



Constitution of the Native Village of Eyak

Cordova, Alaska

PREAMBLE	2
ARTICLE 1 - NAME	2
ARTICLE 2 - JURISDICTION	2
ARTICLE 3 - RESIDENCY AREA	2
ARTICLE 4 - MEMBERSHIP	4
ARTICLE 5 - GOVERNING BODY OF THE NATIVE VILLAGE OF EYAK	5
ARTICLE 6 - DUTIES OF OFFICERS OF THE COUNCIL	8
ARTICLE 7 - REMOVAL, RECALL, FORFEITURE, AND VACANCIES	9
ARTICLE 8 - MEETINGS.....	11
ARTICLE 9 - POWERS OF THE COUNCIL.....	13
ARTICLE 10 - ELECTIONS	15
ARTICLE 11 - POPULAR PARTICIPATION IN GOVERNMENT	17
ARTICLE 12 - RIGHTS OF MEMBERS	18
ARTICLE 13 - SOVEREIGN IMMUNITY OF THE NATIVE VILLAGE OF EYAK.....	20
ARTICLE 14 - SEVERABILITY	21
ARTICLE 15 - SAVINGS	21
ARTICLE 16 - ADOPTION	21
ARTICLE 17 - AMENDMENTS OR REPEAL	21
CERTIFICATE OF AMENDMENT	addendum

PREAMBLE

We, the people of the Native Village of Eyak, exercise our freedom and sovereign powers in creating this Constitution to support the well-being and unity of this and succeeding generations of Tribal Members. Upon adoption by the Native Village of Eyak tribal voters, this Constitution shall amend and supersede our previously adopted Constitution: *Traditional Constitution and Bylaws of the Native Village of Eyak* adopted by the voting membership of the Native Village of Eyak on May 25, 1980.

ARTICLE 1 – NAME

Our Tribe is listed as ‘Native Village of Eyak (Cordova)’ on the list of federally recognized tribes published by the United States Department of the Interior. The governing body of our Tribe is the ‘Native Village of Eyak Tribal Council.’ The name of our Court is the ‘Native Village of Eyak Tribal Court.’

ARTICLE 2 – JURISDICTION

The Native Village of Eyak shall have all the jurisdiction, immunities, and privileges available to federally recognized sovereign tribes, in our government-to-government relationship with the United States and other governments, as well as the responsibilities, powers, limitations, and obligations of such tribes.

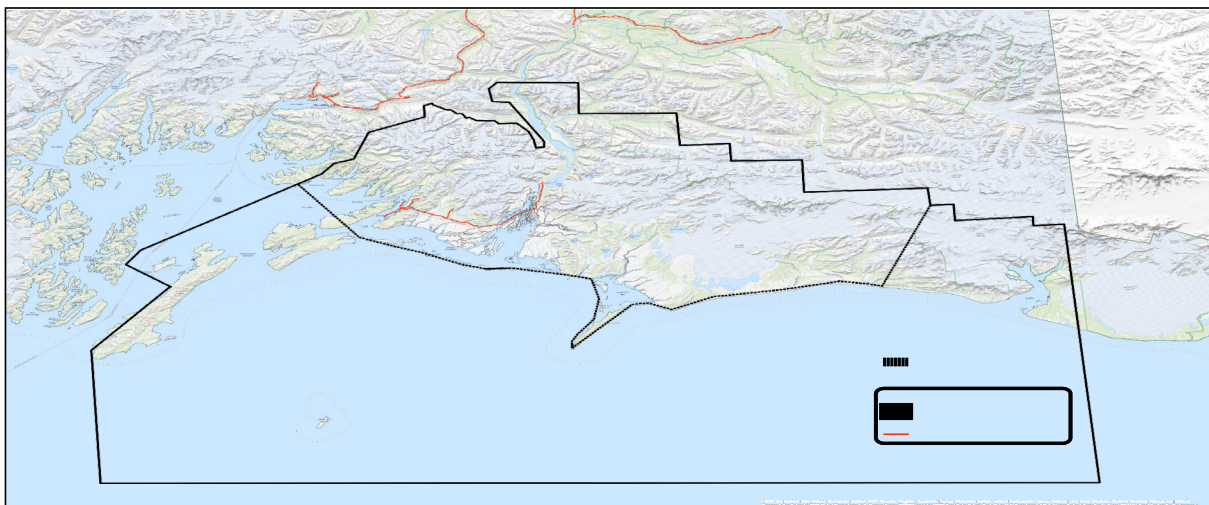
ARTICLE 3 – RESIDENCY AREA

Some tribal membership rights such as voting and serving on the Native Village of Eyak Tribal Council are limited to those members who are residents. When rights and

privileges of tribal membership are restricted by tribal constitution or ordinances to resident tribal members, the residency area shall be as described:

The Native Village of Eyak uses its traditional homeland use boundaries for purposes of determining residency. The area is approximately 270 miles wide from east to west, and 320 miles from north to south. The area encompasses approximately 86,400 miles of sea and land mass, with the community of Cordova being the population center of this area.

The eastern boundary is the border between the Chugach Region and the Sealaska Region. This is an extension of the US/Canada border at 141 degrees west longitude, beginning near the peak of Mount St. Elias, proceeding south to the 200-mile economic zone boundary approximately 141 degrees west longitude and 56 degrees north latitude. The northern boundary is the Chugach/Ahtna border which begins near the peak of Mt. St Elias and crosses the Copper River upstream from Cleave Creek and includes the Bremner and Tasnuna Valleys. The western boundary is a line from the headwaters of the Tasnuna River to Knowles Head, and thence to the western point of Green Island to Cape Clear. From there it proceeds southerly to the 200-mile economic zone boundary at approximately 148 degrees west longitude and 56 degrees north latitude. The southern boundary is a line along the boundary of the 200-mile economic zone from a point approximately 148 degrees west longitude and 56 degrees north latitude, to a point approximately 141 degrees west longitude and 56 degrees north latitude.



ARTICLE 4 – MEMBERSHIP

Section 1. Base Membership Roll. The Base Membership Roll of the Native Village of Eyak shall be the list of members developed in 2022, that list may be amended by Tribal Council to correct omissions of persons who were considered members at that time, but who were not on that list in 2022.

Section 2. Descendants of Base Roll Members. All lineal descendants of Base Roll members shall be automatically eligible for enrollment in the Native Village of Eyak. Persons under 18 who are lineal descendants of Base Roll members shall be tribal members regardless of whether or not they are formally enrolled into the Native Village of Eyak.

Section 3. Children. Lineal descendants shall include biological children, and, Alaska Native children, who are legally adopted.

Section 4. Dual Enrollment. Enrollment in both the Native Village of Eyak and another Federally Recognized Indian Tribe is permitted, provided that tribal members who are solely enrolled into the Native Village of Eyak may be given a priority in services.

Section 5. Relinquishment of Tribal Membership: Enrolled tribal members 18 years of age and older may relinquish their tribal membership. Relinquishment for those enrolled or eligible to be enrolled members is not permitted for those persons under the age of 18, without an express waiver through an affirmative vote of a majority plus one of Tribal Council members.

Section 6. Adoption of New Members into the Tribe. By an affirmative vote of at least a majority vote plus one of Native Village of Eyak Tribal Council members, the

Council may adopt adult Alaska Natives who have resided the residency area described in Article 3 of this Constitution for at least 3 years immediately prior to applying for membership. Children of adopted members are not automatically eligible for membership unless they are lineal descendants of a Base Roll member. Adopted members may be disenrolled if they move away from the residency area.

Section 7. Membership and Enrollment Ordinance. The Native Village of Eyak Tribal Council shall have the power to adopt ordinances and resolutions, not inconsistent with this Constitution, prescribing tribal law governing membership, including application and appeal procedures, maintenance of the membership roll, disenrollment, relinquishment of membership, honorary memberships, and adoption of new members. Such ordinances may not further restrict eligibility for membership such as requiring a blood quantum for enrollment of lineal descendants of Base Roll members which may only be done by amendment of this Constitution.

ARTICLE 5 – GOVERNING BODY OF THE NATIVE VILLAGE OF EYAK

Section 1. Native Village of Eyak Tribal Council. The Native Village of Eyak Tribal Council shall consist of 7 members who shall be elected by a majority vote of the qualified tribal voters casting their ballots in such an election. The Council shall represent the Tribe and shall exercise the powers of the Tribe enumerated in this Constitution unless otherwise provided by this Constitution or by tribal ordinance.

Section 2. Officers. The officers of the Tribal Council shall be a Chair, Vice-Chair, and Secretary/Treasurer. The officers shall be determined by the Tribal Council annually.

Section 3. Qualifications for Serving on the Native Village of Eyak Tribal Council.

The qualifications for serving on Tribal Council shall be:

1. Enrolled tribal members who are 19 years of age or older;
2. Have voted in at least 1 tribal election in the past 5 years prior to running as a candidate;
3. Have physically resided in the residency area for at least 6 months within the past year prior to a Tribal Council election, provided that people may be physically temporarily absent during that timeframe for reasons such as seasonal employment, education, training, military service, or medical;
4. Are not employed by the Native Village of Eyak Tribal Council, or by any companies or enterprises owned by the Native Village of Eyak;
5. Have not been removed from Tribal Council for gross misconduct (a willful act or omission that the Council member knew or should have known was wrong or unlawful) ; and
6. Have not been convicted of any felony.

Section 4. Terms of Office and Annual Election. The Native Village of Eyak Tribal Council members shall hold office for terms of 3 years, provided that shorter term lengths may be used to initiate or to re-initiate staggering. Staggering shall result in voting on 2 seats one year, 3 seats the next year, and 2 seats the following year. An election for Council members shall be held annually. A record shall be kept in the Native Village of Eyak Main Office of when each person was elected and when each person's term expires.

Section 5. Assuming Duties. Newly elected Tribal Council members shall assume their duties upon certification of election results and being sworn in.

Section 6. Term Limits. There shall be a limit of 2 full terms for serving on the Tribal Council. Former council members may run for election after at least a 1-year waiting period.

Section 7. Quorum. The majority of Native Village of Eyak Tribal Council members shall constitute a quorum for the transaction of business at any meeting of the Council unless a larger number is specifically required by this Constitution.

Section 8. Consensus, Voting, Chairman Voting. During meetings, the Tribal Council shall make decisions by consensus when possible and by majority vote when consensus is not possible. The Chair may vote in the event of a tie vote, or, when an affirmative vote of at least majority plus one council members is required.

Section 9. Chain of Command.

The chain of command for chairing Tribal Council meetings shall be the Chair, Vice-Chair, and Secretary/Treasurer. When the Council is not meeting, the Chair shall generally represent the Tribe, subject to any limitation that might be provided by this Constitution, Tribal Ordinances, or by Council resolution. In the absence of the Chair, the Vice-Chair shall undertake this responsibility. In the absence of the Chair and Vice-Chair, the Secretary/Treasurer shall undertake this responsibility.

Section 10. Conflict of Interest. No Tribal Council member shall vote on any matter, including but not limited to employment hiring and termination, contracts, project funding, distribution of tribal services and appointments to tribal committees, in which he or she has a direct, significant personal interest and cannot be fair for any reason. A personal interest includes matters involving his or her spouse or partner, parents and parent in-laws, siblings, children, persons living in the same household, or with whom a romantic relationship exists. Tribal Council members present when such a matter is decided shall reveal the conflict prior to any vote. They may discuss the matter but shall abstain from voting.

Section 11. Council Member Authority. No member of the Tribal Council shall have the authority to sign resolutions, contracts, waivers of sovereign immunity, leases, or make major commitments of tribal resources without a majority vote of the Tribal

Council. Provided, however, that a higher number of affirmative votes may be required by this Constitution or by tribal ordinances in specific circumstances.

ARTICLE 6 – DUTIES OF OFFICERS OF THE COUNCIL

Section 1. Chairman. The Chair shall be the first in command to preside over meetings of the Tribal Council and of the Tribe. The Chair may vote in Tribal Council meetings only in case of a tie, or, when a supermajority vote is required for an action. The Chair shall provide general supervision for the affairs of the Tribal Council with the assistance of the Vice-Chair and Secretary/Treasurer, subject to any limitation provided by tribal law.

Section 2. Vice-Chairman. The Vice-Chair shall preside over meetings of the Tribal Council and of the Tribe in the absence of the Chair. The Vice-Chair shall provide general supervision over the affairs of the Tribe in the absence of the Chair, subject to any limitation provided by tribal law.

Section 3. Secretary/Treasurer. In the absence of the Chair and Vice-Chair, the Secretary/Treasurer shall preside over meetings and the general affairs of the Tribe, subject to any limitation provided by tribal law. The Secretary/Treasurer shall be generally familiar with tribal finances and may be requested to give or delegate the duty of giving financial reports to the Tribal Council. The Secretary/Treasurer shall issue or delegate the duty of issuing notices for all meetings and elections. The Secretary/Treasurer shall take or delegate the taking of minutes for all meetings. The Secretary/Treasurer is responsible for oversight and preservation of care of Tribal Council documents.

ARTICLE 7 – REMOVAL, RECALL, FORFEITURE, AND VACANCIES

Section 1. Removal. Any Tribal Council member found guilty by the Tribal Council of gross misconduct in office may be removed from office by the Tribal Council. The process for possible removal from Tribal Council office is as follows:

- A. Tribal Council members who are the subject of removal shall be given written notice no fewer than 10 days in advance of a Tribal Council meeting.
- B. The notice shall state the reason for considering the removal and the date, time, and place of the Tribal Council meeting where the matter shall be deliberated.
- C. The person shall be given an opportunity to answer such charges before the Tribal Council in executive session.
- D. If the person subject to removal fails to appear before the Tribal Council, the Tribal Council may proceed in making a decision.
- E. A Tribal Council member may vote on a removal decision even if it involves a person who would be considered to be a conflict of interest in other circumstances.
- F. A minimum of a supermajority Tribal Council members shall vote in favor of the removal for it to be valid.
- G. No person shall preside over a meeting at which his or her removal is being considered.
- H. All questions concerning removal under this Section shall be resolved by the Tribal Council and the decision of the Tribal Council shall be final.

Section 2. Recall. Native Village of Eyak Tribal Council members may be recalled by the tribal voters through a petition and election process.

- A. Petition:** A petition requesting a recall of a Tribal Council member or members shall be signed by at least 30 % of the qualified tribal voters within a 30-day period. The petition shall be presented by the petitioner(s) to the Native Village of Eyak Tribal Council by certified mail or at any regular or special meetings of the Tribal Council.
- B. Election:** The Tribal Council shall call a special election to consider the recall of the named Tribal Council member or members within 30 business days after receiving a valid petition, in accordance with Article 10, Section 6 of this Constitution.
- C. Failure to Hold an Election:** If the Tribal Council fails to call a special election to consider the recall within 30 business days after the receipt of a valid petition, the tribal membership, led by the petitioner(s), may hold a tribal membership meeting to conduct such business. Circulating a new petition to call such a meeting shall not be required, but the petitioner(s) shall post the notice in at least 3 public places in Cordova at least 2 weeks in advance and may otherwise be provided to voters in the greater residency area. A minimum of 20% of the tribal voters shall vote in such election for it to be valid.

Section 3. Forfeiture. A Tribal Council member who submits a written resignation, no longer meets the residency requirement, or is convicted of a felony while in office shall automatically forfeit his or her seat. When a Tribal Council member is absent, either in person or telephonically, from three consecutive regular meetings of the Tribal Council without notifying the Chair or Executive Director with a valid excuse prior to the meetings, the Tribal Council may declare his or her seat forfeited after a warning is issued upon the second unexcused absence.

Section 4. Vacancies on the Native Village of Eyak Tribal Council. Vacancies on the Tribal Council shall be filled by appointment by a majority vote of the remaining members of the Tribal Council. If for some reason there are fewer than 4 Tribal Council members remaining on the Tribal Council, there shall be a special tribal election to fill those vacancies. Anyone appointed or elected to fill a vacancy shall serve until the term of that seat expires. Clear records of any appointments to fill vacancies, and the year the seat shall be up for re-election shall be kept in the Tribal Office files. Vacancies in the Officer positions shall be appointed by the majority vote of the Tribal Council.

ARTICLE 8 – MEETINGS

Section 1. General Meeting Rules for Native Village of Eyak.

- A. Roberts Rules of Order:** Meetings of the Native Village of Eyak Tribal Council and tribal membership shall be held under Roberts Rules of Order, subject to specific variances made through this Constitution or Tribal Ordinances.
- B. Minutes:** Minutes shall be taken at all regular and special meetings of the Tribal Council, except when the Tribal Council is in executive session, and shall be available for tribal members to see.
- C. Notice:** Notice for meetings shall be posted in at least 3 public places in Cordova and may be otherwise advertised.
- D. Present Telephonically or Virtually:** Tribal Council members may be present virtually or telephonically for Tribal Council meetings with approval of the Chair. An Ordinance, consistent with this Constitution, shall be adopted by the Tribal Council that shall set forth the attendance expectations to be followed.

E. Open to Membership: All meetings shall be open to the tribal membership except when the Tribal Council is in executive session.

Section 2. Regular Meetings of the Council. Regular meetings of the Tribal Council shall be held monthly. Notice shall be posted at least 3 business days prior to the regular meeting and may be otherwise advertised.

Section 3. Special Council Meetings. The Chair, or Vice-Chair in the absence of the Chairman may call a special Tribal Council meeting upon posting notice in Cordova at least 24 hours prior. The notice shall contain information about the topics to be addressed at the special meeting. Amendments to the draft special meeting agenda may be made.

Section 4. Emergency Council Meetings. The Tribal Council may meet for an emergency meeting without notice when emergency circumstances warrant such a meeting. Only emergency business may be taken up at emergency meetings, and decisions of a temporary nature made.

Section 5. Executive Session of the Council. The Tribal Council may move to meet in a closed executive session during regular, special, or emergency meetings of the Tribal Council when the subject matter is deemed confidential by tribal ordinance. The Tribal Council shall go into executive session at the end of a Tribal Council meeting, unless extenuating circumstances make it necessary to go into executive session before other business is completed.

Section 6. Tribal Membership Meetings. The Native Village of Eyak Tribal Council shall host tribal membership meetings at least annually. By an affirmative vote of a majority plus one of the Tribal Council shall determine the date, time, and place for tribal membership meetings. The meetings may be used to inform tribal members about the goals, accomplishments, and business of the Tribe, including a financial report.

ARTICLE 9 – POWERS OF THE NATIVE VILLAGE OF EYAK TRIBAL COUNCIL

Section 1. General Powers. Except as specifically limited by this Constitution or by tribal ordinances, the Tribal Council shall exercise the sovereign powers of the Tribe. The powers shall include all the inherent powers of a federally recognized tribe that do not violate federal law, including but not limited to those specified in this Article.

Section 2. Internal Procedures. Consistent with this Constitution, the Tribal Council may adopt ordinances, resolutions, and policies to govern its internal affairs, procedures, and organization.

Section 3. Native Village of Eyak Council Powers. The Tribal Council shall exercise the following powers by appropriate action, motion, policy, resolution, or ordinance subject to any limitations imposed by this Constitution, ordinances, or applicable laws of the United States:

- A.** To consult, negotiate, contract, oversee, make agreements with, and make recommendations to federal, state, foreign, local, tribal, for-profit, and non-profit organizations on activities that may affect the Native Village of Eyak.
- B.** To manage the internal affairs and procedures of the tribal government including regulating the conduct of the Tribal Council, membership, elections, and establishment of committees.
- C.** To promote the peace, health, education, and general welfare of the members of the Tribe and to administer services that contribute to the social and economic development of the Tribe and its members.

- D.** To promote the maintenance of law and order, domestic relations, health and safety, and the administration of justice, including the establishment of appropriate tribal courts or other judicial bodies.
- E.** To encourage and support the Tribal cultural practices of the Native Village of Eyak people.
- F.** To protect artifacts, archaeological sites, and sacred places of the Native Village of Eyak people.
- G.** To promote the preservation of the wildlife and natural resources within the area under the jurisdiction of the Tribe or upon which its members rely for subsistence.
- H.** To acquire and manage tribal property.
- I.** To make assignments of land or water areas of the Tribe for use and occupancy of the tribal members in accordance with the customs and ordinances of the Tribe.
- J.** To exclude persons who endanger the health, safety, and welfare of tribal members within the residency area described in Article 3 of this Constitution.
- K.** To manage and regulate all financial matters of the Tribe including assets, income, expenditures, appropriating funds, budgeting, reporting, and bank accounts.
- L.** To engage in tribal economic development enterprises for the benefit of tribal members.
- M.** To levy and collect taxes, fees, and assessments for tribal purposes.

- N. To charter enterprises, corporations, and associations for the benefit of tribal members.
- O. To employ legal counsel.
- P. To join and/or charter housing authorities.
- Q. To manage tribal personnel and adopt personnel policies to govern tribal employment practices.
- R. To adopt ordinances and resolutions necessary to give effect to any provision of this Constitution and to exercise any power not prohibited by federal law or reserved to the tribal voters.

Section 4. Omissions. Any rights and powers vested in the Native Village of Eyak but not expressly referred to in this Constitution shall not be lost by reason of their omission but may be exercised by the Tribal Council unless expressly prohibited by this Constitution or by tribal ordinance.

ARTICLE 10 – ELECTIONS

Section 1. Voter Qualifications. The qualifications to vote in Native Village of Eyak tribal elections shall be:

1. Enrolled tribal members;
2. Be 18 years of age or older; and
3. Physically reside in the residency area described in Article 3 of this Constitution for at least 6 months out of the past year immediately prior to an election.

Section 2. Secret Ballots. Tribal voters shall be afforded secret balloting for all tribal elections.

Section 3. Minimum to Vote. In all tribal elections, a minimum of 20% of the tribal voters must vote in order for the election to be valid. A higher number may be used in some types of tribal elections if specified in this Constitution or by tribal ordinance.

Section 4. Election Committee. Prior to each election, the Tribal Council shall appoint an election committee of at least 3 members to oversee the voting process. The 3 members shall be at least 18 years of age and may not be members of the Native Village of Eyak.

Section 5. Native Village of Eyak Tribal Council Elections. Elections for Tribal Council positions shall be held in Cordova each year in October. Notice for this type of election shall be posted at least 90 days prior. Procedures for Tribal Council elections shall be provided in an Election Ordinance. If the Tribal Council fails to hold elections for Tribal Council positions for a significant length of time, the tribal membership may use the initiative process provided in Article 11, Section 1 of this Constitution to conduct business.

Section 6. Special Elections. The Tribal Council may, by affirmative vote of at least majority plus one Tribal Council members, call a special election for the purposes of deciding a referendum, initiative, or recall upon giving at least a 30-day notice to the qualified tribal voters. Notices shall state what the special election is about.

Section 7. Election Ordinance. An Election Ordinance, consistent with this Constitution, shall be adopted by the Tribal Council that shall set forth the procedures to be followed in conducting each of the various types of elections called for in this Constitution.

ARTICLE 11 – POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The qualified voters of Native Village of Eyak shall have the right to propose amendments to and repeal of ordinances and resolutions not inconsistent with this Constitution, and, to propose elections through a valid petition and election process.

- A. A valid petition requesting an initiative shall be signed by at least 20% of the qualified tribal voters and gathered within a 30-day period.
- B. The petition shall be presented by the petitioner(s) to the Native Village of Eyak Tribal Council by certified mail or at any regular or special meetings of the Tribal Council.
- C. The Tribal Council may, by affirmative vote of at least majority plus one Council members, call a special election for the purposes of an initiative brought by tribal voters upon giving at least a 30-day notice to the qualified voters. Notices shall state what the special election is about. At least 20% of the tribal voters must vote in the election for it to be valid.
- D. If the Tribal Council fails to act on the petition matter within 30 days of receiving a valid petition, the matter may be brought before a tribal membership meeting.
 - a. The membership shall post notice in Cordova at least 30 days prior to the meeting.
 - b. A quorum of at least 20 % of the tribal voters shall be established.
 - c. A minimum of 20% of the tribal voters must vote in the election for it to be valid.
 - d. Only the specific matter in the petition may be voted upon.

Section 2. Referendum. The Tribal Council may, by affirmative vote of at least majority plus one Tribal Council members, call a special election for the purposes of a

referendum to tribal voters upon giving at least a 30-day notice to the qualified voters. Notices shall state what the special election is about. At least 20% of the tribal voters must vote in the election for it to be valid.

Section 3. Initiative and Referendum Decisions. The decision of the voters in initiative and referendum elections shall be binding on the Tribal Council and the Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

ARTICLE 12 – RIGHTS OF TRIBAL MEMBERS

Section 1. Access to Tribal Records. Tribal members shall have the right to review tribal records, including financial records, in the Native Village of Eyak Tribal Office during business hours in accordance with procedures established by the Tribal Council, except in child welfare cases, tribal enrollment records, tribal court case files, litigation, personnel and other matters made confidential by tribal council.

Section 2. Open Tribal Council Meetings. Tribal members have the right to be present at all Tribal Council meetings except during executive sessions of the Tribal Council. Tribal members shall have the right to express their opinions on all tribal business in an orderly fashion under the direction of the person chairing a Tribal Council meeting.

Section 3. Indian Civil Rights. The Native Village of Eyak Tribal Government shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968 as amended, enforceable by the Native Village of Eyak Tribal Court. In summary, the tribal government shall:

- (1) Not prohibit the free exercise of speech, press, religion, or rights of the people to assemble peacefully or file grievances against the tribal government.

- (2) Not allow unreasonable search and seizure or issue search warrants without probable cause.
- (3) Not try anyone in the Native Village of Eyak Tribal Court for the same offense twice.
- (4) Not make any person testify against himself in a criminal matter.
- (5) Not take private property for public use without paying the owner the fair market value.
- (6) Not deny a person the right to a speedy public trial. A speedy trial is generally assumed to be a trial within 90 days or less. The accused person must be informed of the nature of the crime he is accused of, told about the witnesses against him, be allowed to have witnesses testify in his favor and be allowed a lawyer at his own expense.
- (7) Not impose excessive bail or fines, nor impose cruel or unusual punishments. The Native Village of Eyak Tribal Court shall not impose a penalty greater than or incarcerate anyone longer than is allowed under federal law.
- (8) Give all person's equal protection under tribal laws.
- (9) Not pronounce anyone guilty of a crime or civil violation without a fair trial. The tribal government shall not charge a person for an incident that occurred prior to the adoption of the Code. (Ex Post Facto).

- (10) Provide anyone accused of an offense punishable by jail time the right to a trial by jury of no less than six persons.

ARTICLE 13 – SOVEREIGN IMMUNITY OF THE NATIVE VILLAGE OF EYAK

The Tribal Council may adopt resolutions to waive immunity from suit or execution of judgement subject to this Article. This Article shall be strictly construed and ambiguities as to the scope of any waiver shall be construed in favor of finding immunity of the Tribe.

Section 1. Non-Waiver.

Nothing in this Constitution shall be deemed, interpreted, or construed to be a waiver of immunity from suit or execution of judgement against tribal property under tribal, state, or federal law.

Section 2. Waivers of Sovereign Immunity

The Tribal Council may waive the sovereign immunity of the Tribe by an affirmative and contemporaneous vote of at least majority plus one Tribal Council members voting in favor of passage, provided that any such waiver shall specify that no tribal land, or rights in tribal land, shall be subject to the waiver or used to execute a judgement pursuant to the waiver.

Section 3. Waivers Shall be Specific.

Waivers of immunity shall not be general but must specify the parties who may bring an action against the Tribe, duration for bringing a cause of action, the amount of funds or other property upon which execution may be had, the nature of the transaction giving rise to claims, and any other limitations deemed appropriate by the Tribal Council.

ARTICLE 14 – SEVERABILITY

If any provision of this Constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed, and the remaining provisions shall continue in full force and effect.

ARTICLE 15 – SAVINGS

All tribal legislation adopted prior to adoption of this Constitution shall remain in effect unless inconsistent with this Constitution.

ARTICLE 16 – ADOPTION

According to the 'Traditional Constitution and Bylaws adopted on May 25, 1980, this Constitution replace that Constitution and shall become effective when it has been proposed by resolution of the Tribal Council or Community, and ratified by a majority vote of adult members, provided that at least 30% of those entitled to vote shall vote in such election.

ARTICLE 17 – AMENDMENTS OR REPEAL

This Constitution may be amended or repealed by a majority vote of the qualified voters of Native Village of Eyak voting in an election called for that purpose, provided that at least 30% of the qualified tribal voters vote in such election and that notice has been posted in at least 3 public places in Cordova for a minimum of 60 days prior to the election and may otherwise be advertised.

Native Village of Eyak
110 Nicholoff Way
P.O. Box 1388
Cordova, Alaska 99574-1388
P (907) 424-7738 * F (907) 424-7739
www.eyak-nsn.gov



10,000 years in our Traditional Homeland, Prince William Sound, the Copper River Delta, and the Gulf of Alaska

CERTIFICATION:

We, hereby certify that we are Council Members of the Native Village of Eyak Traditional Tribal Council, consisting of 5 duly elected members, and that this **Constitution of the Native Village of Eyak** was APPROVED by a quorum of the Native Village of Eyak eligible voters by Special Election on February 11, 2023 and was ADOPTED by the council on February 21, 2023 and that the vote was 4 For, 0 Against, 0 Abstaining, and 0 Absent and that the foregoing minutes have not been rescinded or amended in any way.

Darrel Olsen
Darrel Olsen, Chairman

April 11, 2023
Date

Sylvia Lange
Sylvia Lange, Vice Chairman

4/11/23
Date

Cheryl Elehsansky
Cheryl Elehsansky, Secretary-Treasurer

4/11/23
Date

Thomas W. Andersen
Thomas Andersen, Secretary-Treasurer

4/11/23
Date

Pamela Smith
Pamela Smith, Secretary-Treasurer

4/11/23
Date