

# Skokomish Indian Tribe



**Location:** Washington State

**Population** 489

**Date of Constitution** 1938, as amended in 1980

## PREAMBLE

We, the members of the Skokomish Indian Tribe, acting pursuant to the Indian Reorganization Act of 1934, 43 Stat. 984, as amended, do hereby adopt this constitution in order to form a better tribal organization, secure the rights and powers inherent in our sovereign status and guaranteed to us by treaty and by Federal Law, to preserve our culture and tribal identity, promote the social and economic welfare of our people, protect and develop our common resources, maintain peace and order, and safeguard individual rights. This constitution shall revoke and replace the constitution and bylaws approved by the Secretary of the Interior on May 3, 1938, as amended, and shall govern the Skokomish Indian Tribe from its effective date on.

## ARTICLE I- TERRITORY AND JURISDICTION

### Section 1. Reservation

Except as prohibited by the Treaty of Point No Point and Federal Law, the Skokomish Tribe shall have jurisdiction over all persons, property, lands, waters, airspace, and resources and all activities occurring within the exterior boundaries of the Skokomish Indian Reservation.

### Sec. 2. Other Areas

(a) Outside the boundaries of the Skokomish Reservation at the tribe's usual and accustomed fishing grounds and stations, on open and unclaimed lands reserved to the tribe by treaty for hunting and gathering, and on lands and waters which are used for access to fishing, hunting, and gathering territories, the Skokomish Tribe shall have jurisdiction as follows:

- (1) Jurisdiction over all tribal members;
- (2) Jurisdiction over other persons who are not members of the Skokomish Tribe to the extent authorized by treaty or Federal Law;
- (3) Jurisdiction over personal property of all persons subject to the tribe's jurisdiction;
- (4) Jurisdiction to implement and protect all rights and powers reserved or granted to the tribe by treaty, by the United States Constitution and Federal Law.

(b) In all other areas the Skokomish Tribe shall have jurisdiction to implement and protect all rights

and powers reserved or granted to the tribe by treaty, by the United States Constitution and Federal Law.

## ARTICLE II - MEMBERSHIP

### Section 1. Members

The membership of the Skokomish Tribe shall include the following persons:

- (a) All persons of Indian blood whose names appear on the census roll of the tribe as of January 1, 1937;
- (b) All persons born between January 1, 1937, and January 12, 1966, to any member of the Skokomish Tribe who was a resident of the reservation at the time of the child's birth;
- (c) All persons of at least one-fourth (1/4) degree Skokomish blood;
- (d) All persons of at least one-eighth (1/8) degree Skokomish blood and at least one-fourth (1/4) degree total Indian blood who are descendants of any Skokomish tribal member; and
- (e) All persons adopted into the membership as provided in Section 4 of this article.

### Sec. 2. Dual Membership Prohibited

No person who is an enrolled member of any other Indian nation, tribe, band, or community shall at the same time be a member of the Skokomish Tribe. Status as an at-large shareholder in a regional corporation established pursuant to the Alaska Native Claims Settlement Act shall not be construed as enrollment for purposes of this section.

### Sec. 3. Enrollment Procedures

- (a) No person shall be enrolled in the Skokomish Tribe who has not applied for membership according to tribal regulations.
- (b) The tribal council shall have the following powers regarding enrollment of tribal members:
  - (1) The power to enact ordinances setting procedures for enrollment and correction of the tribal roll; and
  - (2) Subject to approval of the Secretary of the Interior where required by Federal Law, the power to correct the original or current tribal roll at any time by adding the names of persons who should have been included or by deleting the names of persons who have relinquished their tribal membership or who were incorrectly included in the roll.
- (c) A living person may be removed from the tribal roll only for failure to meet the qualifications set out in this constitution. Any person subject to removal from the roll shall be provided with reasonable notice of the proposed action and an opportunity to present evidence on his or her behalf.

### Sec. 4. Adoption

A person may be enrolled as an adopted member of the Skokomish Tribe only upon a majority vote of the General Council. Upon petition of an enrolled member of the Skokomish Tribe, the General Council may consider the adoption of any person with Indian blood who (1) is related by blood or marriage to an enrolled member of the Skokomish Tribe or (2) has resided in Mason County and participated in Skokomish community affairs for a substantial period of time.

## ARTICLE III - GENERAL COUNCIL

### Section 1. Electorate

All tribal members eighteen (18) years old or older shall be members of the General Council of the Skokomish Tribe and shall be eligible to vote in all tribal elections, referenda, and meetings of the General Council.

### Sec. 2. Regular Meetings of the General Council

The General Council shall meet at least four (4) times each year, beginning on the first Saturday of March, June, September, and December. If unavoidable circumstances, as determined by the Tribal Council, prevent the General Council from meeting on one of the days listed in this section, the meeting shall be held on the next possible Saturday.

### Sec. 3. President of the General Council

At the annual elections in June, the voters shall elect a President of the General Council. The President, who shall serve a one (1)-year term, shall preside at all meetings of the General Council. In the absence of the General Council President, the Chairman of the Tribal Council shall preside at General Council meetings. Tribal Council members, tribal employees, and other tribal officers shall not be prohibited from also serving as President of the General Council.

### Sec. 4. Special Meetings of the General Council

Special meetings of the General Council may be called by the President, by the Tribal Council, or by at least twenty (20) members of the General Council who sign a petition which indicates the subjects to be addressed at the meeting. Within five (5) days after he or she receives a members' petition or a Tribal Council request for a special meeting, the President of the General Council shall set the date for a meeting as provided in section 5 of this article. The meeting shall be held within thirty (30) days after the President receives the request for a meeting.

### Sec. 5. Notice of General Council Meetings

At least five (5) days before each General Council meeting, the President of the General Council shall notify the General Council membership of the date, time, place, and agenda for the meeting.

### Sec. 6. Quorum

Except as otherwise provided in this constitution, a quorum of the General Council shall be twenty-five (25) eligible voters.

### Sec. 7. General Council Procedures

The General Council shall consider items on the agenda before considering matters raised from the floor. The agenda of each regular General Council meeting shall include a report by the tribal administrator of the finances of the tribal government during the fiscal quarter immediately preceding that quarter in which the meeting falls.

### Sec. 8. Powers of the General Council

The exercise of powers listed in this section shall be subject to any express limitation contained in this constitution or in Federal Law.

(a) No branch, agency, or officer of the Skokomish Tribe, except the General Council, may exercise the following powers:

(1) To sell or relinquish land owned by the Skokomish Tribe or land held by the United States in trust for the tribe and to approve any proposed sale, encumbrance, or disposition of tribal land;

(2) To sell or relinquish any tribal hunting or fishing rights, grounds, or stations;

(3) To consent to termination of the Skokomish Reservation;

(4) To relinquish any tribal jurisdiction to another government, agency, person, or organization, provided that cooperative law enforcement agreements shall not be considered relinquishment of tribal jurisdiction;

(5) To diminish or terminate any other right reserved to the Skokomish Tribe by treaty; and

(6) To adopt persons into membership in the Skokomish Tribe.

(b) The General Council shall not be deemed to have given its consent to any action described in subsections (1) through (5) of this section unless at least seventy-five percent (75%) of all members of the General Council have voted in favor of such action.

(c) All powers that are not expressly delegated in this constitution or in the future by the General Council to the Tribal Council or to any other officer or agency of the Skokomish Tribe are powers reserved to the General Council.

#### ARTICLE IV - TRIBAL COUNCIL

##### Section 1. Powers of the Governing Body

Except as it is expressly limited in this constitution and by Federal Law; the governing power of the Skokomish Tribe shall be exercised by the Tribal Council.

##### Sec. 2. Composition of the Tribal Council

The Tribal Council shall be composed of seven (7) persons elected by the General Council.

##### Sec. 3. Qualifications of Tribal Council Members

All members of the Skokomish Tribe who physically reside in Mason County, Washington and who are eighteen (18) years old or older shall be eligible to become candidates for and serve on the Tribal Council. No more than one (1) immediate family member of any person already on the Tribal Council shall become a candidate for or serve on the council. "Immediate family member" shall mean mother, father, brother, sister, spouse, son or daughter.

##### Sec. 4. Terms of Office

Each Tribal Council member shall be elected for a term of four (4) years. Terms of office for the seven (7) council members shall be staggered, two (2) members being elected each year for three (3) consecutive years and one (1) member being elected in the fourth year.

##### Sec. 5. First Election

Persons who are members of the Tribal Council at the time this constitution is adopted shall serve on the council until the regular annual elections following the date on which their three (3)-year terms would have expired under the preceding tribal constitution. Two (2) members shall be added to the Tribal Council in the following way: At the first regular election in June following the effective date of this constitution, two (2) persons shall be elected to fill the added council seat. One (1) person shall

be elected to a term which shall expire at the same time as the term of the fifth Tribal Council member elected under the preceding tribal constitution. The other person shall be elected to a term which shall expire during the year in which no other council members are elected.

#### Sec.6. Officers of the Tribal Council

Each time an election of a Tribal Council member has been held, the Tribal Council shall elect from within its own membership a chairman, vice-chairman, and secretary and may elect or appoint from within or outside the council any other officers it thinks are necessary and appropriate.

#### Sec. 7. Regular Meetings of the Tribal Council

The Tribal Council shall meet at least once each month at a designated regular time. The council may set more frequent regular meetings as necessary. The council shall cause to be published the schedule of all regular meetings.

#### Sec. 8. Emergency Meetings

Emergency meetings of the Tribal Council may be called by the council chairman or by three (3) council members. The persons calling emergency meetings shall make reasonable efforts to provide notice of the meetings to every council member and to the tribal membership.

#### Sec. 9. Procedures of the Tribal Council

(a) Except as provided in this constitution, the Tribal Council shall establish its own rules of procedure.

(b) A quorum of the Tribal Council shall be four (4) members. Unless otherwise provided by this constitution or tribal law, official Tribal Council actions shall be taken by majority vote of the members present.

(c) All meetings of the Tribal Council shall be open to the public, except that the council may recess at its discretion to discuss any matter in closed session as long as the subject-matter to be discussed is expressed in the motion calling for a closed session and no official action is taken in the closed session. Copies of all ordinances and resolutions adopted by the Tribal Council and minutes of all open meetings of the Tribal Council, its committees and subcommittees shall be maintained at the tribal office and shall be available for inspection by all interested persons

#### Sec. 10. Compensation

The Tribal Council may set compensation of council members, officers, and committee members as it believes is advisable.

### ARTICLE V - POWERS OF THE TRIBAL COUNCIL

#### Section 1. Governing Powers

The Tribal Council shall have the following powers, subject to any express limitations contained in this constitution or imposed by Federal Law:

(a) To borrow money from public and private sources, and to pledge, mortgage, or assign tribal assets and income; but no tribal land shall be pledged or mortgaged without the approval of the General Council;

(b) To set aside and to spend tribal funds for tribal purposes;

- (c) To impose taxes on all persons and property within the tribe's jurisdiction; but no tax shall be imposed on real property held in trust by the United States;
- (d) To charter and regulate corporations, cooperatives, associations, special districts, educational and charitable institutions, political subdivisions, and other entities;
- (e) To license and to regulate the conduct of business activities within the tribe's jurisdiction;
- (f) To establish business enterprises as branches or agencies of the Skokomish tribal government and otherwise to engage in business activities which promote the economic well being of the Skokomish Tribe and its members;
- (g) To purchase or acquire in other ways land and other property; to use, manage, assign, lease, encumber, exchange, place in trust, and dispose of land and other assets owned by the tribe; and to veto any proposed sale, encumbrance, or other disposition of tribal land or assets; but any sale, pledge, mortgage, or relinquishment of tribal land must first be approved by the General Council;
- (h) To manage, develop, protect, and regulate the use of water, fish and wildlife, minerals, timber, and all other natural resources within the Skokomish Tribe's jurisdiction; and to regulate land use and development in areas within the tribe's jurisdiction;
- (i) To condemn for public purposes real and personal property or interests in property within the Skokomish Tribe's jurisdiction; but no real property owned by or held in trust for members of the Skokomish Tribe shall be condemned without the approval .of the General Council; and owners of property condemned by the tribal government shall be paid the fair market value of their land and all improvements on it;
- (j) To enact laws and ordinances governing the conduct of individuals and defining offenses against the tribe; to maintain order and to protect the safety and welfare of all persons within the Skokomish Tribe's jurisdiction; and to provide for the enforcement of laws and ordinances of the Skokomish Tribe;
- (k) To establish a tribal court or courts and to provide for the courts' jurisdiction, procedures, and the selection of judges;
- (l) To prescribe the conditions under which nonmembers may enter and remain on the Skokomish Reservation; and to establish procedures for the exclusion of nonmembers from the reservation and for extradition from Skokomish territory of persons who are accused of crimes in other jurisdictions;
- (m) On behalf of the tribe to consult, negotiate, and contract with agencies and officers of Federal, state, local, and tribal governments and with private persons arid organizations;
- (n) To employ legal counsel on behalf of the tribe and for the benefit of tribal members, but the choice of counsel and the fees paid shall be subject to approval by the Secretary of the Interior as long as that approval is required by Federal Law;
- (o) to assert as a defense to lawsuits against the tribe and to waive as permitted by Federal Law the sovereign immunity of the Skokomish Tribe;
- (p) To regulate the inheritance of land and property within the tribe's jurisdiction as permitted by Federal Law; and to provide for escheat of property to the Skokomish Tribe; but no law or ordinance governing the inheritance of property owned by tribal members shall be effective without the approval of the General Council;
- (q) To regulate the domestic relations of Skokomish tribal members; to provide for the guardianship of minors and incompetent persons within the Skokomish Tribe's jurisdiction; and to provide services for the health, education, and welfare of all persons within the tribe's jurisdiction;
- (r) To establish procedures consistent with this constitution for the nomination and election of tribal officers and for the conduct of all other tribal elections;



- (s) To appoint, direct, and set the compensation of the Tribal Manager; and to establish policies and procedures for the employment of tribal government personnel;
- (t) Subject to any limitations imposed by this constitution, to delegate any powers vested in the Tribal Council to subordinate tribal officers, tribal employees, committees, or other appropriate persons; but any such delegation of the Tribal Council's powers shall be by written resolution;
- (u) To take all actions which are necessary and proper for the exercise of the powers listed here and any powers hereafter vested in the Tribal Council.

### Sec. 2. Public Hearings

Before enacting any ordinance which will apply generally to private persons or property, the Tribal Council shall hold public hearings at which interested members of the public shall have the opportunity to comment on the proposed legislation.

### Sec. 3. Powers Reserved to Tribal Members

Any rights and powers which have at any time been vested or shall in the future be vested in the Skokomish Tribe but which are not expressly referred to in this constitution shall not be limited or forfeited by the fact that they are not listed here. Such rights and powers may be exercised by the members of the General Council or delegated by them to the Tribal Council or other officers and agencies of the tribe without amendment of this constitution.

## ARTICLE VI - ADMINISTRATION

### Section 1. Tribal Manager

The execution of tribal laws and policies and the management of all tribal business shall be the responsibility of the Tribal Manager. The Tribal Manager shall have the following responsibilities;

- (a) To prepare an annual tribal budget for approval by the Tribal Council and to manage the operation of the tribal government in accordance with the approved budget;
- (b) To appoint subordinate officers and administrators of tribal government agencies and departments, except as otherwise provided by the Tribal Council;
- (c) To carry out faithfully the laws and policies of the Skokomish tribe as determined by the Tribal Council and the General Council; and
- (d) To carry out any other responsibilities and exercise any other powers properly delegated to him or her by the Tribal Council or the General Council.

### Sec. 2. Qualifications

The Tribal Manager shall be twenty-five (25) years old or older. In the appointment of the manager, the Tribal Council shall give first preference to qualified members of the Skokomish Tribe and second preference to members of other Indian tribes.

### Sec. 3. Term of Employment

The Tribal Manager shall be appointed by and serve at the pleasure of the Tribal Council. The Tribal Council shall not terminate the manager's employment without first providing him or her reasonable written notice and an opportunity to be heard.

## ARTICLE VII - ELECTION, INAUGURATION, AND REMOVAL OF OFFICERS

### Section 1. Elections

Regular elections of Tribal Council members and the General Council President shall be held on the first work day following the June General Council meeting. Elections shall be by secret ballot.

### Sec. 2. Inauguration

Persons elected to tribal office shall assume office at the first regular Tribal Council meeting following their election. Each newly elected officer shall swear or affirm publicly that he or she will uphold the constitution and the laws of the Skokomish Tribe.

### Sec. 3. Removal of Council Members

The Tribal Council may, by majority vote of its total membership, remove any member for gross misconduct in office or neglect of duty, including repeated failure to attend council meetings. Any Tribal Council member subject to removal in this way shall be provided, before a vote is taken, with reasonable written notice of the charges against him or her and with a fair opportunity to reply to such charges and to present evidence on his or her behalf. A council member may appeal to the General Council from a decision by the Tribal Council to remove him or her from office.

### Sec. 4. Recall Elections

If at least one-third (1/3) of the eligible voters of the Skokomish Tribe sign a petition requesting recall of an elected tribal officer or officers and present the petition to the Tribal Council or to the General Council President, the General Council shall vote by secret ballot at its next regular meeting whether to recall the officer or officers named in the petition. No recall vote shall be valid unless the number of persons casting ballots is equal at least to sixty percent (60%) of the number of persons who cast ballots in the most recent annual tribal election. If a majority of the persons casting ballots vote to recall an officer, the position shall be declared vacant.

### Sec. 5. Vacancies

If a Tribal council member dies, resigns, or is removed or recalled from office, the Tribal Council shall appoint a successor, who shall serve until the next annual election in June. At the June election the voters shall select a person to hold the office for the remainder of the original office holder's term. If a President of the General Council dies, resigns, or is recalled from office, the voters shall elect a successor at the next regular meeting of the General Council. Until a successor to the President is elected, the Tribal Council Chairman shall perform the duties of the President. The successor shall serve until the next annual election in June.

## ARTICLE VIII - INITIATIVE

### Section 1. Right of Initiative

Voters of the Skokomish tribe shall have the right to cause a vote of the General Council on any legislation proposed by the voters and on any proposed or enacted ordinance or resolution of the Tribal Council. No later than thirty (30) days after he or she receives a petition signed by at least one-third (1/3) of the eligible voters, the President of the General Council shall call an election according to the procedures for calling special General Council meetings.



Sec. 2. Initiative Procedure

Voting on all initiatives shall be by secret, written ballot. No initiative vote shall be valid unless the number of persons casting ballots is equal at least to sixty percent (60%) of the number of persons who cast ballots in the most recent annual tribal election. Unless at least two-thirds (2/3) of all persons who cast ballots vote in favor of the proposed measure or action, the initiative proposal shall be deemed to have failed.

ARTICLE IX - RIGHTS OF INDIVIDUALS

The Skokomish Tribal Government shall not deny to any person within its jurisdiction freedom of speech, press, or religion or the right to assemble peacefully. The tribal government shall not deny to any person the equal protection of tribal laws or deprive any person of liberty or property without due process of law. The tribe shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968.

ARTICLE X - ADOPTION

This constitution shall take effect when it has been adopted by a majority of the qualified voters at an election called by the Secretary of the Interior in which at least fifty percent (50%) of those entitled to vote cast ballots and when the constitution has been approved by the Secretary of the Interior.

ARTICLE XI - AMENDMENTS

This constitution may be amended by an election called for that purpose by the Secretary of the Interior if at least thirty percent (30%) of those entitled to vote cast ballots in the election and a majority of those voting favor the amendment. Amendments adopted in this way shall be submitted for the approval of the Secretary of the Interior. The Secretary shall call an election on a proposed amendment to the constitution upon receipt of a petition signed by at least one-third (1/3) of the tribe's eligible voters as defined by the Secretary's regulations, or upon receipt of a resolution of the Tribal Council.