

Grand Ronde Community of Oregon



Location: In Yamhill and Polk Counties, Oregon

Population: 5200

Date of Constitution: 2002

Key Facts: Terminated in 1956; restored in 1983

PREAMBLE

We, the Indians of the Confederated Tribes of the Grand Ronde Community of Oregon, being a federally recognized Indian tribe pursuant to the Grand Ronde Restoration Act of November 22, 1983 (97 Stat. 1064) hereby adopt this Constitution in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, and establish our tribal government in order to form a better tribal organization, secure the rights and powers inherent in our sovereign status and guaranteed to us by Federal Law, 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.

ARTICLE I - AUTHORITY OF GOVERNMENT

SECTION 1. Jurisdiction and Territory. The authority of the government established by this Constitution shall extend over all persons, property, and activities within the jurisdiction of the Confederated Tribes of the Grand Ronde Community of Oregon, except as limited by this Constitution and by Federal Law. The jurisdiction of the Confederated Tribes of the Grand Ronde Community of Oregon shall extend, to the fullest extent possible under Federal Law, over all lands, waters, property, airspace, minerals and other natural resources, and any interest therein, either now or in the future, owned by the Tribe or individual members held in trust status or located within the boundaries of the tribal reservation which will be established pursuant to the Grand Ronde Restoration Act, notwithstanding the issuance of any existing or future patent or right-of-way.

SECTION 2. Hunting, Fishing and Gathering Rights. Nothing in this Article shall be construed as restricting the exercise of hunting, fishing or gathering rights of members, if any, consistent with Federal Law.

ARTICLE II - GENERAL COUNCIL

SECTION 1. Powers. There shall be a General Council, comprised of all duly enrolled members of the Confederated Tribes of Grand Ronde Community of Oregon who are eighteen (18) years of age or older, which shall have the power to:

- (a) Elect tribal council members in accordance with Article VI.
- (b) Exercise the power of initiative by submitting to the Election Board a petition of at least one-third ($1/3$) of the members of the General Council, setting forth a proposed ordinance or resolution. Upon verification of the petition by the Election Board, the proposed ordinance or resolution shall be submitted by the Election Board to a vote of the General Council, at a regular or special election to be held within sixty (60) days of said verification. The vote of a two-thirds ($2/3$) majority of those actually voting shall be conclusive and binding on the Tribal Council, at an election in which at least thirty percent (30%) of those qualified to vote shall have voted.
- (c) Exercise the power of referendum by submitting to the Election Board a petition of at least one-third ($1/3$) of the members of the General Council, setting forth any proposed or previously enacted ordinance or resolution of the Tribal Council for reconsideration by the General Council. Upon verification of the petition by the Election Board, the proposed or previously enacted ordinance or resolution shall be submitted by the Election Board to a vote of the General Council at a regular or special election to be held within sixty (60) days of said verification. The vote of a two-thirds ($2/3$) majority of those actually voting shall be conclusive and binding on the Tribal Council, in an election at which at least thirty percent (30%) of those qualified to vote shall have voted.
- (d) Exercise the power of recall of elected tribal officials who are guilty of improper conduct or gross neglect of duty, which terms shall be defined in the election ordinance, by submitting to the Election Board a petition of at least one-third ($1/3$) of the General Council, setting forth the basis for recall. Upon verification of the petition by the Election Board, the Election board shall call a special election to consider the recall of the elected tribal official named in the petition. The election shall be held within thirty (30) days of verification of the petition by the Election Board; provided, that if the petition is submitted within six (6) months of the next annual election, the Election Board may direct that the matter be placed on the ballot for that election. The accused tribal officials shall be given full opportunity to reply to any and all charges at a General Council meeting called at least five (5) days in advance of the election. If a two-thirds ($2/3$) majority of those actually voting at the recall election favor the recall of the elected official, the office shall be declared vacant and filled in accordance with Article VI, Section 6, so long as at least thirty percent (30%) of those qualified to vote shall have voted.
- (e) Amend this Constitution by submitting to the Secretary of the Interior pursuant to his regulations a petition of at least one-third ($1/3$) of the members of the General Council, setting forth the section(s) of this Constitution to be amend and the proposed amendment(s). Upon verification of the petition by the Secretary of the Interior, it shall be the duty of the Secretary of the Interior to authorize the calling of an election to consider amendments to the Constitution, in accordance with regulations as set forth by the secretary of the Interior. The affirmative vote of a two-thirds ($2/3$) majority of those actually voting shall be conclusive, so long

- as at least thirty percent (30%) of those qualified to vote shall have voted; provided, that nothing in this section shall prevent the Tribal Council from submitting proposed amendments to the Secretary of the Interior pursuant to Article III, Section 1 of this Constitution. Provided further, that amendments to this Constitution shall not become effective until approved by the Secretary of the Interior.
- (f) Make advisory recommendations to the Tribal Council upon a majority vote of those actually voting.
 - (g) Exercise those powers over fundamental changes in the Tribe's jurisdiction, reservation or rights, set forth in Section 2 of Article III.
 - (h) Exercise the power over adoption procedures set forth in Article V, Section 4 of this Constitution.

SECTION 2. Procedures. The General Council shall hold meetings in accordance with the following procedures:

- (a) Regular meetings of the General Council shall be held during the months of September, October, November, December, January, February, March, April and May, at a time and place to be set by the Tribal Council. The September meeting shall include the annual election of the Tribal Council except as provided in Article VI, Section 5.
- (b) Special meetings of the General Council may be called by the Tribal Council upon one (1) week's notice of the membership of the General Council. The Tribal Council may call such meetings upon its own motion, but it must call such a meeting upon presentation of a properly verified petition signed by one-third (1/3) or more of the General Council of the Confederated Tribes of the Grand Ronde Community of Oregon.
- (c) The agenda for General Council meetings shall be set by the Tribal Council; provided, that any member may submit in writing items to the Tribal Council for consideration for the agenda, and; provided further, that each agenda shall include time for discussion of items from the floor regardless of whether said items appear on the agenda.
- (d) The Tribal Council Chairperson shall chair General Council meetings.
- (e) A quorum of the General Council shall consist of thirty (30) members of the General Council. Matters of business shall be decided by a majority vote, except as otherwise required by this Constitution.
- (f) Procedures for exercising the General Council powers in Article II, Sections 1(b), 1(c), 1(d) and 1(e) shall be set forth by tribal ordinance duly enacted by the Tribal Council; provided, that said procedures shall not be in conflict with any provisions of this Constitution or regulations of the Secretary of the Interior.

ARTICLE III - TRIBAL COUNCIL

SECTION 1. Powers. There shall be a Tribal Council which shall have the power to exercise all legislative authority, except that vested in the General Council, and all executive authority of the Tribe, including the right to delegate authorities as the Tribal Council deems appropriate. Said authority shall include but is not limited to the authority to employ legal counsel, the

choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior as long as this is required by Federal Law; the power to prevent the sale, disposition, lease, or encumbrance of tribal land, interests in lands or other tribal assets without the consent of the Tribe and the power to negotiate with the Federal, state and local Governments. The Tribal Council shall have the power to submit to the Secretary of the Interior proposed amendments to this Constitution, notwithstanding the procedures set forth in Article II, Section 1(e) of this Constitution. Upon receipt of a proposed amendment from the Tribal Council, an election to vote on its adoption shall be called by the Secretary of the Interior in accordance with his rules and regulations. The affirmative vote of a two-thirds (2/3) majority of those actually voting shall be conclusive, so long as at least thirty percent (30%) of those qualified to vote shall have voted; provided, that amendments to this Constitution shall not become effective until approved by the Secretary of the Interior.

SECTION 2. Fundamental Decisions. Before taking any action with regard to the following matters, the Tribal Council must obtain the approval of a three-fourths (3/4) majority of the membership of the General Council:

- (a) The termination or diminishment of the tribal reservation which will be established pursuant to the Grand Ronde Restoration Act;
- (b) The relinquishment of any tribal criminal or civil jurisdiction; provided, that cooperative law enforcement agreements shall not be considered relinquishment of tribal jurisdiction.

SECTION 3. Procedures. The Tribal Council shall hold meetings and take actions in accordance with the following procedures, which it may augment by its own rules of procedure so long as they do not conflict with any provisions of this Constitution:

- (a) Regular meeting of the Tribal Council shall be held every two (2) weeks at a time and place to be set by the Tribal Council.
- (b) Special meetings of the Tribal Council may be called by the Chairperson at his or her discretion, but the Chairperson must call a special meeting upon written request of three (3) or more members of the Tribal Council. If after such a written request the Chairperson fails to call a special meeting within one (1) week of said request, the Tribal Court shall have jurisdiction to direct that a meeting be called and conducted. No special meeting shall be called without at least twelve (12) hours' notice to each member, unless each member shall waive the notice requirement in writing.
- (c) The agenda for all Tribal Council meetings shall be set by the chairperson; provided, that it shall include any item submitted upon the written request of three (3) or more members of the Tribal Council. Items may be added to the agenda at a Tribal Council meeting upon the concurrence of three (3) or more members.
- (d) The Tribal Council shall consist of nine (9) elected members. Five (5) members of the Tribal Council shall constitute a quorum. Matters of business shall be decided by majority vote, except where otherwise required by this Constitution or the Tribal Council's own rules as set forth by ordinance. The Chairperson shall vote only in case of a tie.
- (e) The Officers of the Tribal Council shall consist of a Chairperson and such other officers as are elected by vote of the Tribal Council. The duties and the terms of

- office of the officers of the Tribal Council shall be set forth by ordinance; provided, that those duties shall not be in conflict with any provisions of this Constitution.
- (f) All meetings of the Tribal Council shall be open to the public; however, the Tribal Council may recess at its discretion to discuss any matter in a closed or executive session; provided, that the general subject matter to be discussed in executive session is expressed in the motion calling for such session and no final or official action is taken thereon in the closed or executive session.
 - (g) All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. The ordinances shall be collected and made available to tribal members and others affected upon reasonable request.
 - (h) All final decisions of the Tribal Council on matters of temporary interest or relating especially to particular individuals shall be embodied in resolutions. The resolutions shall be collected and made available to tribal members and others affected upon reasonable request.
 - (i) All questions of procedure shall be decided by motion duly passed, or by the ruling of the Chairperson if no objection is heard.
 - (j) A written record shall be kept of Tribal Council proceedings. The record shall be open for inspection by all members of the Confederated Tribes of Grand Ronde.
 - (k) The Tribal Council shall not deny to any person within its jurisdiction freedom of speech, press, or religion or the right to assemble peacefully. The Tribal Council 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 IV - TRIBAL COURT

SECTION 1. Ordinance. There shall be a Tribal Court, consisting of one (1) Chief Judge and such Associate Judges and staff as are designated by tribal ordinance. The Ordinance shall set forth the terms of office and the qualifications for Tribal Court Chief Judge, Associate Judge and staff.

SECTION 2. Rules of Pleading, Practice and Procedure. The Chief Judge, in consultation with the Tribal Council, shall promulgate rules of pleading, practice and procedure applicable to any and all proceedings of the Tribal Court.

SECTION 3. Powers. The Tribal Court shall be empowered to exercise all judicial authority of the Tribe. Said authority shall include but not be limited to enforcement of the Indian Child Welfare Act of 1978 and the American Indian Religious Freedom Act of 1978, as well as the power to review and overturn tribal legislative and executive actions for violation of this Constitution or the Indian Civil Rights Act of 1968.

ARTICLE V: MEMBERSHIP

SECTION 1. Requirements. The membership of the Confederated Tribes of the Grand Ronde Community of Oregon shall consist of all persons who are not enrolled as members of another recognized tribe, band or community and,

- (a) whose names validly appear on the official tribal membership roll prepared under the Grand Ronde Restoration Act; provided, that such roll may be corrected by the Tribal Council with the approval of the Secretary of the Interior; or
- (b) who possess one-sixteenth (1 / 16) or more degree Indian blood quantum of a federally recognized tribe or tribes, are descended from a member of the Confederated Tribes of the Grand Ronde Community of Oregon, have filed an application for enrollment according to procedures established pursuant to Section 3 of this Article, and have been accepted as members in accordance with the tribal ordinance adopted under Section 3 of this Article.

For purposes of this section, descent from a member of the Confederated Tribes of the Grand Ronde Community of Oregon shall include lineal descent from any person who was named on any roll or records of Grand Ronde members prepared by the Department of the Interior prior to the effective date of this Constitution.

SECTION 2. Dual Membership Prohibited. No person who is an enrolled member of any other organized tribe, band, or Indian community officially recognized by the Secretary of the Interior shall be qualified for membership in the Confederated Tribes of the Grand Ronde Community of Oregon, unless he or she has relinquished in writing his or her membership in such tribe, band or community.

SECTION 3. Ordinance. The Tribal Council shall, within six (6) months of the Tribal Council's initial election to office under this Constitution, enact an ordinance establishing procedures for processing membership matters, including but not limited to application procedures, procedures for correction of the tribal roll, the right to appeal from a rejected application for membership, loss of membership, procedures for voluntary relinquishment of membership, and procedures governing reinstatement of former members who have relinquished membership.

SECTION 4. Adoption. The Tribal Council shall have the power, with the prior approval of the General Council, to enact an ordinance governing the adoption of persons as members who have a significant community relationship with the Confederated Tribes of the Grand Ronde Community of Oregon. Such ordinance shall define what constitutes a significant community relationship.

SECTION 5. Loss of Membership. The Tribal Council shall by ordinance prescribe rules and regulations governing involuntary loss of membership. The reasons for such loss shall be limited exclusively to failure to meet the requirements set forth for membership in this Constitution; provided, that nothing in this section shall prohibit a member from voluntarily relinquishing membership in the Confederated Tribes of the Grand Ronde Community of Oregon, with the consent of the Tribal Council.

ARTICLE VI- ELECTIONS

SECTION 1. Voters. All duly enrolled members of the Confederated Tribes of the Grand Ronde Community of Oregon who are eighteen (18) years of age or older shall have the right to vote in all tribal elections.

SECTION 2. Manner of Voting. All elections shall be by secret ballot, except that the General Council may make advisory recommendations to the Tribal Council by voice vote or show of hands at General Council meetings. Voting by mail and absentee balloting shall be permitted and procedures shall be provided for by ordinance under Section 4 of this Article. The ordinance shall require that such ballots be made available to members sufficiently in advance of any election, to permit the ballots to be received by the Election Board no later than the scheduled date of the election. Ballots so submitted shall be counted along with ballots cast in person at the polls.

SECTION 3. Tribal Council Election. Elections for Tribal Council shall be held annually in September, except as provided in Section 5 of this Article. The times and places for voting shall be designated by the Election Board. New members shall take office upon certification of election results by the Election Board established pursuant to Section 4 of this Article. Candidates for Tribal Council must be duly enrolled members of the Confederated Tribes of the Grand Ronde Community of Oregon who will be at least eighteen (18) years of age on the date of the election.

Each voter shall be allowed to cast one (1) vote for each vacancy on the Tribal Council. No more than one (1) vote per candidate shall be cast. The winners shall be chosen by plurality according to the rank order of votes received. In the event of a tie, the winner shall be chosen according to the terms of the ordinance enacted pursuant to Section 4 of this Article.

SECTION 4. Election Ordinance. The Tribal Council shall, within six (6) months of the Tribal Council's initial election to office under this Constitution, enact an election ordinance consistent with the provisions of this Constitution. The ordinance shall include provision for appointment by the Tribal Council of an impartial Election Board. The Election Board shall supervise all tribal elections, determine the validity of tribal petitions and perform such other duties as are set forth in the election ordinance. The ordinance shall include, but not be limited to, provisions for secret balloting, absentee voting, validation of tribal petitions, and the settlement of any and all election disputes, including the right to appeal to the Tribal Court.

SECTION 5. First Election. The members first elected to the Tribal Council under this Constitution pursuant to Section 6(d) of the Grand Ronde Restoration Act shall hold office until their successors are duly elected and installed following the Tribal Council election in September 1987.

At the Tribal Council election in September 1987, three (3) members shall be elected to three-year (3) terms, three (3) members shall be elected to two-year (2) terms, and three (3) members shall be elected to one-year (1) terms. Thereafter, there shall be annual elections in September and, in order to maintain the concept of staggered terms of office, all Tribal Council members shall be elected to three-year (3) terms or until their successors are duly elected and installed.

SECTION 6. Vacancies. In the event that any elective tribal office becomes vacant between elections, the Chairperson shall recommend a person who meets the requirements of a candidate for that position to fill the vacancy. Such person shall assume office to serve the remainder of the term upon approval of the appointment by a majority of the elected members of the Tribal Council.

If a Tribal Council member fails to attend three (3) consecutive regular meetings of the Tribal Council, without a written excuse accepted by a majority vote of the other members of the Tribal Council, that member's seat will be declared vacant and the vacancy shall be filled in accordance with this Section.

ARTICLE VII – AMENDMENTS

This Constitution may be amended in accordance with procedures adopted pursuant to Article II, Section 1(e), Article II, Section 2(f) and Article III, Section 1.

ARTICLE VIII - ADOPTION OF THE CONSTITUTION

This Constitution, when adopted by a majority of the qualified voters of the Confederated Tribes of the Grand Ronde Community of Oregon who actually vote at an election called for that purpose by the Secretary of the Interior, and conducted pursuant to his regulations, shall be submitted for approval to the Secretary of the Interior, and shall become effective from the date of such approval.

ARTICLE IX - CERTIFICATE OF ADOPTION

Pursuant to an order issued on August 6, 1984, by John Fritz, Deputy Assistant Secretary - Indian Affairs (Operations), this Constitution of the Confederated Tribes of the Grand Ronde Community of Oregon, was submitted for adoption to the qualified voters of the tribe and was on November 10, 1984, duly adopted by a vote of 145 for and 14 against, in an election in which only a majority of those actually voting is required in accordance with Section 6(c) of the Grand Ronde Restoration Act of November 22, 1983 (97 Stat. 1064).