

CONSTITUTION AND BYLAWS OF THE IOWA TRIBE OF KANSAS  
AND NEBRASKA  
(as amended August 27, 1980)

PREAMBLE

We, the members of the Iowa Tribe of Kansas and Nebraska, initially organized under a constitution and bylaws approved February 26, 1937, pursuant to the Indian Reorganization Act (IRA) of June 18, 1934 (48 Stat. 984), do hereby establish this constitution and bylaws under the authority of the IRA in order to form a more functional government, develop tribal resources and promote the economic and social welfare of ourselves and our descendants.

ARTICLE I — TERRITORY

The jurisdiction of the Iowa Tribe shall extend to the territory within the confines of the Iowa Reservation as defined in the Treaty of March 6, 1861, and to such other lands as may be hereafter added thereto.

ARTICLE II — MEMBERSHIP

Sec. 1. The membership of the Iowa Tribe of Kansas and Nebraska shall consist of the following:

a. All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1937; provided that the roll may be corrected by the General Council, subject to the approval of the Secretary of the Interior.

b. All lineal descendants of persons enrolled under Section 1(a), one of whose parents is an enrolled member of the tribe and; provided such descendant possesses Iowa of Kansas and Nebraska Indian blood.

Sec. 2. Persons who are enrolled as members of another Indian tribe shall not be eligible for enrollment with the Iowa Tribe of Kansas and Nebraska if they have by virtue of enrollment as members of another Indian tribe, shared in assets of that tribe, including land or monetary benefits. Persons who are enrolled as members of another Indian tribe and have not shared in tribal assets as specified above, shall be eligible for membership with the Iowa Tribe of Kansas and Nebraska if they file a formal relinquishment of membership in the other tribe.

Sec. 3. The Executive Committee shall serve as the enrollment committee and shall approve membership with the Iowa Tribe of Kansas and Nebraska, subject to the approval of the Secretary of the Interior, and shall have authority to enact resolutions consistent with Article II of this constitution and establish enrollment procedures.

Sec. 4. Honorary tribal membership may be bestowed by the Executive Committee of the Iowa Tribe of Kansas and Nebraska. This honorary membership will entitle the individual to the title of "honorary tribal member" only, and does not qualify any such honorary member for tribal benefits, assets, or the right to vote as a member.

### ARTICLE III — BILL OF RIGHTS

Sec. 1. All members of the tribe shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly and association.

Sec. 2. This constitution and bylaws shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of the tribe as citizens of the States of Kansas and Nebraska, or the United States.

Sec. 3. The individual property rights of any member of the Iowa Tribe of Kansas and Nebraska shall not be altered, abridged, or otherwise affected by the provisions of this constitution and bylaws.

Sec. 4. Tribal members shall have the right to review all tribal records, including financial records, at any reasonable time in accordance with procedures established by the Executive Committee.

Sec. 5. In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the Iowa Tribe of Kansas and Nebraska in exercising its powers of self-government shall not:

a. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

b. Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

c. Subject any person for the same offense to be twice put in jeopardy;

d. Compel any person in any criminal case to be a witness against himself;

e. Take any private property for a public use without just compensation;

f. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

g. Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of \$500, or both;

h. Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of laws;

i. Pass any bill of attainder or ex post facto law; or

j. Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

#### ARTICLE IV — GOVERNING BODIES

Sec. 1. The General Council, composed of all enrolled members who are at least eighteen (18) years of age, shall exercise those governing authorities specifically set out for its use in this constitution and bylaws, subject to any limitation imposed by the laws or Constitution of the United States.

Sec. 2. The Executive Committee, composed of five (5) members elected at large from the General Council for three-year terms of office, shall exercise those authorities delegated to it by this constitution and bylaws. The General Council shall elect, by secret ballot, a Chairman, Vice-Chairmen, Secretary, Treasurer and member.

#### ARTICLE V — POWERS

Sec. 1. Enumerated Powers. The Executive Committee of the Iowa Tribe of Kansas and Nebraska shall exercise the following powers, subject to any limitations imposed by the laws or the Constitution of the United States:

a. To negotiate with Federal, State, and local governments and conclude contracts, grants, or other agreements including participation in the Farmers Home Administration Loan Program (54 Stat. 120);

b. To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;

c. To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Iowa Tribe of Kansas and Nebraska prior to the submission of such estimates to the Office of Management and Budget and to Congress;

d. To lease tribal land in accordance with the law;

e. To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe;

f. To regulate the conduct of the Executive Committee itself and of tribal meetings;

g. To establish subordinate organizations for economic or social welfare purposes and to delegate to such organizations, or to any subordinate boards, committees, or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power;

h. To maintain law and order, and establish a tribal judicial system through enactment of codes and ordinances subject to the approval of the Assistant Secretary--Indian Affairs.

i. To exercise any other authority in which the tribe is empowered to act now or in the future, except as otherwise provided in this constitution.

Sec. 2. Reserved Powers. Any rights and powers not expressly referred to in this constitution shall not be abridged by this article, but shall remain with the tribe in the General Council and may be exercised through the adoption of appropriate constitutional amendments.

Sec. 3. Manner of Approval. Any ordinance or resolution which by the terms of this constitution, or as required by law, is subject to approval by the Secretary of the Interior, shall be submitted to the Superintendent who shall promptly arrange for the appropriate official to either approve or disapprove such tribal enactment. It shall become effective only upon approval by the Secretary or his authorized representative.

Sec. 4. Tribal Delegations.

a. When it is necessary for a delegation to represent the Iowa Tribe of Kansas and Nebraska, the delegates are to be chosen by the Executive Committee. The number of delegation trips shall be held to a minimum as requirements dictate.

b. When a delegation is authorized to meet with government officials by authority of the Executive Committee, said delegation shall provide a full report of its findings to the Executive Committee at its next regular meeting.

#### ARTICLE VI — REMOVAL, RECALL, REFERENDUM AND FILLING VACANCIES

Sec. 1. Removal. Any member of the Executive Committee or other official of the Iowa Tribe of Kansas and Nebraska, who during the term for which he is elected or appointed, is convicted of a felony, shall automatically forfeit his office, effective on the date of his initial conviction in court. Any such official found guilty in any court, or by the Executive Committee, of behavior involving misconduct reflecting on the dignity and integrity of the tribal government, malfeasance in office, or gross neglect of duty, may be removed from office if at least four (3) members of the Executive Committee vote in favor of such removal. Voting must be by secret ballot and the Chairman is entitled to vote. If the accused is a member of the Executive Committee, the accused shall have the right to cast a secret ballot. Before any vote for removal from office is taken, such member or officer shall be given a written statement of the charges against him at least ten (10) days before the meeting of the Executive Committee at which he is to appear, and he shall be given an opportunity to answer any and all charges at the designated Executive Committee meeting. The decision of the Executive Committee shall be final, and such Executive Committee member or official shall not be returned to office unless duly elected by the General Council. No member of the Executive Committee shall preside over the meeting at which his removal is being considered.

Sec. 2. Recall. Upon receipt of a petition signed by at least seventy-five percent (75%) of the number of voters who signed the register at the preceding election, it shall be the duty of the Chairman to call and conduct within thirty (30) days, a special meeting of the General Council to consider the recall of a member of the Executive Committee. Such meeting is subject to quorum provisions. Only one (1) member of the Committee shall be considered for recall at any given recall meeting. Once an individual is subjected to recall proceedings, he shall not again be considered for such action during the balance of his term of office. If the Chairman is the object of a recall petition, it shall be the duty of the Vice-Chairman to call and conduct the special recall meeting. If the Vice-Chairman refuses to call and conduct such a meeting, the other officers in descending rank shall be empowered to do so. If each of the Executive Committee members refuses to call and conduct such a meeting, the spokesman for the petitioners shall be empowered to do so.

Sec. 3. Initiative and Referendum. Upon receipt of a petition signed by at least sixty (60) qualified voters, it shall be the duty of the Chairman to call and conduct within thirty (30) days, a special meeting of the General Council for the purpose of presenting to the voters for their determination any issue or question, except recall (See Section 2 of this Article for Recall). If the Chairman refuses to call such a meeting, the Vice-Chairman or other officer in descending rank shall be empowered to do so. If each of the Executive

Committee members refuses to call and conduct such meeting, the spokesman for the petitioners shall be empowered to do so. The decision of the majority of those voting shall be binding on the Executive Committee, provided a quorum is present. Once a petition concerning any issue or question has been submitted to a vote of the tribal members and rejected, that same issue or question shall not again be considered for such action for at least six (6) months.

The Chairman, upon written request by a majority of the Executive Committee, shall be required to call and conduct a special meeting of the General Council within thirty (30) days after receipt of such notice for the purpose of presenting to the voters for their determination any issue or question except recall. (See Section 2 of this Article for Recall.) If the Chairman refuses to call such meeting, the Vice-Chairman or other officer in descending rank shall be empowered to do so.

Sec. 4. Vacancies in the membership of the Executive Committee which occur in the first half of the elected three year term shall be filled at a special election as provided for in the tribal election ordinance. Vacancies occurring in the second half of the elected three year term shall be filled by appointment of the Executive Committee. Each vacancy in the membership of the Executive Committee shall be filled by tribal members who shall be qualified pursuant to Article IX, Section 4. Vacancies in appointive positions shall be filled by appointment of the Executive Committee.

#### ARTICLE VII — CONFLICTS OF INTEREST

Sec. 1. Any Executive Committee member who may be personally interested in any matter before the Iowa Tribe of Kansas and Nebraska Executive Committee shall not vote on such matter without the consent of the remaining members. Failure to reveal to the Committee a personal interest in a matter before that body, not similarly shared by all members of the Committee, shall constitute dereliction of official duty, and may be cause for removal from office.

#### ARTICLE VIII — TRIBAL ENACTMENTS

Sec. 1. Ordinances. All final decisions on matters of general and permanent interest to members of the tribe shall be embodied in ordinances, such as an enrollment ordinance or an election ordinance. Such enactments shall be available for inspection by members of the tribe during normal office hours.

Sec. 2. Resolutions and Motions. All final decisions on matters of short term or one time interest where a formal expression is needed, shall be embodied in resolutions. Other decisions of a temporary nature or relating to particular individuals, officials or committees shall be put in the form of motions and noted in the minutes of the committee deliberations and shall be available for inspection by members of the tribe during normal office hours.

Sec. 3. All ordinances and resolutions shall be dated and numbered, and shall include a certification showing the presence of a quorum and the number of members

voting for and against the proposed enactment.

Sec. 4. No enactment of the Executive Committee, General Council or other body, shall have any validity or effect in the absence of a quorum of the membership thereof at a legally called session.

#### ARTICLE IX — ELECTIONS

Sec. 1. First Election. All terms of office for the Executive Committee members, incumbent at the time this amendment to the constitution and bylaws becomes effective, shall expire at the first annual meeting following the approval date of this amendment. Thereafter, there shall be an election of all five (5) members of the Executive Committee at each third annual meeting of the General Council and all terms shall be three (3) years in length.

Sec. 2. Election Ordinance. All tribal elections, including the first one under this constitution, shall be conducted in accordance with an election ordinance, consistent with this constitution and bylaws, which shall be enacted by the Executive Committee. Such ordinance shall provide for secret balloting, nomination of candidates, and a procedure for resolving election disputes. Further, it shall require that no write-in votes or absentee ballots be accepted in any tribal election since such elections shall be conducted during meetings of the General Council. Provisions shall also be included regarding the conduct of recall, referendum and initiative elections and a uniform procedure for submitting petitions. Elections to amend this constitution shall be conducted pursuant to Article XV of this document.

Sec. 3. Voter Qualifications. Any member of the tribe shall be qualified to vote, provided the member is eighteen (18) years of age or over on the date of the election.

Sec. 4. Qualifications of Candidates. Any member of the tribe who will be at least twenty-one (21) years of age on the date of the election, shall qualify as a candidate for membership on the Executive Committee, or a subordinate body by election or appointment, except those persons previously convicted in any court of competent jurisdiction of a felony, or any member who is delinquently indebted to the tribe, provided that persons who have satisfied their penalty for a felony at least five (5) years before the election and otherwise qualify, may become candidates.

#### ARTICLE X — INSTALLATION OF ELECTED OFFICIALS

Sec. 1. All duly elected Executive Committee members of the Iowa Tribe of Kansas and Nebraska shall be installed in office at the first succeeding regular meeting of the Executive Committee following their election, upon taking the following oath to be administered by such person as may be designated by resolution of the Executive Committee:

Oath: "I, (Name), do solemnly swear that I will support and defend the Constitution of the United States and the Constitution and Bylaws of the Iowa Tribe of Kansas and Nebraska; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate with other members of the Executive Committee, promote, and protect the best interest of my tribe, in accordance with its constitution and bylaws."

#### ARTICLE XI — DUTIES OF OFFICERS

Sec. 1. The Chairmen of the Executive Committee shall preside over all Executive Committee and General Council meetings of the tribe, except as otherwise provided in this constitution and bylaws. The Chairman shall be allowed to vote only in case of a tie except as provided in Article VI, Section 1, and shall exercise only the authority specifically delegated by the Executive Committee or as otherwise provided by this constitution and bylaws. The Chairman shall have the general supervision over the affairs of the Executive Committee and shall perform all duties pertaining to the office of Chairman.

Sec. 2. The Vice-Chairman of the Executive Committee shall assist the Chairman when called upon to do so. In the absence of the Chairman, the Vice-Chairman shall preside, and when so presiding, shall have all the rights, privileges, and duties, as well as the responsibilities, of the Chairman. In the event of an extended absence or inability of the Chairman to perform the duties as Chairman, and when the office is for either of these reasons declared by a majority vote of the Executive Committee to be vacant, the Vice-Chairman shall automatically succeed the Chairman and inherit the designated duties and responsibilities of this position. Should the office of Vice-Chairman be vacated before the tenure of the elected term expired, a new Vice-Chairman shall be elected in accordance with the provisions of Article VI, Section 4.

Sec. 3. The Secretary of the Iowa Tribe of Kansas and Nebraska Executive Committee shall correctly record the proceedings of all meetings of the Executive Committee and the General Council, and shall forward copies of the minutes and resolutions of all meetings to the Superintendent of the Horton Agency. The Secretary shall be responsible for the prompt and efficient handling of correspondence pertaining to the business of the Committee. The Secretary shall make out the order of business at the direction of the Chairman, shall notify Committee members of their appointments, and shall have custody on behalf of the tribe of the records and papers of the Committee.

The Secretary shall keep a correct list of members of the Committee, shall authenticate accounts or order of the Committee and in the absence of the Chairman and Vice-Chairman, shall call the meeting to order until a Chairman Pro Tempore is selected. The Secretary shall read the minutes of the previous meeting. At the expiration of the term of office, all records, equipment, supplies and tribal papers in the possession of the Secretary shall be turned over to the successor within ten (10) days. The Secretary shall

issue notices of General Council meetings and make available by public announcement the anticipated agenda of such meetings. In the event of an extended absence or inability of the Secretary, and when the office is for either of these reasons declared by a majority vote of the Executive Committee to be vacant, the Treasurer shall assume the designated duties of office of the Secretary until such time as the election or appointment of a new Secretary.

Sec. 4. The Treasurer of the Iowa Tribe of Kansas and Nebraska Executive Committee shall be responsible for each yearly budget allowance received by the Executive Committee and shall keep an accurate account of all receipts and disbursements from this budget allowance. The Treasurer shall make appropriate reports (of all accounts) to the Executive Committee and present all summary reports at meetings of the General Council. The accounts and records of the Executive Committee shall be open at all times for inspection and audit by the Assistant Secretary--Indian Affairs or his authorized representative. The books of the Treasurer shall be subject to audit or inspection at the discretion of the Executive Committee. All budget funds entrusted to the care of the Treasurer shall be kept in a special account in a bank authorized by the Executive Committee and all disbursements therefrom shall be made by check with the checks to be countersigned by the Chairman of the Iowa Tribe of Kansas and Nebraska Executive Committee. The Treasurer shall file a surety bond satisfactory to the Executive Committee and the Assistant Secretary--Indian Affairs or his authorized representative. The cost of all tribal surety bonds shall be paid from tribal funds. All disbursements from tribal funds shall be made under authority of a properly executed resolution. In the event of an extended absence or inability of the Treasurer to perform his duties, and when the office is for either of these reasons declared by a majority vote of the Executive Committee to be vacant, the Secretary of the Iowa Tribe of Kansas and Nebraska Executive Committee, when properly bonded, shall assume the designated duties of the Treasurer until a new Treasurer has been elected or appointed.

Sec. 5. Appointive Officers. The duties of all appointive committee and officers shall be clearly defined by resolution at the time of their creation or appointment. Such committees or officer; shall report from time to time, as required, to their appointing body; their activities and decisions shall be subject to review by such body upon petition of any person aggrieved.

Sec. 6. Tribal Employees. Whenever it becomes necessary, the Iowa Tribe of Kansas and Nebraska shall employ tribal employees. The employees shall be tribal members if at all possible. Any member of the tribe may be employed by the tribe whether or not he holds an elective or appointive office. Applicants will apply to the Executive Committee, and the Committee shall prepare a list for presentation to the Executive Committee. A fifteen (15) day public notice shall be given in which to receive such applications. The funds for salaries may be from allocated funds, i.e., tribal funds, State or Federal grants, or funds provided by any organization, foundations, or other source. Any and all tribal employee (s) shall come under the jurisdiction of this constitution and bylaws. A work and expense report OF and BY the employee(s) shall be made to the Executive Committee each quarter on dates specified by the Executive Committee.

ARTICLE XII — MEETINGS

Sec. 1. General Council Meeting.

a. Annual meetings of the General Council shall be held on the third (3rd) Saturday in October for the purpose of receiving reports, and transacting other business. An election of the Executive Committee shall be held at each third (3rd) Annual Meeting beginning with the first Annual Meeting following this amendment.

b. Special meetings of the General Council may be called at the discretion of the Chairman, and shall be called by the Chairman upon receipt of a petition signed by forty (40) members of the General Council, or by resolution of the Executive Committee. Should the Chairman refuse to timely call a special meeting requested by either a petition of the Council or a resolution of the Executive Committee, the next highest ranking officer shall exercise such authority, except as provided in Article VI, Sections 1 and 2.

c. 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." Such notice shall be publicly posted for at least five (5) days in advance of the meeting date.

d. The Agenda for all meetings of the Iowa Tribe of Kansas and Nebraska General Council shall be compiled in advance by the Executive Committee. Following the completion of discussion on all agenda items, other tribal business may be discussed.

e. Quorum. No business of any nature shall be transacted by the General Council unless a quorum is present. A quorum shall consist of thirty (30) members of the General Council. Except for the election of the Executive Committee which shall be decided by a plurality vote (larger vote than any other candidate), decisions shall be reached by a majority vote (more than half the votes cast). The Chairman shall not vote except in the event of a tie and in the election of the Executive Committee. In the event a quorum is not achieved at the annual meeting, when an election is required, the election part of such meeting shall proceed as scheduled in order to carry out the intent of the constitution and bylaws.

Sec. 2. Conduct of Meetings.

a. All meetings shall be conducted in accordance with Robert's Rules of Order, as amended, unless otherwise specified in this constitution

and bylaws.

- b. Order of Business
  - (1) Call to Order
  - (2) Roll Call
  - (3) Adoption of Minutes
  - (4) Reports
  - (5) Unfinished Business
  - (6) New Business
  - (7) Adjournment

Sec. 3. Executive Committee Meetings. All meetings of the Executive Committee shall be open to tribal members.

a. Frequency. Meetings of the Executive Committee shall be held monthly or as may be fixed by resolution of the Executive Committee.

b. Quorum. Three (3) members of the Executive Committee shall constitute a quorum at all Executive Committee meetings.

c. Meeting Notice. An appropriate written notice shall be given to each Executive Committee member by the Secretary unless a regular time is specified by an Executive Committee resolution.

d. Absences from regular meetings must be excused by a majority vote of the Committee members present. Two (2) successive or a total of three (3) unexcused absences in one (1) year may be sufficient cause to remove a Committee member from office. The decision will be left up to a majority of the Executive Committee.

e. Special or Emergency Meetings. Special or emergency meetings of the Executive Committee may be called by the Chairman or by any three (3) members of the Executive Committee. The notice in regard to any special or emergency meeting shall be given verbally in person, or by telephone, or by written notice to each Executive Committee member as early as possible prior to the meeting, stating the purpose of the meeting. The order of business as required by Section 2 (b) of Article XII, may be waived if necessary in dealing with emergency matters.

#### ARTICLE XIII — SAVINGS CLAUSE AND REPEAL OF PREVIOUS CONSTITUTION

Sec. 1. The Constitution and Bylaws of the Iowa Tribe of Kansas and Nebraska approved on February 26, 1937, as amended in 1960 and 1961 under the provisions of Section 16 of the Act of June 18, 1934 (83 Stat. 981), as amended by the Act

of June 15, 1935 (49 Stat. 378), is hereby repealed and superseded by this constitution and bylaws.

Sec. 2. All ordinances and resolutions heretofore enacted by the Iowa Tribe of Kansas and Nebraska shall remain in full force and effect to the extent they are consistent with this constitution and bylaws.

#### ARTICLE XIV — SEVERABILITY

If any provisions of this constitution and bylaws shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provisions shall be severed and the remaining provisions shall continue in full force and effect.

#### ARTICLE XV — AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Iowa Tribe of Kansas and Nebraska voting in an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the General Council, the Executive Committee, or upon receipt of a petition of at least one hundred (100) qualified voters of the Iowa Tribe of Kansas and Nebraska. The amendment election shall be authorized by the Secretary of the Interior and conducted pursuant to his regulations set forth in 25 CFR 52.

#### ARTICLE XVI — ADOPTION

Sec. 1. This constitution and bylaws, when adopted by a majority vote of the qualified voters of the Iowa Tribe of Kansas and Nebraska, voting at an election called for that purpose by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of his approval.