

*Constitution and Bylaws of the Confederated Tribes of the Umatilla Indian Reservation
1949 Text Updated to Include All Amendments through Amendment No. XIV, 2011*

CONSTITUTION AND BYLAWS

*Current Text, Incorporating All Amendments
(Amendments I Through XIV)*

CONFEDERATED TRIBES
OF THE
UMATILLA RESERVATION

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**CONSTITUTION AND BYLAWS
OF THE
CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION**

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**CONSTITUTION AND BYLAWS
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We, the people of the Umatilla Indian Reservation do hereby ordain and establish this Constitution and Bylaws.

ARTICLE I - NAME

The tribal government shall be called the "Confederated Tribes of the Umatilla Indian Reservation" ("Confederated Tribes" or "CTUIR"), and shall include Indians of the Cayuse, Umatilla, and Walla Walla Tribes.

ARTICLE II - PURPOSE

The purpose and powers of the Confederated Tribes shall be, within law, to exercise and protect all existing and future tribal rights arising from any source whether treaty, federal statute, state statute, common law, or otherwise; to achieve a maximum degree of self-government in all tribal affairs; and to protect and promote the interests of the Indians of the Umatilla Indian Reservation.

ARTICLE III - TREATY RIGHTS AND THE FEDERAL TRUST RESPONSIBILITY

This Constitution and Bylaws is not adopted under the Indian Reorganization Act, also known as the "Wheeler-Howard Act." No tribal right of any kind shall be weakened, impaired, or surrendered by the adoption of this Constitution and Bylaws. The adoption of this Constitution and Bylaws does not in any way reduce the trust obligation of the United States to the Confederated Tribes.

ARTICLE IV - MEMBERS

The membership of the Confederated Tribes shall consist, as follows, of:

- (a) All persons of Indian blood whose names appear on the official census roll of the Confederated Tribes as of July 1, 1949; provided, that corrections may be made in said roll by the General Council within five (5) years from the adoption and approval of this Constitution and Bylaws, subject to the approval of the Secretary of the Interior or his authorized representative.
- (b) Persons who:
 - (1) Have at least one parent or grandparent who is an enrolled member of the Confederated Tribes, and
 - (2) Have at least one-fourth (1/4) degree of Indian blood from any federally recognized Indian tribe within the United States.
- (c) No new applicants for membership in the Confederated Tribes under Article IV(c) shall be enrolled. Persons already enrolled under the former Article IV(c) retain their membership under the same terms as the original Article IV(c): they are authorized "to participate in tribal government and to vote and to hold office" but they "shall not participate in any right or claim arising out of the treaties to which the Confederated Tribes are a party."

ARTICLE V - GENERAL COUNCIL

SECTION 1.

The General Council shall consist of all members of the Confederated Tribes of the age of eighteen (18) years or over.

SECTION 2.

The General Council shall elect its own officers, and shall also elect the members and officers of the Board of Trustees, as hereinafter provided; and the General Council shall have the power to demand reports from its officers and from the said Board, and to recall its officers or the members of the Board, as hereinafter provided.

SECTION 3.

The officers of the General Council shall be a Chair, a Vice-Chair, a Secretary, and Interpreter, and such other officers as the General Council may from time to time create and fill. Their duties shall be as follows:

- (a) The Chair shall preside at the meetings of the General Council, shall attest the minutes thereof, shall appoint temporary officers in the absence of the duly elected officers, and shall perform such other duties as are placed upon him by this Constitution and Bylaws. He or she shall vote only in case of a tie.
- (b) The Vice-Chair shall act in place of the Chair in the event of his or her absence or disability, or at his or her request.
- (c) The Secretary shall keep, prepare, and sign the official minutes of the meetings of the General Council and, subject to the direction of the Chair, prepare an order of business in advance of each meeting of the General Council.
- (d) The Interpreter shall interpret what is said at meetings of the General Council from the English language to the commonly understood Indian language, and vice versa, whenever necessary to full understanding by all members.

SECTION 4.

Meetings of the General Council may be called by the Chair of the General Council, by the Board of Trustees, or by petition signed by at least twenty (20) members of the General Council. Notice of each meeting, stating time, place, and purpose thereof, and signed by the Chair of the General Council, shall be posted in public places at least twenty (20) days before the meeting. If the Chair of the General Council, or the Board of Trustees, shall certify that an emergency exists, the meeting may be called upon five (5) days notice.

SECTION 5.

- (a) All tribal elections occurring for Board of Trustees and General Council officials shall be held in November in odd numbered years.
- (b) Officers of the General Council shall hold office for a period of two (2) years, or until their successors are elected and take office.
- (c) Members of the Board of Trustees shall each hold office for a period of two (2) years, or until their successors are elected and take office, except that in the first election of said members, the four nominations receiving the highest number of votes shall hold office until December 1, 1950, and the four nominees receiving the next highest number of votes shall hold office until December 1, 1949.

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- (d) The Chair and the Secretary of the General Council shall certify as to the results of all elections of officers of the General Council, or members of the Board of Trustees, held thereafter.

SECTION 6.

Any officer of the General Council, or any member of the Board of Trustees, may be removed from office by majority vote of the General Council upon the filing with the Board of Trustees of a recall petition signed by at least ten percent (10%) of the members of the General Council. Such petition shall state clearly the charges against the individual whose recall is sought. It shall be the duty of the Board of Trustees, when a recall petition is filed in proper form with sufficient signatures, forthwith to call an election of the General Council to vote upon the petition. The individual sought to be recalled shall have the right to see the said petition at least twenty (20) days before the said election, and to appear at the election and answer the charges made against him.

SECTION 7.

A quorum of the General Council shall consist of thirty (30) members. Voting on motions before the General Council may be by voice vote, show of hands, or by secret ballot, as the Chair shall direct. Voting in tribal elections shall be by secret ballot, with mail-in absentee ballots provided for those who cannot vote in person. Notice of the time, place and procedures for tribal elections shall be posted 90 days prior to the election. "Elections" include general and special elections called for the following purposes:

- (a) To fill positions on the Board of Trustees and General Council officer positions pursuant to Article V, Section 5 (including elections to fill vacancies and run-off elections to resolve ties),
- (b) To vote on the recall of a Board member or General Council officer pursuant to Article V, Section 6,
- (c) To vote on whether to ratify the Board's removal of a Board member pursuant to Article VI, Section 5, and
- (d) To vote on proposed constitutional amendments pursuant to Article VII.

ARTICLE VI - BOARD OF TRUSTEES

SECTION 1.

The governing body of the Confederated Tribes shall be a Board of Trustees. Subject to limitations imposed by the Statutes or Constitution of the United States, the Board of Trustees shall have the following powers:

- (a) To represent the Tribes and to negotiate with Federal, State and local governments and to advise with representatives of the Interior Department on appropriations, projects, and legislation that affect the Tribes.
- (b) To manage all affairs of the Confederated Tribes, including the administration of tribal lands, fund, timber and other resources, under appropriate contracts, leases, permits, and loan or sale agreements.
- (c) To appoint committees, including members of the General Council who are not members of the Board of Trustees, and to delegate authority to said committees, and to provide per diem compensation and reimbursement of expenses incurred by officers of the General Council, members of the Board of Trustees and committee members while acting on official tribal business.

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- (d) To promulgate and enforce statutes governing the conduct of all persons and activities within the boundaries of the Umatilla Indian Reservation, providing for the procedure of the Board of Trustees, and carrying out any powers herein conferred upon the Board of Trustees.
- (e) To exercise any rights and powers heretofore vested in the Confederated Tribes, but not expressly referred to in this Constitution, or any powers that may in the future be delegated by an agency of local, state or Federal government.

SECTION 2.

The members of the Board of Trustees shall consist of the Chair of the General Council as ex officio member with the right to vote, and eight (8) members of the General Council elected by the General Council. No member shall be qualified to act as a member of the Board of Trustees who is a non-resident of the Umatilla Indian Reservation.

SECTION 3.

The officers of the Board of Trustees shall be a Chair, a Vice-Chair, a Treasurer and a Secretary. Their duties shall be as follows;

- (a) The Chair of the Board of Trustees shall preside over all meetings of the Board of Trustees, affix his or her signature to official documents, countersign warrants duly drawn by the Treasurer against the tribal funds, and shall vote only in case of a tie.
- (b) The Vice-Chair shall preside at meetings and otherwise act in full capacity of the Chair in the absence or disability of the Chair, or at his or her request.
- (c) The Treasurer shall accept, receipt for, and safeguard all funds of the Tribes under his or her custody as directed by the Board of Trustees, and keep a complete record of receipts and expenditures. He or she shall be a bonded officer and shall not disburse any funds of the Tribes except as duly authorized by the Board of Trustees, and he or she shall report his or her accounts and all financial transactions at a meeting upon request of the General Council or the Board of Trustees.
- (d) The Secretary shall conduct all correspondence, issue public notices, take minutes, record official actions, have custody of all files and records, etc., of the Board of Trustees and affix his or her signature to official documents.

The Chair of the General Council may, but need not necessarily, be elected as Chair of the Board of Trustees.

SECTION 4.

The Board of Trustees shall hold regular monthly meetings at such time and place as it shall fix. Special meetings of the Board may be called by the Chair of the Board, or by written request of any three (3) members thereof, upon at least two (2) days' notice of each member of the time, place and purpose. At all meetings of the Board, whether regular or special, five (5) members shall constitute a quorum. All meetings shall be open to any member of the General Council.

SECTION 5.

Whenever, in the opinion of a majority of the entire Board of Trustees, any member of the Board of Trustees has been guilty of gross neglect of duty, it shall certify its opinion, together with the reasons therefore, to the General Council, which shall have the power to remove said member from office and to elect a successor. The member who is so accused shall have the right to receive a copy of the charges against him at least twenty (20) days in advance of the meeting of

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the General Council at which the question of removal and of selection of a successor are to be voted on, and shall be entitled to appear at said meeting and answer said charges.

SECTION 6.

Vacancies in the Board of Trustees shall be filled by the General Council at an election called for that purpose.

SECTION 7.

The Board of Trustees shall have custody of its letters, documents, records, and minutes, as well as those of the General Council.

ARTICLE VII – TRIBAL COURT

SECTION 1.

The judicial power of the Confederated Tribes is vested in the Tribal Court, which shall have general authority to adjudicate disputes and enunciate principles of law.

SECTION 2.

When a dispute before the Tribal Court requires the Court to interpret this Constitution and Bylaws, the rule of law determined by the Court in interpreting this Constitution and Bylaws shall not be subject to alteration by later statutory amendment or enactment of the Board of Trustees. Court rules interpreting this Constitution and Bylaws may only be altered by subsequent decisions of the Tribal Court or by amendment of the Constitution and Bylaws pursuant to Article VIII.

SECTION 3.

To the extent that a statute enacted by the Board of Trustees is directly applicable to a dispute before the Tribal Court, the Court shall adhere to and enforce the provisions of that tribal statute. The only exceptions to this rule shall be where the Court concludes that the statute violates this Constitution and Bylaws, or where the Court concludes that the statute violates provisions of federal law that supersede tribal authority. In such circumstances the Tribal Court may rule the statute invalid and prohibit further enforcement of it. When making such a ruling, the Court shall limit the scope of its ruling to the narrowest degree necessary to remove the offensive provision.

SECTION 4.

Where no tribal statute directly addresses a question of substance or procedure inherent in a dispute before the Tribal Court, the Court shall exercise its general judicial authority to establish the tribal common law of the matter. In doing so, the Tribal Court may draw upon such sources as it sees fit, including the following:

- (a) Tribal statutes that address related matters or analogous situations,
- (b) Traditional law of the Confederated Tribes,
- (c) Foreign law, including the law of other tribes, international law, federal law, the law of the various states, local government law and model or uniform laws,
- (d) The best judgment of the Court.

Any tribal common law enunciated by the Tribal Court may be altered or repealed by subsequent

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decisions of the Court or by subsequent statutes enacted by the Board of Trustees.

SECTION 5.

The Board of Trustees shall retain the authority to conduct those quasi-adjudicative proceedings that fall under the category of administrative law, and shall retain the authority to delegate to staff and policy bodies of the Confederated Tribes the power to conduct such proceedings.

SECTION 6.

The Board of Trustees shall by statute set forth qualifications for the Chief Judge of the Tribal Court and for any Associate Judges. The Board shall also set forth procedures for evaluating, appointing and removing judges. The Board shall appoint a Chief Judge for a term of not less than ten years, and may appoint one or more Associate Judges for terms of not less than four years. The initial year of appointment of any Chief Judge or Associate Judges shall be a probationary year, during which time the Board may remove the judge summarily without stating a cause. Following the probationary year, the Board of Trustees may only suspend or dismiss a judge of the Tribal Court for good cause upon due notice and an opportunity for a hearing open to tribal members. The Board may reappoint a judge following the successful completion of his or her full term as Chief or Associate Judge. Reappointed judges shall not serve a probationary period. The Board shall not reduce the pay of a judge during his or her term of appointment.

ARTICLE VIII - AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the members of the General Council at an election called for that purpose by resolution of the Board of Trustees or majority vote of the General Council, provided that such amendment receives at least fifty (50) affirmative votes. The notice of said election shall set forth the proposed amendment in full. Unless specified otherwise in the ballot text for the amendment, all amendments approved by the voters shall take effect 30 days after the certification of the election.

ARTICLE IX - RATIFICATION

This Constitution and Bylaws shall become effective upon ratification by a majority vote of those adult voters of the Confederated Tribes who shall vote as authorized by the Commissioner of Indian Affairs, and subsequent approval by the Secretary of Interior or the Secretary's authorized representative.