**PREAMBLE**

We, the O’odham of the Ak-Chin Indian Community, in order to exercise our sovereign rights, including the rights of self-determination and self-governance; to conserve our traditional, cultural and historical inherent powers; to secure our tribal property and boundaries; to preserve our language and culture; to protect our natural resources; to protect the health, peace and welfare of our families and children; and to conserve our religious freedoms for which the above presents equality and justice for all; do hereby amend the Articles of Association of December 20, 1961 to be known as the Constitution of the Ak-Chin Indian Community as adopted hereafter.

**ARTICLE I – TERRITORY AND JURISDICTION**

**Section 1. Territory.** The territory of the Ak-Chin Indian Community shall include all lands within the exterior boundaries of the Ak-Chin Indian Reservation, all lands held by the Community, any person, or the United States for the beneﬁt of the Community, and any additional lands acquired by the Community or by the United States for the beneﬁt of the Community, including, but not limited to, all lands, both subsurface, water, air space, natural resources and any interest therein, notwithstanding the issuance of any patent or right-of-way in fee or otherwise, or any other instrument in land, by the government of the United States or the Community, existing or in the future.

**Section 2. Jurisdiction.** The jurisdiction of the Ak-Chin Indian Community shall extend to all territory set forth in Section 1 of this Article and to any and all persons and activities occurring therein, to all ancestral lands and domain, and to matters that aﬀect the governmental, proprietary, cultural, geographical, or historical interests of the Community. The jurisdiction of the Community may be exercised to the fullest extent permitted by federal law, and this Article shall not be construed or interpreted in any way to limit the jurisdiction of the Community.

**ARTICLE II – MEMBERSHIP**

**Section 1. Requirements.** The membership of the Ak-Chin Indian Community shall consist of the following, provided they are not enrolled as members of any other federally recognized Indian tribe:

(a) Base Roll – All persons of Indian blood whose names appear on the oﬃcial census roll of the Ak-Chin Indian Community as of January 1, 1940, except those persons designated with the letters “NE” (Not Enrolled).

(b) Current members – All persons enrolled at the time of the adoption of this Constitution who met the eligibility criteria in the 1961 Articles of Association of the Ak-Chin Indian Community, as amended.

(c) Future members – All persons who meet the following requirements:

(1) is a direct lineal descendant of a person identiﬁed in subsection

(a) of this Section, AND

(2) at least one parent is or was an enrolled member of the Ak-Chin Indian Community, AND

(3) possesses at least one-fourth (1/4) degree Indian blood from a federally recognized Indian tribe or tribes, AND

(4) is a citizen of the United States of America, AND

(5) applies for membership and provides documentation in accordance with the Ak-Chin Indian Community’s enrollment ordinance.

**Section 2. Adoption Into Membership.**

(a) A person may be adopted into membership into the Ak-Chin Indian Community if he/she:

(1) possesses at least one-fourth (1/4) degree Indian blood from a federally recognized Indian tribe or tribes, AND

(2) is not enrolled as a member of any other federally recognized Indian tribe, AND

(3) is a person less than eighteen (18) years of age legally adopted by an enrolled member or enrolled members of the Ak-Chin Indian Community, AND

(4) is approved for membership by a majority of the Community Council.

(b) A person may be adopted into membership into the Ak-Chin Indian Community if he/she:

(1) possesses at least one-fourth (1/4) degree Indian blood from a federally recognized Indian tribe or tribes, AND

(2) is not enrolled as a member of any other federally recognized Indian tribe, AND

(3) for twenty (20) years immediately preceding the ﬁ ling of the application for adoption: (i) was legally married to the same enrolled member of the Ak-Chin Indian Community and (ii) has legally resided within the exterior boundaries of the Ak-Chin Indian Reservation, AND

(4) is approved for membership by a majority vote of the registered voters of the Ak-Chin Indian Community, provided that at least thirty percent (30%) of those entitled to vote shall vote in such an election.

**Section 3. Rights of Adopted Members.** Persons adopted into membership under Section 2 of this Article who are descendants of persons identiﬁed in Section 1(a) of this Article shall have the same rights of membership as persons enrolled as members under Section 1 of this Article. Persons adopted into membership under Section 2 of this Article who are not descendants of persons identiﬁed in Section 1(a) of this Article shall have the same rights of membership as persons enrolled as members under Section 1 of this Article EXCEPT:

(a) such adopted members shall not be permitted to serve on the Community Council, AND

(b) a child of such an adopted member shall not be eligible for membership based solely on the membership of that adopted member.

**Section 4. Dual Enrollment Prohibited.** As indicated in the eligibility criteria in Sections 1 and 2 of this Article, a person shall not be a member of any other federally recognized Indian tribe and a member of the Ak-Chin Indian Community at the same time. This shall be administered as follows:

(a) any person who applies for membership in the Ak-Chin Indian Community who is or has previously enrolled in any other federally recognized Indian tribe shall relinquish that membership eﬀective upon approval of the Ak-Chin membership application, AND

(b) any person who, by his/her own action, becomes a member of any other federally recognized Indian tribe after having been approved for membership in the Ak-Chin Indian Community shall be disenrolled pursuant to the provisions of the enrollment ordinance.

**Section 5. Enrollment Ordinance.** The Community Council shall enact an enrollment ordinance consistent with this Constitution that shall provide for the establishment of the Enrollment Committee, for an orderly procedure for receiving and processing applications for enrollment and relinquishments of membership, for the maintenance of the membership roll, for safeguarding of enrollment records, for the handling of appeals, and for all other items aﬀecting the enrollment function.

**ARTICLE III – GOVERNING BODY**

**Section 1. The Community Council.** The governing body of the Ak-Chin Indian Community shall be known as the Ak-Chin Community Council and shall consist of a Chairman, a Vice-Chairman, and three (3) Council Members. All members of the Community Council shall be elected by the eligible voters of the Community in accordance with this Constitution and the election ordinance.

**Section 2. Qualiﬁcations of Community Council Members.** A person must meet the following eligibility criteria to be eligible to run for or to hold any position on the Community Council:

(a) is currently an enrolled member of the Ak-Chin Indian Community and has been an enrolled member of the Ak-Chin Indian Community for at least one (1) year immediately preceding the date of the election, where such membership is not based on adoption under Section 2 (b) of Article II of this Constitution, AND

(b) is at least twenty-ﬁve (25) years of age, AND

(c) has been residing on the Ak-Chin Indian Reservation, or on land owned in fee by the Ak-Chin Indian Community, for at least one (1) year immediately preceding the date of the election, AND

(d) has never been convicted of a felony or of a misdemeanor involving dishonesty in any tribal, state or federal court, or of an oﬀense which would constitute a felony or a misdemeanor involving dishonesty under the laws of Arizona.

**Section 3. Terms of Oﬃce.** Except for those chosen in the ﬁrst election under this Constitution, the term of oﬃce for the Chairman, Vice-Chairman, and each of the three Council Members shall be four (4) years and until a successor is duly elected and installed. The elections for these positions shall be conducted pursuant to Article VI of this Constitution.

**Section 4. Term Limits.** The computation of these term limits shall begin with the ﬁrst election under this Constitution. No person shall serve more than two (2) consecutive terms as follows:

(a) a person who has completed two (2) consecutive terms as either a

Chairman or Vice- Chairman, may seek election as a Council Member, but may not immediately seek election to a third, consecutive term as Chairman or Vice-Chairman until after a period of at least four (4) years has elapsed; however, a person who is serving in a second consecutive term as either a Chairman or Vice-Chairman shall be immediately eligible to seek election as a Council Member.

(b) a person who has completed two (2) consecutive terms as a Council Member may seek election as a Chairman or Vice-Chairman, but may not immediately seek election to a third, consecutive term as a Council Member until after a period of at least four (4) years has elapsed; however, a person who is serving in a second consecutive term as a Council Member shall be immediately eligible to seek election as either a Chairman or Vice-Chairman.

**Section 5. Duties of Oﬃcers.** The duties of the Chairman, Vice-Chairman, and Council Members shall be established by ordinance enacted by the Community Council. All members of the Community Council shall obtain the training required to properly perform these duties including, but not limited to, training on ﬁnancial management and the conduct of meetings.

**Section 6. Meetings of the Community Council.**

(a) Regular meetings – The Community Council shall hold regular meetings on the ﬁrst and third Wednesday of each month. When the date for a regular meeting falls on or near the date of a holiday or some other extraordinary event, the Community Council may reschedule the meeting for a date within two (2) days of the date of the regular meeting.

(b) Special meetings – Special meetings of the Community Council may be called by the Chairman at any time and shall be called by the Chairman when requested to do so in writing by three members of the Community Council. Written notice of any such special meetings shall be given to all members of the Community Council prior to the special meeting.

(c) Quorum – Three (3) or more members of the Community Council shall constitute a quorum for any regular or special Community Council meeting. A quorum is required at all meetings in order to conduct oﬃcial business of the Community Council. Proxy voting shall be prohibited.

(d) Voting – The Community Council shall make decisions by a majority vote of those present except as otherwise provided in this Constitution or in an ordinance which requires more than a majority vote. All Community Council Members, including the Chairman and Vice-Chairman, shall have the power to vote.

**Section 7. Enactments of the Community Council.**

(a) Codes, Statutes, and Ordinances – All ﬁnal decisions on matters of permanent interest shall be embodied in codes, statutes, or ordinances. No such code, statute, or ordinance shall conﬂict with any provision of this Constitution.

(b) Resolutions – All ﬁnal decisions on matters of temporary interest, where a formal expression is needed, shall be embodied in a resolution and noted in the minutes of the meeting. No such resolution shall conﬂict with any provision of this Constitution, or of any code, statute, or ordinance unless the express purpose of the resolution is to amend, repeal, or abolish such code, statute, or ordinance or any provision thereof.

**Section 8. Code of Ethics.** The Community Council shall adopt a Code of Ethics governing the conduct of tribal oﬃcials. The Code of Ethics shall include disciplinary procedures so long as the oﬃcial in question is informed of the charges and given an opportunity to respond to those charges including the opportunity to present witnesses and other evidence in his or her defense. All members of the Community Council shall comply with the provisions of the Code of Ethics.

**Section 9. Compensation of Community Council.** The Chairman, Vice-Chairman, and Council Members shall receive compensation pursuant to the provisions of the annual budget, which may include a cost of living adjustment at the same rate as that aﬀorded to all eligible Community employees. Such compensation shall be established by a salary survey conducted every ﬁve (5) years and shall be subject to the same annual cost of living adjustments received by Community employees.

**Section 10. Records of the Community Council.** Any enrolled member of the Community shall have the right to review all tribal records, including ﬁnancial records, at any reasonable 􀀁 me in accordance with procedures established by the Community Council. However, in prescribing the manner of release of information, these procedures shall identify which records are, because of the conﬁdential information or sensitive nature regarding the information contained therein, not subject to review.

**ARTICLE IV – POWERS OF THE COMMUNITY COUNCIL**

Except as noted below, the Community Council shall have all powers vested in the Community through its inherent sovereignty or federal law. It shall execute these powers in accordance with established customs of the Community and subject to the express limitations contained in this Constitution or other applicable laws. These powers include, but are not limited to, the power to:

(a) represent the Community and act in all matters that concern the welfare of the Community, and to make decisions not inconsistent with or contrary to this Constitution;

(b) negotiate and enter into contracts with federal, state, local and tribal governments, and with individuals, associations, corporations, enterprises or organizations;

(c) purchase or accept any land or property for the Community;

(d) enact laws regulating the use, disposition and inheritance of all property within the territory of the Community;

(e) prevent or veto the sale, disposition, lease or encumbrance of tribal trust lands, interests in land, tribal funds or other tribal assets;

(f) sell non-trust land after ﬁrst discussing such proposed sale at a special meeting of the enrolled members of the Community called for that speciﬁc purpose;

(g) employ legal counsel;

(h) enact laws regulating the domestic relations of persons within the jurisdiction of the Community;

(i) enact a law, code, statute, or ordinance governing the conduct of persons within the jurisdiction of the Community in accordance with applicable laws;

(j) provide for the removal or exclusion of any non-member of the Community whose presence may be injurious to the Community or its members, and to prescribe conditions upon which non-members may remain within the territory of the Community;

(k) levy and collect taxes, duties, fees, and assessments;

(l) appropriate and regulate the use of tribal funds in accordance with an annual budget approved by the Community Council;

(m) regulate all business activities within the jurisdiction of the Community, and to manage all tribal economic aﬀairs and enterprises;

(n) regulate all matters and take all actions necessary to preserve and safeguard the health, safety, welfare and political integrity of the Community;

(o) appoint subordinate committees, commissions, boards, tribal oﬃcers and employees and to set their compensation, tenure and duties;

(p) enact laws, ordinances, and resolutions necessary or incidental to the exercise of its legislative powers;

(q) take any and all actions necessary and proper for the exercise of the foregoing powers and duties, including those powers and duties not enumerated above, and for all other powers and duties now or hereafter delegated to the Community Council, or vested in the Community by federal law or through its inherent sovereignty, EXCEPT the authority to sell trust land owned by the Community. Any sale of trust land must be approved by a majority of the eligible voters of the Community at a special election called for that purpose and by the Secretary of the Interior.

**ARTICLE V – COMMUNITY COURT SYSTEM**

**Section 1. Establishment.** The judicial power of the Ak-Chin Indian Community shall be vested in the Community Court System. The Community Court System shall include a Community Court and such other lower courts of special jurisdiction, including forums for traditional dispute resolution as the Community Council may establish by Council enactment. There shall also be a Court of Appeals, or designation of an established entity other than the Council, which shall be the court of last resort for all cases ﬁled within the Community Court System.

**Section 2. Jurisdiction.** The judicial power of the courts shall extend to all cases and controversies within the jurisdiction of the Community, in law or equity, arising under this Constitution, the laws or customs of the Community, or which are vested in tribal courts by federal law or by virtue of the Community’s inherent sovereignty.

**Section 3. Appointment of Judges.** The Community Council shall appoint judges to serve for a term of four (4) years. There shall be no limitation on serving consecutive terms as tribal judges. The number of judges required shall be determined by the Community Council.

**Section 4. Qualiﬁcation of Judges.** The qualiﬁcations for judges shall be established by Council enactment; provided that no additional requirements may be added during the tenure of a judge already in oﬃce, unless the additions or changes exempt the present judges during their terms.

**Section 5. Compensation.** Judges shall receive for their services reasonable compensation that shall not be diminished during their term of oﬃce. Reasonable compensation shall be determined by the Community’s Human Resources Director with the approval of Council.

**Section 6. Removal of Judges.**

(a) A judge shall be removed by the Community Council for ﬁnal conviction of a felony by any tribal, federal or state court, or of an oﬀense which would constitute a felony under the laws of Arizona, while serving as judge. The Community Council may suspend a judge charged with a felony, or of an oﬀense which would constitute a felony under the laws of Arizona, pending the outcome of the trial and any appeals. An interim judge may be appointed for the period of the suspension.

(b) A judge may be disciplined or removed by the Community Council by a vote of at least three (3) members of the Community Council, for:

(1) converting tribal property or monies for personal use;

(2) ﬁnal conviction of three (3) misdemeanors by any tribal, federal or state court, or of an oﬀense which would constitute a misdemeanor under the laws of Arizona, while serving as judge;

(3)Unnecessary and repeated delays in hearing matters ﬁled in the Courts; or

(4) violation of the Judicial Code of Ethics.

(c) A judge shall be given full and fair opportunity to reply to any and all charges

for which he or she may be removed. The decision of the Community Council shall be ﬁnal, except that the decision may be appealed to the Community Court only if a claim is made that this Constitution has been violated or that due process rights were not aﬀorded.

**Section 7. Court Rules.** The duties and procedures of the Community Court System, including its Appellate Court System, and all other court matters not addressed in this Article of the Constitution, shall be established by the Community Council. Such rules shall also include a Judicial Code of Ethics governing the conduct of Community judges. No judge shall preside over a matter in the Court of Appeals if he or she presided over the same matter in the Community’s lower Court.

**ARTICLE VI – ELECTIONS**

**Section 1. The First Elections.** The terms of all members of the Community Council who are in oﬃce at the time of the adoption of this Constitution shall end with the installation in January of 2017 of their successors who were selected at an election held in the fall of 2016. The person elected to serve as Chairman and the person elected to serve as Vice-Chairman at that ﬁrst election under this Constitution shall serve from January 2017 until January 2021. The persons elected to serve in the three (3) Council Member positions by receiving the three (3) highest numbers of votes cast in that race at that ﬁrst election shall serve a (2) year term from January 2017 until January 2019.

**Section 2. Regular Elections.** Regular elections to select members of the Community Council shall be held on the third Saturday in November in odd numbered years beginning in 2018. The three (3) Council Member positions shall be elected in 2018 and each four (4) years thereafter. The Chairman and the Vice-Chairman shall be elected in 2020 and each four (4) years thereafter.

**Section 3. Plurality Vote.** All members of the Community Council shall be elected by plurality vote. The candidates receiving the highest numbers of votes in the Chairman and the Vice-Chairman races shall be declared the winners. The candidates receiving the three (3) highest numbers of votes in the Council Member races shall be declared the winners.

**Section 4. Changing Community Council Positions.** Should a member of the Community Council decide to run for a diﬀerent position on the Council, that member shall be required to resign from his/her current position, eﬀective upon the date of the next installation of oﬃcers. Such a post-dated resignation form must be signed before his/her candidacy for a diﬀerent position shall be accepted by the election board. Upon receipt of such a resignation, the election board shall immediately advertise for candidates to ﬁll the position being vacated by the resignation. The election to ﬁll the position being vacated shall be held at the same time as the election to ﬁll the position for which the incumbent has ﬁled.

**Section 5. Installation.** After he or she has signed the Code of Ethics, the oath of oﬃce for each newly elected Chairman, Vice-Chairman or Council Member shall be administered pursuant to the election ordinance on the ﬁrst working day of the ﬁrst calendar year after election. In the event a challenge to the election results for any position is still pending, the oath of oﬃce for that position shall be delayed until the ﬁnal resolution of that challenge. Each incumbent oﬃcer or Council Member shall remain in oﬃce until the oath of oﬃce is administered to the newly elected oﬃcer or Council Member for his or her seat. Upon expiration of the incumbent’s term of oﬃce, he or she shall return all tribal records and property of the Community within his or her control to the Community.

**Section 6. Special Elections.** Special elections shall be conducted when called for by the Community Council, by this Constitution, or by the voters as provided in this Constitution or appropriate ordinances.

**Section 7. Voter Qualiﬁcations**. All enrolled members of the Ak-Chin Indian Community who are eighteen (18) years of age or older on the date of the election shall be entitled to vote in any tribal election.

**Section 8. Election Ordinance.** All tribal elections shall be conducted in accordance with an election ordinance enacted by the Community Council consistent with this Constitution. Such ordinance shall provide for secret balloting, absentee balloting, nomination of candidates and ﬁling procedures prior to the election date, the handling of tie votes, appointment of an impartial election board to be responsible for conducting all tribal elections, and a procedure for resolving elections disputes. Further, it shall provide that no write-in votes be accepted in any community election. Provisions shall also be included regarding the conduct of initiative, recall and referendum elections and a uniform procedure for submitting petitions.

**ARTICLE VII – REMOVAL, RECALL AND VACANCY**

**Section 1. Removal, Suspension, and Discipline of Council Members.**

(a) The Community Council shall remove a Council Member for ﬁnal conviction of a felony, or of an oﬀense which would constitute a felony under the laws of Arizona, by any tribal, federal or state court while serving on the Community Council.

(b) The Community Council may suspend a Council Member charged with a felony, or of an oﬀense which would constitute a felony under the laws of Arizona, pending the outcome of the trial and any appeals.

(c) The Community Council shall discipline or remove a Council Member, by an aﬃrmative vote of at least three (3) members of the Council, for:

(1) converting tribal property or monies for personal use, OR

(2) ﬁnal conviction of three (3) misdemeanors, or of oﬀenses which would constitute three (3) misdemeanors under the laws of Arizona, by any tribal, federal or state court while serving on the Council, OR

(3) violation of the Code of Ethics.

(d) In all proceedings under subsections 1(a), 1(b) or 1(c) of this Section, the Community Council Member in question shall be aﬀorded full due process rights including a written statement of the charges, the right to respond to those charges and the right to present witnesses or other evidence in his or her defense. The decision of the Community Council shall be ﬁnal, except that the decision may be appealed to the Community Court only if a claim is made that this Constitution has been violated or that due process rights were not aﬀorded. A member of the Community Council removed from oﬃce shall not run for oﬃce again until a period of at least ﬁve (5) years from the oﬃcial date of removal has passed.

**Section 2. Recall.**

(a) Any enrolled member of the Community who is eligible to vote may initiate recall proceedings against any Community Council Member by ﬁling a written request as prescribed in the election ordinance. The member shall be informed by the election board of the petitioning procedures required by the election ordinance.

(b) No recall petition shall be accepted by the election board if the subject Council Member has been in oﬃce less than six (6) months or has less than six (6) months remaining on his or her term.

(c) A Council Member shall not be subject to recall more than one (1) time during each four-year term of oﬃce.

(d) The election board shall verify the signatures on the recall petition pursuant to the provisions of the election ordinance. To be a valid recall petition, it must contain veriﬁed signatures of at least sixty percent (60%) of the number of members who cast ballots in the last regular election of oﬃcers.

(e) If the petition is determined valid, a recall election shall be held pursuant to the provisions of the election ordinance. The notice of the recall election, manner of voting, counting of ballots, etc., shall be similar to that of the conduct of a regular election of oﬃcers.

(f) No more than two (2) members of the Community Council shall be subject to recall at any election.

**Section 3. Vacancies.**

(a) The Community Council shall declare that a vacancy exists when a member of the Council dies, is removed or recalled, submits a written resignation, or is determined by a court to be mentally incompetent.

(b) Should a vacancy occur in any position other than Chairman within six (6) months of the end of the term of oﬃce, the Council shall appoint a successor to serve the balance of that term.

(c) Should a vacancy occur within six (6) months of a regularly scheduled election at which that term is not expiring, the position shall remain vacant until that election. At that election, a successor shall be elected to serve the balance of that term.

(d) Should a vacancy occur more than six (6) months before the next regularly scheduled election, whether or not the term of that position is expiring at that election, a special election shall be conducted by the election board pursuant to provisions of the election ordinance to elect a successor to ﬁll the balance of that term.

(e) Should the vacancy be in the oﬃce of Chairman, the Vice-Chairman shall serve as acting Chairman until the vacancy is ﬁlled pursuant to the provisions of subsections (c) or (d) of this Section. The position of Vice-Chairman shall remain vacant during this time. When the new Chairman is sworn in, the acting Chairman shall resume his or her seat as Vice-Chairman.

**ARTICLE VIII – INITIATIVE AND REFERENDUM**

**Section 1. Limitations on Initiative and Referendum.** An initiative or referendum election shall not be called on any matter similar to a matter that was rejected by the voters within the twelve-month period preceding the submission of the petition requesting the election. No initiative or referendum shall be set for election that would void, cancel, abrogate, modify or amend any properly approved contract, agreement or compact to which the Community is a party. No initiative or referendum shall be set for election that is contrary to applicable federal law or this Constitution. The election board shall be responsible for assuring that the wording of an issue on an initiative or referendum ballot is clear and easily understood by the voters and that it accurately reﬂects the intent of the petitioners.

**Section 2. Initiative.** The voters of the Ak-Chin Indian Community may initiate legislation by ﬁling an initiative petition signed by at least sixty percent (60%) of the number of members who cast ballots in the last regular election of oﬃcers. An initiative petition shall be ﬁled according to the procedures prescribed in the election ordinance. It shall then be logged in and forwarded to the election board. The election board shall determine the validity of the petition and conduct the initiative election pursuant to the provisions of the election ordinance.

**Section 3. Referendum.** The Community Council may refer any ordinance or other matter to the voters of the Community for approval or rejection. The voters of the Community may also approve or reject acts of the Community Council by ﬁling a referendum petition signed by at least sixty percent (60%) of the number of members who cast ballots in the last regular election of oﬃcers. A referendum petition shall be ﬁled pursuant to the election ordinance. The election board shall determine the validity of the petition and conduct the referendum election pursuant to the provisions of the election ordinance.

**ARTICLE IX – BILL OF RIGHTS FOR COMMUNITY MEMBERS**

**Section 1.** These rights shall apply only to individuals deemed members of the Community pursuant to Article II. The Ak-Chin Indian Community in exercising its powers of self-government shall not:

(a) make or enforce any law prohibiting the free exercise of religion or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for redress of grievances;

(b) violate the right of the people to be secure in their persons, houses, papers, and eﬀects against unreasonable searches and seizures, or issue warrants, but upon probable cause, supported by oath or aﬃrmation, and particularly describing the place to be searched and person or thing to be seized;

(c) subject any person for the same oﬀense to be twice put in jeopardy;

(d) compel any person in any criminal case to be a witness against himself;

(e) take any private property for a public use without just compensation;

(f) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense and to have their rights explained at the time of arrest;

(g) require excessive bail, impose excessive ﬁnes, or inflict cruel and unusual punishments;

(h) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(i) pass any bill of attainder or ex post facto law; or

(j) deny to any person accused of an oﬀense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

**Section 2.** The enumeration of certain rights in this Constitution shall not be construed to deny or diminish other rights retained by enrolled members of the Ak-Chin Indian Community.

**ARTICLE X – COMMUNITY MEETINGS**

**Section 1. Regular Meetings**. Regular meetings of the Community enrolled members shall be held in the months of February, May, August and November of each year on a date and at a time to be set by the Council.

**Section 2. Special Meetings.** Special meetings of the Community enrolled members may be called by the Chairman at any time and shall be called by the Chairman when requested to do so in writing by three (3) members of the Community Council or by a petition signed by thirty (30) voters of the Community. Notice of such special meetings shall be given by posting notices in at least three (3) public places on the Reservation at least ﬁve (5) days prior to the meeting.

**Section 3. Agenda.** The primary purpose of the Community meetings is to provide information to enrolled members on Community aﬀairs. The Community Operations Manager or similar responsible oﬃcial shall present a report at each Community meeting on program operations, proposed budgets, major enterprises, and other items of general interest. Personnel matters, discussion of individual employees or similar items shall be ruled out of order and not permitted.

**Section 4. Council Authority to Restrict Meeting Audience.** The Council may, in its discretion, vote to impose restrictions or limitations on the audience for any or all portions of a Community Meeting, including closing meetings to all but Community Members.

**ARTICLE XI – SOVEREIGN IMMUNITY**

The Ak-Chin Indian Community shall be immune from suit except to the extent that the Community Council expressly and unequivocally waives the Community’s sovereign immunity. With respect to claims for violation of any right enumerated under Article IX, the Community waives its immunity only to the extent of injunctive and declaratory relief, but NOT for money damages unless expressly and unequivocally permitted by written resolution of the Council.

**ARTICLE XII – SAVINGS CLAUSE**

All enactments of the Ak-Chin Indian Community adopted before the eﬀective date of this Constitution shall continue in full force and eﬀect to the extent that they are consistent with this Constitution.

**ARTICLE XIII – SEVERABILITY**

If any provision of this Constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and eﬀect.

**ARTICLE XIV – AMENDMENTS**

This Constitution may be amended by a majority vote of the qualiﬁed voters of the Community voting in an election called for that purpose by the Secretary of the Interior, provided, that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become eﬀective until approved by the Secretary of the Interior or until deemed approved by the Secretary by operation of law. It shall be the duty of the Secretary of the Interior to call and conduct an election on any proposed amendment at the request of the Community Council or upon presentation of a petition signed by at least sixty percent (60%) of the number of members who cast ballots in the last regular election of oﬃcers.

**ARTICLE XV - ADOPTION**

Pursuant to Article IX – Amendments of the Articles of Association of the Ak-Chin Indian Community, approved on December 20, 1961, as amended, this Constitution of the Ak-Chin Indian Community shall be ratiﬁed by a majority vote of the qualiﬁed voters of the Community voting in an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such an election, but it shall become eﬀective when approved by the Secretary of the Interior or until deemed approved by the Secretary of the Interior by operation of law.