

KENAITZE INDIAN TRIBE
ORDINANCE NO. 2013- 01
MORAL TURPITUDE ORDINANCE
AMENDED AND RESTATED SEPTEMBER 28, 2016

Section 1. Purpose

The Kenaitze Constitution, Art. VI, Sec. 5, Qualification of Candidates, provides that any person convicted of a crime of moral turpitude shall not be eligible to serve as a member of the Council. In addition, Art. IX, Sec. 3, Forfeiture and Vacancies, states that any Council Member found guilty of crimes of moral turpitude shall automatically forfeit his or her position on the Council. The purpose of this Ordinance is to define crimes of moral turpitude for purposes of implementing these Constitutional provisions, and for any other purpose for which such definition is necessary.

Section 2. Scope

The provisions of this ordinance shall apply to all elected or appointed Tribal Council Members.

Section 3. Crimes of Moral Turpitude

For purposes of Council membership, a Crime of Moral Turpitude shall mean conduct that is considered contrary to community standards of justice, honesty or good morals. It is completely at the discretion of Council to decide if a crime is a Crime of Moral Turpitude. In making the decision as to whether a crime is a Crime of Moral Turpitude the Council shall consider:

1. The nature and seriousness of the conduct in question;
2. How recently the conduct in question occurred;
3. The circumstances surrounding the incident;
4. The age of the individual at the time of the incident;
5. Societal conditions that may have contributed to the conduct;
6. The probability that the individual will continue the type of behavior in question;
7. The individual's commitment to rehabilitation and change in the behavior in question;
8. The individual's demonstrated positive contributions to the Tribal community; and
9. The best interest of the Tribe.

This Ordinance was developed with the best interest of our Tribal membership in mind, and we trust that our current and future leadership will exercise fairness and best judgment to promote the best interest of our Tribal people.

Section 4. Removal

Any Tribal Council Member who is convicted of a Crime of Moral Turpitude, as determined by Council, shall be immediately removed from office in accordance with the Kenaitze Constitution, Art. IX.

Section 5. Sovereign Immunity

Nothing in this Ordinance shall be construed as waiving the sovereign immunity of the Tribe. This Ordinance is not intended to, nor does it, create a private right of action.

Effective Date: This ordinance shall become effective immediately upon its passage and adoption.


Adopted this 28th day of September, 2016

Certification:

Voting in Favor: 7

Voting Against: 0

Abstaining: 0



Chairperson



Secretary