

1996 Meherrin Tribal Constitution and Bylaws

of the Meherrin Indian Tribe on May 11, 1996

Editor's Note

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PREAMBLE

We, the Meherrin Indian members of the Meherrin Indian Tribe, Iroquoian stock and linguistics, desiring to promote the achievement of self-government for our people, for our welfare and benefit, hereby adopt and proclaim the following Tribal Constitution and Bylaws.

ARTICLE I

NAME

The name of this Tribe shall be known as "The Meherrin Indian Tribe of North Carolina."

ARTICLE II

JURISDICTION

The jurisdiction of the Meherrin Indian Tribe shall extend to the original and present geographical areas inhabited by the Meherrin Indian Tribe of historic times, namely the four counties of Bertie, Gates, Hertford, and Northampton within the state of North Carolina.

ARTICLE III

MEMBERSHIP

Section 1.

Tribal membership of the Meherrin Indian Tribe shall consist of:

(A) Those persons who can historically trace their ancestral descent from the 1790 Federal Census Meherrin surnames to the present.

Amendment IV — 12 July 1997

Those persons who can historically trace their ancestral descent from the 1850 or prior Federal Census Meherrin surnames to the present.

End Amendment

Amendment IX — date unknown

(A) Those persons who can historically trace their ancestral descent from the 1900 or prior Federal Census Meherrin surnames to the present.

ARTICLE III

MEMBERSHIP (Continued)

End Amendment

Those persons who can document their family ties to the Meherrin Indian Tribe through Sallie Lewis.

Amendment IV — 12 July 1997

(B) Those persons listed in the Meherrin Indian Tribe census.

End Amendment

(C) Those persons and their families who were in the Birth Records Correction Court Orders of 1978 and 1983.

(D) Any child, under eighteen (18) years of age, born to an enrolled member of the Meherrin Indian Tribe being automatically a full Tribal member. Adopted children must be of Native American Indian descent to be an enrolled member of the Meherrin Indian Tribe. However, any child not of Native American Indian descent adopted by enrolled members may be granted honorary membership.

Amendment IV — 12 July 1997

(D) Any child, under eighteen (18) years of age, born to an enrolled member of the Meherrin Indian Tribe is automatically a full Tribal member. Adopted children must be of Native American Indian descent to be an enrolled member of the Meherrin Indian Tribe. However, any child not of Native American Indian descent adopted by enrolled members may be granted honorary membership.

End Amendment

Section 2.

To serve in any official capacity, Tribal members must have a valid Meherrin Tribal card.

Section 3.

The Tribal Council shall have the power to pass ordinances, subject to the approval of the Secretary of the Interior, governing future membership, loss of membership, and the adoption of new members.

Section 4.

Persons of Native American Indian descent may be adopted into the Meherrin Indian Tribe as a voting member. Approval will be by majority vote of the enrolled membership present at General Body business meetings. Adopted persons may not serve as part of the Governing Body.

Section 5.

An honorary member has no voting privileges, cannot hold office, and is not assigned a Tribal roll number.

Section 6.

An enrollment committee will be appointed by the General Body as needed to screen all Tribal enrollment applications to be approved by the General Body membership.

Amendment II — 03-10-97

DELETE SECTION SIX applied in Article XII Section 4.

End Amendment

ARTICLE IV

GOVERNING BODY

Section 1.

The Meherrin Indian Tribe shall be governed by a Tribal Council consisting of seven (7) members elected by the General Body. Each Council member shall serve a four (4) year term of office.

Amendment VII — 12 February 2000

Section 1. The Meherrin Indian Tribe shall be governed by a Tribal Council consisting of seven (7) members elected by the General Body. The Tribal Council will act as the Board of Directors. Each Council member shall serve a four (4) year term of office.

End Amendment

Section 2.

The Tribal Council shall select a Council Chairman, Secretary, and Treasurer from its governing body.

Section 3.

A Tribal Council member must have served at least one term in office on the Tribal Council to be eligible to serve as its Chairman.

Section 4.

In order to qualify and seek election to the Tribal Council, a person must:

(A) Be at least twenty-five (25) years of age.

(B) Not be a direct relative to a present member of the Tribal Council, nor reside in the same household of an existing Council member. (Nepotism includes persons of the following relationships: husband-wife, mother-father, brother-sister, aunt-uncle, mother-in-law/father-in-law, brother-in-law/sister-in-law, uncle-in-law/aunt-in-law).

Amendment VI — 03/13/99

(B) Not be a direct relative to a present member of the Tribal Council, nor reside in the same household of an existing Council member unless recruitment to fill the seat produces no suitable candidates and the General Body approves that member's appointment. (Direct relative is defined to be persons of the following relationships: husband/wife, mother/father, brother/sister, aunt/uncle, mother-in-law/father-in-law, brother-in-law/sister-in-law, uncle-in-law/aunt-in-law). At no time will there be husband/wife team on the Council.

End Amendment

ARTICLE IV

GOVERNING BODY (Continued)

Section 4. (Continued)

(C) Must reside in a 150 mile radius of the original and present geographic area of the Meherrin Indian Tribe.

Section 5.

The Council Chairman shall have the following duties:

(A) Schedule all meetings of the Tribal Council.

(B) Preside at all meetings of the Tribal Council and General Body business meetings in the absence of the Chief.

(C) Act as the overseer of the Tribal Office and as a liaison between said office and Tribal Council. Inasmuch as the Tribal Chairman is the overseer of the Tribal Office, he shall enforce the policies and procedures of the said office.

(D) Serve as the contact person for all existing grants.

Section 6.

There must be a quorum of five (5) Council members present at Council meetings to conduct business or make decisions. If a Council member is absent from three (3) consecutive Council meetings, whether called or scheduled, without valid reason, a review of the member's performance by the Tribal Council will be necessary to determine if he or she may continue as a Council member with the approval of the General Body. Determination of an excused absence will be made by the Council Chairman with prior written or oral notification.

Section 7.

Two additional persons, fifteen (15) to eighteen (18) years of age shall be elected by the General Body as Youth Representatives of the Tribal Council. The Youth Representatives will be "Associate Tribal Council Members" and will serve a one (1) year term of office. The Associate Tribal Council Members will be nonvoting members in the decision making of the Tribal Council. However, they may have input in the form of opinions and suggestions.

Section 8.

All newly elected members of the Tribal Council shall take an oath of office at the first General Body business meeting following their elected position.

Amendment V — Date Unknown

Section 8. All newly elected members of the Tribal Council may take the oath of office during the General Body business meeting which announces the election results but not later than the next General Body business meeting. Exceptions to this policy must be approved by the Tribal Council Chairman and must be based on business necessity. Such exception and its reason must be briefed at the very next General Body business meeting.

End Amendment

ARTICLE V

POWERS AND DUTIES OF THE TRIBAL COUNCIL (Continued)

Section 1. (Continued)

(I) Establish and enforce rules, consistent with applicable federal statutes and the regulations of the Secretary of the Interior for the management of Tribal affairs. Create, or provide by ordinance for the creation of organizations, including public and private corporations, for any lawful purpose which may be nonprofit or profit making, and to regulate the activities of such organizations by ordinance.

(K) Promote and protect the health, peace, morals, education, and general welfare of the Tribe and its members.

(L) Borrow money on such terms and conditions and for such consideration and periods of time as the Tribal Council, acting as directors of the corporation, shall determine; to use all funds thus obtained to promote the welfare and betterment of the Tribe and its members; to finance Tribal enterprises; or, to lend money thus borrowed, upon approval of the General Body.

(M) Establish and enforce ordinances governing the conduct of Tribal members; providing for the maintenance of law, order, and the administration of justice; regulating wholesale, retail, commercial, or industrial activities on Tribal lands; establishing a Tribal court; and defining the powers and duties of that court; subject to the approval of the Secretary of the Interior where such approval is required by federal law.

(N) Establish a basic departmental structure for the Tribal government's executive branch.

(O) Establish policies relating to Tribal economic affairs and enterprises in accordance with this Tribal Constitution and Bylaws.

(P) Pass any ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties.

(Q) Levy and collect taxes on Tribal lands and raise revenues to meet the needs of the Tribe or to support Tribal government operations.

(R) Provide for the protection and maintenance of the property, equipment, and official records of the Tribe.

* Will be effective upon Federal Recognition.

ARTICLE VI

QUALIFICATIONS, POWERS, AND DUTIES OF THE CHIEF

Section 1.

The Tribal Chief shall serve a four year term of office.

Section 2.

In order to qualify and seek the office of Tribal Chief, a person must:

(A) Be at least thirty (30) years of age.

(B) Must reside in a 150 mile radius of the original and present geographic area of the Meherrin Indian Tribe.

Amendment I — 08-10-96

(A) Be at least thirty (30) years of age.

(B) Must reside in a 150 mile radius of the original and present geographic area of the Meherrin Indian Tribe.

(C) Be a voting member of the Tribe.

(D) Have served on the Tribal Council at least one year.

(E) Be well versed in the history of the Meherrin Tribe.

(F) Not have any felony convictions or outstanding warrants.

(G) Be able to communicate effectively.

(H) Have a minimum of a high school education or its equivalent.

End Amendment

Amendment VII — 12 February 2000

(I) Must have attended at least 25% of the General Body meetings each of the 4 years preceding the election;

(J) Must have attended at least one of the Tribe's Festivals/PowWows each of the 4 years preceding the election; and

(K) Must have performed volunteer work on the Tribal grounds on at least one occasion during each of the 4 years preceding the election.

End Amendment

Section 3.

The Tribal Chief of the Meherrin Indian Tribe shall have the following executive powers and duties subject to any limitation imposed by the statutes of the United States Constitution and this Tribal Constitution and Bylaws:

(A) Serve as the principle executive officer of the Tribe and as head of the Executive Branch of the Tribal government.

(B) Carry out policies established by the Tribal Council and General Body.

ARTICLE VI

QUALIFICATIONS, POWERS, AND DUTIES OF THE CHIEF (Continued)

Section 3. (Continued)

(C) Preside at all General Body business meetings.

(D) Act as the official spokesperson for the Tribe.

(E) Execute contracts and other official documents on behalf of the Tribe when authorized by the Tribal Council.

(F) Appoint committees when authorized by the Tribal Council or General Body.

(G) Perform such other duties as may be prescribed by this Constitution and Bylaws or delegated by the Tribal Council or General Body.

ARTICLE VII

MEETINGS

Section 1.

General Body business meetings shall be held at least quarterly at a time and place designated by the Tribal Council.

Section 2.

Special meetings of the General Body may be called by:

(A) The Tribal Chief;

(B) A majority vote of the Tribal Council; or

(C) A written petition signed by at least twenty-five (25) voting members of the Tribe.

Section 3.

Notice of all General Body meetings shall be provided sufficiently in advance to permit the membership to attend.

Section 4.

A quorum for conducting General Body business shall consist of those voting members present at a duly called meeting.

Section 5.

All meetings shall be conducted in accordance with the current edition of **Robert's Rules of Order, Newly Revised**, except where inconsistent with this Constitution and Bylaws or any special rules adopted by the General Body.

ARTICLE VIII

ELECTIONS

Section 1.

Elections shall be held in accordance with procedures adopted by the General Body and conducted under the supervision of an Election Committee appointed by the Tribal Council.

Section 2.

Only duly enrolled voting members possessing valid Tribal membership cards shall be eligible to vote.

Section 3.

Voting shall be by secret ballot unless otherwise authorized by the General Body.

Section 4.

Candidates receiving the highest number of votes for the offices being contested shall be declared elected.

ARTICLE IX

REMOVAL FROM OFFICE

Section 1.

Any elected official may be removed from office for cause.

Section 2.

Grounds for removal shall include, but are not be limited to:

(A) Conduct that jeopardizes the welfare of the Tribe.

(B) Conviction of a felony.

(C) Immoral conduct.

(D) Deceit.

(E) Creating dissension within the Tribe.

ARTICLE IX (Continued)

Section 3.

Charges seeking removal of an elected official shall be presented in writing and submitted to the Tribal Council or General Body, as provided by these Constitution and Bylaws.

Section 4.

The officer charged shall receive notice of the allegations and shall be afforded an opportunity to respond before any final action is taken.

Section 5.

Removal from office shall require approval by the General Body in accordance with the procedures established by these Constitution and Bylaws.

ARTICLE X

VACANCIES

Section 1.

A vacancy occurring in any elected Tribal office shall be filled by appointment of the Tribal Council until the next regularly scheduled election, unless otherwise provided by this Constitution and Bylaws.

Section 2.

A person appointed to fill a vacancy must meet all qualifications required for the office being filled.

Section 3.

The person appointed shall serve only for the remainder of the unexpired term unless a special election is required by this Constitution and Bylaws.

ARTICLE XI

COMMITTEES

Section 1.

The Tribal Council may establish standing or special committees as necessary to carry out the business of the Tribe.

Section 2.

Committee members shall serve under the direction of the Tribal Council and shall report their activities to the Council and the General Body as requested.

Section 3.

The Tribal Council may dissolve committees when their assigned duties have been completed or are no longer necessary.

ARTICLE XII

ENROLLMENT

Section 1.

Applications for Tribal enrollment shall be submitted in writing on forms approved by the Tribe.

Section 2.

Applicants shall provide sufficient documentation to establish eligibility for enrollment in accordance with this Constitution and Bylaws.

Section 3.

The Enrollment Committee shall review all completed applications and determine whether the applicant meets the qualifications for enrollment.

Section 4.

The Enrollment Committee shall make recommendations to the General Body concerning all enrollment applications. Final approval or denial of enrollment shall rest with the General Body.

Amendment II — 03-10-97

Section 4. An Enrollment Committee appointed by the General Body shall screen all Tribal enrollment applications and make recommendations to the General Body regarding acceptance into Tribal membership. The General Body shall retain final authority for approval or denial of all enrollment applications.

End Amendment

Section 5.

The Enrollment Committee shall maintain records of all enrollment actions taken by the Tribe.

ARTICLE XIII

TRIBAL PROPERTY

Section 1.

All Tribal property, whether real or personal, shall be held for the benefit of the Meherrin Indian Tribe and its members.

Section 2.

The Tribal Council shall have responsibility for protecting, maintaining, and administering Tribal property in accordance with this Constitution and Bylaws and with the approval of the General Body where required.

Section 3.

No sale, lease, transfer, encumbrance, or other disposition of Tribal property shall occur except as authorized by this Constitution and Bylaws and approved by the General Body when required.

ARTICLE XIV

FINANCES

Section 1.

The Tribal Council shall establish and maintain proper financial records of all Tribal receipts and expenditures.

Section 2.

All Tribal funds shall be deposited in financial institutions approved by the Tribal Council.

Section 3.

Disbursement of Tribal funds shall be made only in accordance with approved budgets, appropriations, and policies adopted pursuant to this Constitution and Bylaws.

Section 4.

Financial records shall be maintained in accordance with generally accepted accounting principles and shall be available for inspection as authorized by the General Body and applicable law.

ARTICLE XV

AMENDMENTS

Section 1.

This Constitution and Bylaws may be amended by a majority vote of the qualified voting members present at any duly called General Body meeting, provided that the proposed amendment has been submitted in writing and notice of the proposed amendment has been provided to the membership prior to the meeting.

Section 2.

Any amendment adopted by the General Body shall become effective immediately unless the amendment itself provides otherwise.

ARTICLE XVI

SAVING CLAUSE

If any provision of this Constitution and Bylaws is determined to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

ARTICLE XVII

RATIFICATION

This Constitution and Bylaws shall become effective immediately upon ratification by the qualified voting members of the Meherrin Indian Tribe.

ARTICLE XVIII

PARLIAMENTARY AUTHORITY

Section 1.

The rules contained in the current edition of **Robert's Rules of Order, Newly Revised** shall govern the Meherrin Indian Tribe in all cases to which they are applicable and where consistent with this Constitution and Bylaws and any special rules of order the voting membership may adopt.

ARTICLE XIX

AMENDMENTS

Section 1.

This Constitution and Bylaws may be amended by a majority vote of the qualified voting members present at any duly called General Body meeting, provided that:

(A) The proposed amendment has been submitted in writing to the Tribal Council prior to the meeting.

(B) Notice of the proposed amendment has been provided to the membership before the meeting at which it is to be considered.

(C) The amendment is not inconsistent with applicable federal or state law.

Section 2.

Amendments adopted by the General Body shall become effective immediately upon adoption unless otherwise specified in the amendment.

CERTIFICATION

We, the undersigned officers of the Meherrin Indian Tribe, hereby certify that the foregoing Constitution and Bylaws were duly adopted by the qualified voting members of the Meherrin Indian Tribe at a duly called meeting held on **May 11, 1996**, and that this document constitutes the Constitution and Bylaws of the Meherrin Indian Tribe, together with all amendments subsequently adopted by the General Body.