council. He/She will perform all duties of the Office of the Chair.
- B. The Chair shall engage in activities that best represent the welfare of the Tribe, Tribal Council or the will of the General Assembly thru platforms or resolutions adopted.
- C. The Chair will appoint and announce, as soon as reasonably practical, the membership of all committees for the following year.
- D. The Chair shall be an ex-officio member of every committee, unless the Chair, with the approval of the Tribal Council, delegates his or her ex-officio status to another member of the Tribal Council.
- E. The Chair shall submit an annual budget to the Tribal Council for review and approval at the first meeting following an election.

Subsection 2- Vice-Chair:

- A. The Vice-Chair shall serve in the absence of the Chair, and when serving, shall have all the privileges, duties and powers of the Chair.
- B. The Vice-Chair will succeed to the office of the Chair, in the event of death, resignation, or removal of the Chair. The Vice-Chair will immediately serve as Chair for the remainder of the unexpired term.
- C. The Vice-Chair will serve as the Chair of the Annual Gathering Committee to plan and coordinate meetings and activities of the Band each June.

Subsection 3- Secretary:

- A. The Secretary shall keep an accurate account of all meetings and will be the custodian of all official records of the Chihene Nde Nation of New Mexico and of the Tribal Council.
- B. The Secretary shall be responsible for all correspondence pertaining to the business of the General Assembly and of the Tribal Council.
- C. The Secretary shall make available all official records, to be available for inspection at a reasonable time, by any member of the General Assembly or the Tribal Council in his/her presence.
- D. The Secretary shall maintain an accurate up-to-date list of all General Membership, Tribal Council members, and all Committee Chairs and appointments. In the absence of the Chair and Vice-Chair, the Secretary shall preside at meetings of the General Assembly and the Tribal Council.

Subsection 4- Treasurer:

- A. The Treasurer is the custodian of all funds for the Band from all sources. He/she shall keep an accurate record of all funds and make disbursements according to a properly written and signed resolution of the Tribal Council. He/She shall provide a written report at the Annual Gathering and Meeting of the General Assembly, and at each regular scheduled meeting of the Tribal Council.
- B. An Audit Committee may audit any and all books at any time necessary or under the direction of the Tribal Council.

Section 6- Duties of Elders:

- A. All Elders shall by virtue of their elected office, be under the direction of the General Assembly in all matters concerning the Chihene Nde Nation of New Mexico. Elders may have other duties delegated to them by the Tribal Council at their discretion.
- B. Elders shall represent and uphold the goodwill and welfare of all members of the Band.
- C. Elders shall promote the purposes of this Band as defined in Article 2, Section 2.1 as Ambassadors of the Chihene Nde Nation of New Mexico.
- D. Elders are elected or appointed by family clans of more than 10 members. They oversee and resolve family related issues, conflicts or disputes in the Nde (Apache) customs or traditions. Their statuses as elders are ratified at the General Assembly.
- E. They will report to a Council of Elders. They will elect their own Chairperson and collectively elect members of their peers to the Tribal Council. Those members must be willing to attend Tribal Council meetings and represent the best interest of the Tribal Elders, customs and traditions of the Nde people.
- F. The Council of Elders shall maintain the cultural traditions and provide the Tribe direction with respect to customs, heritage and traditions. The Council of Elders may meet at their discretion.

Section 7- Duties of Members-at-Large:

- A. All Members-at-Large are elected to office by the members present at the General Assembly. They shall represent the best interest of the Chihene Nde Nation of New Mexico. Members-at-Large may have other duties delegated to them by the Tribal Council.
- B. Members-at-Large shall represent and uphold the goodwill and welfare of all members of the Band.
- C. Members-at-Large may request matters of interest to be placed on the Agenda of the Tribal Council. They will request this through the Chair or Chair's designee for a matter to be placed on the agenda for consideration, review and approval of the Tribal Council.
- E. Members-at-Large may be appointed as a liaison to one or more standing or special committees, as assigned by the Tribal Council Chair.

Section 8- Transfer of Records:

- A. At the expiration or termination of elected office, all Tribal Council members (Officers and Members-at- Large) shall transfer over all Band property, records and funds to their successor within ten (10) business days.
- B. Any elected official of the Tribal Council who refuse to turn over any Band property, funds and or records, will pay all legal fees associated in the retrieval of property, records and or funds.
- C. Accepting an elected Tribal Council position recognizes these fiduciary duties.

ARTICLE IV- MEETINGS:

Section 1- Meetings of the General Assembly:

- A. These meetings are held at the Annual Gathering, which are held on the fourth Saturday in June of each year, for purposes of elections, caucuses, receiving reports, town hall meetings to approved or vote on platform, resolutions or Constitutional Amendments of the Band.
- B. Special meetings of the General Assembly may be called by a majority of the Tribal Council, or a petition of more than two-thirds of registered members for the purpose of a recall or emergency election. Notice must be given thirty (30) days prior to such special meeting or election.
- C. All meetings of the General Assembly will be directed according to Robert's Rules of Order, except when Robert's Rules of Order may conflict with this Constitution and Bylaws.
- D. The validated members of the Band over the age of eighteen (18) that are in attendance of the General Assembly shall constitute a quorum necessary to conduct any business of the General Assembly.

Section 2- Meetings of the Tribal Council:

- A. The first meeting of the Tribal Council will be held immediately following the Election of Tribal Council.
- B. The Tribal Council meetings shall be held at least quarterly at such site as the Tribal Council may designate. They must be held in the State of New Mexico. Dates for regular meetings of the Tribal Council for the ensuing year shall be set at the first meeting following the election and shall be published on the Band New Letter or Web site.
- C. Special meetings of the Tribal Council may be called at the discretion of the Chairman of the Tribal Council, or by written request by a majority of Tribal Council members filed with the Secretary. If the Chair fails or refuses to respond to a request for a period of five (5) calendar days, the Vice-Chair designated by a majority of Tribal Council members joining in the request shall call the meeting. The date fixed for said meeting shall not be less than five (5) days.
- D. All Tribal Council business meetings shall be open to members of the band and others invited by the Tribal Council.
- E. Meetings of the Tribal Council may be conducted by web or telephone communications, except for the Annual Gathering and Meeting held in June of each year.
- F. The Tribal Council will conduct all meetings using parliamentary procedures at the discretion of the Tribal Council. When in conflict or if this Constitution or By-laws are silent on an issue or procedure, the Tribal Council will have discretion to use parliamentary procedures they deem necessary and appropriate.
- G. One-Third (1/3) of the Tribal Council shall constitute a quorum to conduct any business of the Tribal Council.

ARTICLE V- ELECTIONS AND TERMS OF OFFICE:

Section 1- Tribal Council Elections:

The Tribal Council elections will be held at the Annual Gathering and/or Meeting of the General Assembly the fourth weekend of June of the even numbered year. All elected officials of the Tribal Council must be elected as prescribed below:

- A. Elected officials (Officers and Members-at-Large) shall be elected for two-year terms.
- B. Elected officials (Officers and Members-at-Large) cannot hold more than one position in the Tribal Council.
- C. Elder members to serve on Tribal Council will be elected among and by the Council of Elders during the Annual Gathering as stipulated in Section 1.

Section 2- Election by Acclamation:

When only one candidate has announced his or her candidacy for elected office (Officers and Members-at-Large) to fill a vacancy on the Tribal Council, the sole candidate shall be deemed elected by acclamation and so certified.

Section 3- Candidates for Elected Office:

All candidates who announce their candidacy for an elected position (Officers and Members-at-Large) may submit a brief biography and describe their qualifications for office. Candidates should bring strong leadership and ethical values to benefit the Band and further the goals of the Chihene Nde people.

- A. All elected officials (Officers and Members-at-Large) will be elected as terms expire or as applicable. The Tribal Council Chair or, in the event of his/her absence, the next officer in line will order special elections, when required under these Bylaws in order to replace, recall, or to fill any vacancies.
- B. The procedures for Tribal Council elections, including eligibility requirements, will be prescribed and provided for by an Election Committee adopted by the Tribal Council of the Chihene Nde Nation of New Mexico and governed by the Election Committee.
- C. All voting at the Tribal Council elections will be conducted by a secret ballot system overseen by the Election Committee. During the Annual Gathering Meeting, there shall be no voting by proxy. Absentee voting rules and procedures will be overseen by an Election Committee, if cost and budget of Tribe permits.
- D. Installation of elected officials (Officers and Members-at-Large) shall be performed immediately after an election is certified by the Election Committee.
- E. All members of the Chihene Nde Nation of New Mexico eighteen (18) years of age or older are entitled to vote in any election of the Tribal Council.

Section 4- Eligibility for Elected Office:

- A. A member of the Chihene Nde Nation of New Mexico who is eighteen (18) years or older is eligible to run for an elected office.
- B. A member of the Chihene Nde Nation of New Mexico who has not been convicted of a felony in the last ten (10) years, and has served his/her sentence and has shown proof of rehabilitation is eligible to run for an elected office. Those barred from elected office include individuals convicted of murder, rape, child molestation, or embezzlement.

Section 5- Vacancies:

The following shall transpire in the event of a vacancy on the Tribal Council:

- A. The Tribal Council Chair will appoint an interim officer. The appointment must be ratified by the Tribal Council.

- B. The appointed officer will serve the remaining term of office until the next regular scheduled election held at the Annual Gathering on the even numbered year.
- C. Members wishing to be appointed to a vacancy must submit a letter of interest to the Tribal Council outlining his or her qualifications and reasons as to why he or she would like to serve. Vacancies to Member-at-Large positions retain state jurisdiction requirements as defined by Article III, Section 3.

Section 6- Election Committee:

- A. The Tribal Council will appoint an Election Committee of at least six (6) members of the Chihene Nde Nation of New Mexico. The Election Committee will verify eligible voters, will oversee elections, certify elections, and will settle election disputes.
- B. The term for an appointed Election Committee member shall be two (2) years from the date of such an appointment by the Tribal Council.
- C. A member of the Election Committee must be eighteen (18) years or older. The Tribal Council shall describe in writing the ethical responsibilities and duties of the Election Committee. Members wishing to serve on the Elections Committee must submit a letter of interest to the Tribal Council. The Tribal Council may require this Committee to sign an Affidavit of Due Diligence and Oath of Office.
- D. All allegations of impropriety of the Election Committee must be submitted in writing to the Tribal Council. A detailed account of impropriety shall disclose alleged violations, names of witnesses, and all evidence supporting accusations. These challenges must be presented to the Assembly. If there is merit to complaints, the Tribal Council may recall and hold new elections at the Annual Gathering. Elections Committee are appointed by the Chair and are either appointed or reappointed at the beginning of the term of office. Chair or Tribal Council may remove members, who committed any improprieties while serving in the official capacity of the Election Committee.

ARTICLE VI-Financial Provisions:

Section 1-Revenue Sources:

- A. Donations: All donations by individuals or institutions shall be made to the Tribe or approved and authorized fiscal agent, unless the donor indicates a specific division of the Tribe as a recipient, or unless the donor specifies a specific purpose for the donation. The Tribe or its fiscal agent can receive donations intended by the donor to qualify for tax exemption if they are qualified to receive such tax deductible contributions.
- B. Endowments: All endowments made to the Tribe or any of its subordinate divisions shall be guided by the provisions in Subsection A., above.
- C. Sales: The Tribe as such or through its subordinate divisions may derive monies from the sale of articles such as Constitutions, pins, emblems, decals and similar items that it may develop from time to time for such purpose.

D. Other Sources of Funds: The administrative divisions of the Tribe may carry through such projects as bingos, dances, raffles, dinners, and the like for the purpose of raising funds for general operation expenses or specific projects. Strict accounting shall be made of these funds to the Tribe or members, as the case may determine.

Section 2-Budgets:

A. The Treasurer in consultation with the Tribal Council Chair shall prepare and propose an annual budget to the Tribal Council during the first meeting after the Annual June Gathering.

B. The budget shall be based on anticipated income from all sources, including balances from the previous administration and its anticipated expenditures shall adhere to expected income.

C. Designated funds for special projects, whether current or carried over from past administrations at any level, shall not be considered as revenue for ordinary operations of any administrative division even though they shall be a category of the budget.

D. The Annual Budget may be approved as proposed or as amended by majority vote of the Tribal Council.

E. The Treasurer is required to present a financial report at each meeting of the Tribal Council. The report must include current, accumulated, and projected expenditures by budget item.

F. The Tribal Council may authorize reallocation of funds among budget items at the request of the Chair or Treasurer and may increase specific line item allocations upon satisfactory presentation as to availability of funds.

G. The line item allocations in the budget shall not be exceeded except as approved by the Tribal Council.

H. Any funds secured in excess of budgeted funds and any funds left over at the end of the fiscal year shall be available for allocation during the subsequent annual budget.

Section 3-Disbursements:

A. All disbursements of Tribal funds will be made by the Treasurer upon demand by the Tribal Chair or some other official specifically authorized by the Chair.

B. The request for disbursements shall identify the budget line items which will be credited and shall not exceed the amount budgeted in that category.

C. All expenditures shall be substantiated by vouchers and receipts.

Section 4-Audits:

A. The Treasurer shall cause an annual audit to be made by a Certified Public Accountant at the close of each fiscal year, if funding is available. The General Accepted Accounting Practices (GAAP) will be used upon availability of funding.

B. As soon as practical, after the Tribal Elections-Annual Gathering, the books and financial records shall be turned over to a Certified Public Accountant selected by the Tribal Council, who will present a report to the Tribal Council during the first quarterly meeting.

C. Any discrepancies reported by the Certified Public Accountant will be assigned to the Tribal Council for resolution and/or legal action.

ARTICLE VII-REMOVAL FROM OFFICE:

Section 1- Removal of Elected Officials:

- A. Any elected official of the Tribal Council (Officers, Elders and Members-at-Large) is subject to removal from office for willful neglect of duty, corruption in office, habitual drunkenness at tribal meetings, incompetency, conduct unbecoming of an officer, malfeasance, disloyalty to the Tribe, treason, theft or conversion of tribal or affiliated entities' intellectual property, trade secrets, and those provisions stipulated in Article 2, Section 5.C or in sections 53-8-24 NMSA (1978).
- B. An elected official may be removed from office by a vote of the Tribal Council after a full investigation and hearing, ensuring there is due process afforded to the official. The elected official must recuse self from any proceedings. The same process for hearing is outlined in Article 2, Section 5.D.
- C. Any voting member of the Tribe may file a petition to have an elected official removed from office for the reasons listed in Article 6, Section 1 .A. The petition must have signatures of one-third (1/3) of the voting Tribal Membership for the Tribal Council to consider said petition. The petition must be in writing, state the basis for removal, it must be specific and forthcoming. Upon receipt of a petition, the Tribal Council Chair, or in the event of his or her absence, the next officer in the chain of command shall call a special meeting of the Tribal Council within thirty (30) days to act on any petition. The elected official must have a copy of the petition, along with the reason for the review, at least seven (7) days in advance of the special meeting to speak on his or her own behalf to address any allegations. If the Tribal Council finds that an elected official (Officers, Elder or Members-at-Large) should be removed from elected office, the Tribal Council will follow Article V, Section 5 to fill the vacancy.
- D. If an elected official of the Tribal Council is absent for three (3) consecutive physical meetings or is absent a total of four (4) meetings during his or her term,, unless excused in writing by the Tribal Council, he/she will automatically forfeit his/her elected office and will be removed from office. Vacancies will be filled as described in Article V, Section 5. Any elected official, who forfeits his or her position, is not eligible to be appointed to fill the remainder of his or her term, or the term of another member removed from office.
- E. The process or hearing procedures for removal are the same as outlined in Article II., section 5 D, of this Constitution and By-laws.

ARTICLE VIII- COMMITTEES:

Section 1- Committee Appointments:

The Tribal Council Chair shall, make all appointments of best qualified applicants with the approval of the Tribal Council. All committees shall be governed by any or all policies established by the Tribal Council. All committees are established or determined by the need of the Tribal Council Chair, and approved by the Tribal Council. Committees serve at the pleasure of the Chair and Tribal Council. Committees are an advisory capacity or merely recommending authority. The Tribal Council has final authority to approve recommendations set forth by any committee. All committees shall serve for a two-year term.

Section 2- Standing Committees:

Standing Committees serve to strengthen the Band, provide resources to members, and enhance the goals of the Chihene Nde people. Any Band member eighteen (18) years of age or older, including the spouse of a Band member, may serve on a committee. Some committees may be limited in size or require particular qualifications.

Section 3- Internal Committees:

Internal Committees are created to assist in the governance of the Chihene Nde Nation of New Mexico, they may only consist of Tribal Council members and if available, funded by the Bands budget.

Section 4- Special Committees:

Special Committees are committees that are delegated a specific charge by the Tribal Council or the Chair. They can be either ongoing or temporary. Special Committees may consist of Tribal Council members, Band members, and spouses of Band members.

Section 5- Committee Reports:

Committee reports from standing, internal and special committees shall be provided to the Tribal Council before each regularly scheduled meeting. Committee reports should be received by the Secretary a week prior to any scheduled meeting so Tribal Council members have ample time to review and prepare as needed. At the expiration or termination of Committee Chair appointments, the Chair shall transfer over all Band property and official records to their successor within 10 business days.

ARTICLE IX- AMENDMENTS AND RESOLUTIONS:

Section 1- Amendments:

Any amendments to these By-laws must be voted on by the Tribal Council and ratified at the Annual Gathering and Meeting. The adopted Amendments by the Tribal Council shall be in force until final ratification takes place at the Annual Gathering by the General Assembly. Once ratified by the General Assembly, the Tribal Council shall make changes to the Constitution and By-laws accordingly for immediate publication. Once completed, the Tribe will present to the Commissioner of Indian Affairs to be approved or ratified at that level if applicable.

Section 2- Resolutions:

The Tribal Council or General Assembly may propose resolutions. Resolutions are to be specific to platform or public policy positions that the Tribe may wish to either support or oppose. Resolutions may be introduced by members of the Tribal Council and placed on the Agenda for approval. If introduced at the General Assembly, they need to be given to the Chair and placed on the General Assembly Agenda. If a resolution is introduced from the floor of the Assembly, the author must obtain ten percent (10%) of General Assembly signatures. Resolutions must be typed on resolution style format.

ARTICLE X- PUBLIC INFORMATIONAND MEDIA ADVISORIES:

Section 1-Public Statements on Behalf of the Chihene Nde Nation of New Mexico:

The Tribal Council Chair or designated spokesperson may issue public statements on behalf of the Band. All statements or contents issued in either press conferences or media advisories must be approved by the Tribal Council.