

Constitution Of The Dot Lake Tribe

Kelt'aaddh Menn'

Village of Dot Lake, Alaska

Adopted by Dot Lake Tribal Voters on July 9th, 2016

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PREAMBLE

We, the people of the sovereign Tribe of Dot Lake, exercise our freedom and sovereign powers in creating this Constitution to support the well-being and unity of this and succeeding generations, to affirm our faith in our fundamental Native rights and traditions, to promote our Tribe's social, cultural, economic and political progress, and to protect our people, land, and natural resources now and into the future. We adopt this Constitution as a federally recognized tribe, under our inherent sovereign authority. Upon adoption by the Dot Lake tribal membership, this Constitution shall supersede our first written Constitution and By-Laws adopted on March 24, 1970 as amended by the Constitution of the Native Village of Dot Lake which was adopted on January 3, 1986.

ARTICLE 1 - NAME

The name of our Tribe is the 'Dot Lake Tribe,' and is listed as 'Village of Dot Lake' on the list of federally recognized tribes published by the United States Department of the Interior. The name of the governing body of the Tribe shall be the 'Dot Lake Tribal Council.' Our Native name is 'Kelt'aaddh Menn,' meaning 'Water Lily Lake.'

ARTICLE 2 - JURISDICTION

The Dot Lake Tribe shall have all the immunities and privileges available to federally acknowledged Indian tribes, in our government-to-government relationship with the United States, as well as the responsibilities, powers, limitations and obligations of such tribes. The jurisdiction of the Dot Lake Tribe to the extent consistent with federal law shall extend over governmental processes and affairs internal to the Tribe and over matters arising:

- A.** In the Dot Lake Tribe's Indian country, over lands and waters customarily and traditionally used by the Tribe, including lands withdrawn for selection by the Dot

Lake Native Corporation for the Tribe under the Alaska Native Claims Settlement Act, and lands under which the Tribe has jurisdiction under federal or state law for a specific purpose

- B.** Over all tribal members within or outside Indian country
- C.** Over all persons and entities who entered into consensual relations with the Tribe or tribal members and whose activities affect the political integrity, economic security, or health and welfare of the Tribe or tribal members
- D.** Over any matters so delegated or implied by federal or state law

Nothing in this Article shall be construed to limit the ability of the Tribe to exercise its jurisdiction based upon its inherent sovereignty as a federally recognized Indian Tribe. The Tribe shall retain any and all territorial, subject matter and personal jurisdiction to the greatest extent permitted by federal or state law, which may not be surrendered by the Tribe without an affirmative vote of the majority of the Tribe's qualified voters.

ARTICLE 3 – MEMBERSHIP

Section 1. Base Membership Roll. The base membership roll of the Dot Lake Tribe is the enrollment for the ANCSA Village Corporation, Dot Lake Native Corporation. The Constitution of the Native Village of Dot Lake adopted in 1986, which this Constitution supersedes, had a provision that spouses of the original Corporation members were to be considered members. Spouses of lineal descendants of base roll members shall not be Dot Lake Tribal members unless they otherwise qualify as a lineal descendant, or qualify to be adopted into the Tribe under the terms of the Dot Lake Membership and Enrollment Code.

Raymond Louis Ballesteroz	Gene Billy Henry	Tim Wes Luke Sr
Banford Carl Charles	Lee Robert Henry	Tim Luke Jr
Carl Albert Charles	Paul Henry	Dorothy May Lyons
Clyde Albert Charles	Andrew Titus Issac	Teresa Lynn Maniaci
Doris Charles	Maggie A Issac	Karl Leroy Martin Jr
Ivan Fleichman Charles	Wayne E Isaac	Charles Peter Miller
Ted Ray Charles	Molly Caroline John	Doris Miller
Walter Charles	Walter Ray John	Stella Miller
Marie May Dennis	Hazel Kahaleiwi	Mary Lou Paul
Mary Lindquest Ertl	Kevin Kanayurak	Tracy Ann Charles Smith
Larry Roy Galbreath	Serafina B Lillie	Fred Theisen
Clara Goodman	Abraham Luke	Turner Langford
Janet R Gray	Eva Luke	Marlene Sally Wailes
Robert L Hamilton	Jacob Isaac Luke Sr	Thomas Evan Waskey
Brady Billy Henry	Larry Abraham Luke	Mary F Willey

Section 2. Descendants of Base Roll Members. All persons listed on the base membership roll and lineal descendants of base roll members shall be automatically eligible for membership and enrollment in the Dot Lake Tribe. Children under 18 and lineal descendants of members on the base membership roll shall be tribal members regardless of whether or not they are formally enrolled into the Dot Lake Tribe. Lineal descendants over 18, who are not already formally enrolled, shall be considered automatically eligible for membership in the Dot Lake Tribe and may submit applications for formal enrollment, provided that they are not enrolled into another tribe.

Section 3. Dual Enrollment. Dual enrollment is prohibited for members of the Tribe who are 18 years of age and older. Dual enrollment is permitted for children. Children who are lineal descendants of base roll members are tribal members even if they are not formally enrolled, or if they are enrolled to another tribe. Children's enrollment or

eligibility for enrollment may not be relinquished from the Dot Lake Tribe by any person or entity for any reason.

Section 4. Adoption of New Members. The Tribal Council shall have the option to adopt Alaska Natives or American Indians who are not base roll members or lineal descendants. Criteria for adopting new members shall be that they have a minimum blood quantum of at least $\frac{1}{4}$ Alaska Native or American Indian blood, and have set up residence in Dot Lake for a minimum of 3 years immediately prior to applying. Procedures for adoption of new members shall be provided in the Dot Lake Tribal Membership and Enrollment Code.

Section 5. Membership and Enrollment Code. The Tribal Council shall have the power to enact Codes and resolutions, not inconsistent with this Constitution, prescribing rules and regulations governing membership, including application and appeal procedures, dual membership, maintenance of the membership roll, loss of membership, disenrollment, relinquishment of membership, adopted children of members, and adoption of new members. The Code may not further restrict eligibility for membership such as requiring a blood quantum for enrollment of lineal descendants of base roll members.

ARTICLE 4 – GOVERNING BODY

Section 1. Name and Powers. The governing body of the Dot Lake Tribe shall be the ‘Dot Lake Tribal Council,’ also referred to as the ‘Council’ or ‘Tribal Council’ in this Constitution. The Council shall represent the Tribe and shall exercise the powers of the Tribe cited in this Constitution unless otherwise provided by this Constitution or by tribal code.

Section 2. Number of Council Members, Officers, and Voting. The Dot Lake Tribal Council shall consist of 5 members. The officers shall be the President, Vice President,

and Secretary/Treasurer. Officers of the Dot Lake Village Council shall be decided among the Council each year after the annual election. All 5 council members shall be entitled to vote, except in the case of a conflict of interest as defined in this Constitution or by tribal code.

Section 3. Qualifications for Serving on the Tribal Council. Enrolled tribal members who are 18 years of age or older, who are full time residents of the State of Alaska or maintaining legal Alaska residency, who are not enrolled into another tribe, and who have had no felony convictions for at least 5 years immediately prior to an election or a crime involving sexual assault, embezzlement, conversion or misuse of tribal funds or property ever in their lives are eligible for serving on the Dot Lake Tribal Council. Additionally, once elected, council members may be drug tested for illegal methamphetamines and narcotics, and shall forfeit their seat if they refuse to take the test or test positive for those drugs. In the event that Dot Lake tribal council members are also tribal court judges, they shall not be eligible to serve as a tribal court judge for children's cases if they have been convicted of felonies, sexual offenses, or misdemeanor offenses listed under the Indian Child Protection and Family Violence Prevention Act of 1990 or as subsequently amended without an express waiver by resolution of the Dot Lake Tribal Council.

Section 4. Terms of Office and Annual Election. Tribal Council members shall hold office for 3 year terms, provided that shorter terms may be used to initiate a staggering process. The number of seats up each year shall be 2 seats one year, followed by 2 seats the next year, and 1 seat up the year after that. A record shall be kept in the Tribal Office of when each seat was elected and when seat is up for election.

Section 5. Quorum. Three Tribal Council members shall constitute a quorum for the transaction of business at any meeting of the Tribal Council unless a larger number is specifically required by this Constitution or by tribal code. The council members may meet either in person or be telephonically connected to meetings.

Section 6. Conflict of Interest. No Council member shall vote on any matter, including but not limited to employment hiring and firing, contracts, project funding, delivery of services or appointments to tribal committees, in which he or she has a direct, significant personal interest and cannot be fair for any reason. A personal interest also includes matters involving his or her spouse or significant other, parents and parent in-laws, siblings, children, or persons living in the same household or with whom a romantic relationship exists. Council members present when such an issue is decided shall reveal such conflict prior to any vote, and shall abstain from voting. A member having a conflict of interest on a matter may discuss the matter, but may not vote on it.

ARTICLE 5 – DUTIES OF OFFICERS OF THE COUNCIL

Section 1. Assuming Duties. Newly elected Council members shall assume their duties immediately upon certification of election results.

Section 2. Chain of Command, Decision Making, Representation. The chain of command for chairing Council meetings shall be the President, the Vice President, and then the Secretary/Treasurer when the President and Vice Presidents are not available. During meetings, the Council shall make decisions by consensus when possible and by majority vote when consensus is not possible. When the Council is not meeting, the President shall generally represent the Tribe, subject to any limitation that may be provided by tribal constitution, code or resolution.

Section 3. Authority to Sign Documents and Checks: No member of the Council shall have the authority to sign resolutions, contracts, or make major commitments of tribal resources without an affirmative vote of at least 4 members of the Council, provided that an affirmative vote of all 5 Tribal Council members may be required by this Constitution or by tribal codes in specific circumstances. Checks signed in the regular

course of business require two signatures. Authorized check signers shall be specifically designated by resolution of the Dot Lake Tribal Council.

Section 4. President. The President shall be the first in command to preside over meetings of the Council and of the Tribe. The President shall provide general supervision for the affairs of the Council with the assistance of the Vice President and Secretary/Treasurer, subject to any limitation that might be provided by tribal Constitution, code, or resolution. The President may sign, with either the Vice President or Secretary/Treasurer leases, contracts, and other significant documents approved by an affirmative vote of at least 4 Council members, provided that an affirmative vote of all 5 Tribal Council members may be required by this Constitution or by tribal codes in specific circumstances.

Section 5. Vice President. The Vice President shall preside over meetings of the Council and of the Tribe in the absence of the President. The Vice President shall assist at the direction of the President providing general supervision over the affairs of the Tribe and Tribal Council.

Section 6. Secretary/Treasurer. The Secretary/Treasurer shall give financial reports to the Council as requested by the Council. The Secretary/Treasurer shall take or delegate the taking of minutes of all meetings. The Secretary/Treasurer shall issue or delegate the duty of issuing notices of all meetings and elections. Upon vacating his or her office, the Secretary/Treasurer shall immediately turn over all records that may be in his or her possession to the Tribal Office.

ARTICLE 6 – REMOVAL, RECALL, FORFEITURE, AND VACANCIES

Section 1. Removal. Any Council member found guilty by the Council of neglect of duty or gross misconduct in office may be removed from office by the Council. A

minimum of 4 Council members must vote in favor of the removal. Council members who are the subject of removal shall first be given a 10 day notice in writing of the charges against him or her and be given an opportunity to answer such charges before the Council in an executive session of the Council. If the person subject to removal fails to appear before the Council, the Council may proceed in making a decision. No person shall preside over a meeting at which his or her removal is being considered. All questions concerning removal under this Section shall be resolved by the Council and the decision of the Council shall be final.

Section 2. Recall. Any member of the Dot Lake Tribal Council may be recalled by the tribal voters through a petition and election process. A valid petition requesting such recall shall be signed by at least 25 of the enrolled tribal members who are 18 years of age or older, gathered within a 30 day period, and be presented to the Council either by filing it with the Dot Lake tribal administrator or presenting it at a meeting of the Dot Lake Tribal Council. The Council shall call a special election to consider the recall of the named Council member or members within 60 days upon receiving the petition, in accordance with Article 8, Section 3 of this Constitution.

If the Council fails to call a special election to consider the recall, the tribal membership may hold a tribal membership meeting to conduct such business, provided that a quorum of 20 the enrolled tribal members who are 18 years of age or older is established. Circulating a new petition to call such a meeting shall not be required, but tribal members shall post notice at least 30 days in advance, in a minimum of 2 public places in Dot Lake and may post notice on the Tribe's website, on the Tribe's social media, and emailed or mailed to the tribal voters.

Section 3. Forfeiture. Any Council member shall automatically forfeit his or her Council position under the following conditions: 1. submits a written resignation; 2. is convicted of a felony of any type or a lesser crime involving sexual assault,

embezzlement, conversion or misuse of tribal funds or property while in office; 3. tests positive for methamphetamine or other illegal narcotics or refuses to take such test.

In cases where a Council member is absent, either in person or telephonically, from three successive regular meetings of the Tribal Council without notifying the Tribal Council Office with a valid excuse prior to the meetings, the Council may declare his or her seat forfeited after a warning is issued upon the second unexcused absence.

Section 4. Vacancies on the Tribal Council. Any vacancy on the Tribal Council shall be filled by appointment by the remaining members of the Council, provided that there are at least 3 affirmative votes to support the appointment. If for some reason there are less than 3 council members remaining on the Council, there shall be a special tribal election to fill those vacancies. If there is a vacancy among the officer positions, the remaining Council members shall decide how to fill those seats. Anyone appointed or elected to fill a vacancy shall serve until the term of that seat expires. Clear records of any appointments to fill vacancies shall be kept in the Tribal Office files.

ARTICLE 7 – MEETINGS

Section 1. Notice for all Meetings. Notice of meetings of the Tribal Council and general tribal membership, except for emergency meetings of the Council, shall be posted in at least two places in Dot Lake, and may be posted on the Tribe's website, on the Tribe's social media, and emailed or mailed to the tribal voters. The minimum length of time required for notification of various types of meetings shall be specified by this Constitution.

Section 2. Regular Meetings of the Tribal Council. Regular meetings of the Council shall be held monthly, on a date, time, and place to be determined by majority vote of the Council. Notice shall be posted at a minimum of 7 days prior in at least 2 public places in Dot Lake, and may be posted on the Tribe's website, on the Tribe's social

media, and emailed or mailed to the tribal voters. Meetings shall be generally held under Roberts Rules of Order. Minutes shall be taken at all regular meetings of the Council and shall be made available for tribal members to see. Major business of the Council shall be done by tribal resolution. All regular meetings shall be open to the general tribal membership except when the Council is in executive session.

Section 3. Special Tribal Council Meetings. The President or Vice President may call for a special meeting of the Council with an affirmative vote of at least two other council members. Notice shall be given at least 1 week in advance to tribal members by posting in at least 2 public places in Dot Lake and may be posted on the Tribe's website, on the Tribe's social media, and emailed or mailed to the tribal voters. The notice shall contain what the special meeting is about and the time and place of the meeting. Special meetings shall be generally held under Roberts Rules of Order. Minutes shall be taken at special meetings of the Council and shall be available for tribal members to see. Major business of the Council conducted at special meetings shall be done by tribal resolution. All special meetings shall be open to the general tribal membership except when the Council is in executive session.

Section 4. Emergency Tribal Council Meetings. The Council may meet for an emergency meeting without notice only when emergency circumstances warrant such a meeting. Only emergency business may be taken up at emergency meetings, and decisions of a temporary nature made. Emergency meetings shall be generally held under Roberts Rules of Order. Minutes shall be taken at emergency meetings of the Council and shall be available for tribal members to see. Major business of the Council conducted at emergency meetings shall be done by tribal resolution. All emergency special meetings shall be open to the general tribal membership except when the Council is in executive session.

Section 5. Executive Session of the Tribal Council. The Dot Lake Tribal Council may move to meet in a closed executive session during regular, special or emergency

meetings of the Council when the subject matter concerns child welfare, personnel, litigation, and other matters made confidential by tribal code. The Council shall not go into executive session until all other business for the meeting is complete.

Section 6. Tribal Membership Meetings.

- A. Annual Tribal Membership Meeting:** An annual tribal membership meeting shall be held each year in June to conduct Council elections and any other business of the Tribe as directed by the Council.

- B. Council Calling Tribal Membership Meetings:** General tribal membership meetings, besides the annual meeting, may be called by an affirmative vote of at least 4 tribal council members.

- C. Tribal Members Calling Tribal Membership Meetings:** Tribal membership meetings may be called by the tribal membership through a petition signed by at least 25 enrolled tribal members and gathered within a 30 day period. Tribal members shall post notice in at least 2 public places in Dot Lake for a minimum of 30 days from the date a valid petition is delivered to the Tribal Council by presenting it to the tribal administrator or to the Council at a regular or special meeting. Notice may also be posted on the Tribe's website, on the Tribe's social media, and emailed or mailed to the tribal voters.

- D. Quorum for Tribal Membership Meetings:** A quorum for a tribal membership meeting where elections are conducted or policy decisions are being made shall be a minimum of 20 enrolled tribal members 18 years of age or older.

- E. Notice for Tribal Membership Meetings:** Notice for tribal membership meetings shall be posted a minimum of 30 days prior, in at least two public places in Dot Lake, and may be posted on the Tribe's website, on the Tribe's social media, and emailed or mailed to the tribal voters.

ARTICLE 8 – ELECTIONS

Section 1. Voter Qualifications. Enrolled tribal members, 18 years of age or older who are physically present shall be qualified to vote in elections held in Dot Lake. For special elections where ballots are mailed out to the membership, enrolled tribal members eighteen years of age or older shall be qualified to vote.

Section 2. Tribal Council Elections.

- A. Elections for Council Seats:** Elections for Tribal Council seats shall be held each year at the annual membership meeting in Dot Lake in June.
- B. Notice:** Notice shall be posted in at least two public places in Dot Lake, 30 days prior to the annual meeting, and may be posted on the Tribe’s website, on the Tribe’s social media, and emailed or mailed to the tribal voters. Notices shall contain information about how many seats are up for election and what the qualifications for holding office are.
- C. Quorum:** A quorum of 20 enrolled tribal members, 18 years of age and older shall be present to hold an election for tribal council positions. If there is a failure to assemble a quorum for an election, another election meeting shall be held within two months.
- D. Failure of the Council to hold Elections:** If the Council fails to hold elections for tribal council positions by the end of August, the tribal membership may meet

to conduct an election under the terms of Article 7, Section 6 (C) of this Constitution.

Section 3. Special Elections. The Council may, by resolution, call a special election for the purposes of deciding a referendum, initiative, recall, or amendments to the Constitution upon giving at least a 30 day notice to the qualified voters. Notice shall be posted in two places in Dot Lake, and may be posted on the Tribe's website, on the Tribe's social media, and emailed or mailed to the tribal voters. Notices shall contain information concerning what the special election is about. Special elections may take place either through a meeting format, polling hours, or mail out ballots. A minimum of 20 tribal voters must cast ballots for a valid special election, provided that all eligible tribal voters have been reasonably notified.

Section 4. Election Committee. Prior to each election, the Council shall appoint an election committee of at least two adults who are not tribal members to supervise, administer, and conduct tribal elections. The election committee shall certify the election of tribal officials.

Section 5. Election Code. An Election Code, consistent with this Constitution, shall be adopted by the Council that shall set forth the procedures to be followed in conducting each of the various types of elections called for in this Constitution.

ARTICLE 9 – POWERS OF THE DOT LAKE TRIBAL COUNCIL

Section 1. General Powers. Except as specifically limited by this Constitution or by tribal code, the Council shall exercise the sovereign powers of the Tribe. The powers of the Tribe shall include all the inherent powers of a federally recognized tribal

government that do not violate federal law, including but not limited to those specified in this Article.

Section 2. Internal Affairs. Consistent with this Constitution, the Council may enact codes and policies to govern the internal affairs of the Tribe, procedures, organization, and domestic relations.

Section 3. Tribal Council Powers. The Council shall exercise the following powers by appropriate action, motion, code, policy, or resolution subject to any limitations imposed by this Constitution, codes, or applicable laws of the United States:

- A.** To consult, negotiate, contract, oversee, make agreements with and make recommendations to federal, state, foreign, local, tribal, for-profit, and non-profit organizations regarding activities that may affect the Dot Lake Tribe.
- B.** To manage the internal affairs and procedures of the tribal government including regulating the conduct of the Tribal Council, membership, elections, and establishment of committees.
- C.** To promote and protect the peace, health, education, and general welfare of the members of the Tribe and to administer services that contributes to the social and economic development of the Tribe and its members.
- D.** To provide for the maintenance of law and order, domestic relations, health and safety, and the administration of justice, including the establishment of appropriate tribal courts or other judicial bodies.
- E.** To protect, encourage, and foster Tribal cultural practices of the Dot Lake people, including the arts, crafts, religion, singing, dancing, language and customs.

- F.** To protect artifacts, archaeological sites, and sacred places of the Dot Lake people.
- G.** To protect and preserve the wildlife and natural resources within the area under the jurisdiction of the Tribe or upon which its members rely for subsistence.
- H.** To manage tribal property, and to prevent the sale, disposition, lease or encumbrance of tribal lands, interest in lands, or other tribal assets without the consent of the Dot Lake Tribe.
- I.** Except as limited by Article 10 of this Constitution, to manage, lease, acquire, exchange, or otherwise deal with tribal or other property.
- J.** To zone, exercise the power of eminent domain and otherwise regulate all land use within those areas under the jurisdiction of the Tribe.
- K.** To make assignments of land or water areas of the Tribe for use and occupancy of the tribal members in accordance with the customs and codes of the Tribe.
- L.** To exclude persons from the Village who are a danger to tribal members.
- M.** To acquire property and receive gifts.
- N.** To protect members' rights in personal property.
- O.** To manage and regulate all financial matters of the Tribe including assets, income, expenditures, appropriating funds, budgeting, reporting, and bank accounts.

- P. To engage in tribal economic development enterprises for the benefit of tribal members and the Village.
- Q. To secure bank loans up to \$50,000 without a vote of the qualified tribal voters in an election where at least 20 voters have voted.
- R. To levy and collect taxes, fees, and assessments for Tribal purposes.
- S. To charter enterprises, corporations, and associations for the benefit of tribal members.
- T. To employ legal counsel.
- U. To join and/or charter housing authorities.
- V. To manage tribal personnel and adopt personnel policies to govern tribal employment practices.
- W. To adopt codes and resolutions necessary to give effect to any provision of this Constitution and to exercise any power not prohibited by federal law or reserved to the tribal voters.

Section 4. Omissions. Any rights and powers vested in the Dot Lake Tribe but not expressly referred to in this Constitution shall not be lost by reason of their omission, but may be exercised by the Council unless expressly prohibited by this Constitution or by tribal code.

ARTICLE 10. POWERS RESERVED TO MEMBERSHIP

Section 1. Tribal Lands. No lands or interests in lands owned by the Tribe may be placed into trust, sold, leased for more than 25 years or otherwise disposed of without a vote of the qualified tribal voters, where at least 20 tribal voters have voted. Nothing in this Section shall prohibit the Tribal Council from establishing and administering a residential or commercial tribal land assignment program as set forth by tribal code.

Section 2. Tribal Sovereign Immunity. Dot Lake tribal voters reserve the right to vote on waivers of sovereign immunity from claims by a non-governmental entity over \$50,000 in value or any claim by any entity seeking execution against tribal lands. A special election shall be held with reasonable notification to all tribal voters, and a minimum of 20 tribal voters shall vote in the election for it to be valid.

ARTICLE 11 – POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The qualified voters of the Dot Lake Tribe shall have the right to amend this Constitution and to propose, amend and repeal codes not inconsistent with this Constitution, through a valid petition signed by at least 25 enrolled tribal members, 18 years of age and older and gathered within a 30 day period. The petitions shall be submitted to the Dot Lake tribal administrator or to the Tribal Council during a regular or special meeting of the Council. The Council shall then call an election no later than 60 days after receipt of the petition in accordance with Article 8, Section 3 of this Constitution.

If the Council fails to act on the petition, the constitutional amendment or code proposal may be brought before a tribal membership meeting called under the terms of Article 7, Section 6 (C) of this Constitution. A minimum of 20 tribal members, 18 years of age or older shall vote in such election for it to be valid.

Section 2. Referendum. The Council, by an affirmative vote of at least 4 of its members may refer issues to the tribal membership in a tribal election held in

accordance with Article 8, Section 3 of this Constitution. Notice shall be posted in at least 2 public places in the Village for a minimum of 30 days prior to such an election and may be posted on the Tribe's website, on the Tribe's social media, and emailed or mailed to the tribal voters. A minimum of 20 tribal voters shall vote in such a referendum for a valid election.

Section 3. Initiative and Referendum Decisions. The decision of the voters in both initiative and referendum elections shall be binding on the Council and the Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

ARTICLE 12 – RIGHTS OF MEMBERS

Section 1. Powers Reserved to Membership: Tribal members shall have the powers reserved to the tribal membership as described in Article 10 of this Constitution.

Section 2. Access to Tribal Records. Tribal members shall have the right to review all tribal records, including financial records, during tribal office hours in accordance with procedures established by the Council, except in child welfare cases, tribal enrollment records, litigation, personnel and other matters made confidential by tribal Code. A list of the names of current tribal members shall be made available to tribal members upon request.

Section 3. Open Tribal Council Meetings. Tribal members have the right to be present at all meetings of the Council except during executive sessions of the Council. Tribal members shall have the right to express their opinions on all tribal business in an orderly fashion under the direction of the person chairing the Council meeting.

Section 4. Indian Civil Rights. The Tribe shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968 as amended, enforceable by the Dot Lake Tribal Court. In summary, the tribal government shall:

- (1) Not prohibit the free exercise of speech, press, religion, or rights of the people to assemble peacefully or file grievances against the tribal government.
- (2) Not allow unreasonable search and seizure or issue search warrants without probable cause.
- (3) Not try anyone in the Dot Lake Tribal Court for the same offense twice as in double jeopardy.
- (4) Not make any person testify against himself in a criminal matter.
- (5) Not take private property for public use without paying the owner the fair market value.
- (6) Not deny a person the right to a speedy public trial. A speedy trial is generally assumed to be a trial within 90 days or less. The accused person must be informed of the nature of the crime he is accused of, told about the witnesses against him, be allowed to have witnesses testify in his favor and be allowed a lawyer at his own expense.
- (7) Not impose excessive bail or fines, nor impose cruel or unusual punishments.
- (8) Give all persons equal protection under tribal laws.

- (9) Not pronounce anyone guilty of a crime or civil violation without a fair trial. The tribal government shall not charge a person for an incident that occurred prior to the enactment of the Code. (Ex Post Facto).
- (10) Provide anyone accused of an offense punishable by jail time the right to a trial by jury of no less than six persons.

ARTICLE 13 – SOVEREIGN IMMUNITY OF THE DOT LAKE TRIBE

The Council may adopt resolutions to waive immunity from suit or execution of judgement subject to this Article. This Article shall be strictly construed and ambiguities as to the scope of any waiver shall be construed in favor of finding immunity of the Tribe.

Section 1. Waivers and the Indian Civil Rights Act. Nothing in this Constitution shall be deemed, interpreted, or construed to be a waiver of immunity from suit or execution of judgement against tribal property under tribal, state or federal law. Provided, however, that persons subject to the jurisdiction of the Tribe may bring claims arising under the Indian Civil Rights Act against the Dot Lake Tribal Council in the Dot Lake Tribal Court.

Section 2. Waivers of Sovereign Immunity for Grants and Contracts. The Council may waive tribal sovereign immunity for the purposes of entering into a government grant or contract. Any waiver of sovereign immunity must specify that tribal lands shall not be included within the scope of the waiver. A resolution waiving immunity from suit

or execution of judgement shall be passed by an affirmative and contemporaneous vote of at least 4 Council members voting in favor of passage.

Section 3. Claims by Non-Governmental Entity over \$50,000 or over Tribal Lands.

Dot Lake tribal voters reserve the right to vote on waivers of sovereign immunity from claims by a non-governmental entity over \$50,000 in value or any claim by any entity seeking execution against tribal lands. A special election shall be held under Article 8, Section 3 of this Constitution with a minimum of 20 qualified tribal voters voting in such election.

Section 4. Waivers Shall be Specific. Waivers of immunity shall not be general, but must specify the parties who may bring an action against the Tribe, duration for bringing a cause of action, the amount of funds or other property upon which execution may be had, the nature of the transaction giving rise to claims, and any other limitations deemed appropriate by the Council.

ARTICLE 14 – SEVERABILITY

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

ARTICLE 15 – SAVINGS

Unless inconsistent with this Constitution, all tribal legislation enacted prior to adoption of this Constitution shall remain in effect.

ARTICLE 16 – AMENDMENTS

This Constitution may be amended by the qualified voters of the Dot Lake Tribe voting in a special election called for that purpose in accordance with Article 8, Section 3 of this Constitution. Prior to the election, all tribal members 18 years of age or older shall be provided a copy of the proposed amendments and given an opportunity voice their concerns.