

Kenaitze Indian Tribe
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ORDINANCE 2014-1
ENCUMBRANCE OF NEWLY ACQUIRED TRIBAL LANDS AND ASSETS

APPROVED BY THE GENERAL BODY
AT
SPECIAL TRIBAL MEMBERSHIP MEETING
May 17, 2014

Purpose: The purpose of this Ordinance is to authorize the Kenaitze Tribal Council to manage the encumbrance of newly acquired Tribal lands, interests in lands, or other Tribal assets in a manner the Council deems to be in the best interest of the Tribe, to the extent specified in resolutions adopted by the Council and consistent with the restrictions set forth in this Ordinance.

Why Ordinance is Necessary: The Tribal Council is elected by the Membership to oversee the management of Tribal affairs. When the Council determines that purchasing a new property is in the Tribe's best interest, the property frequently must be financed. As such, the newly financed property is encumbered by the financial institution until the loan is paid in full. The Council's authority with regard to purchasing new property on behalf of the Tribe is hindered, because the Constitution states as follows:

Article X. Section 4. Powers Reserved to Membership. Except by majority vote of the qualified voters acting through a general members meeting or a properly called election, no tribal lands or interests in lands may be sold, leased, encumbered or otherwise disposed.

This provision of the Constitution acts as a barrier to Tribal economic development and progress. Therefore, the Council respectfully requests the Membership's approval of this Ordinance, authorizing the Council to encumber newly acquired Tribal lands and assets consistent with the restrictions set forth below.

Membership Vote: Upon adoption of this Ordinance by a majority vote of the Tribal membership present at a duly called meeting that conforms to the quorum requirements established by Article VI, Section 2 of the Tribal Constitution, the Tribal Council shall have the

authority to manage the encumbrance of newly acquired Tribal lands or interests in lands and other Tribal assets, as specified in this Ordinance and in accordance with the Tribe's Constitution Article X, Section 4. An affirmative vote on this Ordinance shall constitute *the* affirmative vote required by the Tribe's Constitution Article X, Section 4.

Authorization: In accordance with the Tribe's Constitution Article X, Section 4, the Kenaitze Tribal membership authorizes the Tribal Council to encumber newly acquired Tribal's lands, interests in lands and other Tribal assets, as the Council deems to be in the best interest of the Tribe. Any sale, disposition, or lease of tribal lands, interest in lands or other assets shall require further consideration by the Tribal membership.

Requirements: An encumbrance of newly acquired Tribal land, interest in land, or other assets shall be approved by resolution of the Council and must meet the following requirements:

1. No existing Tribal lands, interest in lands or other Tribal assets that are unencumbered on the date of adoption of this Ordinance may be encumbered without further consideration by the Tribal membership.
2. For purposes of this Ordinance "newly acquired" Tribal lands, interest in lands or assets, include those lands, interests or assets purchased after the date of adoption of this Ordinance.
3. The Tribe shall not consent to the levy of any judgment, lien, or attachment upon property of the Tribe other than property specifically pledged, assigned, or otherwise explicitly subject to levy in the Council resolution.
4. Council resolutions approving the encumbrance of Tribal lands or assets must be done on a case-by-case basis for each new property of the Tribe.
5. A list of all Tribal lands or other assets encumbered by the Council during the preceding fiscal year shall be included in the annual report to members and shall be made available at the annual membership meeting.

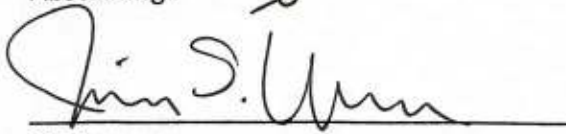
Certification

General Membership Vote

Voting in Favor: 22

Voting Against: 17

Abstaining: 0



Chairperson

Luisa K. Blizard
Secretary