AMENDED AND RESTATED
CONSTITUTION AND BYLAWS
OF THE
KETCHIKAN INDIAN COMMUNITY

PREAMBLE

We, the members of the Ketchikan Indian Community, a federally-recognized Indian tribal
government, being Alaska Natives having a common bond of residence in Ketchikan Gateway
Borough, State of Alaska, do ordain and establish this amended and restated Constitution and
Bylaws in order to organize for our common good, to protect our inherent sovereign right to
govern ourselves under our own laws and customs, to maintain and foster our tribal culture, to
protect our traditional indigenous lands and waters, to promote the social and economic well-
being of our people, and to govern, protect and advance our common interests. Therefore, to
preserve peaceful and cooperative relations with the United States government, we hereby adopt
this Constitution and Bylaws in accordance with, and by authority of, Section 16 of the Act of
Congress of June 18, 1934 (48 Stat. 984, 25 U.S.C. § 476), and Section 1 of the Act of Congress
of May 1, 1936 (49 Stat. 1250, 25 U.S.C. § 473a). This amended and restated Constitution and
Bylaws supersedes and replaces the 1939 and 1979 versions of the Constitution and Bylaws of
the Ketchikan Indian Corporation which were ratified by qualified voters in federally-
administered elections and which were approved by the delegates of the Secretary of the Interior
on December 20, 1939, January 15 and 19, 1979, and January 22, 1982.

ARTICLE I -- NAME

The name of this Indian tribe is the Ketchikan Indian Community (previously known as the
"Ketchikan Indian Corporation"), hereinafter referred to as the "Community" or "Tribe".

ARTICLE II -- TERRITORY AND JURISDICTION

Section 1. Territory. To the greatest extent allowed under federal law, the territory of the Tribe
shall extend to all lands, islands, waters, airspace, and surface and subsurface interests located
within the geographic boundaries of the Ketchikan Gateway Borough but outside of the
municipal boundaries of the City of Saxman, notwithstanding the issuance of any patent or right
of way.

Section 2. Jurisdiction. To the greatest extent allowed under federal law, the jurisdiction of the
Tribe shall extend to all members of the Tribe wherever located and all persons, property and
activity within the territory of the Tribe.
ARTICLE III – MEMBERSHIP

Section 1. Membership. The membership of the Tribe shall consist of the following persons:

(a) Base Roll. All persons whose names appear on the base roll of the Tribe as of June 29, 2017, including but not limited to all persons entitled to vote on the adoption of the 1939 Constitution and Bylaws of the Tribe and on the adoption of the 1979 Constitution and Bylaws of the Tribe.

(b) Lineal Descendants. All persons who are lineal descendants of persons who qualify for membership under the immediately preceding subsection (a).

(c) Adoption. In addition to those persons qualifying under the immediately preceding subsections (a) and (b), all persons who are admitted to membership by the Tribal Council after meeting requirements duly-established by the Tribal Council in an ordinance governing the acquisition of membership by adoption, provided that such requirements are not inconsistent with this Constitution and Bylaws.

Section 2. Prohibitions Against Dual Membership Enrollment and Disenrollment.

(a) No person may maintain membership in the Tribe while maintaining membership enrollment in another federally recognized Indian tribe other than the Central Council of Tlingit and Haida Indian Tribes of Alaska.

(b) Except in the case of fraudulent identity or the falsification of records materially related to membership eligibility, no member may be disenrolled without that person’s consent, provided that any member may voluntarily relinquish membership enrollment in the Tribe at any time upon verifiable written notice to the Secretary of the Tribe. The Tribal Council may adopt an ordinance establishing additional requirements which implement this subsection (b) provided that such requirements are not inconsistent with this Constitution and Bylaws.

Section 3. Voting Membership. All members of the Tribe who are 18 years of age or older shall have the right to vote in all member meetings of the Tribe provided that they are duly registered to vote with the Secretary of the Tribe, which voters are hereinafter referred to collectively as “Duly Registered Voters” or, singly, as a “Duly Registered Voter.” In order to be a Duly Registered Voter, a member must provide and maintain a current mailing address with the Secretary of the Tribe. The Tribal Council may adopt an ordinance establishing additional requirements for Duly Registered Voters not inconsistent with this Constitution and Bylaws.

ARTICLE IV – TRIBAL COUNCIL

Section 1. Number. The governing body of the Tribe shall be a Tribal Council composed of nine members of the Tribe who are Duly Registered Voters.
Section 2. Term of Office. The term of office for each Tribal Council member seat shall be three years.

Section 3. Officers. The Tribal Council shall annually elect, immediately after the annual meeting of the Tribe, a President, a Vice President, a Secretary, and a Treasurer from among the members of the Tribal Council. No officer may hold more than one office at a time. Within 30 days of an office becoming vacant, the Tribal Council shall elect another Tribal Council member to serve the remainder of the unexpired term of the vacant office. The officers shall have the following duties and powers:

(a) President. The President shall be the principal liaison between the Tribal Council and the Tribal Administrator, and additionally shall perform all duties which may be required by the Tribal Council. The President shall chair all Tribal Council meetings and all meetings of the Duly Registered Voters.

(b) Vice President. In the absence or disability of the President, the Vice President shall have and exercise the duties and powers of the President.

(c) Secretary. The Secretary shall safely and systematically keep all books, papers, records, and documents belonging to the Tribe (except such financial records as may be kept by the Treasurer). The Secretary shall keep minutes of each Tribal Council meeting and each meeting of the members of the Tribe duly registered to vote with the Secretary of the Tribe. The Secretary shall keep a record of the names and current addresses of all members of the Tribe, and of all Duly Registered Voters of the Tribe, which Tribal record shall be open to inspection by any member of the Tribe at any reasonable time.

(d) Treasurer. The Treasurer shall keep an accurate record of all money and other property which the Tribe receives, owns, or transfers. The Treasurer shall arrange for and maintain such bank accounts, accounting and auditing services, investments, and other financial matters as may be authorized or directed by the Tribal Council.

Section 4. Regular Meetings. The Tribal Council ordinarily shall hold a regular meeting at 5:30 p.m. on the third Monday of each month at the offices of the Tribe in Ketchikan, Alaska. The Tribal Council may adopt an ordinance establishing another date and time for any regular meeting, provided that the alternative schedule is posted at the Tribal Council headquarters and on the website of the Tribe.

Section 5. Special Meetings. At his or her discretion, the President may call a special meeting of the Tribal Council at any time. Upon his or her receipt of a written request from three or more Tribal Council members to call a special meeting of the Tribal Council, the President shall promptly call a special meeting of the Tribal Council. A special meeting shall be called by the President only by sending written notice of the purpose, time, location and call-in information to each Tribal Council member at least 24 hours in advance of the meeting, which notice may be delivered by hand or, in the case of an email, text or telefax notice, by electronic device. A special meeting shall be held only after a written notice of its date, time and location is posted at the Tribal Council headquarters and on the website of the Tribe.
Section 6. Meeting Participation. Tribal Council members may participate in Tribal Council meetings in person or by audio or video conference communication and thereby establish and maintain a quorum and conduct Tribal Council business, provided that all participating Tribal Council members are able to communicate audibly with each other simultaneously. Employees and members of the Tribe may participate in Tribal Council meetings in person or by audio or video communication, with the permission of the Tribal Council.

Section 7. Action Without Meeting. The Tribal Council may act without a meeting, provided the action is taken with the written consent of all Tribal Council members and both the action and consents are recorded in writing within the minutes of the next meeting of the Tribal Council. The Tribal Council may adopt an ordinance establishing additional requirements governing actions taken without a meeting provided that such requirements are not inconsistent with this Constitution and Bylaws.

Section 8. Quorum. A majority of the Tribal Council members serving (vacant seats excluded) shall constitute a quorum for the transaction of business. The act of a majority of the Tribal Council members participating in a meeting at which a quorum is maintained shall be an act of the Tribal Council.

Section 9. Voting. Each member of the Tribal Council shall be entitled to one vote on each matter coming before the Tribal Council meeting, except that the Tribal Council member acting as President may vote only to break a tie vote of the Tribal Council. The Tribal Council may adopt an ordinance establishing and regulating the use of absentee voting procedures by Tribal Council members and regulating all other matters governing the administration of the Tribal Council, provided that the ordinance is not inconsistent with this Constitution and Bylaws.

ARTICLE V -- MEMBER MEETINGS

Section 1. Annual Meeting. An annual meeting of the Duly Registered Voters shall be held on the third Monday of January for the purpose of electing Tribal Council members and conducting such other business that is within the authority of the general membership pursuant to this Constitution and Bylaws. At least sixty days before the annual meeting, the Tribal Council shall designate by resolution the location of the annual meeting, the hours during which voting may occur, and the time when other annual meeting business may be conducted, and shall post that resolution at the Tribal Council headquarters and on the website of the Tribe. The Tribal Council may adopt an ordinance establishing another date and time for the annual meeting, provided that the alternative schedule is posted at the Tribal Council headquarters and on the website of the Tribe.

Section 2. Special Member Meeting. Special meetings of the Duly Registered Voters may be called by resolution duly adopted by the Tribal Council or by written petition signed by a total number of Duly Registered Voters that is more than 50 percent of the total number of Duly Registered Voters voting in the most recent annual election conducted by the Tribe, which special meeting shall be held for the purpose specified in the resolution or petition. Upon his or
her receipt of such a resolution or written petition, the President shall promptly notice and call a special member meeting of the Duly Registered Voters.

Section 3. Notice of Member Meetings. The President shall ensure that written notice stating the date, time, place and purpose(s) of a member meeting shall be delivered or mailed by U.S. Postal Service to each Duly Registered Voter not less than 30 days before the date of an annual member meeting and not less than 10 nor more than 30 days before the date of a special member meeting.

Section 4. Eligible Voters. Only members of the Tribe who are Duly Registered Voters are entitled to receive notice of, and to vote at, any annual or special member meeting.

Section 5. Quorum. The presence of at least 10 percent of the Duly Registered Voters shall be necessary and sufficient for the transaction of business at any annual or special member meeting. If a quorum is not present when the meeting is scheduled to begin, the President may postpone the meeting to any later time by oral announcement to those present. The act of a majority of the Duly Registered Voters present at a meeting at which a quorum is present shall be the act of the membership provided it is within the authority expressly reserved to the general membership pursuant to this Constitution and Bylaws.

Section 6. Voting. Each member of the Tribe who is a Duly Registered Voter shall be entitled to one vote on each matter or elective office coming before an annual or special member meeting for a vote.

Section 7. Election and Voting Procedures. Subject to this Constitution and Bylaws, the Tribal Council may adopt election ordinances which establish and regulate the administration of election and voting procedures, including but not limited to requirements for nominations, candidate filings, ballots, absentee voting, write-in candidates, runoffs, election judges, and the certification of election results.

ARTICLE VI – ELECTIONS, VACANCIES AND REMOVAL

Section 1. Elections. At each annual meeting of the Tribe, the Duly Registered Voters shall elect a Duly Registered Voter to fill the seat of each expiring Tribal Council term. Tribal Council members whose terms have not expired shall serve until the annual meeting occurring at the expiration of their term.

Section 2. Initial Transition; Elections. The first annual election held under this Constitution and Bylaws shall provide for the election of three Tribal Council members to three year terms and two Tribal Council members to two year terms. The three candidates receiving the highest number of votes shall receive three year terms. The two candidates receiving the fourth and fifth highest number of votes shall receive the two year terms. The second annual election held under this Constitution and Bylaws shall provide for the election of three Tribal Council members to three year terms and one Tribal Council member to a one year term. The three candidates receiving the highest number of votes shall receive three year terms. The candidate receiving the fourth highest number of votes shall receive a one year term. The Tribal Council members

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seated under the elections immediately preceding the effective date of ratification of this Constitution and Bylaws shall continue to be seated and serve as an interim Tribal Council until the day their successors are sworn into office immediately following the first annual election held under this Constitution and Bylaws, provided that the interim Tribal Council is otherwise governed by the provisions of this Constitution and Bylaws. The interim Tribal Council shall facilitate the prompt scheduling and administration of the first annual election in conformity with this Constitution and Bylaws.

Section 3. Vacancies. Within sixty days of a vacancy occurring on the Tribal Council by reason of incapacity, death, resignation, or removal, the remaining Tribal Council members shall, by majority vote, elect another member of the Tribe who is a Duly Registered Voter to serve the remainder of the unexpired term of the vacant Tribal Council seat. No Tribal Council member who has resigned or been removed since the last annual meeting shall be eligible to be elected by the Tribal Council to fill a vacancy.

Section 4. Removal. A Tribal Council member may be removed from office by a majority vote of the Tribal Council, or by a majority vote of the Duly Registered Voters at any annual meeting or special meeting called for that purpose, but only for one of the following grounds:

(a) Nonattendance. Nonattendance by the Tribal Council member at three or more regular Tribal Council meetings in any six-month period, if such nonattendance has not been excused by vote of the Tribal Council.

(b) Criminal Record. The arrest or conviction of the Tribal Council member, while holding office, for the commission of a felony or any crime involving dishonesty, moral turpitude, or assault.

ARTICLE VII -- POWERS

The Tribe is a sovereign tribal government, recognized by and established pursuant to the laws of the United States, and as such claims and asserts its immunity from all suits and actions in law and equity to the greatest extent allowed under federal law, except to the extent such immunity is expressly waived by official act duly authorized by the Tribal Council. The Tribe shall have the following powers, which shall be exercised exclusively by the Tribal Council, to the greatest extent permitted under federal law:

(a) To act as the representative of the Tribe in all negotiations, contracts, and other dealings with any tribal, federal, state, or local government or governmental agency as to any matter which may affect the Tribe or the members of the Tribe;

(b) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and otherwise deal in and with, real or personal property, or any interest therein, wherever situated, for any lawful purpose;
(c) To sell, convey, mortgage, pledge, lease, exchange, transfer or otherwise dispose of all or any part of its property and assets subject to any limitations which may be imposed by law, provided in the case of a disposition of all or substantially all of the Tribe's assets, such disposition is with the consent of a majority of the Duly Registered Voters present and voting in an election at an annual meeting or a special meeting called for that purpose;

(d) To prevent the sale, lease, encumbrance, attachment, or other disposition of or execution upon the lands, interests in lands, or other assets of the Tribe;

(e) To cultivate the arts, crafts, and culture of the Tribe and its members and the Native people of Alaska;

(f) To advance and promote the education, health, and general welfare of its members;

(g) To employ legal counsel;

(h) To organize and to charter associations and corporations of its members for economic purposes and to regulate the same, and to establish and approve boards, committees, policies and ordinances to assist in governing and regulating the Tribe and its members and in administering the programs, functions, services and activities of the Tribe;

(i) To provide for the guardianship of the persons and property of minors and mental incompetents eligible for membership in the Tribe;

(j) To levy on the members of the Tribe dues, fees, and assessments for tribal purposes, and fines for violations of the rules and regulations of the Tribe, to assess charges on non-members for the use of property of the Tribe, and to provide for the collection thereof;

(k) To advise the Secretary of the Interior with regard to all appropriation estimates for federal projects for the benefit of the Tribe prior to the submission of such estimates to budgetary authorities and to Congress;

(l) To protect and preserve the property and natural resources of the Tribe;

(m) To provide for the posterity of the Tribe, to conserve lands and resources of the Tribe, and to advance the cultural activities of the members of the Tribe, including their Native languages and traditional ways of life; and

(n) To exercise such other powers as may be delegated or transferred to the Tribe by the members of the Tribe, or by the United States of America, or by another Indian tribe or tribal organization, or by the State of Alaska or any agency thereof.
ARTICLE VIII -- INDIVIDUAL RIGHTS

The Tribal Council shall not restrict or in any way abridge the rights of the members of the Tribe under this Constitution and Bylaws and shall accord each member equal opportunity to participate in and enjoy the resources, property, and benefits of the Tribe, which opportunity shall not be subject to alienation, encumbrance, or transfer in any manner.

ARTICLE IX – AMENDMENT

This Constitution and Bylaws may be amended by a majority vote of the Duly Registered Voters of the Tribe who either (a) vote in an election at an annual meeting or a special meeting called by the Tribal Council for that purpose, or (b) vote by mail under election procedures initiated by the Tribal Council; provided, however, that the total vote cast in such election shall not be less than 30 percent of the Duly Registered Voters of the Tribe and that no amendment to this Constitution and Bylaws shall become effective until it has been approved by the United States Secretary of the Interior or his or her designee.

CERTIFICATE OF ADOPTION

Irene Dundas, President

October 18, 2017

Gloria Burns, Secretary

October 18, 2017

Approved October 18, 2017