

BYLAWS
ALABAMA INDIAN AFFAIRS COMMISSION

ARTICLE I

NAME AND OFFICES

SECTION 1. NAME

The name shall be herein referred to as the Alabama Indian Affairs Commission, or officially as otherwise prescribed in Act #84-257 and provided under Section 41-22-22, Code of Alabama, 1975, otherwise referred to as "The Davis-Strong Act".

SECTION 2. OFFICE

The principal office shall be at Montgomery, Alabama. The Commission may have offices at other such places as the Commission may appoint or the purpose of the Commission may require.

ARTICLE II

MEMBERS AND POWERS OF THE COMMISSION

SECTION 1. MEMBERS

The Alabama Indian Affairs Commission shall be composed of thirteen (13) members. All members of the Commission shall reside in Alabama.

The members shall include:

- (1) A member of the State Senate, to be appointed by the Lieutenant Governor.
- (2) A member of the House of Representatives, to be appointed by the Speaker of the House of Representatives.
- (3) Nine Indian representatives, representing each of the nine (9) Indian tribes, bands, or groups in the State of Alabama, appointed by the Governor upon recommendation submitted by the following tribes, bands, or groups:
 - (a) The Poarch Band of Creeks of Escambia County, one (1) member.
 - (b) The MOWA Band of Choctaw Indians, one (1) member.
 - (c) The Southeastern Mvskoke Nation, Inc., one (1) member.
 - (d) The Echota Cherokees of Alabama Inc., one (1) member.
 - (e) The Cherokee Tribe of Northeast Alabama, one (1) member.
 - (f) The Cher-O-Creek Intratribal Indians one (1) member.
 - (g) The Ma-Chis Lower Creek Indian Tribe of Alabama, one (1) member.
 - (h) The Piqua Sept of Ohio Shawnee Tribe, one (1) member.
 - (i) United Cherokee Ani-Yun-Wiya Nation, one (1) member.

- (4) The Commission shall appoint one (1) Alabama resident, who is a member Of a federally recognized Indian Tribe, band or group, that is not a member or The spouse of a member of any tribe represented on the Commission.
- (5) The Governor shall appoint one (1) member at-large, who may be an Indian or non-Indian; provided, however, that the majority of members of the Commission shall always be Indian.

SECTION 2. CERTIFICATION

Certification of each of the Indian appointments specified above shall be by letter from an official of the tribe, band, or group authorized to transmit appointments by the chief executive office or the governing body of the tribe, band, or group.

A copy of the letter from the appointing authorities, the Governor, Lieutenant Governor and Speaker of the House of Representatives, shall be acceptable authority for membership to the Alabama Indian Commission. Each Commissioner shall submit his/her letter of appointment from the appointing authority to the Executive Director or Chair within fifteen (15) days of his/her appointment.

Certification of appointees made by officials of the Alabama State Government shall be by letter from the cognizant appointing official.

SECTION 3. POWERS

The Commission shall assume all powers delegated to it by the Davis-Strong Act and not otherwise forbidden by the Constitution and laws of the State of Alabama; including, but not limited to, the following:

- (1) To establish a place of principal office.
- (2) To conduct meetings and elect/appoint officials to operate in its behalf.
- (3) To adopt bylaws, rules, and procedures for its operation.
- (4) To select and employ an executive officer who will serve at the pleasure of the Commission.
- (5) To advise officials of state government in matters relating to the health, education, and general welfare of the Indian citizens of the State.
- (6) To solicit and accumulate funds from federal, state and private sources for the purpose of meeting the health, education, and general welfare of the Indian Citizens of Alabama.
- (7) To develop criteria for recognition by the Commission as an Indian tribe, band, or group.
- (8) All officers of the Commission will be elected for a period of two (2) years and no officer shall serve more than two (2) consecutive terms in the same capacity beginning with the June 1991 election.
- (9) To exercise such other powers, adopt such other policies, procedures, and rules as are consistent with the Joint Administrative Committee's approval and compliance with the Administrative Procedures Act of 1981.

ARTICLE III

OFFICERS AND RESPONSIBILITY

SECTION 1.

Officers of the Commission shall be elected biennially and shall be the Chair and, Vice Chair. A majority vote of the Commission members present is required.

SECTION 2. CHAIR

The Chair shall preside at all meetings of the Commission and exercise general charge and supervision of the Commission. Any and all duties of the Chair may be assigned to the Executive Director by the Chair. The Chair shall also be known as the Chair of the Alabama Indian Affairs Commission and shall have the following duties:

- (1) To represent the Commission in its official business.
- (2) To disseminate or cause to be disseminated information pertaining to the betterment of the Indian citizens of Alabama and the Commission.
- (3) To appoint all standing, special and ad hoc committees.
- (4) To render an annual report of the activities of the organization to the Secretary of State of Alabama on or by April 15 for the previous year.
- (5) To prepare the annual budget of the commission and present it to the Commission.
- (6) To exercise general supervision of the Executive Director and prepare an annual evaluation of his/her performance. The evaluation shall be done on the anniversary date of the Executive Director, using the State Merit System evaluation form, each Board Member is to fill out an evaluation form on the Executive Director and the Chair shall total and average the evaluation forms for the results to achieve the Director's evaluation and present to the Commission at the next meeting following the anniversary date.
- (7) To appoint from the body of the Commission a Parliamentarian to serve concurrently with the term of the Chair.
- (8) The Parliamentarian as appointed by the Chair Under Article 3 Section 2 is to advise on points of parliamentary procedure.
- (9) The Parliamentarian is to notify the Chair of parliamentary concerns.
- (10) The Parliamentarian gives an opinion; the Chair makes a ruling.
- (11) To serve as an Ex Officio member on all Committees.

SECTION 3. VICE CHAIR

The Vice Chair of the Commission shall serve as Chair of the Commission in the absence of the Chair at any meeting of the Commission, and if the office of the Chair is vacated for any reason, shall become the Chair of the Commission for the remainder of the term of the Chair, exercising all the duties and powers of the Chair delineated by these bylaws.

- (1) In the event that the Vice Chair becomes Chair as outlined in Section 3 above; the commission shall at its next regular Board meeting elect a Vice Chair from its members.
- (2) In the event the Vice Chair resigns, their appointment is terminated, or no longer is able to continue in office, with the exception of Section 3 (1) above, the Commission shall elect a Vice Chair from its members at its next regular Board meeting.

ARTICLE IV

CUSTODIAN OF COMMISSION FUNDS

SECTION 1.

- (a) The following three (3) officers shall have responsibility for the safe and effective use of the funds for the Commission:
 - (1) Executive Director
 - (2) Chair
 - (3) Vice Chair

These three (3) officers shall comprise the Finance Budget Committee of the Commission and each shall have the authority specified below:

- (a) Any expenditure in excess of Five Thousand (\$5,000.00) Dollars must be approved by a majority of the Commission.
- (b) No expenditure of the Commission may be made that is not in accordance with the terms of any appropriation made by the State Legislature or, in the case of federal grants or private contributions, not in accordance with the terms of those grants or contracts.
- (c) In the absence of the Executive Director, the Chair or Vice Chair may affix their signature to any financial document.

ARTICLE V

VOTING

SECTION 1.

Each of the thirteen (13) members of the Commission shall have one (1) vote to exercise on any question brought before the Commission in session assembled.

In the event a vote on an issue before the Commission is tied upon each member casting the vote to which he is entitled, the vote of the Chair, either affirmative or negative, may be the determining vote.

ARTICLE VI

STANDING COMMITTEES

CRITERIA COMMITTEE -

Duties are governed by the Administrative Code Chapter 475-X-3: Adopted 11/95.

FINANCE COMMITTEE -

No expenditures of the Commission may be made that is not in accordance with the terms of any appropriation made by the State Legislature or, in the case of federal grants or private contributions, not in accordance with the terms of those grants or contracts.

SCHOLARSHIP COMMITTEE -

The Board shall appoint a Scholarship Committee when the Board deems necessary.

BYLAWS COMMITTEE -

To review and recommend changes to the Commission as deemed necessary by a majority vote of the Commission Board.

ARTICLE VII

AMENDMENT OF BYLAWS

These bylaws may be altered, amended, or replaced by vote of a majority of the Commission in regular or special session assembled, provided that written notice be given by the Chair of any intent to alter, amend, repeal, or adopt new bylaws at any meeting. Such intentions must be stated in the call for the meeting.

Revised 10/7/16