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**CHAPTER 1**  
**TRIBAL GOVERNMENT OPERATIONS**

**TITLE 1**  
***GENERAL PROVISIONS FOR ALL TITLES***

SECTION 1.01.01: Authority and Relation to Unwritten Tribal Laws

SECTION 1.01.02: Purpose

SECTION 1.01.03: Name

SECTION 1.01.04: Jurisdiction of the Tribe

SECTION 1.01.05: Interpretation and Severability

SECTION 1.01.06: Definitions

**SECTION 1.01.01**  
***Authority and Relation to Unwritten Tribal Laws***

Under the inherent sovereignty of Indian tribes of the United States and under the authority granted to the Gwichyaa Zhee Gwich'in Tribal Government under Article 4 of the Constitution and By-Laws of the Gwichyaa Zhee Gwich'in Tribal Government, the Gwichyaa Zhee Gwich'in Tribal Government adopts this Code of Tribal Ordinances. These Ordinances may be amended, repealed, or added to under the provisions of Title 3 of this Chapter.

It is not the intention of these Ordinances to undermine or eliminate the unwritten law within us and that we have abided by as aboriginal people. Unwritten traditional law has always been in place and these ordinances are not to displace the application of our unwritten custom law. We will continue to value and implement the knowledge of those customs and beliefs that cannot be written. Unwritten traditional law shall be the highest form of law for our Tribal Government, and if written law conflicts with it, unwritten traditional law shall prevail.

**SECTION 1.01.02**  
***Purpose***

The Purpose of the Tribal Ordinances is to promote the health, safety, and welfare of the Gwichyaa Zhee Gwich'in Tribal Members and Residents of the Village, to establish unity, and to provide an orderly framework to govern the activities within the jurisdiction of the Tribal Government. These ordinances are based on the customary and traditional values and laws of our people and include ordinances as needed and requested by the Tribal Members of the Tribal Government.

**SECTION 1.01.03*****Name***

The name of the Tribe in the Constitution and By-Laws of the Native Village of Fort Yukon, IRA is "Native Village of Fort Yukon." In the Tribal Ordinances, the Tribe shall be referred to as the "**Gwichyaa Zhee Gwich'in Tribal Government**", the Tribal Council shall be referred to as the "**Gwichyaa Zhee Gwich'in Tribal Council**", the Tribal Court shall be referred to as the "**Gwichyaa Zhee Gwich'in Tribal Court**", and the housing authority shall be referred to as the "**Gwichyaa Zhee Gwich'in Housing Authority**".

**SECTION 1.01.04*****Jurisdiction of the Tribe***

The jurisdiction of the Gwichyaa Zhee Gwich'in Tribe shall extend over all matters arising:

- A. In the Gwichyaa Zhee Gwich'in Tribal Government Traditional Territory.
- B. On the Gwichyaa Zhee Gwich'in Tribal Governments Private lands transferred from the Gwitchyaa Zhee Corporation.
- C. Over all Tribal Members within or outside the Traditional Territory
- D. Over all persons and entities who entered into consensual relations with the Tribal Government or Tribal Members or whose activities affect the political integrity or economic security of the Tribal Government or the health or welfare of the Tribal Government or Tribal Members
- E. Over any and all matters so delegated by Congress and The United States of America

**SECTION 1.01.05*****Interpretation and Severability***

- A. These ordinances shall be liberally interpreted to give full effect to the purposes for which they were adopted.
- B. These ordinances shall generally be interpreted as civil in nature and any violations shall not be interpreted as a criminal offense unless specifically provided by these ordinances.
- C. If any provision of these ordinances, or their application to any person or legal entity or circumstances, is held invalid, the remainder of the ordinances, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.
- D. The unwritten custom law of the Gwichyaa Zhee Gwich'in Tribal Government shall remain in place and shall not be infringed upon by the Tribal Ordinances.

**SECTION 1.01.06*****Definitions***

In all Chapters of the Tribal Ordinances, the following words and phrases shall have the following meanings unless otherwise specified:

**"Adult"** means a person who is eighteen (18) years of age or older.

**"Child"** means a person who is under eighteen (18) years of age.

**"Conflict of Interest"** for Tribal Council members means that a Council member shall not vote or rule on any matter, including but not limited to employment contracts, project funding, project allocations, or appointments to tribal committees, in which he or she has a direct, significant personal interest. A personal interest also includes involvement of his or her own self, spouse, and children.

**"Council"** means the Tribal Council. "All its members" or "all council members" mean the total number of council members holding office.

**"Majority Vote"** means that the outcome of an election in which voters are asked to vote in favor or against something is determined by a vote of more than ~~51%~~ 30%, unless a larger number is specifically required by the Gwichyaa Zhee Gwich'in Tribal Constitution or by Tribal Ordinance.

**"May"** means that something is permitted. If this word is used it means that the action specified can be done but does not have to be done.

**"Personal Property"** means a person's personal property that can be seen, weighed, measured by the physical senses and is capable of being possessed or owned singly or in part and includes money, goods, and things such as promissory notes.

**"Property"** means real estate property and personal property.

**"Real Property"** means real estate and any interest in land, easements, right-of-ways, leased buildings, permits, licenses and franchises.

**"Shall"** is mandatory. If this word is used, it means that the action must be done.

**"Tribal Member"** means a person who meets the eligibility requirements for membership in the Gwichyaa Zhee Gwich'in Tribe as defined by the Constitution and By-Laws of the Native Village of Fort Yukon and as clarified by the Gwichyaa Zhee Gwich'in Membership and Enrollment Ordinance. Children of Tribal Members shall be Tribal Members even if they have not formally enrolled into the Tribal Government. Upon turning 18, children of Tribal Members who are not already been formally enrolled, must submit an enrollment application for Tribal Membership.

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**"Violation"** means failing to comply with the rules of a regulated activity and involves conduct inappropriate to an orderly society. A Violation is not a criminal offense and is not punishable by imprisonment. A Person in Violation to the Tribal Ordinances is not entitled to a trial by jury or a right to a public defender and shall be subject to Tribal Court Procedures in which the Tribal Court will determine punishment.

**TITLE 2**  
**SOVEREIGN IMMUNITY OF THE**  
**GWICHYAA ZHEE GWICH'IN TRIBAL GOVERNMENT**

SECTION 1.02.01: Interpretation and Waiver of Sovereign Immunity for ICRA  
SECTION 1.02.02: Procedures and Conditions for Waiving Tribal Sovereign Immunity  
SECTION 1.02.03: Waivers of Tribal Sovereign Immunity shall not be General  
SECTION 1.02.04: Voiding Prior Waivers Unless Compliant with this Ordinance

**SECTION 1.02.01**

***Interpretation and Waiver of Sovereign Immunity for the Indian Civil Rights Act (ICRA)***

Nothing in the Tribal Ordinances shall be deemed, interpreted or construed to be a waiver of any immunity from suit or execution against tribal property that the Gwichyaa Zhee Gwich'in Tribal Government possesses under tribal, federal or state law, provided however, that persons subject to the Jurisdiction of the Tribal Government may bring claims against the Tribal Government in the Gwichyaa Zhee Gwich'in Tribal Court, arising under the terms of the Indian Civil Right Act.

**SECTION 1.02.02**

***Procedures and Conditions for Waiving Tribal Sovereign Immunity***

The Gwichyaa Zhee Gwich'in Tribal Council may enact resolutions to waive any immunity from suit or execution subject to the terms of the Tribal Ordinances. A resolution waiving any immunity from suit or execution shall be passed by an affirmative vote of at least five (5) GZGT Council members, and evidenced by a written document contemporaneously signed by GZGT Council members voting in favor of passage. Any resolution waiving any immunity from suit for claims by a non-governmental entity over \$50,000 in value, or claim by any entity seeking execution against Tribal Lands shall be approved by an affirmative vote of thirty percent (30%) of the Tribal Members over 18 years of age. The Gwichyaa Zhee Gwich'in Tribal Council shall not enact any waiver of immunity for claims by a governmental entity, except for the purposes of satisfying the conditions or requirements of a grant, contract or compact, which are generally applicable and temporary.

**SECTION 1.02.03**

***Waivers of Tribal Sovereign Immunity shall not be General***

Waivers of immunity shall not be general, but must specify the parties who may bring an action against the Tribe, duration for bringing a cause of action, the amount of funds or other property upon which execution may be had, the nature of the transaction giving rise to claims, and any other limitations deemed appropriate by the Gwichyaa Zhee Gwich'in Tribal Council.

**SECTION 1.02.04*****Voiding Prior Waivers Unless Compliant with this Ordinance***

Upon adoption of the Gwichyaa Zhee Gwich'in Tribal Ordinances, all prior waivers of immunity from suit or execution of the Gwichyaa Zhee Gwich'in Tribal Government shall be void, unless claims arising under such waivers are brought within two years of adoption of the GZG Tribal Ordinances or such waivers comply with the Tribal Ordinances. The GZG Tribal Ordinances shall be strictly construed and ambiguities as to the terms of any waiver shall be construed in favor of finding immunity of the Gwichyaa Zhee Gwich'in Tribal Government.

**TITLE 3**  
***ADOPTING, AMENDING, AND REPEALING***  
***TRIBAL ORDINANCES AND RESOLUTIONS***

SECTION 1.03.01: Tribal Ordinance

SECTION 1.03.02: Tribal Resolutions

**SECTION 1.03.01**

***Tribal Ordinances***

**A. Proposals**

Proposals to Adopt, Amend, or Repeal Gwichyaa Zhee Gwich'in Tribal Ordinances may be proposed to the GZG Tribal Council by a Tribal Council Member or by any Tribal Member at any Gwichyaa Zhee Gwich'in Tribal Council Meeting.

**B. Notification**

After a Gwichyaa Zhee Gwich'in Tribal Ordinance Proposal is made to the GZG Tribal Council, the GZG Tribal Council shall set a time for the Proposal to be discussed. The GZG Tribal Council shall make the proposal available to the Tribal Members and shall post notice of when and where the discussion about the proposal will take place. The Notice shall be posted at least two weeks before the meeting in public places in Fort Yukon, U.S. Post Office, Alaska Commercial Co., KZPA Radio Station, Fort Yukon Elder's Building, City of Fort Yukon Inc. Fort Yukon School, Yukon Flats School District offices, and any other public places within the Village.

**C. Opportunity to Speak**

All Tribal Meetings in which Gwichyaa Zhee Gwich'in Tribal Ordinance Proposals are discussed, and/or voted on, shall be open to the tribal membership. Tribal members shall have the opportunity to speak as directed by the GZG Tribal Council Chairperson. If a GZG Tribal Ordinance is adopted or amended, the GZG Tribal Council shall make copies available to Tribal Members, upon request.

**D. Adoption of Proposals**

Gwichyaa Zhee Gwich'in Tribal Ordinances shall be adopted, amended or repealed by Tribal Resolution or Certification. An affirmative vote of at least five (5) GZG Tribal Council Members is necessary to adopt, amend or repeal GZG Tribal Ordinances. GZG Tribal Ordinances shall be put to a referendum vote of the Gwichyaa Zhee Gwich'in Tribal members if the Constitution or the Ordinances so specify. The GZG Tribal Council has the option of calling a referendum vote on GZG Tribal Ordinance Proposals even if it is not specifically called for, if supported by at least five (5) GZG Tribal Council Members. Upon adoption, the GZG Tribal Ordinance Resolution or Certification shall be signed and dated by the 1<sup>st</sup> Chief and attested by a GZG Tribal Council Member.

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**SECTION 1.03.02**  
***Tribal Resolutions***

**A. Tribal Resolution Definitions**

1. A formal written statement that precisely expresses the opinions and viewpoints of the Gwichyaa Zhee Gwich'in Tribal Government.
2. A formal written statement of a decision put before, or adopted, by the Gwichyaa Zhee Gwich'in Tribal Council.
3. A formal written statement that provides a legally binding contract between the petitioner and the Gwichyaa Zhee Gwich'in Tribal Council.
4. A formal written statement that approves or amends Tribal Ordinances.

**B. Tribal Resolution Procedures**

1. Tribal Resolutions must be given five (5) working days in advance of regular Tribal Council meetings, and included in the meeting packet, prior to consideration by the Tribal Council. Special and Emergency Meetings will be held to their implied standard of: 24 hour notice for special meetings, and immediate notice for emergency meetings.
2. Tribal Resolutions may be passed at a duly called regular, special, or emergency meeting by a majority vote of the Tribal Council, where a quorum is present.
3. The 1<sup>st</sup> Chief, and the 2<sup>nd</sup> Chief, may certify a Resolution of the Tribal Council.
4. The Traditional Chief or a Member of the Tribal Council may attest the Certification of a Tribal Resolution.



**TITLE 4**  
***ETHIC STANDARDS FOR CONDUCT OF TRIBAL OFFICIALS AND REPRESENTATIVES***

SECTION 1.04.01: Purpose

SECTION 1.04.02: Ethics Guidelines

**SECTION 1.04.01**

***Purpose***

The Gwichyaa Zhee Gwich'in Tribal Council Members, Tribal Court Judges, and appointed representatives are the Governmental Leadership of the Gwichyaa Zhee Gwich'in Tribal Government. As such, these Tribal Officials and Representatives are role models for the Tribal Membership. The purpose of this Tribal Ordinance is to promote responsible leadership. All Tribal Officials, Employees, and Representatives shall follow the following guidelines. Tribal Officials and Representatives who violate these guidelines shall be subject to reprimand by the GZG Tribal Council, repaying per diem and meeting fees or other reimbursement, and/or removal from office. Removal shall only be considered for habitual and/or the most serious situations, and then only be carried out according to the guidelines of Title 5, Section 4 of this Chapter. In addition to the ethic standards set forth in this GZG Tribal Ordinance, Tribal Employees shall follow the guidelines set for in the Gwichyaa Gwich'in Tribal Employment Ordinance, Chapter 2, Title 10, Section 1.

**SECTION 1.04.02**

***Ethics Guidelines***

**A. Alcohol and Drugs**

Gwichyaa Zhee Gwich'in Tribal Council members, GZG Tribal Court Judges, all persons employed by the Gwichyaa Zhee Gwich'in Tribal Government, or GZG Tribal Representatives shall not attend any meetings, court sessions, workshops, or training sessions while carrying out the official duties of the Tribal Office or otherwise representing the Gwichyaa Zhee Gwich'in Tribal Government while under the influence of alcohol or illegal drugs.

**B. Travel**

Whenever Tribal Members are on travel status and performing duties as Official Representatives of the Gwichyaa Zhee Gwich'in Tribal Government, they shall maintain high ethical behavior and conduct themselves in such a way that reflects positively on the Gwichyaa Zhee Gwich'in Tribal Government. Tribal Members on approved travel status shall attend all meetings or work sessions relating to the activity they are attending unless they are ill or there are circumstances that exist beyond their control. The circumstances shall be recorded in the trip report and immediately relayed to the First Chief or to the Tribal Council Office.

- 1. Trip Reports:** All persons traveling on per diem and representing the Gwichyaa Zhee Gwich'in Tribal Government shall make Trip reports. Trip reports may be written, or orally presented at a Tribal Council Meeting where minutes are being taken.

**C. Confidential Information**

Gwichyaa Zhee Gwich'in Tribal Officials shall not disclose or use confidential information acquired in the course of their official duties. Tribal Officials shall not disclose or use confidential information in such a way as to give a vendor or contractor an unfair advantage over other vendors or contractors. All GZG Tribal Officials and GZG Tribal Employees including GZG Tribal Court Judges and the GZG Tribal Court Clerk shall take an oath of confidentiality as described in Title 12, Section 6 of this Chapter.

**D. Economic Benefit**

GZG Tribal Officials shall not accept bribes for official action. Gwichyaa Zhee Gwich'in Tribal Officials may accept non-monetary gifts or public awards for recognition of service.

**E. Nepotism and Favoritism**

Gwichyaa Zhee Gwich'in Tribal Officials shall not exert excessive influence or favoritism to pressure other Tribal Officials to alter decisions concerning employment or other benefits for any other person or persons including their "immediate family members". "Immediate family members" include spouses and children.

**F. Petitions**

No Gwichyaa Zhee Gwich'in Tribal Council Member shall create a petition of dismissal of any fellow Tribal Council Member under no circumstances. It shall be discussed and action will be taken at a Regular GZG Tribal Council Meeting or that GZG Tribal Council Member shall resign.