

# Tunica-Biloxi Indians of Louisiana



Location: Louisiana

Population: 26,000

Date of Constitution: 1974

## PREAMBLE

BE IT KNOWN that on this the 26th day of October, 1974, before me, the undersigned authority, a Notary Public in and for the State and Parish aforesaid, duly commissioned and qualified, personally came and appeared Joseph Pierite, Jr., Horace Pierite, Jr., Samuel Barbry, Sr., and Rose Marie (Pierite) Gallardo, members of the Tunica-Biloxie Indians of Louisiana, whose names are hereunto subscribed, all of full age, who severally declared that, availing themselves of the benefits and provisions of the Constitution of the State of Louisiana and the laws of said State relative to the organization of non-profit corporations, and particularly of the provisions of R.S. 12:201-269, inclusive, as amended, they have united to form, and do by these presents form and organize themselves, as well as all other persons who may hereafter join or become associated with them or their successors, into a non-profit corporation for the objects and purposes and under the covenants, stipulations and agreements following, to-wit:

## ARTICLE I. NAME

The name of this corporation is TUNICA - BILOXIE INDIANS OF LOUISIANA, Inc.

## ARTICLE II. PURPOSES

This corporation is organized in order to further the economic development of the tribe by conferring upon the said tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the tribe an assured economic independence and further, in order that the tribe can become eligible for the receipt and benefits of certain grants and/or monies from the Federal Government as well as foundation grants and to do any and all things which a non-profit corporation is entitled to under the laws of the State of Louisiana. This corporation is a non-profit corporation as defined in Section 201, subsection 7 of Title 12 of the Revised Statutes aforesaid as amended. No part of the net earnings or other assets of this corporation shall inure to the benefit of any private shareholder of individual.

## ARTICLE III. DURATION

This corporation shall enjoy corporate existence for the maximum period presently permitted, or which may hereafter be permitted by Louisiana Law.

#### ARTICLE IV. REGISTERED OFFICE

The principle location and the post office address of the corporation's registered office is: Post Office Box 101, Marksville, Louisiana 7351.

#### ARTICLE V. REGISTERED AGENT

The full name and post office address of the registered agent is: Joseph Pierite, Jr., 3301 Connecticut Avenue, Kenner, Louisiana 70062.

#### ARTICLE VI. BASIS OF ORGANIZATION

This corporation shall be organized on a non-profit basis, without the issuance of stock or membership certificates.

#### ARTICLE VII. JURISDICTION

The jurisdiction of the Tunica-Biloxie shall extend to any parish where any Tunica-Biloxie tribal member may reside and particularly to any lands held or hereafter acquired by or for the Tunica-Biloxie Indians of Louisiana, Inc.

#### ARTICLE VIII. MEMBERSHIP

The membership of the Tunica-Biloxie Indians shall consist of:

1. (a) All Tunica-Biloxie Indians who are living in the territorial limits as defined by Article VII and who at the time of the ratification of this document, possesses one-fourth (1/4) or more Indian blood, including any persons on the tribal roles at the time of the ratification of these articles.  
(b) Any child of one-fourth (1/4) or more Indian blood born to any enrolled member of the tribe after the approval of this constitution shall be entitled to membership.
2. The tribal council shall have the power to pass ordinances governing future membership, loss of membership, and the adoption of new members.
3. The burden of proof rests upon the applicant to establish his eligibility of enrollment.

#### ARTICLE IX. GOVERNING BODY

SECTION 1. The governing body of the Tunica-Biloxie Indians of Louisiana, Inc., shall be a tribal council which shall be elected every two years by secret ballot by the qualified voters. The council shall consist of a chairman, vice chairman, and the councilmen representing the communities of the band. There shall be four members on the council.

SECTION 2. The tribal council shall have authority to make changes in the number of representatives according to future community needs.

## ARTICLE X. ELECTIONS

SECTION 1. Any member, male or female, eighteen (18) years of age or more and registered according to rules set forth by the tribal council shall be entitled to vote at any tribal election.

SECTION 2. The tribal council shall prescribe rules and regulations governing tribal elections.

SECTION 3. The present tribal councilmen shall remain in office until their successors are duly elected and seated. The first regular election under this revised article and bylaws shall take place on the first \_\_\_\_\_ of \_\_\_\_\_, subsequent thereto, regular elections shall be held on the \_\_\_\_\_.

SECTION 4. The newly-elected members of the tribal council shall take office at the next regular meeting following the election and shall hold office for a term of two (2) years or until their successors are elected and seated. The chairman and vice chairman shall be selected by the council from within its own membership immediately after the council is seated.

## ARTICLE XI. VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If any vacancy occurs in the membership of the tribal council, it shall be the duty of the tribal council of the Tunica-Biloxie Indians of Louisiana, Inc., to fill such vacancy by appointing a member from the community in which such a vacancy occurs, and such appointee shall hold office until his successor is duly elected by the voters of such community either at a special election or a regular election.

SECTION 2. If a vacancy occurs in the office of the chairman, and less than one (1) year remains of his term of office, then such position shall be filled by the vice chairman for the remainder of the term. If a vacancy occurs in the office of the vice chairman, and less than one (1) year remains of his term of office, then such position shall be filled by council appointment for the remainder of the term.

SECTION 3. Any member of the tribal council or any appointed official of the Tunica-Biloxie of Louisiana, Inc., who during the term for which he is elected, is convicted of any felony, shall forfeit his office. Any member of the tribal council or appointed official, found guilty of dereliction of duty, malfeasance in office, or behavior reflecting on the dignity and integrity of the tribal government may be removed from office by an affirmative vote of two-thirds (2/3) of the membership of the tribal council. Prior to any vote for removal from office, such member shall be given a written statement of charges against him at least thirty (30) days before which he is to appear and he shall be given an opportunity to answer any and all charges at the designated council meeting. The decision of the tribal council shall be final.

SECTION 4. Any of the individual Indian communities may petition for the recall of a council member elected by that community. Upon receipt by the tribal council of a petition signed by thirty percent (30%) of the eligible voters from that community demanding recall of a member, and at least six (6) months prior to expiration of such member's term of office, it shall be the duty of the tribal council to call a special election in that community upon the question of recall. Such special election shall be called and held within a period of sixty (60)

days after receipt of petition. No council member may be recalled except by a majority vote in an election in which at least fifty percent (50%) of the eligible voters in that community voted.

## ARTICLE XII. COMMUNITY ORGANIZATION

SECTION 1. The adult members of the member communities shall have the right to form local community organizations and adopt their own rules and regulations in harmony with this revised constitution and bylaws. It shall be the duty of the councilmen from each community to report regularly all the action and decisions of the tribal council to the community organizations.

## ARTICLE XIII. POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. The tribal council of the Tunica-Biloxie Indians of Louisiana, Inc., shall have the following powers, subject to any limitations imposed by the laws or the Constitution of the United States, and the State of Louisiana.

- (a) To negotiate with the Federal, State and local government.
- (b) To employ legal counsel, the choice of counsel and the determination of fees.
- (c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in land, tribal funds, or other tribal assets.
- (d) To appropriate any available tribal funds for the benefit of the band or any community.
- (e) To supervise and manage tribal economic affairs and enterprises in accordance with this revised constitution and bylaws.
- (f) To pass and enforce rules and regulations in accordance with applicable Federal or State statutes or regulations providing for the management of tribal lands, including the making and revocation of assignments, disposition of timber, and oil and mineral resources.
- (g) To promote and protect health, peace, morals, education and the general welfare of the community and its members.
- (h) To administer all property of the band.
- (i) To do such acts of governmental and public nature as are not prohibited by applicable laws or by this revised constitution.
- (j) To establish and regulate subordinate organizations for social and business purposes.
- (k) To borrow money from any source whatsoever without limit as to amount, and on such terms and conditions and for such consideration and periods of time as the tribal council shall determine; to use all funds thus obtained to promote the social welfare and betterment of the band and of its members; to finance tribal enterprises; to pay outstanding indebtedness of the band or tribal enterprises; or to lend money thus borrowed.
- (l) To pass ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers.

## ARTICLE XIV. BILL OF RIGHTS

This protection guaranteed by the Constitution of the United States of America and Constitution of the State of Louisiana shall not be abridged.

## ARTICLE XV. INITIATIVE AND REFERENDUM

### SECTION 1. Powers reserved to members of the band.

The members of the band reserve to themselves the power to propose amendments to these articles of constitution and to propose ordinances and resolutions and to enact or reject the same at the polls independent of the tribal council. The members of the band also reserve power at their own option to approve or reject at the polls any act of the tribal council.

### SECTION 2. Reserved powers - determination of percentages.

The first power reserved by the members of the band is the initiative and fifteen percent of the registered voters shall have the right to propose amendments to this constitution and to propose ordinances and resolutions.

The second power is the referendum and may be ordered upon petition signed by fifteen per centum of the registered voters.

### SECTION 3. Petitions.

An election on an initiative or referendum petition shall be called by the chairman after ascertaining that sufficient number of registered voters have signed.

Any measure referred to the band by the initiative or by the referendum shall take effect and be in force when approved by a majority of the votes cast in such election in which at least thirty percent (30%) of the registered voters voted.

All measures referred to the band shall begin with the words, (Be it Enacted by the Members of the Tunica-Biloxie Indians of Louisiana, Inc.,"

## ARTICLE XVI. AMENDMENTS

These articles and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose provided that at least thirty (30%) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the tribal council.

The Board of Directors shall, at any meeting with a quorum present, have the power to make, amend and repeal bylaws for the governing and regulating of the affairs of the corporation; provided only that same be not inconsistent with the Articles and Louisiana Law. All actions relating to the bylaws shall require a two-thirds (2/3) vote of directors present and voting.

THUS DONE AND SIGNED before me, Notary and undersigned competent witnesses on the date first above written, after due reading of the whole.

## BYLAWS OF THE TUNICA - BILOXIE INDIANS OF LOUISIANA, INC.

### ARTICLE I. DUTIES OF OFFICERS

SECTION 1. The chairman shall preside over all meetings of the council, shall act as the official spokesman for the band on matters specifically authorized, shall engage in public relations and serve as coordinator of overall activities, and exercise any authority delegated to him by the council. The chairman shall not vote in the council except in case of a tie vote.

SECTION 2. The vice chairman shall assist the chairman when called upon to do so and in the absence of the chairman he shall preside. When so presiding, he shall have rights, privileges and duties as well as the responsibilities of the chairman. The vice chairman will be on duty in the absence of the chairman and when on duty he will be compensated at a rate specified by the tribal council.

SECTION 3. The secretary-treasurer of the council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at council meetings. It shall be his duty to submit copies of all council meetings to all appropriate authorities.

He shall accept, receive, receipt for, preserve and safeguard all tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all funds in such properly insured depositories as the 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. An audit of accounts shall be made once a year and at such other times as the tribal council may require.

He shall not pay out or otherwise disburse any tribal funds in his possession or custody, except in accordance with a resolution duly passed by the council.

He shall be required to give bond satisfactory to the council, such bond being paid for from tribal funds.

SECTION 4. The duties of all committees, boards or officers appointed by the tribal council shall be clearly defined by resolution of the council at the time of their creation or appointment. Such committees, boards and officers shall report to the council from time to time as required, and their activities and decisions shall be subject to review by the tribal council.

### ARTICLE II. MEETINGS

SECTION 1. The tribal council shall have the power to determine when and where regular meetings shall be held, the chairman shall have the power to call a special meeting of the tribal council, for the purpose of transacting any business designated in the call.

SECTION 2. A majority of the members of the tribal council shall constitute a quorum for the transaction of any tribal business.

SECTION 3. The tribal council in the conduct of its business shall be governed by Roberts Rules of Order.

#### ARTICLE III. ADOPTION

These revised articles and bylaws, were adopted by a majority vote of the adult members of the Tunica-Biloxie Indians of Louisiana, Inc., in which at least thirty (30%) percent of those entitled to vote, voted, shall be in force from date of such approval.

#### CERTIFICATE OF RESULTS OF ELECTIONS

Pursuant to an election on 26th October, 1974, the attached Articles and Bylaws of the Tunica-Biloxie Indians of Louisiana, Inc., was submitted to the qualified voters of the tribe and was duly adopted by a vote of 100% in an election in which at least 100% of the members entitled to vote cast their ballots.