

## POARCH BAND OF CREEK INDIANS TRIBAL CONSTITUTION<sup>1</sup>

### PREAMBLE

We, the members of the Poarch Band of Creek Indians, acknowledging the powers of inherent and aboriginal tribal sovereignty, and exercising the right to self-determination, and with the desire to organize pursuant to 25 U.S.C. 476 and the Act of June 18, 1934 (48 Stat. 984), hereby adopt this Constitution and our Tribal Government in order to:

- (1) Continue forever, with the help of God our Creator, our unique identity as members of the Poarch Band of Creek Indians and to protect that identity from forces that threaten to diminish it;
- (2) Protect our inherent rights as members of a sovereign American Indian tribe;
- (3) Promote our cultural and religious beliefs and to pass them in our own way to our children, grandchildren, and grandchildren's children forever;
- (4) Help our members achieve their highest potential in education, physical and mental health, and economic development;
- (5) Maintain good relations with other Indian tribes, the United States, the State of Alabama and local governments;
- (6) Support the Government of the United States and encourage our members to be loyal citizens;
- (7) Acquire, develop, and conserve resources to achieve economic and social self-

---

<sup>1</sup> *Legislative History:* Constitution adopted June 1, 1985; amended June 7, 1997, June 2, 2001, June 7, 2003, June 3, 2006, June 7, 2008, and June 6, 2009.

*History of June 1, 1985 Constitution:* On May 20, 1984, Tribal Council approved the establishment of a Constitution Committee to draft a constitution for the Tribe. On July 9, 1984, the initial draft of the proposed constitution was presented to the Tribal Council by the Constitution Committee. Following review, the proposed draft, as amended by the Tribal Council, was approved July 9, 1984. On July 22, 1984, Tribal Council requested the Bureau of Indian Affairs (BIA) to conduct an election for approval or rejection of constitution. On January 27, 1985, the Tribal Council approved changes to the draft constitution and submitted it to BIA for approval by the Secretary of the Interior. On March 3, 1985, Tribal Council reviewed BIA areas of concern about the draft constitution. On April 8, 1985, Tribal Council approved further changes in draft constitution and approved holding a Constitutional Election by the General Council for the adoption of the Constitution with or without approval of the Secretary of the Interior. On June 1, 1985, the General Council approved the adoption of the Constitution without Secretarial approval. On August 18, 1985, the Tribal Council was informed that the Constitution cannot be approved under the Indian Reorganization Act of 1934 (49 Stat. 984) because the constitutional election was not a Secretarial election, but the BIA did accept the Constitution as the governing document for the Tribe.

sufficiency for our tribe;

- (8) Ensure that our people shall live in peace and harmony among ourselves and with all other people.

## **ARTICLE I - MEMBERSHIP**

### **Section 1. Eligibility<sup>2</sup>**

Membership of the Poarch Band of Creek Indians shall consist of:

- (A) All persons enumerated or recognized by the Poarch Band of Creek Indians Tribal Council as Indian on the following official documents:
  - (1) 1870 U.S. Census of Escambia County, Alabama;
  - (2) 1900 U.S. Census of Escambia County, Alabama; and
  - (3) 1900 U.S. Special Indian Census of Monroe County, Alabama.

*NOTE: For the purpose of computing blood quantum of their descendants for tribal membership, all Indians eligible under Section 1(A) are hereby declared as full blood (4/4) Creek Indians and shall constitute the base roll of the Poarch Band of Creek Indians.*

- (B) All living descendants of those eligible under Section 1(A) of at least one fourth (1/4) degree Indian blood, provided they are not enrolled as members of any other federally recognized tribe, group or band of Indians.
- (C) All children of at least one fourth (1/4) degree of Indian blood born to an enrolled member of the Poarch Band of Creek Indians.

Provided, however, that no person whose name does not appear on the official tribal roll of the Poarch Band of Creek Indians as of December 31, 2008, shall be eligible for membership, unless (i) the person has submitted a completed application by December 31, 2008; (ii) the person is eighteen (18) years of age or younger on December 31, 2008 and a completed application for his or her membership is submitted by his or her twenty-first birthday; (iii) the person is born on or after December 31, 2008 and a completed application for his or her membership is submitted by his or her twenty-first birthday; or (iv) the person becomes eligible for membership because of a correction in an enrolled tribal

---

<sup>2</sup> June 7, 2008, Constitutional amendment approved by General Council replacing Article I, Section 1 Eligibility, in its entirety.

member's blood quantum.

## **Section 2. Powers to Determine Membership**

The Poarch Band of Creek Indians Tribal Council shall have the sole authority to determine membership of the Poarch Band of Creek Indians.

No decree of any Court purporting to determine membership in the Poarch Band of Creek Indians, paternity, or degree of Creek Indian or other blood shall be recognized as determination of membership in the Poarch Band of Creek Indians.

## **Section 3. Membership Ordinance**

The Tribal Council shall enact an ordinance establishing procedures for processing membership matters including application procedures and blood degree corrections of the roll as provided in Article I, Section I of this Constitution, within six months of the first Tribal Council's election to office under this Constitution. That ordinance shall contain procedures, including the right of appeal.

## **Section 4. Adoption and Loss of Membership**

The Tribal Council shall have the power to prescribe rules and regulations governing the adoption of members and loss of membership.

# **ARTICLE II - RIGHTS OF MEMBERS**

## **Section I. Individual Rights**

Members of the Poarch Band of Creek Indians shall have the following rights:

The right to equal opportunity to participate in the economic resources and activities of the Poarch Band of Creek Indians in accordance with eligibility requirements set by the Tribe; and the right to exercise the tribal rights and privileges of members of the Poarch Band of Creek Indians where not in conflict with other provisions of this Constitution, tribal laws and ordinances, or the laws of the United States.

# **ARTICLE III - TERRITORY AND AUTHORITY OF GOVERNMENT**

## **Section 1. Territory**

The jurisdiction of the Poarch Band of Creek Indians shall extend to all lands now held in the name of the Band or which hereafter may be acquired for or by and held in the name of the Poarch Band of Creek Indians.

## **Section 2. Authority**

The authority of the government established by this Constitution shall extend over all persons and property now or hereafter included within the jurisdiction of the Poarch Band of Creek Indians, except and only as limited by this Constitution and the Laws of the United States. The government shall not inhibit any person's right to enjoy freedom of worship, conscience, speech, press, assembly and association, and other rights enumerated by federal Law.

## **Section 3. Savings Clause**

Any rights or powers heretofore vested in the Poarch Band of Creek Indians, but not expressly referred to in this Constitution, shall not be lost by their omission, but may be exercised by the adoption of appropriate amendments of the Constitution.

## **ARTICLE IV - BRANCHES OF GOVERNMENT**

### **Section 1. General Council**

Members of the Poarch Band of Creek Indians who are eighteen (18) years of age or older shall constitute the General Council. In accordance with Articles V, VI, VII, VIII, and IX of this Constitution, the General Council shall have the powers specified in Section 2 of this Article.

### **Section 2. Powers of the General Council<sup>3</sup>**

- (A) Elect, recall, and remove elected tribal officials;
- (B) Exercise the powers of initiative and referendum;
- (C) Amend this Constitution;
- (D) Make advisory recommendations to the Tribal Council; and
- (E) Approve, amend, or repeal proposed or previously enacted ordinances or resolutions.<sup>4</sup>

---

<sup>3</sup> June 7, 2008, Constitutional amendment approved by General Council for the direct election of Tribal Council officers by the General Council.

<sup>4</sup> June 2, 2001, Constitutional Amendment approved by General Council adding Article IV, Section 2(F) which was later renumbered to Article IV, Section 2(E).

### **Section 3. Tribal Council<sup>5</sup>**

The Tribal Council shall consist of a Chairman, Vice-Chairman, Secretary, Treasurer, and five (5) at large members elected by the General Council to terms of three years each, except as provided in Article VII, and each member shall continue until his or her successor is duly elected and installed. Five members shall constitute a quorum.

### **Section 4. Powers of the Tribal Council**

- (A) Prevent the sale, disposition, or encumbrance of tribal trust lands, interest in lands, or other tribal assets, unless prevented by the terms under which such lands were acquired;
- (B) To employ legal counsel for the protection and advancement of the rights of the Poarch Band of Creek Indians;
- (C) Consult, negotiate, contract, and conclude arrangements on behalf of the tribe with federal, state, and local governments on all matters within the powers of the governing body authorized and included in this Constitution;
- (D) As authorized by law, manage, lease, permit, or otherwise deal with tribal lands, interest in lands or other tribal assets and purchase of otherwise acquired lands or interests in lands within or without the reservation, provided tribal trust lands shall not be sold without the approval of the General Council;
- (E) Engage in any business that will further the economic well-being of the members of the tribe, or undertake any programs for the economic advancement of the people;
- (F) Make and perform contracts and agreements of every description, consistent with the provisions of this Constitution;
- (G) Borrow money from the Federal Government, or other sources, and to direct the use of such funds for productive purposes;

---

<sup>5</sup> June 7, 2008, Constitutional amendment approved by General Council for the direct election of Tribal Council Officers by the General Council.

- (H) Prepare an annual budget and administer any funds within the control of the tribe; make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or employees. All expenditures of tribal funds shall be authorized by resolution in a legal session and the amounts so expended shall be a matter of public record for tribal members;
- (I) The Tribal Council shall cause to be installed, maintained, and audited a complete and detailed accounting system and such safeguards as bonding officials and employees responsible for the safety, accuracy, and maintenance of such records and funds. All checks, drafts, and other orders for the payment of tribal money, notes, or other indebtedness issued in the name of the tribe shall be signed by such officers or agents as provided for in this Constitution;
- (J) Advise the Secretary of the Interior with regard to all appropriation estimates or federal projects for the benefit of the Poarch Band of Creek Indians prior to the submission of such estimates or projects to the Office of Management and Budget and to Congress;
- (K) Establish and enforce ordinances governing the conduct and civil relations of the residents within the territorial jurisdiction of the Tribe and establish a civil and criminal law enforcement code and judicial system governing the conduct of the Indian residents within the reservation lands of the Poarch Band of Creek Indians by a separate and independent judicial system whose powers and duties shall not be encroached upon by another branch of tribal government, except as may be provided for by this Constitution or any amendments thereto;
- (L) Levy and collect taxes, including general and special assessments, from any member or other person or entity residing on or engaged in an activity on the tribal lands of the Poarch Band of Creek Indians;
- (M) Regulate trade, inheritance, land holdings and use, and private dealings in tribal land among members and other persons or entities residing on or engaged in activity on the tribal lands of the Poarch Band of Creek Indians;
- (N) Exercise its powers under this Constitution and to exercise all inherent powers of the Poarch Band of Creek Indians not expressly excluded from its authority by the U.S. Congress;
- (O) Organize and maintain subordinate committees, organizations, profit and/or nonprofit corporations.
- (P) Approve or disapprove any salary or wages paid for performance of Tribal Council duties;

- (Q) Remove any Tribal Council member convicted of a felony or enforce any order to remove a Tribal Council member for an ethical violation in accordance with the Poarch Band of Creek Indians Ethics Code and fill this position in accordance with Article VII, Section 8 of this Constitution.<sup>6</sup>
- (R) Impeach any Tribal Council Officer or member.<sup>7</sup>

## **ARTICLE V - COUNCIL PROCEDURES**

### **Section 1. General Council**

The General Council shall hold meetings in accordance with the following procedures, and shall exercise its electoral power in accordance with the provisions of Article IV of this Constitution.

- (A) Meetings of the General Council may be called by the Tribal Council upon one month's notice to the membership of the General Council. The Tribal Council may call such meetings upon its own motion, but it must call such meetings at the request of the Election Board which presents a properly verified petition signed by thirty (30) percent of the General Council of the Poarch Band of Creek Indians.<sup>8</sup>
- (B) The agenda for the 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. The agenda shall be posted at a public place at the tribal center and available to individual members upon request;
- (C) The Tribal Council Chairman shall chair General Council meetings;
- (D) A quorum shall consist of thirty (30) percent of the General Council for all purposes other than the election of Tribal Council Members which shall result in a valid election regardless of the number of votes cast.<sup>9</sup>

---

<sup>6</sup> June 3, 2006, Constitutional amendment approved by General Council added Article IV, Section 4(Q).

<sup>7</sup> June 7, 2008, Constitutional amendment approved by General Council added Article IV, Section 4(R).

<sup>8</sup> June 7, 2008, Constitutional amendment approved by General Council deleted Article V, Section 1 (A), renumbered remaining sub-paragraphs and amended original subparagraph (B), now (A).

<sup>9</sup> June 7, 2003, Constitutional amendment approved by General Council added at the end of Article V, Section 1(D): "other than the election of Tribal Members which shall result in valid election regardless of

## **Section 2. Tribal Council**

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

- (A) Regular meetings of the Tribal Council shall be held monthly<sup>10</sup> at a time and place to be set by the Tribal Council;
- (B) Special meetings of the Tribal Council may be called by the Chairman at his or her discretion, but the Chairman must call a special meeting upon written request of three or more members of the Tribal Council. No special meeting shall be called without at least twelve hours notice to each member, unless each member shall waive the notice requirement in writing;
- (C) The agenda shall be set by the Chairman, provided that it shall include any items submitted upon the written request of three or more members of the Tribal Council. The agenda shall be available to Tribal Council members no less than five days prior to any regularly scheduled meeting, and at the time notice is given of any special meeting. Items may be added to the agenda at a Tribal Council meeting upon concurrence of three or more members;
- (D) Matters of business shall be decided by majority vote, except where otherwise required by this Constitution or the Tribal Council's own rules set forth by ordinance. Voting shall be by roll call votes and the ayes and nays shall be recorded in minutes;
- (E) All meetings of the Tribal Council shall be open to the membership of the Poarch Band of Creek Indians; 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 discussed is expressed in the motion calling such session and no final or official action is taken thereon in the closed or executive session;
- (F) 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 Tribal Council shall enact, amend or repeal an ordinance only by a vote of two thirds of the total membership of the Tribal Council. The ordinances shall be collected

---

the number of votes cast." A Special Election on November 28, 2002 on a similar Constitutional amendment failed for lack of a quorum.

<sup>10</sup> June 7, 1997, Constitutional amendment approved by General Council changed Tribal Council meetings from "quarterly" to "monthly" in Article V, Section 2(A).

and made available to tribal members and other affected persons upon reasonable request;<sup>11</sup>

- (G) All final decisions of the Tribal Council on matters of temporary interest shall be embodied in resolutions. The Tribal Council shall enact, amend or repeal a resolution by a majority vote of the Tribal Council. The resolutions shall be collected and made available to tribal members and other affected persons upon reasonable request;
- (H) All questions of procedures shall be determined by Robert's Rules of Order;
- (I) No Tribal Council member shall vote on any matter wherein he or she or a member of his or her immediate family has a direct personal interest, including but not limited to employment contracts, project funding, and appointments to tribal committees;
- (J) A written record shall be kept of Tribal Council proceedings. The record shall be open for inspection by all members of the Poarch Band of Creek Indians;
- (K)<sup>12</sup> The Tribal Council may impeach a Tribal Council Officer or at large member of the Tribal Council for breach of fiduciary duty, conduct unbecoming a tribal official, and other high crimes and misdemeanors. Impeachment requires a 2/3 vote of the total membership of the Tribal Council in favor of the impeachment. All members of the Tribal Council do not need to be present. If the Tribal Council member is impeached, then a special election shall be held for the General Council to consider removal of the impeached official; and

---

<sup>11</sup> June 3, 2006, Constitutional amendment approved by General Council amended Article V, Section 2(F) by substituting the present provision and deleting the following provision which was added by the General Council June 2, 2001: "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. Once enacted by the Tribal Council, an Ordinance may be amended or repealed only by a vote of the General Council; except in a case where the controlling Federal Law has been changed, in such case the enacted Ordinance may be repealed or amended by an unanimous vote of the total membership of the Tribal Council The Ordinances shall be collected and made available to tribal members and other affected persons upon reasonable request[.]"

<sup>12</sup> June 7, 2008, Constitutional amendment approved by General Council added sub-paragraphs (K) and (L) to Article V, Section 2.

- (L) In the event of a Tribal Council Officer's or at large member's temporary inability to fulfill the powers and duties of his or her office, (1) the Tribal Council Officer or at large member may transmit a written declaration to the Tribal Council that he or she is temporarily unable to fulfill the powers and duties of his or her office or (2) 2/3 of the total membership of the Tribal Council may declare that the Tribal Council Officer or at large member is temporarily unable to fulfill the powers and duties of his or her office. In either instance, the Tribal Council shall temporarily appoint a person to the Tribal Council Officer's or at large member's position in accordance with the vacancy provisions of Article VII, Section 4 of this Constitution, except that if it is the Chairman who is unable to fulfill his or her duties, the Vice-Chairman shall temporarily assume the role of Chairman and any temporary appointment to any vacancy shall be filled by the vacancy provisions of Article VII, Section 4. The temporary appointment shall cease and the Tribal Council Officer or at large member shall resume the powers and duties of office upon the Tribal Council Officer or at large member transmitting a written declaration to the Tribal Council that he or she is able to resume the powers and duties of the office.

## **ARTICLE VI - POWERS AND DUTIES OF THE OFFICERS**

### **Section 1. Chairman**

The Chairman shall be the Chief Executive Officer of the Poarch Band of Creek Indians, and shall preside at the Poarch Band of Creek Indians Tribal Council meetings and shall carry out and implement all ordinances, resolutions, and directives of the Council. In the event of his absence or in the event of his death, disability, resignation, removal, or if for any reason he is unable to perform his duties and responsibilities, the Vice-Chairman shall act as Chairman.

### **Section 2. Vice-Chairman**

The Vice-Chairman shall preside at any meeting in the absence of the Chairman and in the event of the Chairman's death, disability, resignation, or removal from office, he shall serve the remainder of the term as Chairman.

### **Section 3. Treasurer**

The Treasurer shall supervise the financial affairs of the Poarch Band of Creek Indians in accordance with policies, direction, and subject to controls as are established by the Poarch Band of Creek Indians Tribal Council, and he or she shall be responsible for maintaining the necessary financial records. The Treasurer shall provide financial reports at least annually to the Poarch Band of Creek Indians Tribal Council.

#### **Section 4. Secretary**

The Secretary shall be responsible for maintaining the records and files of the Band of Creek Indians Tribal Council other than the financial records. The Secretary shall be responsible for taking and recording the minutes of all Tribal Council meetings and such other official meetings as the Tribal Chairman may direct.

### **ARTICLE VII - ELECTIONS<sup>13</sup>**

#### **Section 1. Voters**

Members of the Poarch Band of Creek Indians who are eighteen (18) years of age or older shall have the right to vote in all tribal elections.

#### **Section 2. Election Ordinance**

The Tribal Council shall enact an election ordinance to govern any elections. The ordinance shall include provisions for appointment of a three (3) member Election Board, the time, place, and manner of voting, absentee and walk-in voting, ties, and settlement of election disputes, including the right to appeal to the tribal judiciary.

#### **Section 3. Tribal Council Officer and At Large Member Election**

(A) Candidates for Tribal Council or Tribal Council Officers must be members of the Poarch Band of Creek Indians who will be at least twenty-one (21) years of age on the date of the election, who have never been expelled in accordance with Article VIII, Section 3, and who have never been convicted of a felony.

(B) The election of Tribal Council Officers and at large members of the Tribal Council shall be staggered as follows:

The Chairman and two (2) at large Tribal Council members will be elected once every three years;

The Vice-Chairman and two (2) at large Tribal Council members will be elected once every three years;

The Secretary and Treasurer and one (1) at large Tribal Council member will be elected once every three years.

Once elected, the Tribal Officers and at large members of the Tribal Council shall serve a term of three (3) years.

---

<sup>13</sup> June 7, 2008, Constitutional amendment approved by General Council replaced Article VII in its entirety.

- (C)<sup>14</sup> In any election of the Tribal Council Officers, each voter shall be allowed to cast one vote for each officer vacancy. The winner of each Tribal Council Office shall be chosen by majority of the votes cast. In the event that a candidate does not receive a majority of the votes cast, a run-off election between the two candidates receiving the most votes, or three candidates in the event there is a tie for the second candidate receiving the most votes, shall be held and shall be conducted in the same manner as observed in the annual election.
- (D) In any election of the at large members of the Tribal Council, each voter shall be allowed to cast one vote for each at large vacancy. No more than one 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 for the last remaining vacancy, a run-off election between those candidates tied for the last remaining vacancy shall be held and shall be conducted in the same manner as observed in the annual election.<sup>15</sup>
- (E) Until the Tribal Council Officers are elected by the General Council in the manner as set forth in the election ordinance, any vacancy in a Tribal Council Officer position shall be filled by the Tribal Council from the membership of the Tribal Council. Any Tribal Council Officer elected by the Tribal Council shall serve until the end of his or her term as a Tribal Council member or until installation of the Tribal Council Officer elected by the General Council in accordance with this Section, whichever shall come first.

#### **Section 4. Vacancies**

In the event that any elected tribal office becomes vacant between elections, the Tribal Council shall appoint the candidate for the tribal office who received the next highest amount of votes in the last election to fill the vacancy. Such person shall assume office and serve until the next annual Tribal Council election at which time the members of the General Council shall elect a person to serve the balance of the three year term of the office which became vacant.

---

<sup>14</sup> June 6, 2009, Constitutional amendment approved by General Council instituted a run-off election for a Tribal Council Officer position in the event that a candidate did not receive a majority of the votes cast, inserted lettering for paragraphs in this section, and made minor language changes to now paragraph (D) in light of insertion of Tribal Council Officer provisions in paragraph (C).

<sup>15</sup> June 7, 2008, Constitutional amendment approved by General Council changed Article VII, Section 4, requiring a run-off election in the event of a tie instead of flipping a coin.

## **ARTICLE VIII POPULAR PARTICIPATION IN GOVERNMENT**

### **Section 1. Initiative**

Upon receipt and verification by the Election Board of a petition of at least thirty (30) percent of the General Council of the Poarch Band of Creek Indians a proposed ordinance or resolution made by the people shall be submitted for a vote by the General Council at a regular or special election to be held within sixty (60) days of verification of the petition by the Election Board. The vote of a majority of those actually voting shall be conclusive and binding upon the Tribal Council.

### **Section 2. Referendum**

Upon the request of two thirds (2/3) of the total membership of the Tribal Council, any proposed or previously enacted ordinance or resolution of the Tribal Council shall be submitted for a vote by the General Council at a regular or special election to be held within sixty (60) days of the vote by the Tribal Council. The vote by a majority of at least thirty (30) percent of the General Council shall be conclusive and binding upon the Tribal Council.

### **Section 3. Recall**

Upon receipt and verification by the Election Board of a petition of at least thirty (30) percent of the General Council of the Poarch Band of Creek Indians, it shall be the duty of the Election Board to call a special election to consider the recall of the elected tribal official named in the petition. The election shall be held within sixty (60) days of receipt of the petition by the Election Board, provided that if the petition is received less than six (6) months prior to the annual election, the Election Board may direct that the matter be placed on the ballot of that election. If a majority of those actually voting favor the recall of the official, the office shall be declared vacant and filled in accordance with Article VII, Section 8 of this Constitution. If the recall fails, that officer cannot be recalled again for twelve (12) months.

### **Section 4. Removal following Impeachment<sup>16</sup>**

If the Tribal Council impeaches a Tribal Council Officer or at large member in accordance with Article V, Section 2(K) of this Constitution, then the Election Board shall call a special election to consider the removal of the impeached tribal official. The election shall be held within thirty (30) to sixty (60) days of the impeachment vote. If a majority of the General Council vote in favor of removal of the official, the office shall be declared vacant and filled in accordance with Article VII, Section 4 of this Constitution.

---

<sup>16</sup> June 7, 2008, Constitutional Amendment approved by General Council added Article VIII, Section 4.

## **ARTICLE IX - AMENDMENTS**

### **Section 1.**

Election to vote on proposed amendments to this Constitution shall be authorized by resolution of the Tribal Council.

The General Council shall have the right to initiate proposals to amend this Constitution by submitting to the Tribal Council a petition signed by at least thirty (30) percent of the General Council. If the petition is determined to be valid pursuant to the petitioning provisions of the tribe's Election Ordinance, the Tribal Council shall then consent to the proposal by an appropriate resolution for authorization of an election to vote upon adoption of the proposed amendment.

### **Section 2.**

If adopted by a majority of the qualified voters voting in an election authorized by a Tribal Council Resolution at which election at least thirty (30) percent of those qualified to vote cast their ballots, the amendment shall become effective.

## **ARTICLE X - TRIBAL ADMINISTRATIVE PLAN OF OPERATIONS**

The Tribal Council shall develop an Administrative Plan of Operations in a formal ordinance which shall further specify duties and responsibilities of the tribal officers and employees.

## **ARTICLE XI - ADOPTION**

This Constitution, when adopted by a majority vote of the qualified voters of the Poarch Band of Creek Indians voting at an election called by the Tribal Council, in which at least thirty (30) percent of those entitled to vote shall cast their ballots, shall be adopted upon certification of the Tribal Election Board.

### ***CERTIFICATION***

*Pursuant to an order issued on April 9, 1985, by the Tribal Council of the Poarch Band of Creek Indians, this Constitution of the Poarch Band of Creek Indians was submitted for adoption to the qualified voters of the tribe and was on Saturday, June 1, 1985, duly adopted/rejected by a vote of 292 for, and 65 against, in an election in which at least thirty (30) percent of the 1,031 entitled to vote cast their ballots.*