

CONSTITUTION OF THE CALIFORNIA VALLEY MI-WUK TRIBE OF THE SHEEP RANCH RANCHERIA

Preamble

We, the members of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria, in memory of our ancestors and in order to preserve peace and order in our community, promote the general welfare of our people and our descendants, protect the rights of the Tribe as a sovereign nation and of our members, and to preserve our culture, identity and to protect our archeological sites do hereby adopt this Constitution for the purpose of organizing a tribal government under an elected tribal council. This constitution will supersede the tribal constitutions of December 11, 1999 and February 18, 2006. The Constitution retains and incorporates the particular agreements made by Yakima Dixie subsequent to 1999 on behalf of The Tribe and the resolutions made by the Tribal Council subsequent to February 18, 2006, unless nullified or revised by new legislation.

Article 1 – Name

Upon acceptance of this Constitution the name of the Tribe shall be: California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria.

Article 2 – Purpose

The purpose of this Constitution shall be to protect and promote the interests of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria as a sovereign nation, to develop cooperative relations with the agencies of the Federal, State and local governments, to develop tribal resources, acquire a tribal land base, and promotion of educational and commercial opportunities, in order to promote self-sufficiency for the social and economic betterment of all members of the Tribe and its future generations.

Article 3 – Territory and Jurisdiction

Section 1 - The territory of the tribe shall include all land hereafter acquired by the tribe and/or all land hereafter acquired by the United States government for the benefit of the tribe, including but not limited to air, water, surface, subsurface,

natural resources and any interest therein, notwithstanding the issuance of any patent or right-of-way in fee or otherwise, by the governments of the United States or the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria, existing or in the future.

Section 2 – The Tribe shall have jurisdiction over all tribal members and over all persons, subjects, property and all activities occurring within its territories defined by Section 1 of this article.

Section 3 - The headquarters of the Tribe is the site of the Tribe's historic Rancheria at Sheep Ranch, California. However, the Tribal Council may relocate the Tribe's headquarters to another location owned by the Tribe in fee or owned by the United States in trust or otherwise on behalf of the Tribe.

Article 4 – Membership

Section 1 - The membership of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria shall consist as follows:

1. Original enrollees. Mi-wuk descendants who have been identified and recognized by the Bureau of Indian Affairs, United States Department of the Interior based on the August 13, 1915, Census of Indians at or near Sheep Ranch, Calaveras County, California, the June 6, 1935, Approved List of Voters for Indian Reorganization Act of Sheep Ranch Rancheria, Calaveras County, California and the August 11, 1964, Approved Plan for Distribution of the Assets of the Sheep Ranch Rancheria, in accordance with provisions of Public Law 85-671, approved August 18, 1958, and amended by Public Law 88-419.
2. Secondary enrollees. Persons meeting any of the following criteria.
 - a. Any Mi-wuk person (not designated in section (1) who lived on the Sheep Ranch Rancheria for a period not less than two full years between 1915 and the distribution of the land included within the Rancheria to Mable Hodge Dixie in 1967, and any lineal descendent of such a person.
 - b. Any person who is a lineal descendent of a Mi-wuk family with historic ties to the area described within the boundaries of Calaveras County in the State of California.
 - c. All children born to members of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria.

Section 2 – The General Council shall have the power to make rules governing the adoption of new members or the termination of membership in the tribe.

Section 3 - Dual Membership Prohibited. No person shall be eligible to be a member of the California Valley Mi-wuk Tribe of Sheep Ranch Rancheria if that person is enrolled in another federally recognized Indian tribe unless that person

submits in writing proof of withdrawal from the other tribe within 60 days after acceptance to the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria. Persons who meet the requirements of this Article, but who have been allotted land from another tribe or band shall not be eligible for membership unless that person submits in writing proof of relinquishment of the rights to the land within 60 days of acceptance to the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria. Any member of the California Valley Mi-wuk Tribe of Sheep Ranch Rancheria who applies to be and is accepted as a member of another federally recognized tribe shall be subject to dis-enrollment and the forfeiture of all rights and benefits to which California Valley Mi-wuk Tribe of Sheep Ranch Rancheria tribal members are entitled by virtue of their membership. However, this section shall not apply to any person under the age of 18 years who becomes a member of another federally recognized tribe, unless such person continues membership in the other tribe following the person's eighteenth birthday.

Section 4 - Membership disqualification: withholding tribal property. Persons who have had possession or control of property belonging to the Tribe or who have benefited from such control, shall not be eligible for admission to membership in the Tribe under section (1 or 2) of this Article, unless the Tribal Council determines that all such property has been voluntarily transferred to the possession or control of the Tribal Council. The Tribal Council's determination shall be made by approval of a written resolution identifying the property and stating that the Tribal Council has assumed possession or control of the property. In which case such persons will not be eligible to hold any office or serve on any committees for their lifetime.

Paragraph 1 of this section (4) does not apply to property that is no longer in the possession or control or for the benefit of the person applying for membership in the Tribe under section (1 or 2), unless the property was misused for personal purposes, in which case the person shall make restitution to the Tribe of the value of the property as a precondition to becoming eligible for membership and will not be able to hold any office or serve on any committees for their lifetime.

All voluntary relinquishments of membership in the tribe shall be done in writing in accordance with the procedures established by the Enrollment Ordinance.

Section 5 - Enrollment and membership roll. The official membership roll shall be prepared and updated at least annually in accordance with an Enrollment Ordinance adopted by the Tribal Council. The Enrollment Ordinance shall contain provisions for enrollment procedures consistent with this Constitution. The Tribal Council shall provide a copy of the official membership roll to any member of the General Council upon request.

Article 5 – Governing Body

Section 1 - The governing body of the California Valley Mi-wuk of the Sheep

Ranch Rancheria shall be known as the General Council.

Section 2 – The general council shall consist of all enrolled members of the tribe, eighteen (18) years of age or older. The general council shall exercise those authorities delegated to it by this constitution and bylaws including the election of a tribal council. The first tribal council shall be elected within 90 days of acceptance of this constitution. Until that time the people identified in Article 4, Section 1-1 shall act as an interim Tribal council and shall be limited to ratification of this constitution and to enroll new members that qualify according to Article 4, Section 1-2.

Section 3 – The Tribal Council shall consist of a Chairperson, Vice-Chair, Secretary, Treasurer and three (3) members at large for a total of seven (7) members elected from the General council. Other committees may be appointed or elected when deemed necessary.

Section 4 - All members of the Tribal council shall be 21 years of age or older.

Article 6 – General Council

Section 1- All duly enrolled tribal members eighteen (18) years of age or older shall be members of the general council of the Valley Mi-wuk Tribe of the Sheep Ranch Rancheria and shall be eligible to vote in all tribal elections, referendums, recalls, repeals and at all meetings of the general council. The general council shall meet once a month on the third Saturday of the month. For general council meetings a quorum is 30% of the eligible voting members.

Section 2 - The following powers shall be exclusively reserved to the general council. No exercise or abridgment of these powers by the tribal council or by any other agency, officer or committee of the tribe shall be effective unless the general council has given its consent to such action by a two-thirds vote of its eligible voters:

- a. To elect tribal officers;
- b. The power of initiative, referendum and recall;
- c. The power to veto tribal council approval or disapproval of adoptions of new members or dis-enrollment of existing members; Provided, That such veto power is exercised within three (3) months of the subject tribal council action;
- d. The power to sell or relinquish land owned by the tribe or land held in trust for the tribe by the United States of America. Except that, the tribal council may by majority vote of the entire council authorize grants of rights of way over tribal lands or interests therein for the purpose of providing municipal services, such as water, sewer disposal, electricity, telephone and roads, to and for the benefit of tribal members, or the

heirs and descendants of tribal members who hold a land use assignment or lease.

- e. The power to sell or relinquish any tribal hunting or fishing rights;
- f. The power to grant or relinquish any tribal jurisdiction to any other government, agency, organization, or person;
- g. The power to revoke, terminate or diminish a right reserved or delegated to the tribe by federal law;
- h. The power to waive the tribe's immunity from suit;
- i. To prescribe rules and regulations governing loss of membership.

Article 7 – Tribal Council

The tribal council shall have the following powers, to be exercised consistent with this constitution and applicable tribal laws.

- a. On behalf of the tribe, to consult, negotiate, contract, or conclude agreements with federal, state, local and tribal governments and with private persons and organizations;
- b. To employ legal counsel of its choice on behalf of the tribe or for the benefit of tribal members and to fix the fees for such counsel in accordance with federal law.
- c. To make recommendations to the Secretary of the Interior or to his authorized representative, with regard to all appropriation estimates for all projects which are for the benefit of members of the tribe, prior to the submission of such estimates to the Office of Management and Budget and Congress.
- d. To borrow money from public and private sources and to pledge, mortgage or assign tribal assets except as otherwise provided in this constitution;
- e. To set aside and to spend tribal funds for tribal purposes;
- f. To impose taxes on all persons, property and any business activities located or conducted within tribal jurisdiction; provided no tax shall be imposed on real property in trust by the United States of America;
- g. To regulate the use and development of all tribal lands, whether assigned, or unassigned, and to manage, lease, or otherwise use all unassigned tribal lands in accordance with federal law.
- h. To charter and regulate corporations, cooperatives, associations, special districts, housing authorities, educational and charitable

institutions, political subdivisions and other entities;

- i. To license and regulate the conduct of all business activities within tribal jurisdiction;
- j. To establish enterprises as branches or agencies of the tribal government and, otherwise to engage in business activities and projects which promote the economic well-being of the tribe and its members;
- k. To purchase and to acquire in other ways land and other property;
- l. To manage, develop, protect and regulate the use of water, minerals, and all other natural resources within tribal jurisdiction;
- m. To enact laws, statutes and codes governing conduct of individuals and proscribing offenses against the tribe; to maintain order to protect the safety and welfare of all persons within tribal jurisdiction; and to provide for the enforcement of the laws and codes of the tribe;
- n. To establish tribal courts or courts of Indian offenses, from time to time as may be required, and to provide for the court or courts jurisdiction, procedures, and a method for the selection of judges;
- o. To prescribe conditions under which non-members may enter and remain on the reservation and to establish procedures for the exclusion of non-members from any land within the tribe's jurisdiction;
- p. To assert as a defense to lawsuits against the tribe the sovereign immunity of the tribe; except that no waiver of sovereign immunity can be made by the tribal council without prior approval of the general council;
- q. To regulate the domestic relations of members of the tribe; to provide for the guardianship of minors and incompetent persons within tribal jurisdiction; to provide services for the health, education and welfare of all persons within tribal jurisdiction;
- r. To regulate the inheritance of all lands within tribal jurisdiction and all property owned by persons within tribal jurisdiction; and to provide for escheat of property to the tribe; provided that no law, statute, code or ordinance governing the inheritance of property owned by tribal members shall be in violation of applicable federal law;
- s. To enact ordinances consistent with this constitution establishing procedures for the nomination and election of tribal officers;
- t. To appoint, direct and set the compensation of a tribal business administrator or manager; and to establish policies and procedures for the employment of tribal personnel;
- u. Subject to any limitations contained in this constitution, to delegate any

powers vested in the tribal council to subordinate tribal officers, tribal employees, or other appropriate person; and

- v. To take all actions which are necessary and proper for the exercise of the powers delegated to the tribal council and to delegate said power to any person or committee under supervision of the tribal council.

Any rights and powers heretofore vested in the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria but not expressly referred to in this constitution shall not be lost by reason of their omission but may be exercised by the general council through the adoption of appropriate amendments to this constitution.

Article 8 – Duties of Officers

All Tribal Council Officers will uphold the following rules:

1. **Chairperson** - The chairperson shall exercise the following powers as the chief executive officer of the tribe:
 - a. Preside over all meetings of the Tribal Council and General Council;
 - b. Faithfully implement and enforce the legislative enactments and policies of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria;
 - c. Vote at all meetings of the Tribal Council;
 - d. Act as the principal spokesperson and representative for the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria in its dealings with all other governmental and non-governmental entities;
 - e. Subject to the approval of the Tribal Council, appoint all non-elected officials and employees of the tribal government and direct them in their work, subject only to applicable restrictions embodied in the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria Constitution or in enactments of the Tribal Council establishing personnel policies or government personnel management;
 - f. Subject to the approval of the Tribal Council, establish such boards, committees, or subcommittees as the business of the Tribal Council may require, and to serve as an ex-officio member of all such committees and boards;
 - g. Subject to the approval of all contracts by the Tribal Council, serve as a contracting officer or agent for the tribe, including authority to retain legal boards;

- h. Take such actions, including removal and/or barring of persons from tribal lands, as may be necessary to safeguard the health and/or safety of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria or its natural resources from imminent danger pending action by the Tribal Council, provided, however, that the chairperson first shall have attempted to convene a special meeting of the Tribal Council on the issue. If such emergency action was not preceded by a meeting of the Tribal Council authorizing such action, the tribal chairperson shall, within forty-eight (48) hours after taking such action, convene a special meeting of the Tribal Council at which the only item of business shall be responding to the emergency. If the Tribal Council declines to ratify the chairperson's emergency action, or if no meeting is held within the time allowed, therefore, said action shall cease to have any enforcement or effect;
 - i. Call special meetings of the Tribal Council as provide in the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria Constitution;
 - j. Prepare and present to the Tribal Council for approval, no later than one hundred and twenty (120) days prior to the beginning of each fiscal year, a proposed annual tribal financial plan that sets forth in detail the then current assets of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria, the sources and amounts of all anticipated tribal revenues for the year, and a tribal budget for said year;
 - k. The chairperson shall not hold any other position on the Tribal Council;
 - l. The chairperson will disclose any remunerative employment which may pose a conflict of interest with the tribe's enterprises or business activities during his/her term of office and shall be excluded from participating on any action pertaining to that employment; and
 - m. Faithfully implement and enforce the legislative enactments and policies of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria. The chairperson shall uphold the majority decisions of the General Council and the Tribal Council regardless of personal objections.
2. **Vice-Chairperson** - The vice-chairperson shall, in the absence of the chairperson, perform all duties and assume all the responsibilities vested in the chairperson and shall abide by the following:
- a. Preside over meetings of the Tribal Council or General Council in the absence of the chairperson;

- b. Vote at all meetings of the Tribal Council;
- c. Upon the request of the chairperson, assist in carrying out the duties of the chairperson;
- d. Act in place of the chairperson as the spokesperson or representative of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria upon written delegation by the chairperson or the Tribal Council;
- e. Perform other duties as the chairperson may direct;
- f. Become the contracting officer or agent for the tribe, subject to the approval of all contacts by the Tribal Council, when the chairperson refuses;
- g. The vice-chairperson shall not hold any other position on the Tribal Council;
- h. The vice-chairperson will disclose any remunerative employment which may pose a conflict of interest with the tribe's enterprises or business activities during his/her term of office and shall be excluded from participating on any action pertaining to that employment; and
- i. Faithfully implement and enforce the legislative enactments and policies of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria. To uphold the majority decisions of the General Council and Tribal Council regardless of personal objections.

3. **Secretary** - The secretary shall have the following powers and duties:

- a. Call the roll, handle all official correspondence of the Tribal Council;
- b. Make sure that the agenda for the scheduled Tribal Council and General Council meeting is prepared;
- c. Vote at all meetings of the Tribal Council;
- d. Faithfully prepare, record or cause to be recorded, and keep the minutes of the regular and special meetings of the Tribal Council and General Council. The Tribal Council may appoint a recording secretary to assist the secretary in recording Tribal Council and General Council meeting minutes and enactments;
- e. Certify and maintain custody of all resolutions, legislative enactments, and other official actions of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria and Tribal Council at the tribal office;
- f. Perform other duties as the chairperson may direct;

- g. The secretary shall not hold any other position on the Tribal Council;
- h. The secretary will disclose any remunerative employment which may pose a conflict of interest with the tribe's enterprises or business activities during his/her term of office and shall be excluded from participating on any action pertaining to that employment; and
- i. Faithfully implement and enforce the legislative enactments and policies of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria. To uphold the majority decisions of the General Council and Tribal Council regardless of personal objections.

4. **Treasurer** – The treasurer shall have the following powers and duties:

- a. Vote at all meetings of the Tribal Council;
- b. Accept, receipt for, keep, and safeguard all funds under the exclusive control of the tribe by depositing them in the bank insured by the agency of the Federal Government, or in any appropriate account or tribal trust account within the Bureau of Indian affairs, as directed by the Tribal Council and shall keep or cause to be kept an accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his or her custody to the Tribal Council at regular meetings and such other times as requested. The secretary/treasurer shall not pay or otherwise disburse any funds in the custody of the Tribal Council except when properly authorized to do so by the Tribal Council;
- c. Have the books and records audited at least once a year by a competent auditor employed by the Tribal Council, and at such other times as the General Council may direct;
- d. The treasurer may be required to give a security bond satisfactory to the Tribal Business Council;
- e. Unless unavailable due to vacation, training or sickness, all checks drawn on tribal funds shall be signed and all vouchers shall be approved for payment by the treasurer and at least one officer or designated check signer of the tribe in accordance with a written fiscal manual setting forth a procedure approved and adopted by the Tribal Council by resolution; Perform other duties as the chairperson may direct;
- f. The treasurer shall not hold any other position on the Tribal Council;
- g. The treasurer will disclose any remunerative employment which may pose a conflict of interest with the tribe's enterprises or business activities during his/her term of office and shall be excluded from

participating on any action pertaining to that employment; and

- h. Faithfully implement and enforce the legislative enactments and policies of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria. To uphold the majority decisions of the General Council and Tribal Council regardless of personal objections

5. Tribal Council Members At Large - The Tribal Council Members At Large shall have the following powers and duties:

- a. Vote at all meetings of the Tribal Council;
- b. Perform other duties as the chairperson may direct;
- c. The Tribal Council Members At Large shall not hold any other position on the Tribal Council;
- d. The Tribal Council Members At Large will disclose any remunerative employment which may pose a conflict of interest with the tribe's enterprises or business activities during his/her term of office and shall be excluded from participating on any action pertaining to that employment; and
- e. Faithfully implement and enforce the legislative enactments and policies of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria. To uphold the majority decisions of the General Council and Tribal Council regardless of personal objections.

Article 9 – Elections

Section 1 – At the first election under this constitution, the chairman and one (1) member receiving the highest number of votes shall be elected for a term of four (4) years. The vice-chairman and the two (2) members receiving the second highest number of votes shall be elected for a term of three (3) years. The Secretary and Treasurer shall be elected for a term of two (2) years. Thereafter, the term of office shall be for four (4) years. Elections shall be conducted at regular meetings of the General Council. Elections shall be conducted by secret ballot.

Section 2 – Any member of the General Council may announce his/her candidacy for a specific position of the Tribal Council provided the following qualifications are met:

- a. Must be at least twenty-one (21) years of age by the date of the election in which he/she desires to compete.
- b. Must not have been convicted of a felony or misdemeanor involving moral turpitude such as, but not limited to, fraud, embezzlement or theft.

- c. Must not have been found liable for a civil judgment issued by any court of competent jurisdiction for conduct, while an officer or employee of the California Valley Mi-wuk Tribe of the Sheep Ranch Rancheria, involving fraud, misappropriation, unauthorized use, theft, or conversion of tribal funds, assets, or property.
- d. Each prospective candidate must disclose to the election board any personal, financial and business interests that may create a conflict if that person is elected. Once elected each Council member shall report to the Tribal Council and election board any situation that may create a conflict while in office.

Section 3 – All qualified candidates for Tribal Council shall be entitled to address the General Council before voting.

Section 4 - Whenever a vacancy occurs in the office of Tribal Chairman or any other member of the Tribal Council prior to the expiration of the term of office, the General Council shall at the next scheduled meeting of the General Council fill the vacancy for the remainder of the unexpired term.

Section 5 – Four (4) members of the tribal Council shall constitute a quorum for the conduct of business. All actions of the tribal council shall require a majority vote of those in attendance.

Article 10 – Civil Rights of Members

Section 1 – The California Valley Mi-wuk Tribe of Sheep Ranch Rancheria, in exercising its powers of self- government, shall not:

- a. in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of the Tribe as citizens of the State of California or the United States.
- b. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- c. Violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- d. Subject any person for the same offense to be twice put in jeopardy;
- e. Compel any person in any criminal case to be a witness against himself;
- f. Take any private property for public use without just compensation.
- g. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory

- process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;
- h. Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one (1) year or a fine of five thousand dollars (\$5,000) or both unless greater penalty or punishment is permitted by federal law;
 - i. Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
 - j. Pass any bill of attainder or ex post facto law; or
 - k. Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

Section 2 - Tribal members shall have the right to review all tribal records, including financial records, at any reasonable time in accordance with procedures established by the tribal council except when to do so would be a violation of privacy.

Article 11 – Amendments

Section 1 - Amendments to this Constitution may be proposed and approved as provided in this Article 11. All amendments to the Constitution shall require the approval of a majority of the total membership of the General Council.

Section 2 - The Tribal Council may propose amendments to the Constitution by submitting its proposed amendments to the General Council.

Section 3 - Ten or more members of the General Council may propose amendments to the Constitution by submitting a request and amendment language to the Tribal Council, in which case the Tribal Council will submit the proposed amendments to the General Council for consideration at its next regular meeting, or may call a special meeting of the General Council.

Section 4 - The notice of any meeting of the General Council at which proposed amendments are to be considered shall contain the language of the proposed amendments and a brief description of the purpose and effect of the proposed amendments. If the proposed amendments are submitted by the Tribal Council, it shall submit the description. If the proposed amendments are submitted by proponent members of the General Council, the proponents shall submit the description.