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## **PUBLIC NOTICE**

### **Native Village of Kotzebue Ordinance 23-01**

**AN ORDINANCE TO AMEND AND RESTATE  
TRIBAL ORDINANCES AT TITLE 1, CHAPTER  
4: TRIBAL COUNCIL STRUCTURE, AS  
ADOPTED BY ORDINANCE 04-01 AND  
AMENDED BY ORDINANCES 14-02 AND 22-01.**

**The Native Village of Kotzebue Tribal Council  
welcomes your input regarding Tribal Government  
Operations.**

**Please submit your comments by Friday May 19 to:  
Siikauraq Whiting, Executive Director at  
[siikauraq@qira.org](mailto:siikauraq@qira.org)**

*Quyannaqpak!*



**NATIVE VILLAGE OF KOTZEBUE  
ORDINANCE #23-01**

**AN ORDINANCE TO AMEND AND RESTATE TRIBAL  
ORDINANCES AT TITLE 1, CHAPTER 4: TRIBAL COUNCIL  
STRUCTURE, AS ADOPTED BY ORDINANCE 04-01 AND  
AMENDED BY ORDINANCES 14-02 AND 22-01.**

**Title One: Tribal Government Operations - Code of Ordinances  
Chapter Four  
Tribal Council Structure**

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## **Section 1: Council Member and Officers**

- A. Nine Member Council:** The Native Village of Kotzebue (NVOK) Council shall consist of nine (9) members. Eight (8) of the members shall be elected by the Tribal voters. One (1) of the members shall be a youth – meaning between the ages of 18-29 at the time of election. One (1) Elder shall be appointed by the Kotzebue Elders Council to serve annually on this council.
- B. Officers of the Council:** The officers of the NVOK Tribal council shall be the Chairman, Vice Chairman, Secretary, and Treasurer. The Council itself shall select the officers, after each annual election for council members. In the event of a vacancy of an officer position during the year, the remaining council members shall decide how the position shall be filled.
- C. Voting Rights:** All members of the NVOK shall have the right to vote except in cases of conflict of interest as defined in Title 1; Chapter 1, Section 6 of this Code.
- D. Duties of Officers:** The duties of the officers shall be as follows:
1. **Chairman:** The Chairman shall preside over meetings of the Council and of the Tribe. The Chairman shall provide general supervision for the affairs of the Tribal Council. In the absence of the Executive Director, the Chairman shall sign, with either the Vice Chairman or Secretary or Treasurer, all contracts, leases, and other documents approved by a quorum of the Council. When the Council is not in session, he or she shall be the official representative of the Tribe.
    - a) **Emergency Executive Order:** Under emergency situations involving the health, safety, and welfare of the Tribe, the Chairman may issue an Emergency Executive Order, which has full force and effect of a tribal ordinance. Such Emergency Executive Orders shall state the nature of the emergency and shall only be in effect until a quorum of the full Tribal Council can be established to approve or reject the Order, but in no case be effective longer than 30 days.
  2. **Vice Chairman:** The Vice Chairman shall assist the Chairman when called upon to do so. In the absence of the Chairman, the duties and authority of the Vice Chairman shall be the same as those of the Chairman.
  3. **Secretary:** The secretary shall take or may delegate the taking of minutes of all meetings to administration. The secretary shall issue or delegate the duty of issuing notices of all meetings and elections and shall sign legal documents as needed.

4. **Treasurer:** The Treasurer shall carry out the financial directives of the Council, receive all monies and keep accurate account of the receipts and disbursements, except when these are otherwise delegated by the Council. The Treasurer shall give a financial report as requested by the Council. The Treasurer may assume the duties and responsibilities of the Tribal Court Clerk unless another person is so designated. Upon vacating this office, the Treasurer shall turn over all records and papers in their possession to the successor to the Council.

**Section 2. Council Terms of Office, Seat Designations, and Staggering.**

- A. **Terms and Seat Designations.** The eight (8) elected Council members shall serve for 3-year terms, provided that shorter terms may be used to initiate a staggering process. Seats A-G are for regular council members and Seat Y is the youth member. The ninth (9<sup>th</sup>) seat, Seat U, shall be appointed annually by the Kotzebue Elders Council. Records of the Council members and the terms they are serving shall be kept in Council files. The Kotzebue Elders appointee shall serve a term of one year and will be afforded the courtesy, all the consideration, voting, and informational rights as the other elected officials.
- B. **Staggering.** The cycle for staggering seats is 3, 3, 2. That is, in the first two years of the 3-year cycle, 3 council seats are elected. In the third year, two seats are elected. Then the cycle repeats. Seat designations and terms will be recorded in the permanent records of the Tribe with Council certifications. Each elected Council member will be given written copy of the Tribal Council Elections Certificate indicating their seat assignment and the end of their term (which is the date of the next election for their seat). A vacancy that occurs for any reason will not change the seat’s term or designation. When a vacancy occurs, the Administration shall advertise a Notice of Vacancy and receive letters of interest from eligible Tribal members. The Council by a majority vote of remaining Council members, shall review the letters of interest and appoint a qualified person to fill a vacancy to serve until the next Tribal election.

<b>Election Year</b>	<b>Council Seat</b>	<b>Term End Date</b>
2021	B	2024
	E	2024
	G	2024
	U	2022
2022	C	2025
	D	2025
	Y	2025
	U	2023
2023	A	2026
	F	2026
	U	2024
2024	B	2027

	E	2027
	G	2027
	U	2025

*The table above is illustrative of the 3-year repeating cycle of the current seat designation and terms. This 3-year repeating seat designation and terms will continue in the same order as above beyond 2024 and remain in place until repealed, or replaced, by a future Ordinance addressing seat designations or terms.*

**Section 3. Qualifications for Tribal Council Positions**

A. To be eligible to serve on the Native Village of Kotzebue Tribal Council, candidates must meet the following criteria:

**1. Tribal Council Member:**

- a. Must be a Native Village of Kotzebue Tribal member;
- b. Must be 18 years of age or older;
- c. Must physically reside in Kotzebue for at least 60 days prior to an election;
- d. Must have at least five (5) cumulative years of Tribal membership in the Native Village of Kotzebue;
- e. Cannot have been convicted of a felony within the previous 5 years; and
- f. Cannot be an employee of the Tribe.

**2. Youth Tribal Council Member:**

- a. Must be a Native Village of Kotzebue Tribal member;
- b. Must be 18 to 29 years of age;
- c. Must physically reside in Kotzebue for at least 60 days prior to an election;
- d. Must have at least five (5) cumulative years of Tribal membership in the Native Village of Kotzebue;
- e. Cannot have been convicted of a felony within the previous 5 years; and
- f. Cannot be an employee of the Tribe.

**3. Kotzebue Elders Council Representative:**

- a. Must be appointed by the Kotzebue Elders Council annually, on or about, the Native Village of Kotzebue Annual meeting date;
- b. Must be a Native Village of Kotzebue Tribal member;
- c. Must be 18 years of age or older;
- d. Must physically reside in Kotzebue for at least 60 days prior to an election;
- e. Must have at least ten (10) cumulative years of Tribal membership in the Native Village of Kotzebue;

- f. Cannot have been convicted of a felony within the previous 5 years; and
- g. Cannot be an employee of the Tribe.

#### **Section 4. Regular Elections Process and Requirements.**

- A. **Establishing the Date of the Annual Meeting and Election.** At one or more regular Council meeting occurring no later than May 1 of each calendar year, the topic of scheduling the Annual Meeting will be placed on the agenda. By motion, the Council will establish the Annual Meeting to occur no earlier than March 31st and not later than August 30. The date selected will accommodate the requirement of giving a minimum of 14 days' notice, and preferably at least 30 days' notice of the Annual Meeting to Tribal members eligible to vote. After the date for the Annual Meeting has been established and notice has been issued under *Section B* below, the date may be postponed only by the affirmative vote of not less than a quorum of the Council, based on unavoidable disaster or emergency, or based on a material defect in notice of the meeting or other material error in following the procedures set out in this Code.
- B. **Notice to the Members.** After the Council has set the date for the Annual Meeting, the Executive Director shall cause to be published in at least 3 public places, a formal notice of the meeting date, time, nominations deadline, and location. The Notice will be posted on local bulletin boards and prominently on the Tribe's website. Additional notices may be authorized by the Executive Director to promote full participation of the membership.
- C. **Nominations for Council.** A Tribal member who is eligible to run for Council may nominate themselves as a candidate. A self-nomination is deemed automatically accepted when the nomination is clearly communicated to the Voting Official. When a Tribal member eligible to vote nominates another Tribal member for office, the nomination must be accepted by the nominee, before the close of nominations by the Voting Official. Nominations and acceptances shall be communicated to the NVOK Voting Official.
- D. **Voting Official.** The Voting Official shall be the Executive Director of the Native Village of Kotzebue, unless another person is designated by the Tribal Council Chair. The Voting Official shall conduct the nomination process. The Native Village of Kotzebue Administration shall verify nominee eligibility.
- E. **Posting the Qualified Tribal Candidates for Office.** Qualified candidates will be posted, immediately visible to the balloting area, in random (not alphabetical) order. The Voting Official will draw the order of names.
- F. **Form of Ballot.** A ballot form for casting a secret written ballot will be prepared by the Voting Official. The seats available to be filled will match the number of lines on

the ballot. The ballot will direct the voter to name no more candidates than the number of seats available for election, from the posted list of nominees. The voter may choose to vote for fewer than the number of seats available.

- G. **Annual Meeting Agenda.** The Council shall approve the Annual Meeting Agenda for posting at the location and on the website, at least 5 days before the Annual Meeting.
- H. **Voting Process.** To provide a total count of the Tribal members attending and voting, all voters must complete registration, and obtain a ballot.
- I. **Counting of Votes.** Candidates receiving the highest number of votes will be appointed to the open seats with 3-year terms. When there is a seat vacancy with a term shorter than 3 years, the next highest vote getter(s) are appointed to the shorter term seats in ascending order. The only seat that a candidate must specifically run for, is the Youth Seat, as that position has a distinct age qualification. If there is a tie vote between one or more candidates, the assignment will be determined by drawing or coin flip, administered by the Voting Official.
- J. **Oath of Office.** Once the elections are complete and signed by the Election Judge, the Tribal Council Chair or their designee, will swear in the newly elected Tribal Council members at the Annual Meeting using the following Oath of Office:

*I, [ NAME ], do solemnly swear that I will support the Constitution and Bylaws of the Native Village of Kotzebue, and that I will honestly, faithfully, and impartially perform the duties of the Native Village of Kotzebue Tribal Council so help me God.*

#### **Section 5. Forfeiture, Removal, and Recall.**

**A. Forfeiture:** Any member of the Council who:

1. Moves out of Kotzebue, submits a written resignation that is accepted by the Council; or
2. Is convicted of a felony of moral turpitude while in office will be automatically forfeited of this office; or
3. Has three (3) consecutive and unexcused absences. When sufficient notice is provided for the third meeting, a Council member will be provided a written warning before their seat is forfeited, so that they have the opportunity to become active again.

**B. Removal:** Any Council member found guilty by the Tribal Council of neglect of duty, gross misconduct, and offense involving dishonesty, or in serious violation of the Kotzebue Ethic standards for tribal officials may be removed by the Council. A



minimum of five (5) Council members must vote in favor of the removal. A member subject to removal shall first be given ten (10) days written notice of the charges against him or her and be given an opportunity to answer any such charges before the Council votes on the removal. If the person fails to appear before the Council they shall proceed with the vote as scheduled. No member of the Council shall preside over the meeting at which his or her removal is being considered.

C. **Recall:** Any member may be recalled by the Tribal voters through a petition and an election process (this states the process to be used)

**1. The recall petition document must:**

- a. Be signed by 30% of the adult Tribal membership residing in Kotzebue.
- b. Be gathered and submitted within a 30-day period in order to make a valid petition.

**2. Special Election Process for recall:**

- a. The Council shall call for a Special Election within 60 days of receiving the petition.
- b. If a majority of the eligible voting membership living in Kotzebue are in favor of the recall then the official shall be removed.
- c. No official may be subject to recall proceedings more than once in the course of his or her term for the same incident.
- d. If the Council fails to call a special election, the Tribal membership may hold a Tribal membership meeting to conduct such business, and a majority of the total number of Tribal voters who reside in Kotzebue must vote in favor of the recall for it to take effect.
- e. It shall not be necessary to circulate a separate petition calling for the membership meeting; however, a public notice shall be posted at least 30 days prior to such a meeting.

**Section 6. Vacancies on the Tribal Council**

A. **Declaring a Seat Vacant.** The Council shall declare a seat vacant when it is forfeited, or when a Council member is deceased, resigns or is removed, recalled, fails to qualify as a Tribal member, is physically or mentally unable to perform the duties of a Council member as determined by a minimum of five affirmative Council member votes, or commits a felony while in office.

- B. **Filling Vacancy by Appointment.** The Council by majority vote of remaining Council members, shall appoint a person to fill a vacancy to serve until the next Tribal election.
- C. **Vacancy in the Chairman's Position.** In the event of a vacancy of the Chairman's office, the Vice Chairman shall move into the Chairman's position. The council shall appoint a new Vice Chairman.

This ordinance repeals and supersedes all prior inconsistent ordinance sections enacted regarding the same topic.

**CERTIFICATION OF ADOPTION**

Date: March 21, 2023 First Reading

Date: April 18, 2023 Second Reading

By a Vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against, and \_\_\_\_\_ abstaining, this Ordinance was adopted at a Regular Meeting of the Kotzebue IRA Council held this \_\_\_\_\_ day of \_\_\_\_\_ 2023, after First and Second Readings specified above, as certified by the undersigned duly-appointed officers of the Native Village of Kotzebue.

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Toni Raye Bergan, Council Chair

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Shylena Lie, Council Secretary