



CONSTITUTION OF THE SALYERSVILLE INDIAN COMMUNITY

PREAMBLE

We, the people of the Salyersville Indian Community, in order to enrich our tribal culture, establish good will and kindred spirit amongst family and friends, to conserve and promote our sense of true identity and community and in an effort to exercise our inherent sovereign rights do hereby adopt this Constitution to create a governing body to represent the members of and promote the general welfare of the Salyersville Indian Community, not only for us but for generations to come. We, the people of the Salyersville Indian Community do ordain and establish this Constitution and set of Bylaws for the government of the Salyersville Indian Community.

ARTICLE I – SALYERSVILLE INDIAN COMMUNITY

ARTICLE II – TERRITORY AND JURISDICTION

Section 1 Territory: The territory of the Salyersville Indian Community shall include, to the fullest extent possible and consistent with federal law, all lands, water, property, airspace, surface rights, subsurface rights and other natural resources in which the tribe now or in the future has any interest, whether they are owned now or in the future by the United States for the exclusive or non-exclusive benefit of the tribe or for individual tribal members, or which are located within the boundaries of a reservation which may be established for the tribe, notwithstanding the issuance of any right-of-way.

Section 2 Jurisdiction: Except as prohibited by federal law, the Salyersville Indian Community shall have jurisdiction over all tribal members, all persons, subjects, property and all activities occurring within its territory as defined by this Article. Nothing in this Article shall be construed to limit the ability of the tribe to exercise its jurisdiction, based upon its inherent sovereignty as an Indian tribe.

ARTICLE III – MEMBERSHIP

Section 1 Requirements: The requirements for membership into the Salyersville Indian Community shall consist of the following:

- (a) Any person who can document their direct descent from John Charles Cole, Keziah "Cuzzie" Anderson Cole, Valentine Collins and Dicey Gibson, Shepherd Collins (born abt. 1805) and Polly Cole, Bryce/Bryson Gibson and Fannie Green Gibson and would have had an ancestor living in Magoffin County, Kentucky, or adjacent county sometime after 1860 shall be eligible for enrollment in the tribe. Each applicant must apply for membership in the tribe in accordance with the applicable enrollment process
- (b) Any child born to a lineal descendent of the Salyersville Indian Community

- (c) No person shall qualify for membership in the tribe who is a member of any other federally or state recognized tribe, band or Indian community which is recognized by the Secretary of the Interior, or non-recognized tribe, unless he or she has relinquished in writing his or her membership in such tribe, band or community
- (d) Tribal Council shall have the sole authority to approve membership of an applicant into the tribe
- (e) Any decision of the Tribal Council with respect to any issue of membership is final and is not subject to judicial review by any tribal, state or federal court or agency.
- (f) The applicant, however, can file an appeal with the Salyersville Indian Community Tribal Council for review as stated in Article III, Section 6.

Section 2 Adoption into Membership: The Tribal Council shall have sole exclusive discretionary authority to adopt other persons as members of the tribe, provided that a quorum is reached by Tribal Council vote in favor of the adoption and that all persons adopted into membership under this section shall meet a minimum of all the following requirements: is not a member of another tribe; and applies for membership in the tribe and is approved in accordance with the applicable enrollment ordinance. This section 2 of the constitution applies to those potential members who were adopted outside of their lineal **Status of non-lineal descendant spouse upon the lineal descendant's death:**

Section 3 Rights of Members: All persons accepted as members under Section 1, above, or adopted into membership under Section 2, above, shall have the same rights as tribal members in accordance with this constitution.

- (a) Right to keep and bear arms
- (b) Right to protect yourself, your family and property from any harm, wrong doing or damage
- (c) Freedom of Speech
- (d) Right to farm on your own property
 - i. Raising livestock
 - ii. Growing your own fruits and vegetables
 - iii. This basic right however does not exempt any person(s) from complying with local, state and/or federal regulations in regards to cleanliness, confinement and humane treatment of all animals.
- (e) Right to hunt/fish/trap on your own property
- (f) Right to hunt/fish/trap on any land held jointly by the tribe as a whole
- (g) Right to appeal any decision(s) made by the Tribal Council
- (h) Right to participate or not to participate in the religion of your choice (or lack thereof), as you wish, without reprisal or discrimination from the tribe, so long as the practice of that religion does not cause harm to others not wishing to participate or to their property or means of livelihood

- (i) Right to protect your own wellbeing through medicine as long as within the boundaries of federal law
- (j) Right of every member to be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege, and no law shall ever be passed curtailing the liberty of speech, or of the press. A member shall not speak publicly on behalf of the tribe and shall leave that to the Chief
- (k) All members shall have the right to assemble together in a peaceable manner for their common good, and to apply to those invested with powers of government; for redress of grievances or other purposes, by address, or remonstrance
- (l) All enrolled members of the tribe being duly registered to vote and over the age of eighteen (18) shall have the right to vote in all Tribal elections
- (m) All enrolled members of the tribe shall be eligible for all rights, privileges, and benefits given by this constitution and by-laws, such as claims, credits, acquisition of land, all educational grants, and any other future benefits
- (n) Right to attend any meeting in which tribal business or governance is being discussed, except those meetings wherein personnel or membership matters are being resolved.

Section 4 Loss of Membership: Reasons any member may become disenrolled and lose their membership in the Salyersville Indian Community

- (a) All relinquishments of membership in the tribe shall be done in writing in accordance with the procedures established by an enrollment ordinance. The Tribal Council shall remove from the tribe's membership roll the name of any person who voluntarily relinquishes his or her membership in the tribe in accordance with such procedures.
- (b) Any member of the tribe who is/or becomes a member of any other federally recognized Indian tribe, band or group shall be disenrolled by the Tribal Council in accordance with the procedures established by an enrollment ordinance. Furthermore, if any member of this tribe relinquishes their membership or becomes disenrolled for any of the reasons stated herein or hereafter they will not be entitled to any of the rights or benefits of membership.
- (c) Any member of the tribe who is convicted under tribal, state or federal law of a crime which threatens the well-being, economic or social welfare, or culture of The Salyersville Indian Community and its members shall be disenrolled by the Tribal Council in accordance with the procedures established by an enrollment ordinance.

Section 5 Reinstatement: Any member who relinquishes his or her membership in the tribe, pursuant to Section 4(a), above, or who has been disenrolled from the tribe pursuant to Section 4(b), above, shall be reinstated as a member of the tribe by the Tribal Council if the person meets all of the following requirements:

- (a) At least five (5) years have passed since the date of their relinquishment or disenrollment. They must petition to the secretary and then will need to be approved by council.
 - i. This five (5) year waiting period for reinstatement shall not apply to any person(s) who were under the age of eighteen (18) at the time of their relinquishment or disenrollment
 - ii. This five (5) year waiting period for reinstatement shall not apply to any person whose relinquishment or disenrollment occurred prior to the adoption of this constitution
- (b) The individual must provide adequate proof to the Tribal Council that he or she has given up his or her membership in any state or federally recognized Indian tribe or unrecognized band, tribe or group; and (c) the individual must apply for reinstatement as a member of the tribe in accordance with the applicable enrollment ordinance.

Section 6 Appeal: Any person whose application for enrollment or reinstatement is rejected or who has been disenrolled from the tribe, shall have the right to appeal one time to the Tribal Council in accordance with the applicable enrollment ordinance. Furthermore, the appeal must be submitted no later than sixty (60) days after the rejected application is returned or upon being disenrolled from Tribal membership.

Section 7 Membership Roll: The Enrollment Committee shall maintain a membership roll of all current and former tribal members that will be shared with the Tribal Council once a month as to maintain access at all times. The information contained in the membership roll will only be available to members of the tribe with a written release of information form approved by council. The Salyersville Indian Community prohibits and will sanction the unauthorized use or disclosure of confidential information, as required by federal regulations.

Section 8 Enrollment Ordinance: The Tribal Council shall enact an enrollment ordinance consistent with this constitution establishing the enrollment procedures.

ARTICLE IV – GOVERNING BODY

Section 1 Governing Body: The governing body of the Salyersville Indian Community shall consist of two (2) branches of government known as the Salyersville Indian Community General Council and the Salyersville Indian Community Tribal Council.

Section 2 General Council: Members of the Salyersville Indian Community who are eighteen (18) years of age or older shall constitute the General Council. The General Council shall have the following powers.

- (a) Vote in all tribal elections;
- (b) Elect Tribal Council members and officers;
- (c) Exercise the power of initiative and referendum;
- (d) Recall and remove elected Tribal Council members and officers in accordance with Article VI Section 3 Removals;
- (e) Amend the constitution in accordance with Article IX Amendments;
- (f) Make advisory recommendations to the Tribal Council

Section 3 Tribal Council: Elected Tribal Council members and officers must be members of the General Council, in good standing and meet all the requirements in Article 4 Section 5 and 6. Tribal Council shall consist of a Chief, Assistant Chief, Secretary, Treasurer and seven (7) members to be chosen as specified in Article 5 of the Constitution.

Section 4 Representation: The Tribal Council has exclusive authority to change the foregoing number of representatives in the Tribal Council according to the growth and movement of the population of the Salyersville Indian Community and subject to the approval of the Secretary of the Interior.

Section 5 Terms of Office for Tribal Council: All Tribal Council members excluding the Chief and Assistant Chief shall be elected for a term of three (3) years or until a successor is chosen. The candidate for any Tribal Council position must be a member in good standing with the Salyersville Indian Community. Any enrolled member of the Salyersville Indian Community with the exception of adopted members may become a candidate for Tribal Council. To be eligible for an elected seat on the Tribal Council a candidate must possess those qualifications required of candidates for a Tribal Council position and meet the following requirements:

- (a) At least twenty-five (25) years of age at the time of election
- (b) Has not been convicted or pled nolo contendere to any felony offense unless such felony conviction has been pardoned
- (c) Must have a minimum of a High School diploma or a GED
- (d) Is registered to vote with the Salyersville Indian Community

Section 6 Terms of Office for Chief and Assistant Chief: Due to the duties unique to the offices of The Chief and Assistant Chief both individuals shall also serve as members of the Tribal Council but shall be elected for a term of four (4) years or until a successor is chosen. The candidate for Chief and Assistant Chief must be a member in good standing with the Salyersville Indian Community. Any enrolled member of the Salyersville Indian Community with the exception of adopted members may become a candidate for Chief and Assistant Chief. To be an eligible candidate for Chief and Assistant Chief a candidate must possess those qualifications required of candidates and must meet the following requirements:

- (a) At least thirty (30) years of age at the time of election
- (b) Has not been convicted or pled nolo contendere to any felony offense unless such felony conviction has been pardoned or set aside
- (c) Must have a minimum of a High School diploma or a GED
- (d) Is registered to vote with the Salyersville Indian Community
- (e) The candidate must provide the Secretary with a short biography no longer than 300 words and at least 20 days in advance before the Secretary is to post the names of all of the candidates

It shall be the duty of the Secretary to post the names of all candidates at least 45 days before the election as long as they have met the above requirements.

Section 7 Meetings of the Tribal Council: The Tribal Council shall hold a regular meeting no less than bimonthly (6 times per year). The Chief, Assistant Chief and any five (5) Tribal Council members may call a special meeting of the Tribal Council with adequate notice being given to all members of the Tribal Council and in case of an emergency where the Chief cannot be present the Assistant Chief may preside in his absence.

Section 8 Quorum: Six (6) or more members of the Tribal Council shall constitute a quorum in order to conduct official tribe business. A quorum is required at all meetings. If a quorum is not present, the regular meeting may still be conducted as long as the Chief, Assistant Chief or Secretary are present. However, no official business may be conducted except for paying the bills. Any business may be laid over until the next regularly stated meeting.

Section 9 Oath of Office: Newly elected members of the Tribal Council shall take their oath of office at the first regular meeting of the council following their election. This Oath of Office shall not interfere with any other oath taken required by law.

ARTICLE V – ELECTION OF OFFICERS AND VOTING

Section 1 Election Ordinance: The Tribal Council shall enact an ordinance consistent with the provisions of this Constitution that will govern the conduct of all elections and will specify the procedures which must be followed by any tribal member who is a candidate for a position on the Tribal Council. Upon initial adoption of an Election Ordinance, no subsequent election ordinance or amendment shall be effective unless it is approved by a three-fourths majority of the general membership in attendance at a regularly called membership meeting. The ordinance shall include provisions for appointment by the Tribal Council of a three-member Election Board from three different constituents to make it fair for all members. The members of the Election Board shall serve for set terms of office and shall be removable prior to the expiration of their terms only for cause. No person who holds any elective tribal office or is a candidate for such office shall be eligible to serve on the Election Board. The Election Board shall supervise all tribal elections including special elections and verify petitions by tribal members. The Election Board may appoint clerks, poll workers and others to assist the Election Board with conducting the election. The ordinance shall include provisions for settlement of election disputes, including the right to appeal to the Election Board whose decision shall be final.

Section 2 Tribal Council Election: Elections for Tribal Council shall be held every three (3) years excluding the Chief and Assistant Chief who shall be elected for a term of four (4) years or until a successor is chosen. The times and places of voting shall be designated by the council. New members shall take office on the first Wednesday of the first month after their election. Election of Tribal Council members shall be staggered so that no more than five Council seats shall be up for election at any one time.

Section 3 Qualifications for Tribal Council: Those desiring to be on the Tribal Council must be enrolled members of the Salyersville Indian Community and must meet all requirements set forth in Article IV on or before the date of the election. The Secretary of the Tribal Council is to be notified in writing of a person's candidacy at least twenty (20) days before the Secretary is to post the names of all the candidates. It shall then be the duty of the Secretary to post the names of all candidates at least forty-five (45) days before the election as long as they have met the requirements as outlined in Article IV Section 5 for Tribal Council and Section 6 for Chief and Assistant Chief.

Section 4 General Elections: General elections of Tribal Council members shall be held every 3 years as their term expires. General elections for the Chief and Assistant Chief will be held every 4 years as their term expires.

Section 5 Special Elections: Special elections shall be held when called for by the Tribal Council, by this Constitution, or by the voters, as provided for in this Constitution or an Election Ordinance. The Tribal Council shall be given adequate notice if a special election/meeting is called by the voters and a quorum must be present to vote on or pass any legislation.

Section 6 First Election: The election of the first Tribal Council under this Constitution shall be in accordance with an Election Ordinance enacted by the Interim Tribal Council which accords as much as is feasible with the above provisions and which is made available to the tribal membership no more than 90 days after certification of the adoption of this Constitution. The ordinance shall provide that the election will be held every three (3) years on the day and time specified by the Election Committee.

Section 7 Eligible Voters: All members who are eighteen (18) years or older shall be eligible to vote with the exception of members adopted by the tribe, if properly registered under the terms of Article III. Each voter shall be allowed to cast one vote for each vacancy on the Tribal Council. The winners shall be chosen by plurality according to the rank order of votes received. Tie votes between two or more candidates shall be decided in a special runoff election. All eligible voters shall be entitled to vote in any runoff election. If a runoff election ends in another tie, the outcome shall be decided with the current Tribal Council holding a vote to break the tie. The Election Board shall certify the results of any runoff election within three (3) days after the runoff election day.

Section 8 Ballots and Voting Procedures: The Election Board appointed by the Tribal Council shall determine rules and regulations governing elections and perform such other duties as are set by the Election Ordinance. All elections shall be by Absentee Ballot and no ballots shall be marked in any way whereby the ballots can be identified as the ballot of the person casting it. The numbering of the ballots shall be specified in the Election Ordinance. All registered members shall receive an Absentee Ballot sent to them prior to the scheduled election. Once Absentee Ballots are returned to the Election Board members they shall be checked against an official roster or member list to verify the person is an eligible registered member. They shall be counted and officially stamped as received. All Election Board members will return all ballots to the Election Secretary to be kept in sealed envelopes in a secure place in case of discrepancy. The Election Secretary and one (1) Tribal Council member will recount the ballots.

Notwithstanding anything in this Article to the contrary, the Election Board may in the future adopt electronic means for the casting and counting of votes, so long as such electronic means follow procedures that are generally acceptable in other jurisdictions that allow electronic balloting. However, any such procedures shall be made publicly available at least one week in advance of the election, including the procedure for the counting of the ballots.

Section 9 Election Results: The Election Secretary shall certify the results of an election within three (3) days after the election. The candidate receiving the highest number of votes for each available seat shall be declared the winner.

Section 10 Challenges: Any tribal member may challenge the results of any election by presenting his or her challenge to the Tribal Council within five (5) days after the election results are certified. The Tribal Council shall decide all election challenges within ten (10) days from the date the challenge is filed. If the Tribal Council invalidates the election results, a new election shall be held within sixty (60) days.

Section 11 Unforeseen Circumstances: In the case of unforeseen circumstances concerning the ability to hold an election, the Election Committee will hold an emergency meeting, arrange for an alternate and appropriate vote and count, and present the alternative to council, who will hold a vote to approve or reject the proposed process

ARTICLE VI – RESIGNATION, VACANCIES & REMOVAL FROM OFFICE

Section 1 Resignation: Any member may resign from any Tribal Council or any official administrative position by notifying the secretary in writing. Such resignation shall take effect upon receipt of the resignation letter by the secretary. A voluntary resignation cannot be withdrawn once submitted and must be granted once received by the secretary.

Section 2 Vacancies: If a vacancy should occur in the office of an elected official of the Salyersville Indian Community for any reason, the office shall be declared vacant and shall be filled only by a majority vote of the Council. The office shall be filled as follows:

- (a) In the event that a Tribal Council member dies, resigns or is removed from their position for conduct specified in Article VI, Section 3, the Chief shall have power within sixty (60) days after the vacancy occurs in the Tribal Council to fill such vacancy for the remainder of the unexpired term as long as there is a majority vote by the Tribal Council and the vacancy comes within less than one (1) year of the term. Such appointee shall meet the same qualifications as required of a candidate for election to such office.
- (b) In the event that a Tribal Council member dies, resigns or is removed from their position for conduct specified in Article VI, Section 3, and the vacancy occurs more than one (1) year before the end of their term, a special election shall be called to fill the vacancy. Such elections shall involve all registered voters and shall be conducted in accordance with the established rules and regulations stated in Article V.
- (c) In the event that the Chief dies, resigns or is removed from their position for conduct specified in Article VI, Section 3, the Assistant Chief shall immediately become Chief for the remainder of the unexpired term. In the event the Assistant Chief shall succeed to the office of Chief, he/she shall appoint a successor to be Assistant Chief with the advice and consent of the Tribal Council.
- (d) Any person(s) so appointed as a successor may serve through the unexpired term of his predecessor.

Section 3 Removal from Office: Any elected official shall be subject to removal from office by a resolution or motion in favor of removal or a recall of tribal members supported by two thirds (2/3) vote of the tribal council members at which a quorum is present for any of the following reasons:

(a) Reasons for removal action:

- i. If elected official fails or refuses to attend three (3) regular or special meetings in succession unless excused due to illness, death in immediate family, vacation, failure to receive adequate notice of the meeting or other causes for which he or she cannot be held responsible
- ii. No gifts or bribes shall ever be accepted by any elected or volunteer official, unless it is for the benefit of the tribe as a whole. If found to be in violation of this law, the penalties could consist of immediate removal from office and if caught accepting bribes for any vote whatsoever, this would be sufficient grounds for disenrollment from the membership rolls of the Salyersville Indian Community.
- iii. Is charged by the tribal council with official misconduct, willful gross neglect of duty, corruption in office, harassment of any tribal council or tribal member or conspiring against the Salyersville Indian Community
- iv. Becomes incapable of performing their duties
- v. Shall be convicted of a felony or a misdemeanor involving moral integrity or dishonesty in any Indian, State, or Federal court the Council shall declare his or her position vacant

- (a) Unsuccessful Removal: In the event that a removal vote is unsuccessful, the subject of the unsuccessful removal shall not be subject to another removal which is based upon the same or similar grounds for at least one year from the date of the removal election.
- (b) Opportunity to respond to charges: Furthermore, the accused member shall be given an opportunity to respond to any and all charges at a designated council meeting. No Council member shall preside over the meeting at which his/her removal is being considered by the tribal council.

ARTICLE VII – POWERS OF THE TRIBAL COUNCIL

Section 1 Enumerated Powers: The Tribal Council of the Salyersville Indian Community shall be authorized to exercise the following powers, subject to any limitations imposed by Federal Law or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution

- (a) To negotiate with the Federal, state and local governments on behalf of the tribe and to advise and consult with representatives of those governments on all of their activities that may affect the tribe
- (b) To employ legal counsel

- (c) To approve or veto any sale, disposition, lease, or encumbrance of Tribal lands, interest in lands, or other Tribal assets
- (d) To advise the federal government with regard to all appropriation estimates for federal projects for the benefit of the tribe prior to the submission of such estimates to the Office of Management and Budget and to Congress
- (e) To oversee all economic affairs and enterprises of the tribe
- (f) To appropriate any available Tribal funds for Tribal purposes
- (g) To collect donations and Federal subsidies for the Tribal fund
- (h) To prescribe conditions for membership in the Salyersville Indian Community
- (i) To enact laws and regulations governing the conduct of all persons and defining offenses against the tribe; to maintain order and protect the safety, health and welfare of all persons within the tribe's jurisdiction; and to enact any laws and regulations necessary to govern the administration of justice, and the enforcement of all laws or regulations
- (j) To charter and regulate corporations, limited liability companies, partnerships, joint ventures, cooperatives, associations, special districts, educational and charitable institutions, political subdivisions and any other organizations
- (k) To regulate and define the duties and procedures of the Tribal Council, of all Tribal Council members and/or subordinate Tribal committees, boards and organizations and otherwise establish policies and procedures for Tribal governmental personnel
- (l) To delegate to committees, advisory or subordinate boards or to cooperative associations which are open to all citizens of the tribe regarding any of the enumerated powers of the Tribal Council; provided, that any actions taken by such subordinate groups shall be effective only when approved by the Tribal Council
- (m) To purchase, or accept any land or other property for the Salyersville Indian Community
- (n) To request the Secretary of the Interior to confer trust or reservation status on lands granted to, donated to, or purchased by the tribe or a tribal entity;
- (o) To accept gifts on behalf of the tribe
- (o) To assert as a defense to lawsuits against the tribe, and to waive only by express written agreement, the sovereign immunity of the tribe, including limited waivers of sovereign immunity
- (p) To develop, manage, protect and regulate the use of air, light, water, fish, animals, wildlife, minerals, timber and all other natural resources within the tribe's jurisdiction if land is ever acquired for tribal use
- (q) To exercise any power or duty which may now or in the future be delegated to the Tribal Council by the federal, state or local government

- (r) To take any and all action necessary and proper for the exercise of the foregoing powers and duties and all other powers and duties now or hereafter delegated to or vested in the Tribal Council, not otherwise reserved to the tribal members.

Section 2 Inherent Powers: *Powers that are not specified but are deemed necessary, in some situations, in order for the Council to effectively fulfill their responsibilities.*

Notwithstanding the above, the Tribal Council may exercise all other inherent Tribal powers not expressly listed in this Constitution. Also, such powers may be exercised by the tribe's qualified voters at a validly called meeting of the General Council under this Constitution.

ARTICLE VIII – REFERENDUM

Section 1: Amendments to this Constitution shall be proposed by the Tribal Council and once approved by a majority vote of Council per Article IV amendments shall be presented to the People of the Salyersville Indian Community for approval or rejection during the next regular general election. The Tribal Council reserves the right to order a special election for this purpose should 2/3 of Council members vote in favor of said special election. Any amendment or law receiving a favorable majority vote by the registered voters of the Salyersville Indian Community shall thereby become part of this Constitution.

Section 2: Members of the Salyersville Indian Community shall possess the right to:

- propose to the Tribal Council any legislation by means of a 30% minimum of registered voters favoring the proposal. All legislative proposals shall be complete and intended to pass on their own merits.
- likewise, members may propose amendments to this Constitution; however, a minimum of 15% of the registered voters is required for proposals of this nature. All amending proposals shall be complete and intended to pass on their own merits.
- a referendum may be ordered either by Tribal Council or by a petition signed by a minimum of 5% of the registered voters among the Salyersville Indian Community. Percentages referred to in this section shall be based upon the total number of votes cast in the last general election involving the position of Chief.

Section 3: Referendum petitions referenced in Section 3 shall be filed with the Tribal Council Secretary within 90 days of the Tribal Council meeting during which the issue or bill was passed. Elections on these matters shall be held at the next general election except in the case of a special election ordered by Council. Any matter presented by

either method to the People of the Salyersville Indian Community for election shall take effect upon receiving a favorable majority vote by the registered voters.

Section 4: A referendum may be requested against complete enactments of Tribal Council or one or more items, parts or sections of an enactment. The filing of a referendum against specific items, parts or sections shall not affect the remainder of the enactment from being placed into effect.

Section 5: In the event that two or more referendums are filed or legislative or amendment proposals are to be voted upon during an election they shall be submitted and presented for vote separately. Submittals or proposals shall be limited to one general subject to be voted for or against.

ARTICLE IX – AMENDMENTS

This constitution and by-laws may be amended by a majority vote of the registered voters of the Salyersville Indian Community voting in an election called for that purpose; Provided, that at least fifty one (51%) of those entitled to vote shall vote in such election; however, no amendment shall become effective until approved by the Secretary of the Interior.

Any amendment or amendments to this Constitution may be proposed by the Tribal Council and shall require at least two-thirds (2/3) affirmative votes in favor of the proposal or by a petition containing the entire text of the amendment and signed by not less than thirty percent (30%) of the total number of registered voters of the Salyersville Indian Community. If approved, the proposed amendment or amendments shall be presented to the registered voters of the Salyersville Indian Community for their approval or rejection, at the next regular general election, except when the Tribal Council, by a two-thirds (2/3) vote, shall order a special election for that purpose. If a majority of all the registered voters voting at such election shall vote in favor of any amendment, it shall thereby become a part of this Constitution once approved by the Secretary of the Interior.

If two or more amendments are proposed they shall be submitted in such manner that electors may vote for or against them separately. No proposal for the amendment of this Constitution which is submitted to the voters shall embrace more than one general subject and the voters shall vote separately for or against each proposal submitted.

ARTICLE X – DUTIES OF OFFICERS

Section 1 Duties of the Chief: The Chief shall have the following duties while presiding as Chief of the Salyersville Indian Community.

- (a) To preside over all meetings of the Tribal and General Council
- (b) May cast a vote at Tribal or General Council Meetings
- (c) The Chief shall hold no other tribal office or engage in private employment which shall create a conflict of interest in the Salyersville Indian Community's business activities during his/her time in office
- (d) To restore a member of the Salyersville Indian Community to eligibility to run for an elected office position within the tribe, subject to such procedures being enacted by the Tribal Council
- (e) Subject to the approval of all contracts by the Tribal Council, the Chief will act as a contracting officer or agent to negotiate contracts or agreements with Federal, State, or local governments, tribal governments, private persons and corporate bodies for the tribe, and with the authority to obtain legal counsel on behalf of the Salyersville Indian Community. Any contracts or agreements must be submitted to the Tribal Council for approval
- (f) General Council Meetings, to be held quarterly, and shall include, but not limited to:
 - i. A report from the Treasurer regarding the tribe's finances
 - ii. A report from the Secretary regarding the minutes of the previous General Council and/or Tribal Council meeting
 - iii. Have the agenda, records, reports and any financial statements available to the General Council for inspection immediately after meeting
 - iv. Affirm all matters on the agenda before opening the meeting to the General Council and considering new matters
- (g) Establish boards, committees, and sub-committees that may be required for tribal business to function effectively. Any and all boards, committees, and sub-committees are subject to the approval of the Tribal Council
- (h) Enforce rules, regulations, ordinances and carry out all policies established by the Tribal Council
- (i) To appoint all non-elected officials, employees, or volunteers, of the tribal government and direct them in their work, subject only to the restrictions and enactments imposed by the Tribal Council in establishing personnel policies and management policies
- (j) May call "special" Tribal or General Council meetings if deemed necessary

Section 2 Duties of the Assistant Chief: The Assistant Chief shall have the following duties while presiding as Assistant Chief of the Salyersville Indian Community.

- (a) The Assistant Chief shall perform all duties and assume all responsibilities vested in the Chief upon his/ her absence
- (b) The Assistant Chief shall perform such duties as the Chief directs.
- (c) The Assistant Chief shall be responsible for dating and validating correctness of applications. Assistant Chief shall review, validate and certify by signature, all applications for enrollment.
- (d) May cast a vote on all Tribal Council and General Council issues

Section 3 Duties of the Secretary: The Secretary shall have the following duties while presiding as Secretary of the Salyersville Indian Community.

- (a) In the event of the absence of the Chief and Assistant Chief, the Secretary will assume the functions of that office until the return of one official
- (b) To prepare the agenda agreed on by all or the majority of Tribal Council, and keep a complete and accurate record of all matters transacted at all council meetings and to submit copies of minutes of all meetings of the tribal council and general council
- (c) The Secretary shall prepare all tribal correspondence and shall not sign notices or documents unless authorized by the tribal council
- (d) The Secretary shall read the minutes from the previous meeting during the current meeting
- (e) Process and file all correspondence received by the Tribal Council
- (f) The Secretary will certify to the BIA, the results of all elected officers of the Tribal Council within 15 days of an election
- (g) Must attend all Tribal and General Council meetings unless it's beyond their control, and circumstances won't allow
- (h) Keep and maintain all records and minutes of all council meetings
- (i) Must keep an accurate updated list of all members of the Salyersville Indian Community provided by the Enrollment Committee
- (j) May cast a vote on all Tribal Council or General Council issues
- (k) The Secretary shall give notice of special meetings to all qualified voters at least 10 days prior to such meetings

Section 4 Duties of the Treasurer: The Treasurer shall have the following duties while presiding as Treasurer of the Salyersville Indian Community.

- (a) The Treasurer will accept, keep and safeguard all funds under the exclusive control of the Salyersville Indian Community by depositing in a bank insured by the U.S. government, or in a trust fund with the BIA, as directed by the Tribal Council
- (b) Shall keep an accurate record of funds and shall report on receipts and expenditures, with amount and nature of all funds in their custody to the Tribal and General Councils at regular meetings and at such times requested by either council
- (c) May cast a vote on all Tribal Council or General Council issues.
- (d) Insure compliance with tribal procedures for the execution and vouchers drawn on tribal funds
- (e) Shall not disburse or otherwise pay any funds in the custody of the Tribal Council except when properly authorized to do so by the Tribal Council and all checks, drafts, or other withdrawals or deposits shall require two (2) signatures, said signatures shall include that of the Treasurer and Secretary. Have all deposits and expenditures to be voted on by Tribal Council. Treasurer shall notify Secretary of all expenditures, amount and nature, and Secretary shall file a form of said expenditure including signature of Secretary.
- (f) Be required to give a surety bond satisfactory to the Tribal Council if the Tribal Council so desires at the expense of the Salyersville Indian Community
- (g) The Tribal or General Council may direct, the books and records of the tribe to be audited, on an annual basis at the expense of the Salyersville Indian Community by a certified accountant, or by a Federal employee appointed by the Secretary of the Interior or their authorized representative.

ARTICLE XI – MEETINGS

Section 1 General meetings:

- (a) A general meeting of all eligible voters of the Salyersville Indian Community shall be held at least 4 times a year (quarterly) to identify and discuss important tribal matters. If deemed necessary, the Tribal Council may call additional meetings for the purpose of keeping the general tribal members involved and up to date on tribal business.
- (b) The time and date of the general meetings shall be posted by the Tribal secretary.
- (c) A majority vote of all eligible voters of the Salyersville Indian Community present at the general meeting will pass any item that the Tribal Council deems should be voted on by the Tribal Council.

Section 2 Tribal Council meetings:

- (a) Tribal Council shall hold a regular meeting bimonthly (6 times per year) at a time and date to be set by the council to conduct tribal business.
- (b) The Tribal Chief or any three tribal council members may call a special meeting of the Tribal Council. There must be an adequate notice of at least 10 days of all special meetings given to all council members.
- (c) A quorum (2/3) of members of the Tribal Council is required at a regular or special meeting in order to conduct any official business of the Tribal Council. Proxy voting shall be prohibited.
- (d) Voting on matters of business shall be decided by a majority vote and shall be by roll call vote. The numbers of ayes and nays shall be recorded in the minutes.
- (e) At each regular or special meeting of the Tribal Council the secretary or an appointed person shall take the minutes of the meeting and a copy of the minutes shall be preserved by the Tribal Administration.

ARTICLE XII – RATIFICATION OF CONSTITUTION AND BY-LAWS

Tribal leaders of the Salyersville Indian Community do hereby affirm with our signatures that we have read and agree to support, defend, and abide by the tribal constitution that has been approved by the members of the Salyersville Indian Community.

- (a) We re-affirm our commitment to the tribe and our belief that the constitution as the fundamental core of our tribal law is an integral cornerstone of any future efforts to exist as a tribal entity.
- (b) We re-affirm that like any constitution, in times of doubt, the constitutional law reigns supreme in all tribal decisions.
- (c) We do hereby affirm that by our signatures we are dedicating ourselves to the best interests of our tribe, its members, and the constitution that will govern it.

When voted on and approved by the tribal leaders, members and representatives of the Salyersville Indian Community this constitution and by-laws will go into effect immediately and will be the enforceable foundation for the governance of the Salyersville Indian Community.

Certification of Adoption by Signatures:

Signed by:

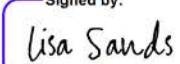
B4EF46EAA65841C...
 Joleena Pesenti – Chief 5/11/2025 Date

DocuSigned by:

7C00D73738534AD...
 Sherry Glenn – Secretary 5/9/2025 Date

Signed by:

F50C0C3FC88B43A...
 Jeff Nichols – Assist. Chief 5/9/2025 Date

Signed by:

6BD72B00A4F4465...
 Lisa Sands – Treasurer 5/9/2025 Date

CERTIFICATION OF ADOPTION

Amended/revised Jan 2022 LAS

Amended/revised April 2022 LAS

Amended/revised April 2025 LAS