PREAMBLE

We, the people of the Fort Sill Apache Tribe of Oklahoma, in order to establish a responsible and effective organization to promote our general welfare, to conserve and develop our resources, and to establish and safeguard the rights and privileges of the tribe and its members do hereby adopt the following constitution and bylaws.

ARTICLE I - NAME

The name of this organization shall be the Fort Sill Apache Tribe of Oklahoma.

ARTICLE II - MEMBERSHIP

(Pursuant to Amendments I, II and III, approved 04-9-77 and Amendment X, approved 11-30-96)

Section 1. Subject to Section 2 of this Article II, the membership of the Fort Sill Apache Tribe of Oklahoma shall consist of the following persons:
(a) All persons of Fort Sill Apache blood who received an allotment of land in Oklahoma as members of the Fort Sill Apache Tribe and who file applications for enrollment.

(b) All living lineal descendants of allottees as described in Section 1 (a) above born before the effective date of this constitution (October 30, 1976) who file applications for enrollment.

(c) All persons of at least one-sixteenth (1/16) degree Fort Sill Apache blood born on/or after the effective date of this constitution (October 30, 1976), but born before April 9, 1977, who file applications for enrollment and who have at least one natural parent who is a member of the Fort Sill Apache Tribe of Oklahoma, or who have a natural parent who, but for such parent's enrollment as a member of another Indian tribe, would be eligible for enrollment as a member of the Fort Sill Apache Tribe of Oklahoma.

(d) All persons of at least one-sixteenth (1/16) degree Fort Sill Apache blood born on/or after April 9, 1977, who file applications for enrollment and who have at least one natural parent who is a member of the Fort Sill Apache Tribe of Oklahoma.

Section 2. Any person who otherwise qualifies for membership under Section 1 of this Article, but who is or has been enrolled as a member of another Indian Tribe may, upon application, be enrolled as a member of the Fort Sill Apache Tribe of Oklahoma if each of the following conditions is satisfied:

(a) Such person's application for enrollment is supported by an authenticated or certified birth certificate or other records recognized by State and Federal officials.

(b) Such person has not accepted land or money as an enrolled member of another tribe; provided, if, prior to the effective date of this amendment, monies or other assets were placed and held in trust for such person or such person otherwise received land or money as an enrolled member of another tribe prior to his attaining the age of eighteen (18) years, such person shall not be deemed to have accepted land or money as an enrolled member of another tribe even if all or any part of such monies or other assets of said trust, including earnings thereon both prior and subsequent to the effective date of this amendment, are distributed to and accepted by such person either before or after he has attained the age of eighteen (18) years; provided further, however, if, on or after the effective date of this amendment, additional monies or assets are received by such person or are placed and held in trust for such person as an enrolled member of another tribe, such person shall be deemed to have accepted land or money as an enrolled member of another tribe.

(c) Such person is approved for membership in the Fort Sill Apache Tribe of Oklahoma by a majority vote of the tribal members in General Council subject to that person's relinquishing his membership in all other tribes.
(d) Such person relinquishes in writing his or her membership in the other Indian tribe upon notification of such conditional approval for membership in the Fort Sill Apache Tribe of Oklahoma. Relinquishments for minors must be signed by his or her parent or guardian.

Section 3. Persons possessing no Fort Sill Apache blood who have been adopted by tribal members shall not be enrolled as members of the Fort Sill Apache Tribe of Oklahoma.

Section 4. Loss of Membership.

(a) Any adult member who relinquishes his membership in writing to the business committee shall be withdrawn from membership in the Fort Sill Apache Tribe and barred from all rights and benefits of tribal membership.

(b) Any member who by his or her affirmative action, or if a minor, the affirmative action of his or her parent or guardian becomes approved for membership or who becomes enrolled as a member of another Indian tribe, band or group shall automatically be removed from membership in the Fort Sill Apache Tribe by the Business Committee.

ARTICLE III - GOVERNING BODY

The supreme governing body of the Fort Sill Apache Tribe of Oklahoma shall be the general council which shall consist of all members of the Tribe eighteen (18) years of age or older. There also shall be a Business Committee consisting of a Chairman, a Vice-Chairman, a Secretary-Treasurer and three (3) additional Committeemen, which shall have the powers and shall perform the duties prescribed in Article VII below. Members of the business committee shall hold office for two (2) years and its officers shall also act as officers of the general council.

ARTICLE IV - POWERS

(Pursuant to Amendment XIII, approved 06-04-2003)

The General Council shall have full power and authority to act for the Tribe in all matters upon which the Tribe is empowered to act now or in the future and such other powers
as may have been customary and sanctioned before the adoption of this Constitution. The General Council may delegate specific powers or authority to the Business Committee. Any action taken with respect to the authority reserved to the General Council by this constitution shall be made by an election held in accordance with Article V of this constitution.

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ARTICLE V - ELECTIONS

(Pursuant to Amendment VI, approved 05-23-81 and Amendment XIII, approved 06-04-2003)

Section 1. The first election under this amendment to the Constitution and By-Laws shall be held at the Annual Meeting of the General Council next following the effective date of this amendment. Notwithstanding the provision of Article III of this Constitution and By-Laws that members of the Business Committee shall hold office for two (2) years, until the first election is held under this amendment the incumbent Business Committee members and officers shall continue to serve in their respective capacities subject, however, to all or the other provisions of this Constitution and By-Laws. For the purpose of providing staggered two (2) year terms for members of the Business Committee, and notwithstanding the provision of Article III of this Constitution that members of the Business Committee shall hold office for two (2) years, at the first election under this amendment the members and officers of the Business Committee shall be elected for the terms indicated below:

a. The Chairperson and two (2) additional Committee members shall be elected for term's of two (2) years each;

b. The Vice-Chairman, the Secretary-Treasurer and one (1) additional Committee member shall be elected for terms of one (1) year each.

In all elections subsequent to the first election under this amendment, the term of office of each officer and member being elected shall be for a period of two (2) years.

Section 2. Election Process. Officers shall be elected as their terms expire. The Tribal Chairperson or, in the event of his absence or incapacity, the next officer in line as prescribed in Article X shall call special elections, when appropriate or required under this constitution, to remove, recall, and till vacancies of elected officials, and submit budgets and resolutions to the Tribal membership.
The conduct for all tribal elections, including eligibility requirements, shall be prescribed and provided for by an Election Ordinance adopted by the Fort Sill Apache General Council and applied by the Election Committee.

Voting in tribal elections shall be conducted by secret ballot cast at polls operated by the Election Committee.

If there are more than two candidates for an office at any election and no one candidate receives a majority vote, run-off elections between the two candidates receiving the most votes will be held to determine a clear majority of votes.

Absentee voting shall be permitted in accordance with such rules and procedures as established by the Election Ordinance.

Installation of the newly elected officers shall be performed within ten (10) days from the date the election is certified.

Section 3. All members of the tribe eighteen (18) years of age or over present at the meeting shall be entitled to vote in all elections.

Section 4. All members of the tribe twenty-five (25) years of age or older who have not been convicted of a felony in a court of competent jurisdiction within the five (5) years next preceding the subject election shall be eligible as candidates for the business committee.

Section 5. Filling Vacancies. If a vacancy occurs in the membership of the Business Committee, it shall be filled by an appointee selected by the majority vote of the remaining members of the Business Committee. If the remaining term is less than one (1) year, the appointee shall serve until the term expires. If the remaining term of office is greater than one year, the appointee shall serve until a special election is conducted for the purpose of filling the remaining unexpired term of said position. Such election shall be called and conducted within ninety (90) days or the vacancy being created.

Section 6. Election Committee. The Business Committee shall appoint an Election Committee consisting of five (5) adult members of the Tribe, to qualify voters, hold elections, certify election results, and settle election disputes other than allegations of impropriety of the Election Committee.

(a) The term of office for an Election Committee member shall be two (2) years.
(b) Tribal members who are holding elected office or running for office or the immediate family of an elected official or candidate shall not be eligible to serve as an Election Committee member.

(c) The Election Ordinance adopted by the Fort Sill Apache General Council will describe in detail the duties and responsibilities of the Election Committee.

Section 7. General Council Resolutions. The General Council shall act only through elections. Elections may be proposed by any of the following methods:

1. Resolution by a majority vote at a General Council meeting, or

2. A petition signed by ten percent (10%) of the Fort Sill Apache General Council.

3. By action of the Business Committee or the Tribal Chairperson.

Proposed resolutions and petitions shall bear the exact language proposed. Petitions shall bear the names and signatures of the petitioners and shall be presented to the Tribal Chairman or, in the event of his absence or incapacity, the next officer in line as prescribed in Article X.

The Tribal Chairman or, in the event of his absence or incapacity, the next officer in line as prescribed in Article X, shall call a general election to be held within ninety (90) days of the receipt of the valid petition or proposed resolution. If a majority of the voters who cast ballots in the election vote in favor of the proposed action, it shall be passed.

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ARTICLE VI - REMOVAL OF OFFICERS

(Pursuant to Amendment VII, approved 05-23-81, Amendment XII, approved 10-08-94 and Amendment XIII approved 06-04-2003)

Section 1. Process for Removal. Any officer or member of the Business Committee or Election Committee, the subject of a removal petition signed by at least ten (10) members of the General Council, may be removed from office by a majority vote of the General Council after a fair hearing; provided, that each member must sign his own name to the petition and if it is determined that falsified signatures are contained in the petition, the name, if known of the person so falsifying said signatures and the signatures so falsified shall be removed from the petition. Any such petition must state with particularity the grounds for removal. Upon receipt of such petition by any member
of the Business Committee, it shall be the duty of the Chairman or, in the event of his absence or incapacity, the next officer in line as prescribed in Article X, to call and conduct within thirty (30) days a Special Meeting of the Business Committee to act upon any such petition. The subject shall be provided with a copy of such petition at least fifteen (15) days in advance of the Special Meeting and at such meeting shall have the right to confront the petitioners and speak in his behalf in answer to the petition. If the Business Committee deems that the subject should be removed from office, a General Council election shall be called to make the final decision pursuant to the requirements of this Constitution.

Section 2. Failure of any officer or member of the Business Committee to attend three (3) consecutive meetings, whether such meetings be those of the Business committee or of the General Council or a combination thereof, unless excused by the Business Committee shall automatically result in the removal of such officer or member from office and the vacancy so created shall be filled as prescribed in Section 5 of Article V of this Constitution and By-Laws.

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ARTICLE VII - POWERS AND DUTIES OF BUSINESS COMMITTEE

(Pursuant to Amendment XIII, approved 06-04-2003)

The business committee shall have the following powers and duties:

(a) To prescribe enrollment application procedures, receive applications, prepare and maintain a current tribal membership roll, and insure that such roll is available for inspection at all reasonable times.

(b) To develop annual budgets for the financing of tribal operations and to present said budgets to the general council for final consideration as to adoption, rejection or adoption after such modification and revision as may be determined by the general council.

(c) To develop proposals which are necessary and appropriate in fulfilling the purposes of the Fort Sill Apache Tribe of Oklahoma including, but not limited to, programs and proposals relating to tribal claims, land acquisition, employment, health, education, welfare, public relations and social, recreational and historical activities of the tribe. The business committee is hereby authorized to engage in conferences and negotiations with all governmental bodies and any other necessary parties and to take all other appropriate steps necessary in the development of such proposals. Such proposals
shall be presented to the general council for final consideration as to adoption, rejection, or adoption after such modification and revision as may be determined by the general council.

(d) To implement, administer and report on the progress of programs or other matters adopted or approved by the general council.

(e) To prepare for delivery to those attending the annual general council meeting written reports which shall contain a summary of the various activities of the business committee, a financial report and a forecast of activities proposed for the coming year.

(f) The business committee shall have such additional powers or duties as may be delegated or assigned to it by the general council by appropriate resolutions.

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ARTICLE VIII - BILL OF RIGHTS

Section 1. All members of the tribe shall enjoy without hindrance freedom of worship, conscience, speech, press, assembly and association.

Section 2. This constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of the tribe as citizens of the United States and of the State of Oklahoma or any other State.

Section 3. The individual property rights of any member of the tribe shall not in any way be altered, abridged or otherwise affected by any provisions of this constitution and bylaws.

Section 4. The treaty rights of the Fort Sill Apache Tribe or Oklahoma shall not in any way be altered, abridged or otherwise affected by any provision of this constitution and bylaws.

Section 5. The enumeration of any rights in this Article shall not be interpreted to limit the rights otherwise guaranteed by the Indian Civil Rights Act of 1968.

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ARTICLE IX - AMENDMENTS

Amendments to this constitution and bylaws may be proposed by majority vote at a general council meeting or by a petition signed by thirty percent (30%) of the general council and, presented to the Commissioner of Indian Affairs and shall be approved and ratified in the same manner as this constitution bylaws.

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BYLAWS

ARTICLE X - DUTIES OF OFFICERS

Section 1. Chairman: The Chairman shall preside at all meetings of the general council and of the business committee. He shall have general supervision of the affairs of the general council and of the business committee and shall perform such duties associated with the office of the Chairman as may be assigned to him by the general council or the business committee.

Section 2. Vice-Chairman: In the absence or incapacity of the Chairman, the Vice-Chairman shall perform the duties of that office. He shall represent the Chairman at outside meetings or at other occasions when called upon to do so. In the case of vacancy of the office of Chairman, the Vice-Chairman shall succeed at once to the office of Chairman until that office is filled by election.

Section 3. Secretary-Treasurer: The Secretary-Treasurer shall keep an accurate account of all proceedings and official records of the general council and of the business committee and shall file copies of the same with the Superintendent of the Anadarko Agency. The Secretary-Treasurer shall be responsible for prompt and efficient handling of all correspondence pertaining to the business of the general council and the business committee. All official records of the Secretary-Treasurer shall be open at reasonable times to inspection by members of the general council in the presence of the Secretary-Treasurer. The Secretary-Treasurer shall keep an accurate list of all general council members, and, in the absence of the Chairman and Vice-Chairman, shall preside at meetings of the general council and the business committee. The Secretary-Treasurer also shall be the custodian of all funds in possession of the tribe from any source. He shall keep an accurate record of all funds and shall make
disbursements in accordance with a properly executed resolution of the general council or the business committee, as required. He shall render a written report at the annual general council meeting and at such other times as he is requested to do so by the business committee and shall file a copy of the same with the Superintendent of the Anadarko Agency. The Secretary-Treasurer shall keep all tribal monies entrusted to his care in special bank accounts. At any time the monies under his custody shall exceed $50.00, he shall file a bond satisfactory to the business committee. The cost or such bond shall be paid out of tribal monies. The accounts and records of the Secretary-Treasurer shall be open at reasonable times for inspection by general council members in the presence of the Secretary-Treasurer. The books of the Secretary-Treasurer shall be subject to audit or inspection at the discretion of the business committee or the general council.

Section 4. Transfer of Records. At the expiration of their term of office, all officers shall turn over all tribal records and funds in their possession to their successors in office.

ARTICLE XI - MEETINGS

(Pursuant to Amendments IV and V, approved 03-11-78, Amendment VIII, approved 09-19-81 and Amendment XIII, approved 06-04-2003)

Section 1. Annual meetings of the General Council shall be held on the first Saturday in October of each year for the purpose of receiving reports and transacting such other business as may regularly come before the General Council. This amendment shall first apply to the annual meeting for the year 1982.

Section 2. Special meetings of the general council may be called at the discretion of the Chairman, or shall be called by him upon written request of at least four (4) members of the business committee or upon the written request of at least ten (10) members of the general council; provided, that at least seven (7) days' notice shall be given of each such special meeting.

Section 3. The first meeting of the business committee shall be held on the first Saturday following the election of the members thereof. Thereafter, meetings of the business committee may be called by the Chairman in his discretion at such intervals, times and places as may be necessary to conduct the business of the tribe and shall be called by the Chairman for the date, time and place requested upon the written request
of at least four (4) members of the business committee. All business committee meetings shall be open to members of the tribe and to other persons invited by the business committee.

Section 4. All meetings of the general council and the business committee shall be conducted in accordance with Robert's Rules of Order except where said Rules conflict with a specific provision of this constitution and bylaws.

Section 5. Ten (10) members of the general council shall constitute a quorum. Four (4) members of the business committee shall constitute a quorum to transact any business.

ARTICLE XII - ADOPTION

This constitution and bylaws shall be effective when approved by the Commissioner of Indian Affairs and ratified by a majority vote of eligible adults voting in an election called for that purpose by the Commissioner of Indian Affairs under such rules and regulations as he may prescribe.

APPROVAL

I, Morris Thompson, Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 26, 1936 (49 Stat. 1967), as amended, delegated to me by 230 DM 1.1, do hereby approve the Constitution and Bylaws of the Fort Sill Apache Tribe of Oklahoma.

(Sgd) Morris Thompson

Commissioner of Indian Affairs

Washington, D.C.

Date: August 18, 1976
Ratified on October 30, 1976, by a vote of 35 for and 11 against

Updated: July 30, 2003