

CONSTITUTION
OF THE
PORT GAMBLE S'KLALLAM TRIBE

PREAMBLE

We, the members of the Port Gamble S'Klallam Tribe (previously known as the "Port Gamble Band of S'Klallam Indians," the "Port Gamble Band of Clallam Indians," and the "Port Gamble Indian Community"), a signatory to the Treaty of Point No Point, having organized under a Constitution and By-laws approved under the Indian Reorganization Act on September 7, 1939, as an exercise of fundamental sovereign authority do hereby establish this Constitution to:

Preserve for ourselves and our descendants our inherent sovereign rights and powers, all rights and powers reserved by the Tribe under the Treaty of Point No Point, the powers and benefits to which we are entitled under the Constitution and laws of the United States;

Advance the general welfare;

Safeguard our interests;

Sustain our rich cultural heritage and natural resources;

Secure our existence forever; and

Above all, protect and exercise our sovereignty and determine our own destiny.

ARTICLE I -- JURISDICTION

The jurisdiction of the Port Gamble S'Klallam Tribe shall extend over the following, to the fullest extent, except where prohibited by codes, statutes, ordinances or resolutions of the Port Gamble S'Klallam Tribe ("Tribal Law") or applicable federal law:

- A. All persons, property and activities within: (1) the confines of the Port Gamble S'Klallam Reservation as established by Proclamation dated June 16, 1938, and (2) such other lands as may hereafter be added thereto, and (3) other lands held by or acquired by the Port Gamble S'Klallam Tribe or for the benefit of the Port Gamble S'Klallam Tribe; and
- B. All property interests in the lands specified in Article 1 A. including but not limited to surface, subsurface, air, water, and all natural resources; and
- C. Within the Tribe's usual and accustomed fishing grounds and stations and all open and unclaimed lands, reserved by the Tribe for fishing, hunting and gathering and on property used for access to fishing, hunting and gathering territories; and

- D. To all persons, subjects and property that are, or may hereafter be, included within the jurisdiction of the Tribe.

ARTICLE II -- MEMBERSHIP

Section 1. Membership. The membership of the Port Gamble S'Klallam Tribe shall consist of:

- A. All persons whose names appear on the Basic Roll of the Port Gamble Indian Community as of January 1, 1939, approved on August 22, 1974 by the Bureau of Indian Affairs as such roll may be corrected from time to time by the Tribal Council in accordance with procedures approved by the General Council ("Basic Roll"); and
- B. A child born to a member of the Port Gamble S'Klallam Tribe who, at the time of the birth of said child, is a resident of, (1) the Port Gamble S'Klallam Reservation, (2) lands held or acquired by the Port Gamble S'Klallam Tribe, (3) any lands held or acquired by the United States for the benefit of the Port Gamble S'Klallam Tribe, or (4) any of the following Washington counties: Kitsap, Clallam, Jefferson, Mason, or San Juan; and
- C. A person who is a descendant of a member whose name appears on the Basic Roll and who is adopted into the Tribe by a majority vote of the eligible voters of the General Council under such additional criteria as provided under Tribal Law.

Section 2. Enrollment Laws. The Tribal Council shall have the power to promulgate laws governing membership, including but not limited to enrollment, relinquishment of enrollment, adoption, disenrollment, and the maintenance and correction of the rolls. The Tribal Council shall have the authority to act on applications for membership under Section 1.B. The General Council retains exclusive authority to act on applications for adoption under Section 1.C.

Section 3. No Dual Enrollment. No person who is an enrolled member of any other federally recognized Indian Tribe shall, at the same time, be a member of the Port Gamble S'Klallam Tribe. If a person who applies for membership in the Port Gamble S'Klallam Tribe is a member of another federally recognized Indian Tribe, he or she shall submit a written relinquishment of such membership subject to the approval of his or her application for membership in the Port Gamble S'Klallam Tribe.

ARTICLE III --- THE GENERAL COUNCIL

Section 1. Membership in the General Council. The General Council shall be composed of all eligible voters of the Port Gamble S'Klallam Tribe, as defined in Section 2 of this article.

Section 2. Eligible Voters. All members of the Port Gamble S'Klallam Tribe who are eighteen (18) years of age or older are eligible to vote in all tribal elections and to participate in all open tribal meetings.

Section 3. Meetings. The General Council shall hold semi-annual meetings on the last Saturday of March and the first Saturday of October.* The Tribal Council, or twenty-five percent (25%) of the eligible voters, by verified signatures, may, by written notice, call special meetings of the General Council.

- A. Notice. At least thirty (30) days notice of the semi-annual meetings, and at least seven (7) days notice of special meetings, shall be provided by the Tribal Council to members of the General Council who are eligible to vote. Notices shall be mailed or delivered to each tribal member household on the Port Gamble S'Klallam Reservation and either mailed to each member living off the Reservation or published in the Tribe's newsletter. Tribal members are responsible for notifying the Tribe of changes of address.
- B. Agenda. The agenda for General Council meetings shall be set by the Tribal Council; provided that any member may submit to the Tribal Council items for the semi-annual meeting agenda, in writing, within time limits set by the Tribal Council. The Tribal Council shall preside over and the Tribal Council Chairperson shall chair General Council meetings.

Section 4. Quorum. Thirty percent (30%) of the registered voters shall constitute a quorum. The number of registered voters for the purpose of this section shall be determined by calculating the average number of persons who voted in the last three Tribal Council elections.

Section 5. Powers of the General Council. The General Council shall retain all governing authority of the Port Gamble S'Klallam Tribe that is not delegated to the Tribal Council or to the Courts of the Tribe under this Constitution. These retained powers include but are not limited to:

- A. Elect Tribal Council members as provided under this Constitution.
- B. Adopt persons as members of the Port Gamble S'Klallam Tribe under Article I, Section 1.C. of this Constitution and in conformity with procedures set out under Tribal Law.
- C. Take final tribal action concerning the termination or alienation of the Tribe's real property, whether owned by the Tribe in fee or held in trust by the United States for the Tribe.
- D. Make advisory recommendations to the Tribal Council through a majority vote.
- E. Exercise the power of legislative initiative under procedures set out under Tribal Law.
- F. Exercise the power of recall of Tribal Council members under procedures set out under Tribal Law.

- G. Delegate any of its powers to the Tribal Council or subordinate tribal organizations.
- H. Decide by majority vote whether to banish a member, as provided under Tribal Law.
- I. Amend this Constitution, in accordance with Article VII.

Section 6. Future Powers. The General Council may exercise such further powers as may in the future be delegated to it by any duly authorized official or agency of the State or Federal government and, if consistent with such delegation, may further delegate such powers to the Tribal Council or subordinate tribal organizations in accordance with Section 5.G.

Section 7. Reserved Powers. Any rights and powers vested in the Port Gamble S’Klallam Tribe but not expressly referred to in this Constitution, and any inherent tribal powers not expressly delegated by the General Council in this Constitution, shall not be abridged by this Article, but may be exercised and delegated by the General Council without amendment to this Constitution.

ARTICLE IV --- THE TRIBAL COUNCIL

Section 1. Composition of the Tribal Council. The Tribal Council shall consist of the Chairman, Vice-Chairman, Tribal Council Person I, Tribal Council Person II, Tribal Council Person III and Tribal Council Person IV. Three members shall constitute a quorum of the Tribal Council.

Section 2. Elections and Term of Office.

- A. Tribal Council elections shall be held in July each year under procedures set forth under Tribal Law.
- B. The Chairman, Tribal Council Person II, and Tribal Council Person III shall hold office for a term of two (2) years and shall stand for election in odd numbered years. The Vice-Chairman, Tribal Council Person I, and Tribal Council Person IV shall hold office for the term of two (2) years and shall stand for election in even numbered years.
- C. The members of the Tribal Council who are in office at the time of the effective date of this Constitution shall remain in office for the term for which they were elected.
- D. The position known as the Secretary under the previous Constitution shall automatically become the Tribal Council Person I, the position known as Treasurer shall automatically become the Tribal Council Person II, the position known as Business Committee Person-at-Large shall automatically become the Tribal Council Person III and the position known as the Non-voting Business Committee Person-at-Large shall automatically become the Tribal Council Person IV.

Section 3. Enumerated Powers. The General Council hereby delegates to the Tribal Council the following powers, which the Tribal Council shall exercise subject to any limitations imposed by this Constitution and applicable federal law:

- A. Enact laws governing conduct of all persons and entities and defining offenses against the Port Gamble S'Klallam Tribe; maintain order and protect the health, safety and welfare of all persons within the Tribe's jurisdiction; and enact laws necessary to govern the administration of justice and the enforcement of all laws and regulations of the Tribe;
- B. Regulate the social and domestic relations of persons and provide for the protection of minors and legally incompetent persons within the Tribe's jurisdiction;
- C. Enact laws governing tribal membership and to act upon applications for membership, pursuant to Article II, Section 2 of this Constitution;
- D. Prescribe and enforce the conditions upon which non-tribal members may enter and remain on the Tribe's land and to establish procedures for the exclusion of non-tribal members and for the extradition of persons accused of crimes in other jurisdictions;
- E. Prescribe and enforce the conditions upon which a tribal member would be banished on a temporary or permanent basis from the Tribe's land, provided that any permanent banishment shall be imposed only upon approval of a majority vote of the General Council;
- F. Enact laws and regulations for the conduct and administration of all tribal elections, for removal and recall of Tribal Council members and for enactment of legislation through an initiative process;
- G. Regulate and define the duties of the Tribal Council consistent with the duties set forth in this Constitution;
- H. Negotiate and enter into treaties, compacts, contracts and agreements on behalf of the Tribe with other governments and their officers and agencies and with public and private persons and entities;
- I. Establish, regulate, define the duties of, and appoint persons to tribal boards, groups, and committees unless otherwise limited by this Constitution;
- J. Establish policies and procedures for employment with the Tribe;
- K. Raise revenue, including the power to levy and collect taxes and license fees;
- L. Authorize expenditures and appropriate funds;
- M. Borrow money and use such funds for the benefit of the Tribe; pledge,

mortgage or assign tribal assets or income due or to become due, provided that the Tribal Council shall not have the power to mortgage land held in trust for the Tribe by the United States;

- N. License and regulate the conduct of business activities and establish business enterprises wholly or partially owned by the Tribe;
- O. Issue charters of incorporation, charter corporations and other organizations for economic or other purposes, and regulate the activities of such tribally chartered entities;
- P. Acquire and purchase lands and regulate land use;
- Q. Approve or deny any sale, disposition, lease or encumbrance of tribal land or assets, consistent with Section 3.M;
- R. Regulate the inheritance of property within the jurisdiction of the Tribe and provide for property belonging to persons who die intestate and without ascertainable heirs to become the property of the Tribe;
- S. Develop, manage, protect and regulate the use of all the Tribe's natural resources wherever situated;
- T. Protect the Tribe's spiritual, ceremonial, cultural and burial sites and property wherever situated;
- U. Employ legal counsel on behalf of the Tribe;
- V. Grant express, written, limited waivers of the Tribe's sovereign immunity;
- W. Assert the Tribe's sovereign immunity as a defense to lawsuits or other legal proceedings initiated against the Tribe, the Tribal Council and those tribal employees or agents acting on behalf of the Tribe, and assets of the Tribe;
- X. Exercise any power or duty which may now or in the future be delegated to it by the General Council or which may be confirmed by court decision; and
- Y. Take any and all actions necessary for the exercise of the foregoing powers and duties and all other powers and duties hereafter delegated to or vested in the Tribal Council.

ARTICLE V -- JUDICIAL POWER

The judicial power of the Tribe shall be vested in the Port Gamble S'Klallam Tribal Court and the Port Gamble S'Klallam Court of Appeals. Qualifications, terms, appointment and removal of judges and the jurisdiction of the Court shall be set forth under Tribal Law adopted by the Tribal Council.

ARTICLE VI -- INDIVIDUAL RIGHTS AND RESPONSIBILITIES

The Port Gamble S'Klallam Tribe has existed since time immemorial, surviving under adverse conditions, because its customs, values and traditions support the well being of the community as a whole. Individual freedom is treasured but carries with it the individual responsibility to ensure the survival of the Tribe.

The Tribal Council is vested with the responsibility to execute its powers and duties in a manner that protects the Tribe's sovereignty and the health, welfare, safety and well-being of the tribal community as a whole, while respecting individual freedoms. When balancing the interests of individuals against the needs of the tribal community, the Tribal Council shall strive to provide an opportunity for individuals to be heard and to render its decisions with fairness, in keeping with the values of the Port Gamble S'Klallam Tribe.

ARTICLE VII -- AMENDMENTS

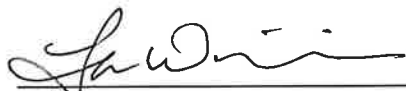
Section 1. This Constitution may be amended by a majority vote of the eligible voters of the General Council, who vote at an election called for the purpose; provided, that at least thirty percent (30%) of the registered voters cast votes in such election.

Section 2. At any regular or special General Council meeting, amendments to this Constitution may be proposed to be acted upon at the next semi-annual General Council meeting. If approved by a majority vote at such meeting, the Tribal Council shall call an election upon the proposed amendment, under procedures set forth under Tribal Law.

CERTIFICATION

WE, THE UNDERSIGNED MEMBERS OF THE ELECTION COMMITTEE, HEREBY CERTIFY that on May 15, 2024, there was an election, to amend the Constitution of the Port Gamble S'Klallam Tribe.

WE FURTHER CERTIFY that the foregoing text of the Constitution has been duly adopted under the laws of the Port Gamble S'Klallam Tribe.



Faith A. Williams, Election Committee Chair



Danielle M. Folz, Election Committee Member

