

2 **Constitution of the**
3 **California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria**

4 **Dedication**

6 We, the People of the California Valley Me-Wuk Tribe of the Sheep
7 Ranch Rancheria, in the names of our ancestors and future
8 generations, in order to preserve peace and establish order in our
9 community, to protect the rights of the Tribe and its Members as a
10 sovereign nation, to preserve and advance our cultural identity, and to
11 promote the general welfare of our people and our descendants do,
12 hereby, establish this Constitution.

13 **History**

14 The California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria
15 is a federally recognized, Indian tribe, established on April 5, 1915
16 pursuant to Acts of June 21, 1906 (34 Stat. 325-333) and April 30,
17 1908 (35 Stat. 70-76). In this Constitution, the California Valley
18 Me-Wuk Tribe of the Sheep Ranch Rancheria may also be referred to
19 as "The Tribe".

20 Initially designated as "Sheepranch-Indians", the original 12
21 members of the tribe constituted the remnant of what was, once, quite
22 a large band of Indians who lived in the Sheep Ranch area of
23 Calaveras County and who dated their ancestry back, several
24 thousand years to pre-historic times. In 1936, the government
25 identified The Tribe as the "Sheep Ranch Rancheria"; one member
26 voted for The Tribe to become organized under the Indian
27 Reorganization Act of 1934; and in 1965, another member was
28 identified for the purposes of the Rancheria Termination Act. Unlike
29 the other rancherias, This Tribe was never terminated. The Circa
30 1976, the Federal government began publishing a list of federally

30 recognized tribes in the Federal Register; and therein, The Tribe
became identified as: "Sheep Ranch Rancheria of Me-Wuk Indians of
32 California", Then, in 2002, the name was changed in the Federal
Register to "California Valley Miwok Tribe, California (formerly the
34 Sheep Ranch Rancheria of Me-Wuk Indians of California)".

36 The tribal name on this Constitution is adopted during the
re-organization of 2008. From its inception to this Constitution, the
Tribe remained governed by Me-Wuk tradition, and those customs
38 continue to influence the conduct of the Tribe. Accordingly, The
Tribe, in more formal terms, enacts this Constitution to foment
40 advance the respect for the elders, the family unit, and development
of each individual, in the spirit of working together with patience, the
42 sharing of resources, democratic governance, and openness. The
Articles of Organization implement these general values.

44 **Summary**

46 In this Constitution, Tribal Membership is defined by Right and
Adoption, and by Ordinances that are adopted by the Tribal Council
48 (Article II). The Tribal Membership elects 7 Members to serve as
Officers on the Tribal Council (Article VIII); and all tribal matters
50 are governed and administered by that Tribal Council (Article III, IV,
and V). The Tribe has a Court System (Article VI) for resolving
52 disputes and enforcing Ordinances. The Constitution describes
procedures for the Removal of Officers on the Tribal Council and
filling Vacancies (Article IX), for Initiatives and Referenda (Article
54 XI), for the Civil Rights of its Members (Article XIV), and for
making Amendments to this Constitution (Article XVI), among other
56 provisions.

58 **Articles of Organization**

ARTICLE I - Territory and Jurisdiction

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Section 1. Territory. The territory of The Tribe shall include, to the fullest extent possible and consistent with federal law, all lands, water, property, airspace, surface and subsurface rights and other natural resources in which The Tribe now has or in the future will have any interest and which are owned by the United States for the exclusive or non-exclusive benefit of The Tribe or for individual members, excepting any rights-of-way.

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Section 2. Jurisdiction. Except as prohibited by federal law, The Tribe shall have jurisdiction over all tribal members and all persons, subjects, property, and activities which occur within its territory, as defined above, in Section 1 of this Article. Apart from the limitations that are imposed herein, there shall be no other limits on The Tribe to exercise its jurisdiction according to its inherent sovereignty.

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Section 3 - Headquarters. 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.

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ARTICLE II - Membership

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The Membership of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria shall be derived as follows:

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Section 1. Membership by Inherited Rights

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The Putative Members. Those individuals, who are identified in the April 2007, Public Notices of the BIA, is a Member of the Tribe.

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Census of 1929. Any individual, who is named on the "Indian Census Roll" for the County of Calaveras which is dated June 30, 1929 and was taken by L.A. Dorrington, Superintendent of the Bureau of Indian Affairs (BIA), or a lineal descendant, thereof, is a Member of the Tribe according to the Ordances for Membership adopted by the Tribal Council and completing the enrollment procedures as mandated in Section 9 of this Article.

Any individual, **who is identified as Me-wuk** and who is named on the "Indian Census Roll" for the county of Calaveras....

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Lineal Descent. Any person who is born to an existing Member is, by lineal descent, a Member of the Tribe, upon reaching the age of 18, and according to the Ordances for Tribal Membership as adopted by the Tribal Council and upon completing the enrollment procedures as mandated in Section 9 of this Article.

a Member of the Tribe, **and** upon reaching

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Section 2. Membership by Adoption. The Tribal Council shall have the authority to create procedures for Membership by Adoption as defined in the Ordinances for Tribal Memberships. A person, who have been adopted by the Tribe in accordance with such Ordinances, is a Member.

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Section 3. Rights of Members. All persons who are accepted as Members under Sections 1 and 2 of this Article shall have the rights as defined in Ordances for Tribal Membership.

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Section 4. Loss of Membership.

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A Member of The Tribe may not lose one's Membership involuntarily nor be disenrolled for any purpose other than erroneous facts about the person's lineage during the Enrollment process or having membership in another tribe.

membership in another **Federally Recognized** tribe.

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On a case by case basis, the Tribal Council, by majority vote, may

118 sanction a Member for a justifiable cause by withdrawing tribal
benefits and privileges. Such sanctioning shall be done in writing
and in accordance with the procedures that have been established in
120 the Ordinances for Tribal Membership.

122 **Section 5. Reinstatement.** Any person who has been sanctioned
pursuant to Section 4(b), above, may be restored in accordance with
the applicable enrollment ordinance.

124 **Section 6. Appeal.** Any person who has been disenrolled pursuant
126 to Section 4(a), above, or sanctioned pursuant to Section 4(b), above,
may appeal to the Tribal Court in accordance with the applicable
128 enrollment ordinance, Provided, That the Tribal Court shall not be
the same as the Tribal Council which disenrolled the Member.

130 **Section 7. Membership Roll.** The Tribal Council shall maintain the
membership roll of all current and former tribal Members.

132 **Section 8. Oath of Membership.** A person, upon initiation into The
134 Tribe as a Member, shall make an oath to uphold this Constitution
and allegiance to The Tribe; and this oath shall be prescribed in the
136 "Ordinance for Tribal Membership".

138 **Section 9. Membership Ordinance.** Consistent with this
Constitution, the Tribal Council shall enact an "Ordinance for Tribal
140 Membership" to define specific types of membership, the procedures
which govern the enrollment, responsibilities, and other conditions of
142 Membership.

144 **ARTICLE III - Governance**

The government of the California Valley Me-Wuk Tribe of the Sheep
Ranch Rancheria shall include a Tribal Council, a Tribal Court

146 System, and a Tribal Administration. The Tribal Council shall
operate in accordance with Articles IV and V. The Court System
148 shall operate in accordance with Article VI. The Tribal
Administration shall be subordinate to the Tribal Council and shall
150 operate in accordance with Article VII.

152 **ARTICLE IV - Tribal Council**

Section 1. Establishment. The legislative and governing body of
154 the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria
shall be known as the Tribal Council. All Tribal Council members
156 shall be enrolled members of The Tribe who are eligible voters of
The Tribe in accordance with this Constitution and who have been
158 duly elected by the election procedures in Article VIII. Each member
of the Tribal Council must reside within the territory of The Tribe or
within one hundred fifty (150) miles from the Territory of The Tribe.
160 The Tribal Council shall consist of seven (7) voting members and
various non-voting, adjuvant representatives as defined in this
162 Constitution or by ordinance. All Tribal Council Members are
elected at-large according to the procedures in Article VIII.

164 **Section 2. Chairperson.** The Tribal Council shall have one position
of Chairperson who must reside within the territory of The Tribe or
166 within one hundred fifty (150) miles from the Territory of The Tribe,
and who must be at least thirty five (35) years of age. The
168 Chairperson shall be elected by a majority of the elected Tribal
Council members.

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172 The duties of the Chairperson shall include, but not be limited to,
organizing the meetings of the Tribal Council, administering the
proceedings of the Tribal Council, and over-sight of all
174 administrative actives of The Tribe. The Chairperson is a voting
member of the Council.

176 **Section 3. Vice Chairperson.** The Tribal Council shall have one
178 position of Vice Chairperson who must reside within the territory of
178 The Tribe or within one hundred fifty (150) miles from the Territory
180 of The Tribe, and who must be at least thirty five (35) years of age.
180 The Vice Chairperson shall be appointed by the Chairperson from
among the 6 other elected members of the Tribal Council.

182 The duties of the Vice Chairperson will assist the Chairperson and
184 substitute for the Chairperson in the absence of that official. The
Vice Chairperson is a voting member of the Council.

186 **Section 4. The Other Council Members.** The five (5) other Tribal
188 Council Members shall perform functions as may be assigned by the
Council. These are voting members of the Council.

190 **Section 5. Non-voting, Adjuvant Representatives.** There shall be
192 established a Council of Elders, a Council of Youth, and an Office of
194 Hereditary Chief pursuant to an ordinance as mandated in Section 11
196 of this Article. Representatives of these Adjuvant Councils may
attend, address, and advise the Council. These are non-voting
positions. Other *ad hoc* Councils may also be established by the
Tribal Council under an ordinance according to Section 11 of this
Article.

Non-elected, Non-voting Representatives

198 **Section 6. Terms of Office.** The terms of office for all Tribal
200 Council Members including the Chairperson and Vice Chairperson
202 shall be four (4) years except as provided for in Article VIII, Section
3 - The First Election. There shall no limitations on serving
consecutive terms on the Tribal Council. All Tribal Council
Members must continue to meet the residency requirements as set
forth above for their respective Tribal Council seats during their term
of office.

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Section 6. Duties of the Officers. Consistent with this Constitution, the duties of the Tribal Council Members may be further defined by ordinance as mandated in Section 11 of this Article.

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Section 7. Meetings of the Tribal Council.

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The Tribal Council shall hold regular meetings, once per month.

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The Chairperson or any three other members of the Tribal Council may call special meetings of the Tribal Council. Adequate notice of all special meetings shall be given to all members of the Council as defined by an Ordinance.

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The meetings of the Tribal Council shall be conducted according to rules-of-order as defined by Ordinance; and Resolutions, Ordinances, and other Enactments shall be codified in a system that is similar to that of the Titles of the United States Code.

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At each regular or special meeting of the Tribal Council a person shall be appointed to take minutes of the meeting, and a copy of the minutes shall be preserved by the Tribal Council and available to tribal Members in accordance with an Ordinance.

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At each regular or special meeting of the Tribal Council, **the Secretary shall appoint a person to take minutes**

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Section 8. Quorum. Five (5) or more members of the Tribal Council shall constitute a quorum for any regular or special Tribal Council meetings. A quorum is required at all meetings in order to conduct official business of the Tribal Council and create Enactments as defined in Article XII.

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Section 9. Voting. The Tribal Council shall make decisions by a majority vote of those present except as otherwise provided in this constitution or in any ordinance which requires more than a majority

234 vote. All Tribal Council Members, including the Chairperson and
Vice Chairperson, shall have the power to vote. Proxy voting in the
Council is prohibited.

236 **Section 10. Code of Ethics.** The Tribal Council shall have the power
to adopt a Code of Ethics governing the conduct of tribal officials.
238 The Code of Ethics may include disciplinary procedures so long as
the official in question is informed of the charges and given an
240 opportunity to respond to those charges including the opportunity to
present witnesses and other evidence in his or her defense.

242 **Section 11. Ordinance for the Tribal Council.** Consistent with the
sections, above, and in Article V, and this Constitution, procedures
244 for the Tribal Council shall be prescribed in an Ordinance for the
Tribal Council.
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248 **ARTICLE V - Tribal Council Powers**

250 **Section 1.** Vested in the Tribal Council of the California Valley
Me-Wuk Tribe of the Sheep Ranch Rancheria is the sole authority to
exercise all powers that are vested in the Tribe through its inherent
252 sovereignty or federal law. It shall execute these powers in
accordance with established customs of The Tribe and subject to the
254 express limitations that are contained in this Constitution, the
Ordinance for the Tribal Council, or other applicable laws. These
powers shall include, but are not limited to, the following.
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258 To represent The Tribe and act in the name of The Tribe in all
matters that concern The Tribe and to make decisions for The Tribe
that are consistent with this Constitution;

260 To negotiate and enter into contracts with the federal, state, and local

262 governments and other tribal governments and with individuals,
associations, corporations, enterprises, or organizations;

264 To purchase or accept any land or property for The Tribe;

266 To enact laws which regulate the use, disposition, and inheritance of
268 all property within the Territory of The Tribe, as defined in Article I;

270 To prevent or veto the sale, disposition, lease, or encumbrance of
tribal lands, interests in land, tribal funds or other tribal assets;

272 To employ legal counsel in accordance with applicable federal laws;

274 Within the territorial jurisdiction of The Tribe and within the
limitations of Article XIV - Civil Rights, to enact laws which
276 regulate the domestic relations of persons;

278 Within the territorial jurisdiction of The Tribe and within the
limitations of Article XIV - Civil Rights, to enact laws which
280 regulate the conduct of individual persons;

282 To provide for the removal or exclusion of any Member or
non-member of The Tribe whose presence may be injurious to
Members of The Tribe and to prescribe conditions upon which any
284 Member or non-members may remain within the Territory of The
Tribe;

286 To levy and collect taxes, duties, fees, and assessments on individuals
and entities;

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290 to appropriate and regulate the use of tribal funds in accordance with
an annual budget approved by the Tribal Council;

292 To regulate all business activities within the jurisdiction of The Tribe
and to manage all tribal economic affairs and enterprises;

294 To regulate all matters and to take all actions necessary to preserve
and safeguard the health, safety, welfare, and political integrity of
296 The Tribe;

298 To appoint subordinate committees, commissions, boards, tribal
officers, and employees and to set their compensation, tenure, and
duties;

300 To enact laws, ordinances, and resolutions that are necessary or
302 incidental to the exercise of its legislative powers;

304 To take any and all actions that are necessary and proper for the
exercise of the foregoing powers and duties, including those powers
and duties not enumerated, above, and for the exercise of all other
306 powers and duties now or hereafter delegated to the Tribal Council or
vested in The Tribe through its inherent sovereignty or by Federal
308 law.

310 **ARTICLE VI - Court System**

312 **Section 1. Establishment.** The judicial power for the California
Valley Me-Wuk Tribe of the Sheep Ranch Rancheria shall be vested
314 in the Tribal Court System. The Tribal Council shall establish the
Tribal Court System by an ordinance to be entitled "Ordinance for the
Tribal Court System" and which shall include the Tribal Court and
316 such other lower courts of special jurisdiction, including forums for
traditional dispute resolution, as the Tribal Council may deem
318 necessary. There shall also be a Court of Appeals which shall be the
court of last resort for all cases filed within the Tribal Court System.

320 The Ordinance for the Tribal Court System shall define such issues
as: Jurisdiction; Appointment of Judges; Qualification of Judges;
322 Compensation; Removal of Judges; and Court Rules of Procedure.

324 **Section 2. Intermediate Jurisdiction.** During the first 5 years after
the acceptance of this Constitution by the Secretary of the Interior,
326 the Tribal Council may act as the Tribal Court and shall commission
a local, civil magistrate as the Court of Appeals. The procedures for
328 this Intermediate Jurisdiction shall be defined in the Ordinance for
the Tribal Court System that shall be adopted within the first year
after the validation of this Constitution.

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ARTICLE VII - Tribal Administration

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The Tribal Administration shall consist of officers and staff who are
appointed by the Tribal Council. The Tribal Administration shall
334 oversee the implementation and management of The Tribe's business
and programs and deal with the data-to-day operations of The Tribe.
336 The Tribal Administration shall be subordinate to the Tribal Council.
This administration shall be regulated by an ordinance entitled
338 "Ordinance for Tribal Administration".

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ARTICLE VIII - Elections

342 **Section 1. General Elections.** The only tribal elections are for the
for the positions of the Tribal Council. These elections are general
elections among the entire Membership who are qualified to vote.
344 The elections to vote for Tribal Council Members shall be held in
even numbered years on the first Saturday of October beginning in
346 2008. The election of Tribal Council Members shall be staggered so
that no more than four Council seats shall be up for election at any
348 one time.

**4 Officers (Chairperson, Vice Chairperson,
Secretary, and Treasurer) and 3 at larger.**

350 **Section 2. Special Elections.** Special elections shall be held when
called for by the Tribal Council, by this Constitution, or by the voting
Members as provided for in Articles IX and XI of this constitution or
352 appropriate Ordinances.

354 **Section 3. The First Election.** The first election shall be held on the
first Saturday of October, 2008 and shall install 7 Tribal Council
Members. Of those members, the Chairperson and two other Council
356 positions will serve for six years, after which those 3 positions will be
open for re-election and thereafter the term for the Council Member
358 shall be 4 years. The other four Council positions will serve a term
of 4 years, after which those positions will be open for re-election.

360 **Section 4. Election Board.** The Tribal Council shall appoint an
Election Board to conduct all elections including all special elections.
362 The Election Board shall consist of five tribal member of which one
shall be age 55 or older, another between the ages of 35 and 54, and
364 another between the ages of 18 to 34 - provided that all members of
the Election Board shall be at least 18 years of age and provided,
366 further that an Election Board Member shall not be eligible to run for
a seat on the Tribal Council. All Election Board Members shall serve
368 for a specific term of office as established in the Ordinance for Tribal
Elections. The Election Board may appoint clerks, poll workers, and
370 others to assist the Election Board in conducting the election In the
absence of a sufficient number of Tribal Members to fill the Election
372 Board, the Tribal Council may hire non-member professionals for
necessary functions.

374 **Section 5. Nominations.** For all elections of the Tribal Council
Members, the Election Board shall conduct a Nomination Meeting
376 among the eligible, voting Membership to nominate tribal members
as candidates for the available Tribal Council seats. This Nomination
Meeting shall be 60 days prior to the election date; and at the

378 Nomination Meeting, all eligible voters, as defined in Section 7 of
this Article, may submit nominations for any vacant seat. The
380 Election Board shall mail a notice regarding the qualified candidates
to all eligible, voting Members at least 30 days prior to the election
382 date. The particulars of the nomination process shall be defined in
the Ordinance for Elections.

384 **Section 6. Qualifications for Tribal Council.** Persons who are
nominated to run for the Tribal Council seats must be enrolled tribal
386 Members who meet the age and residency requirements which are set
forth in Article IV on or before the date of the election.

388 **Section 7. Eligible Voters.** All tribal Members who are eighteen
390 (18) years of age or older and who reside within the territory of the
Tribe or within one hundred fifty (150) miles of the Territory of the
392 Tribe shall be eligible to vote.

**All tribal Members who are eighteen (18)
years of age or older shall be eligible to vote.**

394 **Section 8. Ballots.** All voting at regular and special elections shall
be done by secret written ballot.

396 **Section 9. Absentee Ballots.** Absentee voting shall not be
permitted.

**Absentee voting shall be permitted by
Ordinance.**

398 **Section 10. Election Results.** The Election Board shall certify the
400 results of an election within three (3) days after the election day. The
candidates receiving the highest number of votes shall be declared
402 members of the Tribal Council for the available seats.

404 **Section 11. Tie Votes.** Tie votes between two or more candidates
shall be decided in a special run-off election. All eligible voters shall
be entitled to vote in any run-off election. If a run-off election ends
406 in another tie, the outcome shall be decided by the drawing of straws
by the candidates tied for that office, with the longest straws winning.

408 The Election Board shall certify the results of any run-off election
within three (3) days after the run-off election day.

410 **Section 12. Challenges.** Any tribal member may challenge the
results of any election by presenting his or her challenge to the Tribal
412 Court within five (5) days after the election results have been
certified. The Tribal Court shall decide all elections challenges
414 within ten (10) days from the date the challenge is filed. Any appeals
shall be filed with the Court of Appeals within five (5) days of the
416 issuance of the Tribal Court decision, and the Court of Appeals shall
decide the appeal within ten (10) days. If the Tribal Court or court of
418 Appeals invalidates the election results, a new election shall be held
within sixty (60).

For good cause.

420 **Section 13. Oath of Office.** The oath of office for each newly
elected Tribal Council Member shall be administered by the Election
422 Board within thirty (30) days after the Election Board declares the
winner of a seat, unless a challenge is filed and in that case within
424 thirty (30) days after a final decisions by the Tribal Court or Court of
Appeals. If a challenge is filed but it does not related to all of the
426 elected seats, then the oath of office shall be administered to the
newly elected Tribal Council Members whose seats have not be
428 challenged within thirty (30) days after the Election Board declares
the winners. Each incumbent Tribal Council Member shall remain in
430 office until the oath of office is administered to the newly elected
Tribal Council Member for one's seat. Upon expiration of the
432 incumbent's term of office, that incumbent shall transfer all tribal
records within one's control to the newly elected Tribal Council
Member.

434 **Section 14. Election Ordinance.** The Tribal Council shall enact an
election ordinance consistent with this Constitution which covers all
necessary procedures for all elections Other than the stipulations in

436 this Constitution, all election procedures and which shall be entitled
438 "Ordinance for Tribal Elections".

438 **Section 15. Referenda and Amendments.** Other than elected
440 officials, the term "Election" shall also refer to the adoption of
442 Ordinances by Referenda under Article XI and to Amendments under
444 Article XVI, both of which require a vote of the general Membership.
Other than as defined in this Constitution, procedures for such
Referenda and Amendments, shall be specified in an appropriate
Election Ordinance.

446 **ARTICLE IX - Removal and Vacancy**

448 **Section 1. Removal.**

450 The Tribal Council shall remove a Council Member for: a final
452 conviction of a felony by any tribal, federal, or state court while
serving on the Tribal Council.

454 The Tribal Council may suspend a Council Member charged with a
felony pending the outcome of the trial and any appeal.

456 The Tribal Council may discipline or remove a Council Member by a
458 vote of at least five (5) Members of the Tribal Council for converting
tribal property or moneys for personal use or failing to attend four (4)
460 regular or special meetings consecutively without good cause; or the
final conviction of three misdemeanors by any tribal, federal, or state
court while serving on the Tribal Council; or the violation of the
Code of Ethics.

462 In all proceedings under Sections 1a, 1b, or 1c, above, the Tribal
464 Council Member in question shall be afforded full due process rights
including a written statement of the charges, the right to respond to

466 those charges, the right to be represented by counsel, and the right to
467 present witnesses and other evidence in his or her defense. The
468 decision of the Tribal Council shall be final and shall be appealable
469 to the Tribal Court only if a claim is made that the tribal Constitution
470 has been violated or due process rights have not been afforded. A
471 Council Member removed from office must wait at least five (5)
472 years from the official date of removal to run again for office.

472 **Section 2. Recall.**

474 Any adult tribal member may initiate recall proceedings against any
475 Tribal Council Member by filing a written request with the Election
476 Board, Provided, That a recall proceeding may not be initiated
477 against any Tribal Council member whose term expires within six (6)
478 months.

480 After receipt of the written request, the Election Board shall issue
481 official petition forms to the tribal member who initiated the Recall.
482 That tribal Member shall have sixty (60) days to collect the
483 signatures from thirty percent (30%) of the eligible voters of the
484 Tribe.

484 Individuals petitions shall be circulated for each Tribal Council
485 Member who is subject to recall. A maximum of three (3) Tribal
486 Council Members may be recalled at a time.

488 The Election Board shall verify the signatures on a recall petition
489 within ten (10) days of receipt of the petition. If the tribal member
490 seeking recall has collected the required number of signatures in the
491 allotted time, then the Election Board shall hold a recall meeting
492 within sixty (60) days of the receipt of the petition. Notice of the
recall meeting shall be mailed to eligible tribal voters at least thirty
(30) days prior to the recall meeting. The persons initiating the recall

494 and the person subject to recall shall be given a reasonable
opportunity to speak and present evidence the recall meeting.

496 A majority vote by secret, written ballot of the eligible voters
498 attending the recall meeting shall determine the success or failure of
the recall petition(s), Provided, That at least thirty percent (30%) of
500 the eligible voters actually vote at the recall meeting.

502 The recall meeting shall be held in accordance with the provisions of
the Ordinance for Tribal Elections, which shall include a section on
recall procedures.

504 **Section 3. Vacancies.**

506 If a Tribal Council Member should become deceased, resign, or
508 incapacitated, or be removed or recalled from office, then the Tribal
Council shall declare the position vacant. The Tribal Council shall
510 fill a vacancy by special election unless there are less than six (6)
months remain in the term, in which case the Tribal Council shall
512 leave the position vacant. The Person who fills a vacant position
shall only serve out the term of the person whom he or she is
replacing.

514 All resignations from the Tribal Council shall be done in writing.

516 **ARTICLE X - Land**

518 The Tribal Council shall have the authority to establish land policies,
to adopt a land use ordinance, and to otherwise regulate land within
520 the territory of the Tribe in accordance with applicable law.

522 **ARTICLE XI - Initiative and Referendum**

524 **Section 1. Initiatives.** Excluding issues that regard Membership
under Article II, land, or housing, any Member may proposed to the
Tribal Council any Ordinance or Resolution to be adopted by the
526 Tribal Council. Such an Initiative must be in the form of a prescribed
petition that has been signed by at least thirty percent (30%) of the
528 eligible voters of The Tribe. The Tribal Council must vote on said
Initiative within sixty (60) days after receipt of the petition with its
qualifying number of petition signatures. A majority vote of the
530 Tribal Council shall decide whether the proposed Ordinance or
Resolution is adopted and, thereafter, be in effect. If the Tribal
532 Council does not act within the sixty (60) day enactment period, the
petitioner of the Initiative may use the Referendum process, below.

534 **Section 2. Referendum.** If the Tribal Council fails to vote on an
Initiative, as in Section 1, above, or if the Tribal Council votes
536 against said Initiative, then the Petitioners may seek a Referendum
vote from the eligible voters of the Membership. The Petition shall
538 be reconstructed as a Referendum, thirty percent (30%) of the eligible
voters of The Tribe shall sign the Referendum, and it shall be
540 presented to the Tribal Council to call a special election pursuant to
an appropriate Election Ordinance under Article VII, Section 15..

542 **Section 3. Procedures.** Initiatives and Referenda elections shall be
conducted by the Election Board and shall be held in accordance with
544 the provisions of an ordinance which deals specifically with
Initiatives and Referenda procedures and which shall be called
546 Ordinance for Initiative and Referendum.

548 **ARTICLE XII - Types of Enactments**

550 Tribal laws, policies, and other Enactments shall be classified as
follows.

552 **Section 1. Resolutions.** Any final decision on a matter of temporary
interest, where a formal expression is needed, shall be embodied in a
554 Resolution that has been adopted by the Tribal Council, noted in the
minutes of the Tribal Council meeting, codified as in Section 4, and
556 available for inspection by Members of The Tribe during normal
business hours.

558 **Section 2. Ordinances.** Any final decision on a matter of a
permanent or more enduring nature shall be embodied in an
560 Ordinance that has been adopted by the Tribal Council, noted in the
minutes of the Tribal Council meeting, codified as in Section 4, and
562 available for inspection by Members of The Tribe during normal
business hours.

564 **Section 3. Executive Orders.** All Executive Orders, policies, and
administrative directives agencies that are subordinate to the Tribal
566 Council shall be codified as in Section 4, and available for inspection
by Members of The Tribe during normal business hours.

568 **Section 4. Codification.** All Enactments of The Tribe shall be
570 codified in the following manner - first the date (yyyy-mm-dd), then
the type of Enactment, and then the subject matter. For example,
572 2008-07-15 - Resolution - Land Purchase. All Enactments shall be
cataloged in a journal fashion in chronological order and then copies
574 filed in ledgers that are codified in a system that is similar to the
United States Code.

576 **ARTICLE XII - Sovereign Immunity**

578 The California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria
shall be immune from suit except to the extent that the Tribal Council
580 expressly waives The Tribe's sovereign immunity, or as provided by
this Constitution.

582 **ARTICLE XIV - Civil Rights**

584 The Tribe, in exercising its powers of self-government shall not
abrogate the following Civil Rights.

586 The Tribe shall not make or enforce any law which prohibits the free
exercise of religion, or abridges the freedoms of speech,
588 communications, or the right of people to peaceably assembly and to
petition for redress of grievances or initiate Ordinances;

590 The Tribe shall not violate the right of Members to be secure in their
592 persons, houses, papers, and effects against unreasonable searches
and seizures, nor shall warrants be issued except on probable cause
594 and supported by an oath or affirmation, which describes the
particular place to be search and the person or thing to be seized;

596 The Tribe shall not subject any person for prosecution for the same
offense and thereby be put into jeopardy twice for the same offense;

598 The Tribe shall not compel any person in any criminal case to be a
600 witness against oneself;

602 The Tribe shall not take any private property for a public use with
just compensation;

604 The Tribe shall not deny to any person in a criminal proceeding the
right to a speedy and public trial, to be informed of the nature and
606 cause of the accusation, to be confronted with the witnesses against
the person, to have compulsory process for obtaining witnesses in his
608 favor, and at his own expense to have the assistance of counsel for his
defense and to have these rights explained at the time of arrest;

610 The Tribe shall not require excessive bail, impose excessive fines, or
inflict cruel and unusual punishment;

612 The Tribe shall not deny to any person within its jurisdiction the
614 equal protection of its laws or deprive any person of liberty or
property without due process of law;

616 The Tribe shall not create any law of attainder which declares a
person or group of persons guilty of some crime and punishes them
618 without benefit of a trial; nor shall The Tribe find a person or group
of persons guilty of a violation, *ex post facto*.

620 The Tribe shall not deny to any person, who is accused of an offense
622 which is punishable by imprisonment, the right, upon request, to a
trial by jury of not less than six persons.

624 **ARTICLE XV - General Meetings**

626 The Tribal Council shall call at least one (1) general meeting per year **least one (1) general meeting every 3 months**
628 of all the eligible voters of the Tribe to identify and discuss important
tribal matters.

630 **ARTICLE XVI - Amendments**

632 This Constitution may be amended by a super majority vote of the **Provided That at least thirty percent (50%)**
qualified voters of The Tribe voting at an election called for that **of those entitled to vote**
634 purpose by the Secretary of the Interior, Provided That at least thirty
percent (30%) of those entitled to vote shall vote in such election; but
636 not amendment shall become effective until approved by the
Secretary of the Interior or until deemed approved by the Secretary
by operation of law. It shall be the duty of the Secretary of the
638 Interior to call and hold an election on any proposed amendment at
the request of the Tribal Council, or upon presentation of a petition

640 which is signed by at least thirty percent (30%) of the qualified voters
of the Tribe.

642 **ARTICLE XVII - Savings Clause**

644 All Enactments of The Tribe which have been adopted before the
effective date of this Constitution and by the Hereditary Chief,
646 Yakima Dixie, and his Tribal Council shall continue in full force and
effect to the extend that they are consistent with this Constitution.

**shall be reviewed by the first recognized
Tribal Council and subject to ratification,
modification, or rejection by the whole tribe**

648 **ARTICLE XVIII - Adoption of Constitution**

650 This Constitution, when adopted by a majority vote of the registered
voters of the California Valley Me-Wuk Tribe of the Sheep Ranch
652 Rancheria, voting at a special election which is authorized by the
Secretary of the Interior in which at least thirty percent (30%) of
654 those registered in accordance with Secretarial regulations to vote
shall vote, shall be submitted to the Secretary of the Interior for
approval, and, if approved by the Secretary of the Interior or by
656 operation of law, shall be effective from the date of such approval.

least fifth percent (50%) of

658 **Certificate of Results of Election**

660 Pursuant to a Secretarial election as authorized by the Deputy
commissioner of Indian Affairs on _____, the Constitution of the
662 California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria was
submitted to the qualified voters of the California Valley Me-Wuk
Tribe of the Sheep Ranch Rancheria and on _____ was
664 adopted /rejected by a vote of _____ For and _____ Against, and
_____ cast ballots found spoiled or mutilated, in an election in
666 which at least thirty percent (30%) of the _____ entitled to vote cast
their ballots in accordance with Section 16 of the Indian

668 Reorganization Act of June 18, 1943 (48 Stat. 984) and as
subsequently amended.

670

Chairperson, Election Board

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Election Board Member

674

Election Board Member

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Election Board Member

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680

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Date:

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