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L A W O F F I C E S

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## MEMORANDUM

DATE: September 12, 2005  
TO: Delaware Nation  
FROM: Steven D. Sandven, Esq.  
RE: **ARTICLE VIII - MEETINGS**

### *Purpose*

The purpose of this section is to promote Tribal Member participation in the Nation's affairs.

### *Currently Reads*

Section 1. Annual meetings of the general council shall be held on the third Saturday in June for the purpose of receiving reports and transacting any other business which may come regularly before the council. Bi-annually in odd-numbered years an election to fill vacancies on the executive committee shall take place as part of the annual meeting. Should the executive committee determine that it is not possible or appropriate to hold such meetings on the specified date, it shall then be held within thirty (30) days following, on a date to be determined by the executive committee; provided, that at least ten (10) days' notice shall be given on such meeting.

Section 2. Special meetings of the general council may be called at the discretion of the president, and shall be called by him upon his receipt of a written request signed by twenty-five (25) citizens of the council, or upon written request of at least three (3) officers of the tribe. Should the president refuse to call such meetings for the date and time requested, any three (3) tribal officers shall be empowered to do so.

Section 3. Notice of Special General Council Meeting. The principal object of a special general council meeting must be stated in the notification and may include the words "and for the transaction of other business that may be presented." Unless these words are added, no business may be transacted except for the object stated in the notice.

Section 4. All meetings of executive committee may be called by the president at his discretion and shall be called by him for the date and time requested upon the written request of any three

(3) members of the executive committee. Should he refuse to call the requested meeting, any three (3) members of the executive committee shall be empowered to do so.

***Other Tribes***

Traditional Kickapoo Tribe in Texas

Constitution. Article III

Section 3 (d) Annual General Membership Meeting. There shall be an annual general meeting of the tribal membership called by the Chairman of the Traditional Council to be held the third Saturday of November. The Chairman of the Traditional Council shall present a report to the membership of the activity of the Traditional Council of the past year, and shall outline proposed plans and activities for the coming year. Notice of the Annual General Membership Meeting shall be given by the Secretary of the Traditional Council at least thirty (30) days in advance. (e) Special General Membership Meetings. Special General Membership meetings may be called by the Chairman of the Traditional Council provided that notice of such meeting shall be given at least fourteen (14) days prior to such meeting. Upon receipt of a valid petition signed by at least 100 eligible voters of the Tribe, the Chairman shall call a Special General Membership meeting within forty-five (45) days of receipt of the petition.

Otoe-Missouria Tribe of Indians

Constitution. Article XI

Section 1. General Council.

(a) Quorum. One hundred (100) qualified voters shall constitute a quorum in order to conduct business at any annual or special meeting of the General Council. No enactment of the General Council shall have any validity in the absence of a quorum at the time it is voted upon.

(b) Annual Meeting. The Otoe-Missouria General Council shall meet annually on the first Saturday in November. The Tribal Council shall properly notice the hour and place of the meeting. Upon determination by the Tribal Council that, due to an extreme emergency, the annual meeting cannot be held on the First Saturday in November, the Tribal Council shall designate another meeting date; provided, the meeting is held within thirty (30) days of the regular date upon proper notice.

(c) Special Meeting. Special meetings of the Otoe-Missouria General Council may be called at the discretion of the Chairman of the Tribal Council; provided, that in each instance, a notice, including the purpose of the meeting, shall be posted and published at least ten (10) days in advance. Special meetings of the General Council shall be called by the Chairman upon receipt of a valid petition signed by at least one

hundred fifty (150) adult members of the Tribe, or by resolution of the Tribal Council, for the purpose of bringing special business or issues to the Tribal Council for discussion and/or enactment. The petition or resolution must state the purpose of the meeting. If, upon validation of the petition by the Election Board, the Chairman does not call and notice the meeting within fifteen (15) days after validation, the next highest ranking officer shall exercise such authority, and upon the failure of any of the Tribal Council members to call and notice the special meeting, the petitioner spokesman shall proceed to call, notice and conduct the special meetings; provided, the quorum of one hundred (100) General Council members shall be required to validate actions taken at such meeting. Special meetings of the General Council shall not be cancelled after the ten (10) day notice is posted and published.

Texas Band of Choctaw

Constitution. Article VIII

8.1 The General Assembly shall consist of all enrolled citizens by blood of the Texas Band of Choctaw Indians. All eligible voters shall be termed electors. Individuals must be at least eighteen (18) years of age on or before the day of the annual meeting of the General Assembly to be considered a qualified elector.

8.2 The General Assembly shall meet annually at a predetermined location convenient for those that travel some distance to be able to attend and acquire appropriate lodging.

8.3 The Speaker or those designated by him/her shall be responsible for acquiring appropriate lodging and meeting facilities. However, the expense of which shall be borne by the delegates themselves.

Wampanoag of Gay Head (Aquinnah)

Constitution. Article IX

Section 1. General Tribal Membership Meetings: The general tribal membership shall hold four quarterly meetings on the third Sunday of February, May, August and November. The November meeting shall be considered the annual meeting of the tribal membership.

Section 2. Notices: Notices of the regular quarterly meetings of the general tribal membership shall be posted at the Tribal Council office and sent to all voting members at least thirty days prior to the regular quarterly meeting.

Section 3. Annual Meetings: At the November annual meeting, elections shall be conducted pursuant to Article V of this constitution. A preliminary financial summary of the tribe's business and program activities shall be presented to the tribal

membership at the annual meeting and final audit report of the previous financial year activities will be made at the February General Membership meeting. The Chairperson shall report on the state of the business and program activities of the tribe and shall summarize the future plans of the Tribal Council on behalf of the tribe.

Section 4. Quorum: A quorum shall consist of at least 50 members who are eligible to vote pursuant to Article V Section 5 of this constitution.

#### Article X

Section 1. Special Meetings of the Tribal Membership. The Tribal Council shall hold special meetings of the tribal membership upon the call of the Chairperson, or, in the absence or unwillingness of the Chairperson, by a majority vote of the Tribal Council. The Chairperson shall also call a special meeting of the general tribal membership upon written request thereof, signed by fifty (50) members of the tribe.

a) Place and Time of Special Meetings: The place and time in which special meetings of the Tribal Council will be held shall be determined by the Chairperson or, in the absence or unwillingness of the Chairperson, by a majority of a quorum of the Tribal Council.

b) Notice of Special Meetings: The secretary shall have posted in a prominent place in the tribal office and shall state the date, place and time and proposed agenda of a special meeting of the general tribal membership. Such notice shall be posted at least fourteen consecutive working days prior to the date of the special tribal membership meeting.

c) Quorum: A quorum shall consist of at least 50 members who are eligible to vote pursuant to Article V Section 5 of this constitution.

#### Confederated Tribes of the Umatilla Reservation

Constitution. Article V

Section 4. Meetings of the General Council may be called by the Chairman of the General Council, by the Board of Trustees, or by petition signed by at least twenty (20) members of the General Council. Notice of each meeting, stating time, place, and purpose thereof, and signed by the Chairman of the General Council or the Superintendent of the Umatilla Indian Reservation, shall be posted in public places at the Umatilla Indian Agency Headquarters, and at Cayuse, Thornhollow and Gibbon, Oregon, at least twenty (20) days before the meeting. If the Chairman of the General Council, or the Board of Trustees, shall certify that an emergency exists, the meeting may be called upon five (5) days notice.

#### Confederated Tribes of the Grand Ronde Community in Oregon

Bylaws. Article III

Section 2. Procedures. The General Council shall hold meetings in accordance with the following procedures:

- (a) Regular meetings of the General Council shall be held during the months of September, October, November, December, January, February, March, April and May, at a time and place to be set by the Tribal Council. The September meeting shall include the annual election of the Tribal Council except as provided in Article VI, Section 5.
- (b) Special meetings of the General Council may be called by the Tribal Council upon one (1) week's notice of the membership of the General Council. The Tribal Council may call such meetings upon its own motion, but it must call such a meeting upon presentation of a properly verified petition signed by one-third (1 /3) or more of the General Council of the Confederated Tribes of the Grand Ronde Community of Oregon.
- (c) The agenda for General Council meetings shall be set by the Tribal Council; provided, that any member may submit in writing items to the Tribal Council for consideration for the agenda, and; provided further, that each agenda shall include time for discussion of items from the floor regardless of whether said items appear on the agenda.
- (d) The Tribal Council Chairperson shall chair General Council meetings.
- (e) A quorum of the General Council shall consist of thirty (30) members of the General Council. Matters of business shall be decided by a majority vote, except as otherwise required by this Constitution.
- (f) Procedures for exercising the General Council powers in Article II, Sections 1(b), 1(c), 1(d) and 1(e) shall be set forth by tribal ordinance duly enacted by the Tribal Council; provided, that said procedures shall not be in conflict with any provisions of this Constitution or regulations of the Secretary of the Interior.

Skokomish Indian Tribe

Constitution. Article III

Section 1. Electorate. All tribal members eighteen (18) years old or older shall be members of the General Council of the Skokomish Tribe and shall be eligible to vote in all tribal elections, referenda, and meetings of the General Council.

Section 2. Regular Meetings of the General Council. The General Council shall meet at least four (4) times each year, beginning on the first Saturday of March, June, September, and December. If unavoidable circumstances, as determined by the Tribal Council, prevent the General Council from meeting on one of the days listed in this section, the meeting shall be held on the next possible Saturday.

Section 3. President of the General Council. At the annual elections in June, the voters shall elect a President of the General Council. The President, who shall serve a one (1)-year term, shall preside at all meetings of the General Council. In the absence of the General Council President, the Chairman of the Tribal Council shall preside at General Council meetings. Tribal Council members, tribal employees, and other tribal officers shall not be prohibited from also serving as President of the General Council.

Section 4. Special Meetings of the General Council. Special meetings of the General Council may be called by the President, by the Tribal Council, or by at least twenty (20) members of the General Council who sign a petition which indicates the subjects to be addressed at the meeting. Within five (5) days after he or she receives a members' petition or a Tribal Council request for a special meeting, the President of the General Council shall set the date for a meeting as provided in section 5 of this article. The meeting shall be held within thirty (30) days after the President receives the request for a meeting.

Section 5. Notice of General Council Meetings. At least five (5) days before each General Council meeting, the President of the General Council shall notify the General Council membership of the date, time, place, and agenda for the meeting.

Section 6. Quorum. Except as otherwise provided in this constitution, a quorum of the General Council shall be twenty-five (25) eligible voters.

Section 7. General Council Procedures. The General Council shall consider items on the agenda before considering matters raised from the floor. The agenda of each regular General Council meeting shall include a report by the tribal administrator of the finances of the tribal government during the fiscal quarter immediately preceding that quarter in which the meeting falls.

Section 8. Powers of the General Council. The exercise of powers listed in this section shall be subject to any express limitation contained in this constitution or in Federal Law. (a) No branch, agency, or officer of the Skokomish Tribe, except the General Council, may exercise the following powers: (1) To sell or relinquish land owned by the Skokomish Tribe or land held by the United States in trust for the tribe and to approve any proposed sale, encumbrance, or disposition of tribal land; (2) To sell or relinquish any tribal hunting or fishing rights, grounds, or stations; (3) To consent to termination of the Skokomish Reservation; (4) To relinquish any tribal jurisdiction to another government, agency, person, or organization, provided that cooperative law enforcement agreements shall not be considered relinquishment of tribal jurisdiction; (5) To diminish or terminate any other right reserved to the Skokomish Tribe by treaty; and (6) To adopt persons into membership in the Skokomish Tribe. (b) The General Council shall not be deemed to have given its consent to any action described in subsections (1) through (5) of this section unless at least seventy-five percent (75%) of all members of the General Council have voted in favor of such action. (c) All powers that are not expressly delegated in this constitution or in the future by the General Council to the Tribal Council or to any other officer or agency of the Skokomish Tribe are powers reserved to the General Council.

Poarch Band of Creek

Constitution. Article V

Section 1. General Council. The General Council shall hold meetings in accordance with the following procedures, and shall exercise its electoral power in accordance with the provisions of Article IV of this Constitution.

(a) Annual meeting of the General Council shall be held on the first Saturday of June. The meeting shall include the election of Tribal Council members;

(b) Special meetings of the General Council may be called by the Tribal Council upon one month's notice to the membership of the General Council. The Tribal Council may such meetings upon its own motion, but it must call such meetings at the request of the Election Board which presents a properly verified petition signed by thirty (30) percent of the General Council of the Poarch Band of Creek Indians.

(c) The agenda for the General Council meetings shall be set by the Tribal Council, provided that any member may submit, in writing, items to the Tribal Council for consideration for the agenda, and provide further that each agenda shall include time for discussion of items of items from the floor regardless of whether said items appear on the agenda. The agenda shall be posted at a public place at the tribal center and available to individual members upon request;

(d) The Tribal Council Chairman shall chair General Council meetings;

(e) A quorum shall consist of thirty (30) percent of the General Council for all purposes.

Makah Indian Tribe

Bylaws. Article VI.

Section 1. There shall be an annual general tribal meeting open to all members of the tribe held at the agency on the last Monday in December. At this annual meeting, elections shall be held as designated heretofore in this constitution. The bylaws, orders, and resolutions, which are subject to approval at the general tribal meeting, shall be taken up for consideration at this time. It shall also be the duty of the chairman to make a report at said meeting of the activities of the council throughout the year and to outline proposed plans for economic and social betterment of tribe.

Section 2. Special general tribal meetings may be called by the chairman of the general council: *Provided*, That due notice is posted throughout the reservation at least 15 days prior to such meeting. Fifty legal voters of the tribe may at any time, by written petition, call a general tribal meeting, provided that at least 15 days' notice is posted throughout the reservation.

Yankton Sioux Tribal Business and Claims Committee

Bylaws. Article III

Section 1 - In addition to an annual meeting (3rd Tues. in Aug. of each year) regular Tribal meetings shall be called by the officers when the need arises or upon the request of ten members and thirty (30) days notice designating the time and place may be posted throughout the reservation and must include the agenda.

Section 2. In the event of an emergency situation, or upon the request of fifteen members, the officers shall have authority to call a special meeting. Notice of such meeting shall be by best possible methods of communication available and can be by word of mouth and television news broadcasts and etc.

Section 3. A majority of the members of the Tribal Committee shall constitute a quorum at Committee meetings and twenty members shall constitute a quorum at general meetings.

Please contact me if there are any questions.