

CONSTITUTION OF THE GILA RIVER INDIAN COMMUNITY

PREAMBLE

We the People of the Gila River Indian Reservation, in order to show our gratitude to Almighty God, and to preserve in ourselves the rights of self government and to provide a means for the orderly transaction of Community business and the free expression of the Community establish this Constitution for the government of the people of this reservation henceforth to be known as the Gila River Indian Community.

ARTICLE I – TERMS

SECTION 1. For the convenience of brevity, and unless otherwise specified, the following terms will be construed to have the meanings set forth in this paragraph:

- (a) Appointed Official. Any person appointed to a position in accordance with this Constitution.
- (b) Community. Gila River Indian Community.
- (c) Community Court. Gila River Indian Community Court.
- (d) Council. Gila River Indian Community Council.
- (e) Governor. Governor of the Gila River Indian Community.
- (f) He. He or she; wherever used the masculine shall include the feminine.
- (g) Lieutenant Governor. Lieutenant Governor of the Gila River Indian Community.
- (h) Registered Voter. A member of the Gila River Indian Community who meets the voter eligibility requirements as outlined in Article XV and is registered pursuant to the laws of the Community.
- (i) Reservation. Gila River Indian Reservation, Arizona.
- (j) Secretary. Secretary of the Gila River Indian Community Council.
- (k) Supreme Court. The Gila River Indian Community Supreme Court.

(l) Treasurer. Treasurer of the Gila River Indian Community.

SECTION 2. The provisions of this Constitution are mandatory, unless by express words they are declared otherwise. Any restrictions on or limitations of rights or powers shall not restrict or limit rights or powers conveyed to the incorporated Community in its Charter of Incorporation unless specifically stated.

ARTICLE II – SUPREME LAW OF THE LAND

This Constitution shall be the supreme law of the Community.

ARTICLE III – TERRITORY

The jurisdiction of the Community shall extend to all lands now comprised within the Reservation and to such other lands as may hereafter be acquired for the use and benefit of the Community and added thereto.

ARTICLE IV – MEMBERSHIP

SECTION 1. The membership of the Community shall be determined as follows:

(a) All persons of Indian blood whose names appear, or rightfully should appear, on the official allotment roll of the Gila River Reservation or are members or should be members under the Constitution and Bylaws (Constitution and Bylaws of the Gila River Pima-Maricopa Indian Community, Arizona) approved May 14, 1936.

(b) All persons whose names validly appear on the latest duly certified membership roll of the Community; provided that, the Council may, from time to time and in accordance with applicable law, correct the certified membership roll.

(c) All biological children or grandchildren of members wherever born, shall be entitled to membership in the Community if such person:

- (1) Is at least one-fourth Indian blood;
- (2) Is a United States citizen; and
- (3) Is not enrolled in any other Indian tribe or band.

(d) Dual enrollment in the Community and any other Indian tribe or band is strictly prohibited. A person found to be in violation of this section may be subject to disenrollment. The Council shall enact procedures for disenrollment under this section.

(e) Any person petitioning for membership in the Community and who meets the requirements for membership but has been enrolled in another Indian tribe or band may be enrolled as a member of the Community if he relinquishes his membership in the other Indian tribe or band.

(f) If a member who has reached the age of majority voluntarily relinquishes membership in the Community, he will be forever ineligible for re-enrollment in the Community.

(g) A person who provides false or inaccurate information to be enrolled as a member of the Community may be subject to disenrollment. The Council shall enact procedures for disenrollment under this section.

SECTION 2. A census for the purpose of establishing a current and complete roll of the members of the Community shall be taken within three years from the date of the adoption of this Constitution and thereafter every ten years as coincides with the general Census of the United States.

SECTION 3. A member enrolled in the Community under a previous Constitution of the Community shall not be disenrolled because he does not meet the requirements of this or any future revised Constitution. However, a member may always relinquish his membership voluntarily.

SECTION 4. The Council shall have the authority to adopt rules to be followed in compiling a membership roll in accordance with the provisions of this Article, the completed roll to be approved by the Council not less than 90 days after the same has been presented for approval.

SECTION 5. Any person whose name has been omitted from the membership roll shall have the right to petition the Court to have his name included on the roll. The decision of the Court shall be final unless within 60 days a notice of appeal to the Supreme Court is given.

SECTION 6. The Council shall have the power to enact laws governing present and future membership, loss of membership, and the adoption of members by the Community.

ARTICLE V – RIGHTS OF MEMBERS

SECTION 1. All political power is inherent in the people. Governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights. To that end the Community will comply with applicable federal law and 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, unless otherwise required by applicable federal law;
- (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 allowed under applicable federal law;
- (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 law;

- (i) Pass any bill of attainder or ex post facto law;
- (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 persons; or
- (k) Interfere to prevent the free exercise of the right of suffrage.

SECTION 2. The enumeration on this Constitution of the foregoing rights shall not be construed as denying or disparaging other fundamental rights of the people.

ARTICLE VI - SEPARATION OF POWERS

SECTION 1. The Community government shall be divided into three separate branches of government: the Legislative, the Executive and the Judiciary.

SECTION 2. No branch of government or any official of a branch of government shall exercise any power reserved to any other branch of government.

ARTICLE VII – LEGISLATIVE BRANCH

SECTION 1. The Council shall be the legislative body of the Community and shall consist of 17 members, who shall be elected by the registered voters of their respective districts.

SECTION 2. Each district of the reservation shall be represented by at least one council person. The remaining council persons shall be apportioned between the districts on the basis of population. The Council shall determine the number of council persons each district is allocated not later than six months after the decennial census has been completed. Such determination shall govern the numbers of council persons to be elected from each district for all subsequent elections until the next determination by the Council.

SECTION 3. Nine members of the Council shall constitute a quorum for the transaction of business.

SECTION 4. The Governor, or in his absence the Lieutenant Governor, will be the presiding officer of the Council. He shall be permitted to participate in discussion and shall be permitted to vote only in the case of a tie. His functions at Council meetings shall be in conformance with the laws of the Community. In the absence

of the Governor and Lieutenant Governor the Council shall elect an acting Chairman from among its own members.

SECTION 5. All voting on any action by the Council in all Council meetings shall be by roll call vote and each council person's vote shall be recorded by the Secretary.

SECTION 6. Unless otherwise designated by Council through enacted rules, the Council shall meet regularly on the first and third Wednesday of each month. Special Council meetings may be held at such time and place as shall be designated:

- (a) By Council motion;
- (b) In writing by the Governor; or
- (c) In writing by five or more members of the Council.

The Secretary shall give notice of all meetings to the public and all council persons.

SECTION 7. The Council shall exercise the following powers:

- (a) Express powers of Council:
 - (1) To promote and protect the health, peace, morals, education and general welfare of the Community and its members.
 - (2) To determine the use, encumbrance or sale of Community lands, interest in Community lands, or other Community assets; subject to applicable federal law.
 - (3) To create Departments and determine Department duties and responsibilities that will be administered by the Executive, in accordance with applicable law.
 - (4) To determine the qualifications, duties and responsibilities of Department Directors.
 - (5) To employ legal counsel in accordance with applicable Federal law.

(6) To establish and regulate subordinate organizations for business purposes.

(7) To appoint subordinate officials, committees and boards, and to prescribe their duties and powers.

(8) To recognize any district committees, associations or other organizations open to the members of the community and to approve such organizations, subject however, to the provision that no such committee, association or organization may assume authorities specifically granted to the council unless by a proper delegation of authority by the Council.

(9) To adopt a budget for the operation of all branches of Community government and expend money in conformance with the adopted budget.

(10) To administer all Community property.

(11) To transfer or convey tribal assets to the incorporated Community and to contract with the incorporated Community for management of tribal assets.

(12) To purchase or otherwise acquire property of members of the Community for public purpose and to acquire same under condemnation proceedings in courts of competent jurisdiction.

(13) To regulate the use and disposition of property of members of the Community, insofar as such use and disposition affects the welfare of the Community at large.

(14) To enact criminal and civil laws governing the conduct of members of the Community and non-members on the Reservation.

(15) To levy dues, fees, and taxes on members of the Community and on non-members residing or doing business within the Reservation.

(16) To enact laws governing the manner of conducting elections.

(17) To regulate the domestic relations of members of the Community.

(18) To provide for the maintenance of law and order and the administration of justice by establishing police force and defining the powers and duties thereof.

(19) To enact laws governing the removal or exclusion from the territory of the Community non-members whose presence may be injurious to the peace, health, or welfare of the Community.

(20) To enact laws for the appointment of guardians for minors and mental incompetents.

(21) To prescribe rules of inheritance provided however, that any rules of inheritance shall not be in conflict with specifically applicable Federal laws.

(22) To regulate its own procedure.

(23) To enact laws necessary or incidental to the exercise of any of the foregoing powers.

(b) Such other acts of governmental or public nature that are not prohibited by applicable Federal laws or this Constitution, or solely reserved to the Executive or Judicial branches.

SECTION 8. The Council shall appoint a Secretary who shall be the official custodian of all files, records, and correspondence of the Community and of the community seal. He shall prepare all minutes, resolution, and laws enacted by the Council. The Secretary shall be appointed to a four year term and serve at the pleasure of the Council.

SECTION 9. A council person shall not lose his right to vote at Council meetings because of membership on any committee or holding any office other than Governor, Lieutenant Governor, or appointed or elected judge.

SECTION 10. Any resolution, law, or other Council action, which, by the terms of applicable law, is subject to review by the Secretary of the Interior, shall be delivered to Secretary of the Interior, or his designee, in accordance with applicable law.

SECTION 11. Any rights and powers heretofore vested in the tribes or bands of the Reservation but not expressly referred to in this Constitution shall not be abridged by this article.

ARTICLE VIII - EXECUTIVE BRANCH

SECTION 1. The Executive power of the Community shall be vested in the Governor and, in his absence, the Lieutenant Governor. The Governor and Lieutenant Governor shall be elected by popular vote of the Community.

SECTION 2. The Governor shall be the chief executive officer of the Community and shall execute, administer and enforce the laws of the Community and all other powers delegated by this Constitution, including but not limited to the following:

- (a) To administer the day to day operations of the Community, including all Departments or agencies created by the Council, Department and agency directors. Notwithstanding the foregoing, the Governor shall not have administrative oversight of the Judiciary;
- (b) To prepare and propose an annual budget for Community operations to the Council for consideration and approval;
- (c) To appoint Directors and other Appointed Officials, serving in the Executive Branch as determined by Article VII, Section 7(a)(3) of this Constitution, subject to the approval of the Council, provided however, that if the Council fails to approve or disapprove any appointment within 30 days such appointment shall be deemed an approval;
- (d) To select and hire personnel in accordance with applicable law;
- (e) To preside over meetings of the Council and to vote when there is a tie in the Council votes;
- (f) To negotiate with the Federal, State and local governments on behalf of the Community.

(g) To advise the Secretary of the Interior and the Congress of the United States of the wishes of the Community with regard to Federal projects or appropriation for the benefit of the Community; and

(h) To represent the Community in any matter that directly or indirectly affects or impacts the Community.

SECTION 3. The Governor may propose legislation and make other recommendations to the Council on any matter affecting the Community.

ARTICLE IX - JUDICIARY

SECTION 1. The judicial power of the Community shall be vested in the Judiciary which shall include the Supreme Court, the Community Court and such other lower courts as deemed necessary by the Council, including but not limited to forums of special jurisdiction for traditional dispute resolution.

SECTION 2. Composition.

(a) Supreme Court. The Supreme Court shall be comprised of a Chief Justice and two Associate Justices appointed to four year terms by the Council; provided however, to allow for staggered terms among Justices, the terms for the initial Supreme Court appointed under this Constitution shall be as follows:

(1) The Chief Justice and one Associate Justice shall each be appointed to a term of four years.

(2) One Associate Justice shall be appointed to a term of two years; subsequent appointments will be four years.

(3) Upon the expiration of their terms, Justices of the Supreme Court will continue to serve until their successors have been formally appointed by the Council.

(b) Community Court.

(1) The Community Court shall be comprised of a Chief Judge and such Associate Judges and such Appointed Judges as determined to be necessary by the Council via law.

(2) The Chief Judge and Associate Judges shall be elected by popular vote of the registered voters of the Gila River Indian Community.

(3) Appointed Judges shall be selected by the Council. Minimum qualifications for appointed Judges will be determined by the Community Council via law.

(4) Judges Pro Tempore. The Chief Judge may appoint any judge of a State, Federal or tribal court or an attorney licensed to practice before the highest court of any State of the United States or the District of Columbia as a Judge Pro Tempore in any case, matter or appeal in which the Chief Judge or other Community judges are disqualified, unable, or unwilling to act.

(c) The compensation of a judge shall not be reduced during his term in office.

SECTION 3. Jurisdiction.

(a) The Judiciary shall have original jurisdiction over all cases, controversies and matters in law and equity arising under this Constitution and the ordinances of the Community and the customs of the Pima or Maricopa tribes.

(b) The Supreme Court shall have appellate jurisdiction over any case on appeal from the Community Court.

SECTION 4. Powers of the Court.

(a) Community Court. The Community Court shall have the power to:

(1) Interpret the laws and Constitution of the Community;

(2) Make findings of fact and conclusions of law;

(3) To issue all remedies in law and in equity including injunctive and declaratory relief and all writs including attachment and mandamus;

(4) To declare the laws of the Community void and invalid if such laws are inconsistent with this Constitution;

(5) To enact written Rules of Procedure for the Community Court, consistent with the laws of the Community;

- (6) To be the final judge of Community election disputes in accordance with the law;
 - (7) To exercise such other powers as are necessary and inherent to the Court for the necessary exercise of justice.
- (b) Supreme Court. The Supreme Court shall have the power to:
- (1) Interpret the Constitution of the Community and to make conclusions of law on all matters appealed from the Community Court or all lower courts of the Community;
 - (2) Establish written Rules of Procedure for the Supreme Court, consistent with the laws of the Community;
 - (3) Decisions of the Supreme Court shall be final.

SECTION 5. The Chief Judge shall be responsible to:

- (a) Conduct the administrative day to day operations of the Court, consistent with this Constitution and Community laws;
- (b) Prepare and propose to the Council an annual operating budget for the Judiciary;
- (c) Designate a judge to preside over the trial of each case;
- (d) Subject to the approval of the Supreme Court, establish qualifications and standards to authorize and regulate the practice of law before any court in the Community and establish a Code of Judicial Conduct applicable to all judges of the Community and a Code of Conduct for Judicial Employees.

SECTION 6. Qualifications.

- (a) Chief Judge or Associate Judge.

No person shall be eligible to be elected Chief Judge or Associate Judge unless he meets the minimum qualifications as contained in Article X of this Constitution.

(b) Chief Justice, Associate Justices and Appointed Judges.

The qualifications to be appointed and serve as Chief Justice or Associate Justice of the Supreme Court or Appointed Judge shall be established by the Council within sixty (60) days of the enactment of this Constitution.

ARTICLE X – QUALIFICATIONS OF OFFICERS

SECTION 1. No person shall be elected or hold office as Governor, Lieutenant Governor, or council person unless he;

- (a) Is a member of the Community;
- (b) Has reached that age of 25 years;
- (c) Has been living on the Reservation and within the district he is to represent for at least one year immediately preceding the election;
- (d) Is registered to vote in Community elections;
- (e) Has obtained a high school diploma or General Educational Development (GED).

SECTION 2. No person who, within the five years preceding the election has been convicted of a felony or any crime involving moral turpitude shall be eligible to hold office in the Community.

SECTION 3. All elected and appointed officials shall attend training on this Constitution and the principles and foundations of ethics on an annual basis, regardless of their tenure in office. The training, all requirements of the training and consequences for failing to attend such training shall be identified and established by law within 90 days of the enactment of this Constitution.

ARTICLE XI – APPOINTED OFFICIALS AND COMMITTEEMEN

SECTION 1. Standing Committees and Boards shall be appointed by the Council from within or without its own membership.

SECTION 2. Special Committees shall be appointed by the Governor, from within or without the membership of the Community, when such committees are authorized by the Council.

ARTICLE XII – TREASURER

SECTION 1. There shall be a Treasurer appointed by the Governor, subject to the approval of the Council, to a term of four years.

SECTION 2. The Treasurer shall be bonded and shall be responsible to maintain the Community's assets as directed by the Council with recommendation from the Governor.

SECTION 3. The Treasurer shall cause all Community records to be audited on an annual basis by Certified Public Accountants.

SECTION 4. At the direction of the Council, the Treasurer may inspect and cause to be audited all records of the Community and all its entities.

SECTION 5. Qualifications and additional duties and responsibilities of the Treasurer shall be established by the Council.

ARTICLE XIII – TENURE OF OFFICE

SECTION 1. Council persons shall be elected from their respective districts for a term of four years, beginning with the next regularly scheduled election following the enactment of this Constitution. They shall take office at the first regular Council meeting in June following their election and shall serve until their respective successors have been duly elected and qualified. Incumbent elected officials will fulfill their existing terms.

SECTION 2. The Governor, the Lieutenant Governor, the Chief Judge and Associate Judges shall be elected from the Community-at-large for a term of four years, beginning with the next regularly scheduled election following the enactment of this Constitution. They shall take office the first day of January following their election, and shall serve until their respective successor have been duly elected and qualified. Incumbent elected officials will fulfill their existing terms.

SECTION 3. All Standing Committeemen or Board members shall be appointed for terms of four years. Upon the expiration of each term, the appointment may be extended upon approval of the Council. There shall be no indefinite terms.

SECTION 4. Special Committeemen are appointed for a specific purpose and their term shall end upon dissolution of the committee.

SECTION 5. Committeemen or Board members may be removed from the Special Committee or Board in accordance with Article XVII, Section 5 of this Constitution.

SECTION 6. Should it become necessary, because of vacancies, to make appointments other than at the first regular Council meeting in June, that fraction of a year in which the appointment is made shall constitute a full year toward the term of appointment, but compensation shall be based upon the time actually served.

SECTION 7. The Governor and Lieutenant Governor shall not serve more than two terms in any one elected position. There shall be no term limits for any other elected position established under this Constitution.

SECTION 8. The Governor, Lieutenant Governor, Chief Judge, Associate Judges, Councilmen, and officials duly appointed or elected to office prior to the adoption of this Constitution shall serve until their respective successors have been duly elected or appointed and qualified.

ARTICLE XIV – VACANCIES

SECTION 1. During the absence or inability of the Governor, the Lieutenant Governor shall have all powers, privileges and duties of the Governor.

SECTION 2. Should a vacancy exist from any cause whatsoever in the office of Governor, the Lieutenant Governor shall immediately succeed to the office of Governor, and the office of Lieutenant Governor shall thereupon be vacant.

SECTION 3. Should a vacancy exist due to the death or permanent disability in both the office of the Governor and Lieutenant Governor, the Treasurer shall exercise all duties and responsibilities of the Governor until such time as a successor is elected at a special election called by the Council in accordance with Section 5 of this Article.

SECTION 4. The Council shall declare that a vacancy exists when a Governor, Lieutenant Governor, Chief Judge, Associate Judges, or Councilman is removed for cause, resigns, moves from the Reservation, or when a council person moves from the district he represents.

SECTION 5. Should a vacancy exist from any cause whatsoever in the office of Lieutenant Governor, Chief Judge, Associate Judge, or Council person, a successor shall be elected at a special election called by the Council within 60 days after the vacancy occurs. The successor shall hold office until the expiration of the regular term of his predecessor. Should a vacancy occur within six months or less of the regularly scheduled election, the Council may waive the special election and allow the vacancy to exist until the successor is elected at the regularly scheduled election.

ARTICLE XV – ELECTIONS

SECTION 1. The election of the Governor, the Lieutenant Governor, the Chief Judge and the Associate Judges shall be held every four years on the first Tuesday after the first Monday in November, beginning November 2011.

SECTION 2. The election of Councilmen shall be held annually on the first Tuesday of May, beginning May 1960, for council persons whose terms expire the following June.

SECTION 3. All adult members of the community, male or female, who have attained the age of eighteen years shall, unless non compos mentis, have the right to vote in any election.

SECTION 4. The Council shall enact laws, consistent with this Constitution to ensure the fair conduct of all Community elections and to ensure final judicial review of election disputes.

SECTION 5. There shall be created and established the Gila River Election Board. The Gila River Election Board shall be an independent entity responsible for the proper administration of all elections in accordance with this Constitution and Community law. The Election Board shall have the authority to:

- (a) Review qualifications of each person declaring candidacy for any elected office of the Community and prepare a list of qualified candidates;
- (b) Supervise the Elections Office and the conduct of all elections;
- (c) Certify the results of all elections; and
- (d) Perform such other additional duties as specified by the law.

SECTION 6. The Election Board shall be comprised of seven (7) members. Each district shall appoint one Election Board member to represent the district from the district's residents to serve a term of four years. The Election Board shall select from its membership a Chairman and Vice-Chairman responsible for the overall conduct of Election Board operations.

SECTION 7. All Election Board members shall meet the following qualifications:

- (a) A registered voter of the Community;
- (b) No felony convictions;
- (c) No convictions for crimes involving moral turpitude within the previous five years; and
- (d) High School Diploma or General Educational Development (GED).

SECTION 8. An Election Board member shall automatically be removed from his position upon conviction of a violation of Community Election laws, a felony conviction or a conviction for a crime involving moral turpitude in any court or when removed by the district he represents or pursuant to procedures established by law.

SECTION 9. The Council shall have no administrative or executive authority over the Elections Board and shall authorize the appropriation of proper funding, sufficient workspace and adequate administrative assistance for the Election Board to conduct business.

ARTICLE XVI – DISTRICTS

SECTION 1. For purposes of representation and administration the reservation shall be divided into seven districts, as follows:

District 1 shall consist of all of that portion of the Reservation included in Sections 1, 2, 3, 10, 11, 12, 12, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 4 South, Range 7 East; Sections 1, 2, 3, 10, 11, 12, 15 and 22 Township 5 South, Range 7 East; and all of Townships 4 and 5 South, Range 8 East (North and South Blackwater).

District 2 shall consist of all of that portion of the Reservation included in Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, Township 4 South, Range 7 East; and Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20 and 21, Township 5 South, Range 7 East (Sacaton Flats).

District 3 shall consist of all of that portion of the Reservation lying south of the Gila River and included in Townships 4 and 5 South, Range 6 East (Cottonwood, Sacaton and Progressive Colony).

District 4 shall consist of all of that portion of the Reservation lying north of the Gila River in Townships 2, 3, and 4 South, Ranges 4, 5, and 6 East (Santan, Lower Santan, Stotonic, Snaketown and Goodyear).

District 5 shall consist of all of that portion of the Reservation lying south of the Gila River in Townships 3, 4 and 5 South, Ranges 4 and 5 East (Sweetwater, Bapchule, Vah-ki, Wetcamp and Sacate).

District 6 shall consist of all of that portion of the Reservation included in Townships 1, 2, 3 and 4 South, Range 2 and 3 East and all of Sections 13, 14, 23, 24 and the South Halves of Sections 11 and 12, all of which lie within Township 1 South, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona (Santa Cruz, Gila Crossing and Co-op).

District 7 shall consist of all of that portion of the Reservation included in Township 1 North and Townships 1 and 2 South, Range 1 East except for all of Sections 12, 14, 23, 24 and the South Halves of Sections 11 and 12, all of which lie within Township 1 South, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona. (Maricopa District).

SECTION 2. Each district may elect a District Council made up of a representative from each of the villages or settlements within the district, in conformity with laws enacted by the Council. A District Council shall serve as an advisory board and shall perform such other local administrative duties as may be assigned to it by the Council. The District Councils shall not have power to adopt or enact regulatory measures.

ARTICLE XVII – REMOVAL FROM OFFICE

SECTION 1. Any elected official and appointed Judge or Justice of the Community who is convicted in a federal, state or tribal court of any crime involving moral turpitude shall automatically be removed from office.

SECTION 2. Any elected official and appointed Judge or Justice of the Community who is found by the Council to be guilty of improper conduct or gross neglect of duty may be expelled by the affirmative vote of not less than 2/3 vote of the Council members favoring such expulsion, provided that the accused official shall first be given full and fair opportunity to reply to any and all charges at a designated Council meeting.

A written statement of the charges against such charged official shall be mailed postage prepaid or deliver to his last known place of abode at least ten days before the meeting at which he is to appear. All witnesses requested by such official shall be subpoenaed by the Council. When the Council is sitting for impeachment purposes, all witnesses shall testify under oath or affirmation. The decision of the Council shall be final.

SECTION 3. The Council shall enact laws defining what constitutes;

- (a) Improper conduct;
- (b) A crime involving moral turpitude, and
- (c) Gross neglect of duty.

SECTION 4. Every elected official of the Community is subject to recall by voters of the district or districts from which he was elected as follows:

- (a) A recall for an official other than a council person may be initiated by a recall petition signed by a number of registered voters exceeding 20 percent of the vote cast for the position at the last general election. A recall for a council person may be initiated by a recall petition signed by a number of registered voters exceeding 20 percent of the vote cast in the most recent council election within the corresponding district. A petition shall be filed with the Election Board who shall, within five days, serve notice on the official by mailing notice to the official's last known address.
- (b) Every recall petition must contain a statement, in not more than 200 words, of the grounds of such demand and must be filed at the office of the Council. Each signer of such recall petition must add to his signature, the date of his signing said petition and his place of residence. The mark of a person unable to write his name must be witnessed by two persons who shall sign as witnesses. The person circulating such petition must make and subscribe an oath on each sheet that the signatures thereon are genuine.
- (c) If said official offers his resignation it shall be automatically accepted. If he does not resign within ten days after recall petition is filed, an election shall be

ordered by the Council to be held no less than 40 or more than 50 days after such order to determine whether such official shall be recalled. Such recall may be held at a special election called for that purpose or may be held at the same time as and concurrent with any other election. Not less than ten days prior to the election the official may file with the Council a statement of justification containing not more than 200 words. On the ballot of such election shall be printed the reason for recall as set forth in the petition, and such justification as has been filed by the official. He shall continue to hold office until the result of said election shall be officially declared.

(d) No recall petition shall be circulated against any official until he shall have held his office for a period of one year. After one recall petition and election, no further recall petitions shall be filed against the same official within one year from said recall election. No recall election shall be held if an election for the office is scheduled within 90 days after the filing of the recall petition.

SECTION 5. The Council may establish a process for the removal of non-judicial appointed officials. In the absence of laws or rules governing the removal of any non-judicial appointed official, any non-judicial official, committee member or board member appointed by the Council may be removed or discharged by a 2/3 vote of the Council.

ARTICLE XVIII – REFERENDUM

A referendum on any enacted or proposed law, resolution, or other action of the Council, or enacted initiated measure, shall be called by a petition of ten percent or more of the registered voters of the Community or by resolution of the Council. Such referendum may be held at a special election called for that purpose or may be held at the same time as and concurrent with any other election. The result of such referendum shall be immediately noted in the Council minutes by the Secretary and shall be conclusive and binding upon the Council.

ARTICLE XIX – INITIATIVE

SECTION 1. The people of the Community reserve unto themselves the power to propose laws, resolutions, or other actions independently of the Council.

SECTION 2. Any proposed initiative measure shall be presented to the Council accompanied by a petition signed by not less than ten percent of the registered voters of the Community. Upon receipt of such petition the Council shall within 60 days:

- (a) Adopt the initiated measure without alteration; or
- (b) Set the matter for vote of the registered voters at an election to be held within 120 days of the time such petition was presented. Such election may be held at a special election called for that purpose or may be held at the same time as and concurrent with any other election.

SECTION 3. The result of such initiative election shall be binding upon the Council, unless the Court finds the measure unconstitutional.

SECTION 4. An adopted initiated measure may only be rescinded by referendum.

ARTICLE XX – LAND AND PROPERTY

SECTION 1. The unallotted lands of the Reservation and all lands which may be acquired here after shall be Community lands.

SECTION 2. The Council in its discretion may adopt ordinances in conformity with which Community lands may be assigned for beneficial use and occupancy to members of the Community.

SECTION 3. Any owners of allotted lands shall not be compelled to relinquish his land or any part thereof, however, allotted lands or any part thereof may be condemned for Community public works, or like Community public purposes, and in such cases the landowner shall receive in return for the condemned land just and equitable compensation prior to the taking. Condemnation proceedings shall not become effective until approved by the Council.

ARTICLE XXI – AMENDMENTS

Amendments to this Constitution may be proposed to the Election Board by a resolution of the Council approved by 2/3 vote of the entire Council or by a petition signed by at least 30 percent of the registered voters of the Community.

Upon receipt of the Council's resolution or the petition, a special election will be called and conducted in accordance with the Community law.

Proposed amendments will be approved by a majority vote of the registered voters of the Community voting in an election called for the purpose by the Election Board, provided that at least 30 percent of the registered voters vote in such election.

ARTICLE XXII - SEVERABILITY

Should any provision of this Constitution be declared invalid by a court of competent jurisdiction, the invalid provision(s) shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XXIII - SAVINGS CLAUSE

All prior laws, ordinances, resolutions and actions of the Gila River Indian Community taken before the effective date of this Constitution, including elections and terms of office, shall remain in full force and effect until such time as they might be duly rescinded or repealed pursuant to the provisions of this Constitution.

ARTICLE XIV - CERTIFICATION

This Constitution, when adopted by a majority of the registered voters of the Gila River Indian Community, voting at a special election called for that purpose by the Secretary of the Interior or his authorized representative, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be effective from the date of his approval.

CERTIFICATION