



Ninilchik Traditional Council

P.O. Box 39070

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NINILCHIK TRADITIONAL COUNCIL

MISSION STATEMENT

THE NINILCHIK TRIBE SINCE TIME IMMEMORIAL EXISTS SOVEREIGN, DISTINCT BY CULTURE, AND POSSESSING A UNIQUE RELATIONSHIP WITH THE FEDERAL GOVERNMENT. PROSPERING UNDER A SPECIAL FORM OF LEADERSHIP NOW EMBODIED IN THE NINILCHIK TRADITIONAL COUNCIL. IT'S PURPOSE TO PROMOTE THE HEALTH, EDUCATION, WELFARE, AND SOCIAL WELL BEING OF THE TRIBE, FURTHERING THEIR CONTRIBUTION TO THE LARGER SOCIETY WHILE SECURING THEIR RIGHT TO FULL PARTICIPATION IN THE POLITICAL AND ECONOMIC FUTURE OF THE TRIBE.

Nimilchik Traditional Council

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Nimilchik Traditional Council

Tribal Boundaries (Territory)

The following description is approximate. It is intended to describe in layman's terms the boundaries of the Nimilchik Tribe. It is not intended for use as a "legal description". All angle points, unless otherwise stated, are township corners. Bearings and distances used in this description are approximate.

Beginning at a point which is the highest point on Redoubt Volcano, located on the West side of the Cook Inlet; thence East approximately 50 miles to a point which is equidistance from the shores of the Kasilof River at low mean water; thence East approximately 14 miles following a series of points which are equidistant from the shores of the Kasilof River, on its Northernmost tributary which connects both up stream and down with the Kasilof River, and are at one foot intervals, to a point which is equidistant from the shores of the Kasilof River at the confluence of the Kasilof River and the Tustumena Lake; thence Northeast to a point which is equidistant from the Southernmost point of Fox Lake and the Westernmost point of Caribou Island; thence Southeast to a point which is the intersection of the East shore of Tustumena Lake and the Seward Base Line; thence East along the Seward Base Line until the intersection of the Seward Base Line and the Cook Inlet Regional Corporation boundary; thence South following the Cook Inlet Regional Corporation boundary approximately 44.5 miles until the intersection of the Cook Inlet Regional Corporation boundary and the highest point of the Dinglistad Glacier on that line; thence Northwest approximately 8 miles to a point which is the Southeasternmost shore of Glacier Lake; thence Northwest approximately 2 miles to a point which is equidistant and at the confluence of the Fox River and Glacier Lake; thence West approximately 20 miles along a series of points which are equidistant from the shores of the Fox River and at intervals of one foot within the northernmost tributary of the Fox River until a point which is the confluence of the Fox River and Kachemak Bay; thence Southwest approximately 20 miles to a point which is the Southeastern most point of the Homer Spit at Mean Low Tide; thence due West approximately 84 miles until intersecting the Cook Inlet Region Incorporated boundary line to a point on the line which is due West of the point of beginning; thence due East approximately 90 miles to the point of beginning.

Included are all bodies of water (navigable and non-navigable) all land formations or parts of such bodies and formations which are within the boundaries described above.

(Reverse side contains approximate map of NTC Tribal Boundaries (Territory))

October 7, 2008 (Includes Adopted Constitutional Amendments A,B, and C)

Constitution of the Ninilchik Tribe

Preamble

We the descendants of the original Alaska Native inhabitants of Ninilchik, having a common bond of heritage, in order to promote our health, education, welfare and social well being, do hereby establish this revised Constitution as a successor to the Constitution and Bylaws that was adopted on April 24, 1979, including all subsequent amendments thereto. This document is intended to enhance, not diminish in any way, the cultural practices and observances that have enriched our tribal life through history.

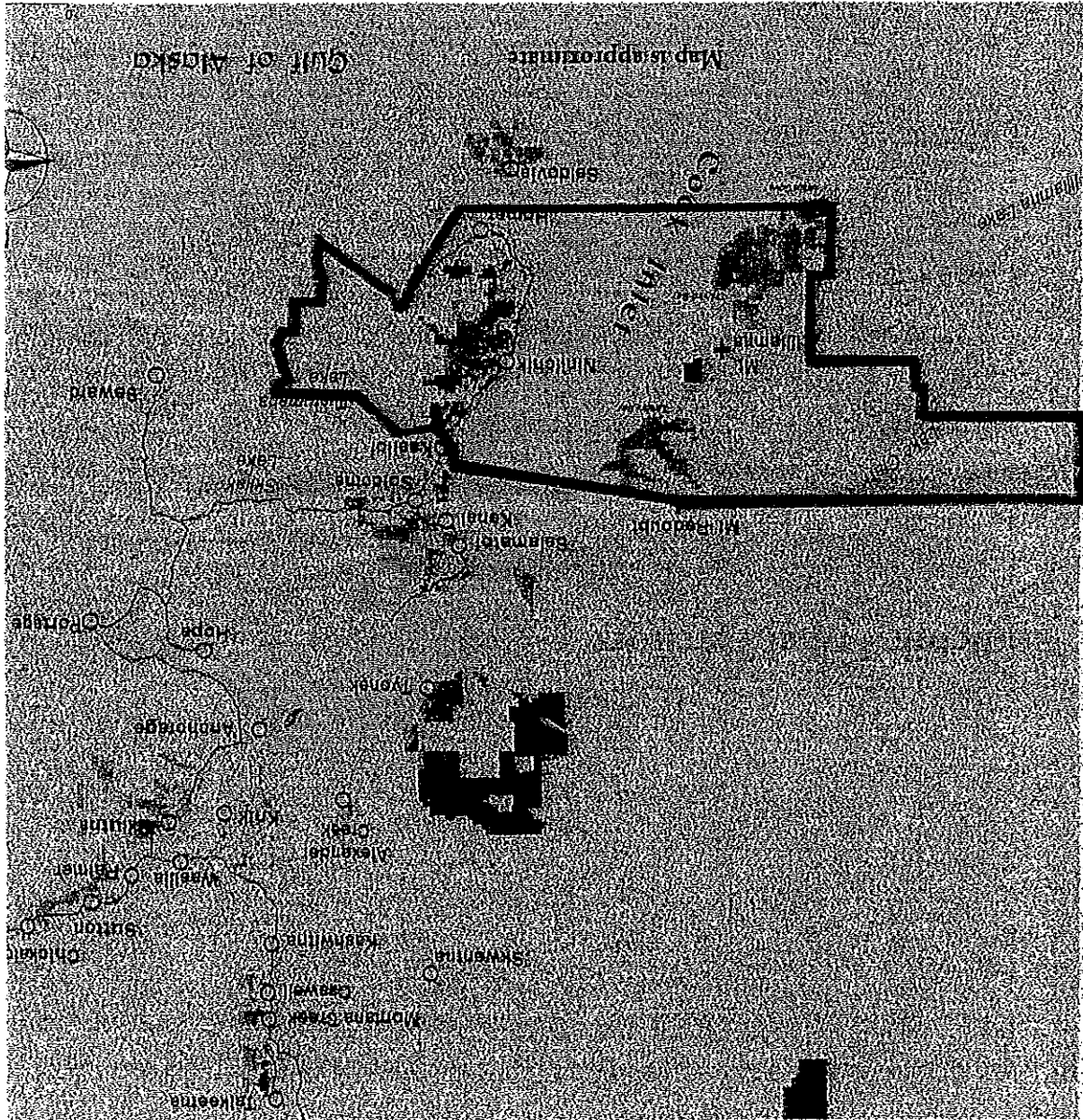
Article I – Name

The name of this organization shall be the Ninilchik Tribe. This tribe is one and the same entity as the tribe recognized by the United States Government as the Ninilchik Village.

Article II – Definition of Territory

The following description is approximate. It is intended to describe in layman's terms the boundaries of the Ninilchik Tribe. It is not intended for use as a "legal description". All angle points, unless otherwise stated, are township corners. Bearings and distances used in this description are approximate.

Beginning at a point which is the highest point on Redoubt Volcano, located on the West side of the Cook Inlet; thence East approximately 50 miles to a point which is equidistance from the shores of the mouth of the Kasilof River at low mean water; thence East approximately 14 miles following a series of points which are equidistant from the shores of the Kasilof River, on its Northernmost tributary which connects both up stream and down with the Kasilof River, and are at one foot intervals, to a point which is equidistant from the shores of the Kasilof River at the confluence of the Kasilof River and the Tustemena Lake; thence Northeast to a point which is equidistant from the Southernmost point of Fox Lake and the Westernmost point of Caribou Island; thence Southeast to a point which is the intersection of the East shore of Tustemena Lake and the Seward Base Line; thence East along the Seward Base Line until the intersection of the Seward Base Line and the Cook Inlet Regional Corporation boundary; thence South following the Cook Inlet Regional Corporation boundary approximately 44.5 miles until the intersection of the Cook Inlet Regional Corporation boundary and the highest point of the Dinglestad Glacier on that line; thence Northwest approximately 8 miles to a point which is the Southeasternmost shore of Glacier Lake; thence Northwest approximately 2 miles to a point which is equidistant and at the confluence of the Fox River and Glacier Lake; thence West approximately 20 miles along a series of points which are equidistant from the shores of the Fox River and at intervals of one foot within the northernmost tributary of the Fox River until a point which is the confluence of the Fox River and Kachemak Bay; thence Southwest approximately 20 miles to a point which is the Southeastern most point of the Homer Spit at Mean Low Tide; thence due



West approximately 84 miles until intersecting the Cook Inlet Region Incorporated boundary line to a point on the line which is due West of the point of beginning; thence due East approximately 90 miles to the point of beginning.

Included are all bodies of water (navigable and non-navigable) all land formations or parts of such bodies and formations which are within the boundaries described above.

Article III – Membership

Section 1 - Eligibility

- a. The following persons are full members of the Ninilchik Tribe:
 - (1) All persons who are descendants of Alaska Natives or American Indians whose names appear on the approved membership roll of the Tribe on the date of the adoption of this constitution,
- b. Subject to such requirements for membership, voting or other matters as may be specified in this Constitution or by ordinance consistent with this Constitution, the following persons are eligible for full membership in the Ninilchik Tribe, provided they apply for membership and supply required documentation pursuant to the tribal enrollment ordinance:
 - (1) All persons who are direct, lineal descendants of families with ancestral ties to the village of Ninilchik, and
 - (2) All other persons who are of Alaska Native or American Indian descent and who have resided in the territory of the Ninilchik Tribe for a period of one year.
 - (3) The legally adopted Native American child of an enrolled full member of the Ninilchik Tribe.
- c. The following persons are limited, non-voting members of the Ninilchik Tribe:
 - (1) All persons who are not of Alaska Native or American Indian descent whose names appear on the approved membership roll of the Ninilchik Tribe on the date of adoption of this constitution.
- d. The following persons are eligible for limited, non-voting membership in the Ninilchik Tribe, provided they apply for membership and supply required documentation pursuant to the tribal enrollment ordinance:
 - (1) All persons who are not of Alaska Native or American Indian descent who are either:
 - (a) married to an enrolled member of the Ninilchik Tribe or
 - (b) the legally adopted child of an enrolled member of the Ninilchik Tribe

Section 2 – Dual Enrollment

Dual enrollment is prohibited. No person may be a member of the Ninilchik Tribe at the same time he/she is a member of another Alaska Native or American Indian tribe.

Section 2 - Bill of Rights

The Ninlichik Traditional Council shall not exercise any power in such a manner as to deprive any person of rights secured by this constitution by the applicable laws of the United States. The tribe, in exercising its powers of self-government, shall not:

- (a) make or enforce any law prohibiting the full exercise of worship or religion, or abridging the freedom of speech or of the press, or the right of any person peaceably to assemble and to petition for a redress of grievances;
- (b) violate the right of any person to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (c) subject any person to be punished twice for the same offense;
- (d) require any person in any criminal case to be a witness against himself;
- (e) take any private property for public use without paying the fair market value for the property;
- (f) deny to any person in a criminal proceeding the right to speedy trial, to be informed of the nature and cause of the accusation, to confront and cross-examine witnesses, and, at his own expense, to have the assistance of counsel for his defense;
- (g) require bail in excess of that necessary, impose excessive fines, inflict cruel or unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than that authorized by federal or tribal law;
- (h) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without notice and an opportunity for a fair hearing;
- (i) pass any bill of attainder or ex post facto law; or
- (j) deny to any person threatened with imprisonment the right, upon request to a trial by jury of his peers of not less than six (6) persons.

Section 1 - Power

All political power is inherent in the people. The government of the Ninlichik Tribe derives its powers from the consent of the governed and is established to protect and maintain their individual rights.

Article IV - Rights of Members

Section 3 - Enrollment Ordinance

The Ninlichik Traditional Council is authorized to enact an enrollment ordinance governing future membership and loss of membership consistent with this Constitution and Bylaws.

Section 3 – Access to Records

Any member of the tribe shall have the right to review all tribal records, including financial records, at any reasonable time in accordance with procedures established by the Ninilchik Traditional Council. In addition to prescribing the manner of release of information, these procedures shall identify which records are, because of the confidential information regarding individuals contained therein, not subject to review.

Article V – Governing Body

Section 1 – Name

The governing body of the Ninilchik Tribe shall be called the Ninilchik Traditional Council (herein referred to as the NTC).

Section 2 – Composition

The NTC shall consist of five (5) tribal members elected pursuant to this constitution and an election ordinance enacted by the NTC.

Section 3 – Term

Each NTC member shall serve for a term of three (3) years or until a successor is elected and installed. The terms of office shall be staggered as follows: Two (2) council members shall be elected in 2001, two (2) council membership shall be elected in 2002 and one (1) council member shall be elected in 2003. The same pattern shall be followed in subsequent years.

Section 4 – Installation

Newly-elected or newly-appointed NTC members shall be installed by subscribing in writing to the oath of office prescribed in the election ordinance.

Section 5 – Organization

At the first meeting of the NTC following the installation of any new-elected or newly-appointed council member(s), the NTC shall elect its President, Vice-President, Secretary/Treasurer and such other officers as it deems necessary. Officers shall serve terms of one (1) year and until their successors are elected and qualified. However, the term of any office ends when the officer ceases to be a member of the NTC.

Section 6 – Vacancies

Any vacancy created on the NTC by resignation, recall, removal or death shall be filled by appointment by the remaining members of the NTC, whether consisting of a quorum or not.

Section 7 – Removal

- (a) Any member of the NTC shall be subject to removal by the other members of the NTC for any one of the following actions:
- (1) failure to attend three (3) consecutive regular monthly meetings of the NTC.