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THE AMENDED  
CONSTITUTION AND BY-LAWS OF THE  
SAGINAW CHIPPEWA INDIAN TRIBE  
OF MICHIGAN  
APPROVED - NOVEMBER 4, 1986

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CONSTITUTION OF THE SAGINAW  
CHIPPEWA INDIAN TRIBE OF MICHIGAN

PREAMBLE

We, the members of the Saginaw Chippewa Indian Tribe of Michigan, in order to conserve and develop our lands and resources, to establish justice and promote the general welfare, do adopt and establish this amended constitution for the Saginaw Chippewa Indian Tribe of Michigan.

ARTICLE I - NAME OF ORGANIZATION

This organization shall be know as the Saginaw Chippewa Indian Tribe of Michigan.

ARTICLE II - TERRITORY

The Jurisdiction of the Saginaw Chippewa Indian Tribe of Michigan shall extend to the territory within the original confines of the Isabella Reservation established by the treaty of October 18, 1864 (14 Stat. 657), and to other lands within or without such boundaries which have or may hereafter be added thereto under any law of the United States.

ARTICLE III - MEMBERSHIP

SECTION 1. Membership of the Saginaw Chippewa Indian Tribe shall consist of:

- a.) All persons whose names appeared on any of the following rolls:
  - (1) November 10, 1883;
  - (2) November 13, 1885;
  - (3) November 7, 1891; or
  - (4) December 10, 1982.
- b.) All children of at least one-quarter degree Indian blood born to any member of the Saginaw Chippewa Indian Tribe of Michigan.
- c.) All descendants of persons whose names appear on any rolls enumerated in subsection (a) of this section who are at least one-quarter degree Indian blood born prior to or within one year of the effective date of approval of this Amended Constitution by the Secretary of Interior; provided that such descendants duly apply for membership in the Saginaw Chippewa Indian Tribe of Michigan within 18 months of the effective date of amended Constitution.
- d.) Any person of at least one-quarter degree Indian blood who is an adopted child of any member of the Saginaw Chippewa Indian Tribe of Michigan or is married to any member may become an

adopted member of the Tribe pursuant to any adoption ordinance which the Tribal Council may enact. Every person adopted pursuant to this section shall be deemed to be a member of the Tribe of all intents and purposes, EXCEPT that no person so adopted into the Tribe shall be eligible to hold the office of Chief, Subchief, Tribal Secretary, Tribal Treasurer or Tribal Council member.

SECTION 2. Any enrolled member of the Tribe who applies for and becomes an enrolled member of any other federally recognized Indian Tribe, Band or group subsequent to their enrollment in the Saginaw Chippewa Indian Tribe of Michigan shall thereby forfeit membership in the Saginaw Chippewa Indian Tribe of Michigan and shall be disenrolled and thereafter shall not be entitled to any subsequent rights of membership.

SECTION 3. Any adopted member of the Saginaw Chippewa Indian Tribe of Michigan may be subject to disenrollment in the Tribe for the following reasons:

- a.) The individual became an adopted member of the Tribe by reason of marriage to a member of the Tribe and such marriage has been terminated by annulment or divorce and such adopted member has neither maintained a principal residence on the Isabella or Saganing Reservation nor remarried to another member of the Tribe for a period of twelve or more consecutive months preceding Tribal disenrollment action; or
- b.) The individual become an adopted member of the Tribe by being an adopted child of member of the Tribe, upon reaching the age of 18 or older, elects to abandon Tribal relations with the Saginaw Chippewa Indian Tribe of Michigan in favor of re-establishing Tribal relations with the Tribe from which they are descendants by blood.
- c.) Individuals so disenrolled shall thereafter not be entitled to share any subsequent rights of membership.

SECTION 4. All members of the Tribe shall report to the Tribal Secretary in person or by certified letter at least once each year in order to be entitled to any monetary benefits apportioned to the members of the Tribe. Such report shall contain the member's legal name and current address. The Tribal Secretary shall be responsible for maintaining an up to date and accurate record of such reports, the date filed and the information contained therein.

#### ARTICLE IV - GOVERNING BODY

SECTION 1. The governing body of the Saginaw Chippewa Tribe of Michigan shall be known as the Saginaw Chippewa Tribal Council. The Tribal Council shall be composed of twelve Tribal members elected by popular vote by the respective resident Tribal members entitled to vote in each of three voting districts.

SECTION 2. The respective voting districts and the number of Tribal Council members to be elected from each as follows:

1. Isabella District - Ten Tribal Council members shall be elected from this District by the resident voting Tribal members of the District. The District shall encompass the Isabella Reservation as established by the Treaty of 1864 and any other lands within or without such boundaries which are contiguous or adjacent to such reservation and have been or may hereafter be added thereto.
2. Saganing District - One Tribal Council member shall be elected from this District by the resident voting Tribal members of the District. The District shall encompass Arenac County of Michigan.
3. At Large District - One Tribal Council member shall be elected from this District by the resident voting Tribal members of the District. The District shall encompass the lands within or without the State of Michigan which are not encompassed in either the Isabella or Saganing Districts.

SECTION 3. The Tribal Council may modify the boundaries of any voting district.

SECTION 4. The Tribal Council may modify the number of Tribal Council members to be elected from each district; provided that; the Isabella District shall not have less than eight Tribal Council members and the total number of Tribal Council seats may not be modified.

SECTION 5. The Tribal Council, so elected, shall elect from its number one Tribal Chief, one Subchief, one Tribal Secretary, and one Tribal Treasurer. Said officers, when so elected by the Tribal Council, shall be known as the Executive Council. The Tribal Council shall appoint all necessary subordinate officers, boards, and committees.

SECTION 6. The Executive Council shall exercise the powers and duties delegated to it by the Tribal Council, which reserves the right of review over the actions of the Executive Council.

SECTION 7. The Tribal Council shall make provisions for all elections, by proper ordinance.

SECTION 8. The Tribal Council shall be elected every two years in the month of November. The date and manner of election to be provided by the Tribal Council as provided in Section 7 of this Article.

SECTION 9. Regular meetings of the Tribal Council shall be held each month of the year on dates designated by the Tribal Council. Special meetings may be called by the Tribal Chairman, or by a Majority of the Tribal Council. When so called the Tribal Council shall have the power to transact business as in a regular meeting.

SECTION 10. Seven members of the Tribal Council shall constitute a quorum for the transaction of business at any regular or special meeting.

SECTION 11. Any enrolled member of the Saginaw Chippewa Indian Tribe of Michigan who is 18 years of age or over shall be entitled to vote at any election, on election day in the district in which the member resides, during the official voting hours.

SECTION 12. Any person elected to the Tribal Council must be a member of the Saginaw Chippewa Indian Tribe of Michigan, 25 years of age or over, and a resident of the district from which elected for a least 1 year immediately preceding such election. No person shall be qualified to hold office who is an employee of the Bureau of Indian Affairs, or who has been convicted of a felony.

SECTION 13. The Tribal Council shall be the sole judge of the qualifications of its own members.

SECTION 14.       a.)       Any member of the Tribal Council guilty of neglect of duty, misconduct in office or an offense involving dishonesty may be removed from office by the Tribal Council by a vote of two-thirds (2/3) of the members of the Tribal Council members voting, provided such member is first given twenty (20) days notice in writing by the Tribal Secretary or Chief, and an opportunity to be heard and present evidence on his behalf; or

b.)       Upon receipt of a petition signed by at least thirty (30) percent of the eligible voters within the voting district concerned seeking removal of a Tribal Council member from that district, the Tribal Council shall call a special election in the concerned district to vote on the removal of the official in question. Only persons qualified to vote in tribal elections in the concerned voting district shall be eligible to vote in a removal election of an official of that district and said removal election shall be held in the same manner as general Tribal elections. Removal shall be accomplished by a majority vote of those voting: provided that, at least thirty (30) percent of those entitled to vote shall vote in such election. Before any such removal election is held in the district from which the

Tribal Council received the removal petition and at such meeting the official in question shall have an opportunity to be heard and present evidence on his behalf. The Tribal Secretary or Chief shall provide the official in question at least twenty (20) days prior notice of any district meeting called by reason of submission of a removal petition to the Tribal Council.

- c.) The Tribal Council pursuant to removal action under subsection (a.) or a removal petition pursuant to action under subsection (b.) shall set forth in writing the reasons for seeking removal of such official and shall provide the same to such official at least twenty (20) days prior to the meeting at which the official is to be heard.

#### ARTICLE V - REFERENDUM

Upon petition of at least 30 percent of the eligible voters in each of the three (3) respective voting districts, any enacted or proposed ordinance, resolution or any other regulative act of the Tribal Council shall be submitted to a referendum shall be effected by a majority vote in each of the three respective voting districts; Provided that, at least thirty (30) percent of those entitled to vote in each of the respective districts shall vote in such referendum.

#### ARTICLE VI - POWERS OF THE TRIBAL COUNCIL

SECTION 1. The Tribal Council of the Saginaw Chippewa Indian Tribe of Michigan shall exercise the following powers, subject to any limitation imposed by the Statutes or the Constitution of the United States, and this Constitution:

- a.) To negotiate with the Federal, State and Local governments.
- 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 veto any sale, disposition, lease, or encumbrance of Tribal lands, interests in lands, or Tribal assets of the Tribe.
- d.) To consult with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Saginaw Chippewa Indian Tribe of Michigan, prior to the submission of such estimates to the Office of Management and Budget and to the Congress.
- e.) To manage all economic affairs and enterprises of the Saginaw Chippewa Indian Tribe of Michigan.

- f.) To promulgate and enforce ordinances, providing for the manner of making, holding and revoking leases or assignments for Tribal land or interest therein.
- g.) To create and maintain a tribal fund by accepting grants or donations from any person, State or the United States, and levying taxes or assessments against members or nonmembers for the use of property and facilities which belong to the organization.
- h.) To charter subordinate organizations and to delegate to such organizations, or to any subordinate boards or officials of the organization, any of the powers enumerated in this section, reserving the right to review any action taken by virtue of such delegated powers.
- i.) To adopt resolutions not inconsistent with this Constitution and the attached By-Laws regulating the procedure of the Tribal Council itself, and of other tribal agencies, tribal officials, or tribal organizations of the Saginaw Chippewa Indian Tribe of Michigan.
- j.) To regulate the use and disposition of tribal property, to protect and preserve the tribal property, wild life and natural resources of the Tribe, to cultivate Indian arts, crafts and culture, to administer charity, to protect the health, security and the general welfare of the Saginaw Chippewa Indian Tribe.
- k.) To levy taxes, assessments, or license fees upon members and non-members doing business within the reservation.
- l.) To exclude from the restricted lands of the Reservation persons not legally entitled to enter or reside thereon.
- m.) To enact resolutions or ordinances not inconsistent with Article III of this Constitution governing adoptions and abandonment of membership.
- n.) To govern the conduct of Indians while they are the territorial jurisdiction of the Tribe as defined in Article II of this amended Constitution and of tribal members within or without such jurisdiction as authorized by federal law and in governing the conduct of such members in the exercise of treaty reserved rights and immunities.
- o.) To safeguard and promote the peace, safety, morals and general welfare of the Tribe by regulating the conduct of trade and the use and disposition of property within the territorial jurisdiction of the Tribe as defined in Article II of this amended Constitution and within any trust or restricted land within or without such territory which is owned by members of the Tribe.

- p.) To purchase land of tribal members for public purposes which is situated within the territorial jurisdiction of the Tribe pursuant to condemnation proceedings in courts of competent jurisdiction.
- q.) To govern the descent and distribution of real and personal property, within the territorial jurisdiction of the Tribe.
- r.) To regulate the domestic relations of members of the Saginaw Chippewa Tribe.
- s.) To provide for the appointment of guardians or foster homes for orphan, minor, and mental incompetent members of the Tribe and to administer tribal and other funds or property which may be transferred or entrusted to the Tribal Council for this purpose.
- t.) To establish a Tribal Court system for the administration of justice and the resolution of disputes within the jurisdiction of the Tribe. Such courts shall be independent of the Tribal Council.

SECTION 2. The Tribal Council may exercise such further powers as may in the future be delegated to it by members of the Tribe, or by the Secretary of the Interior, or any other duly authorized official or agency of the State of Federal Government, or any federal statute or regulation.

SECTION 3. Any rights and powers heretofore vested in the Indians residing on the Isabella Reservation in the State of Michigan but not expressly referred to in this Constitution shall not be abridged or diminished by this Constitution.

SECTION 4. The Tribal Council shall have power to fill any vacancy for an unexpired term that may occur by death, resignation, forced absence, or removal from office, of a Tribal Council member: Provided, that the person so appointed shall qualify according to Section 12, Article IV of this Constitution.

#### ARTICLE VII - AMENDMENTS

This Constitution and By-Laws may be amended by a majority vote of the qualified voters in each of the three voting districts at an election called for by the Secretary of the Interior: Provided that, at least thirty (30) percent of those entitled to vote in each district shall vote in such election; but no amendment shall be 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 upon receipt of a petition signed by one-third of the resident qualified voters in each of the three voting districts.

## BY-LAWS

### ARTICLE VIII - DUTIES OF OFFICERS

- SECTION 1. The Tribal Chief shall preside at all meetings of the Tribal Council and perform the usual duties of a presiding office, and shall exercise any authority delegated to him by the Tribal Council. He shall countersign all checks drawn by the Tribal Treasurer. He shall be an ex-officio member of all Boards and Committees. He shall vote only in case of a tie.
- SECTION 2. The Subchief shall assist the Chief when called upon to do so, and in the absence of the Chief he shall preside. When so presiding he shall have the rights, privileges and duties, as well as the responsibilities of the Chief.
- SECTION 3. The Tribal Secretary shall conduct all correspondence of the Tribal Council, and shall keep an accurate record of all proceedings of the Tribal Council and Executive Council meetings.
- SECTION 4. The Tribal Treasurer shall receive, receipt for, and safeguard all funds in the custody of the Tribal Council, whether they be tribal funds or special funds for which the Tribal Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Tribal Council shall direct, and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody at each regular meeting of the Tribal Council, or of the Executive Council. He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Tribal Council. The Tribal Treasurer shall give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs when required for the handling of Federal Funds or when, in the opinion either of the Tribal Council or of the said Commissioner, there are sufficient funds in the Treasury to warrant such action.
- SECTION 5. The duties of all appointive boards or officers created by the Tribal Council shall be clearly defined by resolution of the Tribal Council at the time of their creation or appointment. Such boards and officers shall report to the Tribal Council from time to time as required and their activities and decisions shall be subject to review by the Tribal Council.

### ARTICLE IX - EXECUTIVE COUNCIL MEETINGS

- SECTION 1. Three members of the Executive Council shall constitute a quorum to transact business at all regular and special meetings.

### ARTICLE X - RATIFICATION OF CONSTITUTION AND BY-LAWS

These revisions and amendments to the Constitution and By-Laws, shall take effect when adopted by a majority vote of those members entitled to vote at a special election held pursuant to Section 4 (a.) of P.L. 99-346, in which at least 30 percent of those entitled to vote shall vote, and a copy shall be submitted to the Secretary of the Interior within 10 days after the date of the adoption and ratification pursuant to Section 4(d.) of P.L. 99-346.

#### CERTIFICATION OF ADOPTION

Pursuant to Section 4 of Public Law 99-346, of June 30, 1986, the amendments and revisions to the Tribal Constitution and By-Laws which were approved by the Tribal Council on April 15, 1985, in Resolution L&O-03-85 were submitted for ratification to the qualified voters of the Saginaw Chippewa Indian Tribe of Michigan and was on November 4, 1986 duly ratified by a vote of 150 for approval and 19 for disapproval and zero cast ballots which were spoiled or mutilated in an election in which 169 qualified voters voted in an election in which over thirty percent of those entitled to vote cast their ballots, in accordance with Article VII of the Tribal Constitution and By-Laws.

November 5, 1986

Mildred Pelcher,  
Caucus Committee Judge

Michelle Isham,  
Caucus Committee Clerk

Henry George, Sr.,  
Caucus Committee Teller