TRIBAL RELATIONS
PAMPHLET 1A

Indian Tribes, Bands and Communities Which Voted to Accept or Reject the Terms of the Indian Reorganization Act, the Dates When Elections Were Held, and The Votes Cast

September 1946

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	VOTES TOTAL YES	VOTES NO	ELECTION DATES
ARIZONA						
	Colorado River Agency:					
	Colorado River	705	365	119	8	Dec. 15, 1934
	Fort Mojave	432	265	102	8	Dec. 15
	~~**Cocopah**~~	32	18	4	0	Nov. 17
	Fort Apache Agency:					
	Fort Apache	2,718	1,340	726	21	April 27, 1935
	Papago Agency:					
	Gila Bend	228	120	18	0	Dec. 15
	Papago	5,146	3,028	1,267	166	Dec. 15
	San Xavier	525	283	158	22	Dec. 15
	Pima Agency:					
	Fort McDowell	205	111	65	7	Oct. 27, 1934
	Gila River	4,659	2,308	1,188	116	Dec. 15
	Salt River	1,049	592	194	66	Dec. 15
	~~**Ak-Chin**~~	179	87	53	15	Dec. 15
	San Carlos Agency:					
	San Carlos	2,843	1,473	504	22	Oct. 27
	Hopi Agency:					
	Hopi	2,538		519	299	June 15, 1935
	Truxton Canon Agency:					
	Havasupai	201	106	72	3	June 15
	Hualapai	451	256	37	22	June 15
	Camp Verde (Yavapai Apache)	451	259	112	20	Dec. 15, 1934
	Navajo Agency (Arizona, New Mexico)	43,135	15,900	7,608	7,992	June 14-15 1935
CALIFORNIA						
	Colorado River Agency:					
	Fort Yuma (Quechan)	819	402	192	32	Nov. 17, 1934
	Hoopa Valley Agency:					
	Hoopa Valley Reservation	554	240	8	174	Dec. 15
	Klamath River	925	375	38	256	Dec. 15
	***Quartz Valley**					
	Rancherias:	411				
	Smith River		41	1	31	June 14, 1935
	Crescent City		8	6	0	June 14
	Hohnerville		9	1	5	June 14
	Table Bluff		26	0	10	June 14
	Trinidad		4	4	0	June 14
	****Blue Lake**	No Votes				June 14
	Mission Agency:					
	Augustine	14	13	0	6	Dec. 18, 1934
	Cabezon	29	17	0	7	Dec. 18
	Cahuilla	107	69	3	33	Dec. 18
	Campe	135	73	7	18	Dec. 18
	Capitan Grande (Including Barona)	160	87	37	35	Dec. 18
	****Cuyapaipe**	No Votes				Dec. 18
	Inaja	33	22	0	15	Dec. 18
	Laguna	3	1	1	0	Dec. 18
	LaJolla	221	145	28	68	Dec. 18
	La Posta	3	3	2	0	Dec. 18
	Los Coyotes	88	52	3	37	Dec. 18, 1934
	Manzanita	67	36	3	0	Dec. 18
	Mesa Grande	218	119	9	64	Dec. 18
	Pala	205	121	7	66	Dec. 18

*Indians residing on lands purchased from I.R.A. funds. Group is organized under the I.R.A.
**Act applies since Indians did not vote against its application.

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
	Mission Creek	20	10	0	3	Dec. 18
	Morongo	292	173	25	79	Dec. 15
	Palm Springs	50	31	4	16	Dec. 15
	Pauma	69	37	0	23	Dec. 15
	Pechanga	216	156	14	48	Dec. 15
	Rincon	181	114	22	58	Dec. 15
	San Manuel	40	25	2	10	Dec. 15
	San Pascual	9	3	2	1	Dec. 15
	Santa Rosa	50	32	3	13	Dec. 15
	Santa Ynez	90	48	20	0	Dec. 15
	Santa Ysabel	237	122	14	47	Dec. 15
	Soboba	122	76	6	57	Dec. 15
	Sycuan	35	23	6	16	Dec. 15
	Torres Martinez	198	117	11	66	Dec. 15
Sacramento Agency:						
	Alexander Valley		14	14	0	June 11, 1935
	Alturas		13	6	5	June 8
	Auburn		36	5	16	June 14
	Berry Creek		49	0	26	June 12
	****Big Bend**	No Votes				
	Big Sandy		38	1	25	June 8
	Big Valley		46	21	4	June 8
	Cache Creek		15	7	3	June 8
	Buena Vista		4	2	0	June 12
	****Cedarville**	No Residents				
	Cloverdale		20	10	0	June 11
	Cold Springs		47	0	23	June 8
	****Colfax**	No Residents				
	Colusa		36	25	1	June 12
	Cortina		20	12	0	June 12
	Coyote Valley		8	0	1	June 10-30
	Dry Creek		49	8	17	June 10-30
	East Lake (Robinson)		46	19	13	June 8
	Enterprise		29	7	17	June 12
	Fort Bidwell		41	27	2	June 8
	Guideville		25	14	1	June 10
	Grindstone		27	11	0	June 14
	Hopland		56	28	3	June 10
	Jamestown		5	0	5	June 11
	Jackson		3	3	0	June 12
	Laytonville		29	7	11	June 10
	Likely		30	19	1	June 8, 1935
	Lookout		12	6	2	June 8
	****Lytton**	No Residents				
	Manchester		46	30	0	June 11
	Middletown		13	10	0	June 8
	****Millerton**	No Residents				
	Mooretown		43	0	34	June 12
	Montgomery Creek		7	5	2	June 10
	Nevada City		18	6	2	June 14
	Northfork		6	0	4	June 10
	Paskenta		26	17	0	June 10
	Picayune		11	3	7	June 10
	Pinoleville		51	29	1	June 10
	Pitt River		2	0	2	June 10
	Potter Valley		26	10	3	June 10
	Redding		12	2	4	June 11
	Redwood Valley		18	16	0	June 10
	Rumsey		11	10	0	June 12
	****Santa Rosa**	Indians refused to Hold Election				

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
	**Sebastopol	No Residents				
	Scotts Valley		17	0	10	June 8
	Sheep Ranch		1	1	0	June 12
	Sherwood		35	10	12	June 10
	Shingle Springs		3	0	3	June 13
	Stewarts Point		70	51	10	June 11
	Strawberry Valley		10	0	6	June 14, 1935
	Sulphur Banks		20	11	7	
	Susanville		9	6	0	June 12
	Table Mountain		16	2	10	June 8
	**Strathmore	No Residents				
	Taylorville		4	2	0	June 12
	Tuolumne		40	37	0	June 11
	Tule River	186	94	50	2	Nov. 17, 1934
	Upper Lake		36	7	4	June 8, 1935
	Wilton		14	18	0	June 15, 1935
	Round Valley (Covelo)	827	458	138	36	Nov. 17, 1934
COLORADO						
	Consolidated Ute Agency:					
	Southern Ute	389	129	85	10	June 10, 1935
	Ute Mountain	445	225	9	3	June 12
FLORIDA						
	Seminole Agency:					
	Seminole	580	295	21	0	March 30
IDAHO						
	Northern Idaho Agency:					
	Coeur d' Alene	634	203	76	78	Nov. 17, 1934
	Kalispel	88	38	29	2	Nov. 17
	Nez Perce	1,399	608	214	252	Nov. 17
	Fort Hall Agency:					
	Fort Hall	1,839	971	375	31	Oct. 27
IOWA						
	Tomah Agency:					
	Sac & Fox	419	198	63	13	June 15, 1935
KANSAS						
	Potawatomi Agency:					
	Iowa	498	245	115	3	June 15
	Kickapoo	308	151	74	16	June 15
	Sac & Fox	99	49	32	3	June 15
	Potawatomi	955	469	198	122	June 15
LOUISIANA						
	Choctaw Agency:					
	Chitimacha	128	35	25	3	May 14
MINNESOTA						
	Consolidated Chippewa Agency:					
	Fond du Lac	1,298	725	167	28	Nov. 17, 1934
	Grand Portage	377	179	75	4	Oct. 27
	Leech Lake	2,076	961	375	60	Oct. 27
	(Cass Lake & Winnibigoshish, White Oak Point)					
	White Earth	8,059	4,169	1,122	245	Oct. 27
	Nett Lake (~~Boise Fort~~)	627	317	159	7	Oct. 27
	Red Lake Agency:					
	Red Lake	1,968	828	418	24	Nov. 17
	Pipestone School	552	271	94	2	Nov. 17
	Lower Sioux					
	Granite Falls					
	Prairie Island					

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
MICHIGAN						
	Great Lakes Agency:					
	L'Anse		558	413	8	June 17, 1935
	Bay Mills		95	42	25	June 17, 1935
	Hannahville					
	~~**Ontonagon**~~	Voted with L'Anse				
	Tomah Agency:					
	Isabelle (Swan Creek-Black River-Saginaw).		424	237	112	June 17
MISSISSIPPI						
	Choctaw Agency:					
	Choctaw	1,792	736	218	21	March 30
MONTANA						
	Blackfeet Agency:					
	Blackfeet	3,962	1,785	823	171	Oct. 27, 1934
	Flathead Agency:					
	Flathead	2,964	1,218	494	166	Dec. 15
	Fort Belknap Agency:					
	Fort Belknap	1,367	604	371	50	Oct. 27
	Rocky Boy's Agency:					
	Rocky Boys	676	344	179	7	Oct. 27
	Tongue River Agency:					
	Tongue River	1,541	757	418	96	Oct. 27
	Crow Agency:					
	Crow	2,082	982	112	689	May 18, 1935
	Fort Peck Agency:					
	Fort Peck	2,663	1,027	276	578	Dec. 15, 1934
NEBRASKA						
	Winnebago Agency:					
	Omaha	1,642	807	212	17	Oct. 27
	Ponca	392	192	64	4	Nov. 17
	Santee	1,277	627	260	29	Nov. 17
	Winnebago	1,187	583	133	52	Oct. 27
NEVADA						
	Carson Agency:					
	*Duckwater (Shoshone)					
	Fort McDermitt	273	89	73	2	Nov. 17
	Pyramid Lake	549	277	151	54	Dec. 15
	Summit Lake	64	14	10	4	May 24, 1935
	Reno-Sparks	205	95	53	5	June 10
	Dressierville	170	75	58	1	June 10
	Lovelock	134	45	31	10	June 11
	Winnemucca	35	26	15	0	June 11
	Battle Mountain	28	14	9	0	June 14
	Elko	73	40	34	0	June 14
	Ely	64	35	8	6	June 17
	Moapa River	158	84	42	3	Nov. 17, 1934
	Las Vegas Tract	40	22	10	2	May 17, 1935
	Big Pine	20	11	0	11	June 11
	Bishop	171	93	1	68	June 11
	Fallon	426	247	39	74	May 17
	Ft. Independence	74	49	4	29	May 24
	Indian Ranch	28	8	8	0	May 14
	Red Hill		19	1	12	May 11
	Walker River	492	301	37	41	Nov. 17, 1934
	West Bishop		14	1	9	June 11, 1935
	Yerington	72	51	31	3	June 15
	*Yomba					

STATE RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
Western Shoshone Agency:					
Duck Valley (Shoshone-Paiute)	516	383	191	12	Oct. 27, 1934
Gandy	6	4	4	0	May 5, 1935
Goshute	155	81	21	0	May 14
Skull Valley	41	21	9	5	Nov. 21, 1934
NEW MEXICO					
Mescalero Agency:					
Mescalero	722	367	273	11	Dec. 15
United Pueblos Agency:					
Acoma	1,125	597	283	0	Dec. 15
Cochiti	305	167	121	0	Dec. 15
Isleta	1,103	567	138	7	June 17, 1935
Jemez	677	351	84	178	June 17
Laguna	2,271	1,315	776	66	Oct. 27, 1934
Nambe	128	72	52	1	Dec. 15
Picuris	117	59	51	0	Oct. 27
Pojoaque	9	8	7	0	April 13, 1935
Sandia	129	69	15	0	Dec. 15
San Ildefonso	126	62	57	4	April 13
San Felipe	596	331	224	0	June 17, 1935
San Juan	561	280	243	0	Dec. 15, 1934
Santa Ana	241	148	100	0	June 17
Santa Clara	400	200	134	34	April 13
Santa Domingo	866	476	171	1	June 17
Sia	189	92	82	0	June 17
Taos	745	402	303	36	Oct. 27
Tesuque	123	71	67	0	Dec. 15
Zuni	2,051	1,066	505	40	Nov. 17, 1934
NEW YORK					
New York Agency:					
Allegany		548	37	298	June 10, 1935
Cattaraugus		864	101	475	June 14
Cornplanter (Pennsylvania)			23	17	June 15
Onondaga		350	17	206	June 15
St. Regis		800	46	237	June 8
Tonawanda		338	42	175	June 11
Tuscarora		225	6	132	June 12
NORTH CAROLINA					
Cherokee Agency:					
Quoile Boundary (Eastern Cherokee)	3,254	1,114	700	101	Dec. 20, 1934
NORTH DAKOTA					
Fort Berthold Agency:					
Fort Berthold	1,569	661	477	139	Nov. 17, 1934
Fort Totten Agency:					
Fort Totten (Devil's Lake)	960	521	144	233	Nov. 17
Standing Rock Agency: ~~Under OIA~~					
(North Dakota)	1,677				
(South Dakota)	2,098	1,559	668	508	Oct. 27
Turtle Mountain Agency:					
Turtle Mountain	6,034	1,181	257	550	June 15, 1935
OREGON					
Klamath Agency:					
Klamath	1,364	666	56	408	June 15
Umatilla Agency:					
Umatilla	1,140	681	155	299	June 15
Grand Ronde-Siletz Agency:					
~~Grande Ronde~~	356	213	102	68	April 6
~~Siletz~~	465	233	54	123	April 6

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
	Warm Springs Agency:					
	Warm Springs	992	394	260	74	April 6
	Burns		67	48	1	April 6
SOUTH CAROLINA						
	Cherokee Agency:					
	** **Catawba**					
SOUTH DAKOTA						
	Cheyenne River Agency:					
	Cheyenne River	3,288	1,420	653	459	Oct. 27, 1934
	Crow Creek Agency:					
	Crow Creek Not Under IRA	953	388	87	246	Dec. 15
	Lower Brule	603	160	71	39	Dec. 15
	Flandreau School:					
	Santee Sioux	345	193	79	5	Oct. 27
	Pine Ridge Agency:					
	Pine Ridge	8,370	4,075	1,169	1,095	Oct. 27
	Rosebud Agency:					
	Rosebud	6,362	3,126	843	424	Oct. 27
	Yankton Under IRA	2,018	991	248	171	Oct. 27
	Sisseton Agency:					
	Sisseton	2,658	1,170	266	335	April 6, 1935
	Standing Rock Agency:					
	(See North Dakota)					
UTAH						
	Uintah & Ouray Agency:					
	Cedar City	28	13	2	0	May 14, 1935
	Kaibab (in Arizona)	93	51	28	5	Nov. 17, 1934
	Kanosh	24	14	11	0	May 7, 1935
	Koosharem	30	17	14	0	May 10
	Paiute	19	11	7	0	Nov. 24, 1934
	Uintah	1,251	634	335	21	Dec. 15
	Shivwits	79	40	27	2	Nov. 17
	Fort Hall Agency:					
	Washakie	137	109	37	26	April 27, 1935
WASHINGTON						
	Colville Agency:					
	Colville	3,118	1,659	421	562	April 6
	Spokane	807	376	92	163	April 6
	Taholah Agency:					
	Chehalis	132	70	22	26	April 6
	Makah	403	219	75	47	April 6
	Nisqually	63	40	19	2	Oct. 27, 1934
	Ozette	2	2	2	0	April 13, 1935
	Quinault	1,729	764	184	176	April 13
	Hoh	4	4	3	1	April 13
	Quileute	242	96	37	15	April 13
	Shoalwater		11	3	5	April 13
	Skokomish	189	107	35	10	Oct. 27, 1934
	Squaxon Island	39	32	10	6	April 6, 1935
	Tulalip Agency:					
	Lummi	667	287	72	110	March 30
	Muckleshoot	200	97	59	7	April 13
	***Port Gamble**					
	Port Madison	171	110	30	0	April 6
	Puyallup	328	190	34	36	April 13
	Swinomish	273	123	122	1	Nov. 17, 1934
	Tulalip	663	215	143	68	April 6, 1935

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
	Clallam	738				
	Nooksak	235	135	53	13	March 30
	Skagit-Suiattle	205	123	74	3	April 6
	Yakima Agency:					
	Yakima	2,942	1,392	361	773	April 20
WISCONSIN						
	Great Lakes Agency:					
	Bad River	1,211	697	296	47	Nov. 17, 1934
	Lac Courte Oreille	1,559	871	205	175	Dec. 15
	Red Cliff	506	360	122	7	Dec. 15
	***Sokaogan**					
	Potawatomi	388	51	31	3	June 15, 1935
	***St. Croix**					
	Lac du Flambeau	853	492	162	57	June 15
	Menominee Agency:					
	Menominee	2,077	1,020	596	15	Oct. 27, 1934
	Tomah Agency:					
	Oneida	3,128	1,844	688	126	Dec. 15
	Stockbridge	600	226	166	1	Dec. 15
WYOMING						
	Wind River Agency:					
	Shoshone & Arapahoe	2,196	1,032	339	469	June 15, 1935

[illegible]

SUMMARY REPORT ON TRIBAL ENACTMENTS FOR PERIOD MAY 16, 1953, THROUGH AUGUST 31, 1961

NAME	NUMBER OF ENACTMENTS	NO. APPROVED	NO. NOT APPROVED	PENDING	APPROVAL LEVEL: SECRETARY	COMMISSIONER	AREA DIRECTOR
CALIFORNIA AGENCY							
Auburn Rancheria	1	1					1
Big Sandy Rancheria	2	1		1	1		1
Big Valley Rancheria	2	2					2
Chico Rancheria	1	1				1	
Cloverdale Rancheria	1	1					1
Colusa Reservation & Rancheria	5	5				1	4
Dry Creek	1			1			1
Fort Bidwell Reservation	12	8	3	1		4	8
Fort Independence Reservation	1		1				1
Greenville Rancheria	1		1				1
Guidiville Rancheria	4	4				3	1
Hopland Rancheria	1	1					1
Indian Ranch Reservation	2	2				2	
Manchester Rancheria	2	1	1				2
Middletown Rancheria	1	1					1
Owens Valley							
Bishop Reservation	22	19	2	1		9	13
Big Pine	1	1					1
Lone Pine	1	1					1
Picayune Rancheria	1	1					1
Pinoleville Rancheria	1		1				1
Round Valley Reservation	29	18	3	8	2	9	18
Ramsey Rancheria	6	3	3			3	3
Santa Rosa Rancheria (Kings County)	1	1					1
Sulphur Bank Rancheria	1			1			1
Tule River Reservation	66	54	10	2	2	16	48
Tuolumne Rancheria	2	2				1	1
Wilton Rancheria	1		1				1
X-L Ranch (Pit River)	13	8	2	3	1	1	11
Pit River Tribe	1			1			

REPORT ON TRIBAL ENACTMENTS FOR PERIOD MAY 16, 1953, THROUGH AUGUST 31, 1961

DOCUMENT	DATE	SUBJECT	LEVEL OF APPROVAL	ACTION TAKEN
CALIFORNIA AGENCY				
AUBURN RANCHERIA				
Petition	8/5/53	On road route and transfer of R/W to County	A.D.	Approved
BIG SANDY RANCHERIA				
Resolution	12/18/57	On road route and transfer of R/W to County	A.D.	Approved
Resolution	4/6/60	Land exchange with American Baptist Mission	Secy	Approval pending title cl
BIG VALLEY RANCHERIA				
Ordinance	2/7/58	Delegation of authority to Business Committee to approve expenditures of tribal funds	A.D.	Approved 2/17/58
Petition	2/2/59	One-year lease	A.D.	Approved 9/14/59
CHICO RANCHERIA				
Resolution	7/20/58	Adoption of Constitution & Bylaws	Comm.	Approved 6/21/59
CLOVERDALE RANCHERIA				
Petition	5/14/58	On road route and transfer of R/W to County	A.D.	Termination Plan superced Small amount of road work
COLUSA RESERVATION (AND RANCHERIA)				
Resolution	12/5/60	Oil & Gas lease; Gulf Oil	A.D.	Approved 2/9/61
Resolution	12/5/60	Oil & Gas lease; G. E. Kadane	A.D.	Approved 2/6/61
Resolution	8/16/60	F.Y. 1961 Tribal Budget for Advance of funds to ISDA Acct.	A.D.	Approved 9/7/60
Resolution	8/4/60	Lease, Tuttle Ranch; SP-73; cancellation of Lease SP-56	A.D.	Approved 8/15/60

o76.0 ~~Ank~~ Big Sandy

Sacramento Area Office
2550 Fair Oaks Boulevard
Sacramento, California 95825

FEB 10 1965

Mr. Wilbur Beecher
Star Route
Auberry, California

Dear Mr. Beecher:

As you requested at our meeting on January 27, there are enclosed copies of proposed Articles of Association. The Hopland Rancheria conditions are cited to make the documents more realistic.

Both Sample "A" and Sample "B" provide, among other things, that each member of the association shall have only one vote and membership shall not be transferable. Sample "A" makes land ownership a requirement for membership in the association, whereas Sample "B" provides for membership separate and apart from ownership of land.

These drafts can be changed to reflect your local situation and wishes. Please share them with other distributees and perhaps we can discuss them at the next meeting.

Sincerely yours,

(SGD) TEN BROECK WILLIAMSON

Ten Broeck Williamson
Area Tribal Operations Officer

Enclosures

TBWilliamson/dyc ~~2-10-65~~ 2-10-65

Tribal Opeations
076.0 Big Sandy

P.O. Box 4775

MAY 3 1966

Mr. Wilbur Beecher, President
Big Sandy Rancheria
Auberry, California

Dear Mr. Beecher:

Enclosed is an "original" copy of the Big Sandy Articles of Association incorporating changes agreed to at the April 20 meeting. If the document meets with the approval of your membership, you may proceed to have the distributees indicate their willingness to join by signing on page 7. Signatures will need to be witnessed, preferably all by the same person who will be required, prior to recording the Articles, to certify before a notary that he witnessed the signatures and that he knows that they are of the individuals named. Also enclosed are mimeographed copies of the Articles for the distributees who join the Association.

We are processing conservatorships for [redacted] and [redacted]. Mr. [redacted] said he wants [redacted] as conservator and we are waiting to hear if Mr. [redacted] is willing to serve. Also, if we are unable to sell parcels 1 and 26, they will need to be added to the property being acquired by the Association.

I would appreciate receiving in the very near future your confidential opinion as to whether conservatorships might be needed for [redacted], [redacted], the [redacted], the [redacted] and possibly [redacted]. You understand, of course, that creation of conservatorships is necessary only if the distributees are considered to be in need of assistance in managing their affairs.

Sincerely yours,

(SGD) TEN BROECK WILLIAMSON

Ten Broeck Williamson
Area Tribal Operations Officer

Enclosures

TBWilliamson/dyc 5-2-66

BIG SANDY ASSOCIATION

Articles of Association of Nonprofit Association

The undersigned parties do hereby associate themselves as a nonprofit association for the purpose of holding and managing the following described property conveyed to the Association by the United States pursuant to the Act of August 18, 1958 (72 Stat. 619), as amended, and any other property acquired by the Association in the future.

Parcels 5, 14, 21, 22 (cemetery), 23

Outlot A

Water system

As shown on the Record of Survey of the Big Sandy Rancheria recorded in the official records of Fresno County, California, in volume 22 of plats, pages 89-91, inclusive, on March 9, 1966.

In order to facilitate the accomplishment of the purposes of this Association, we agree as follows.

1. The name of this Association shall be Big Sandy Association with its principal place of business at Auberry, California.
2. The original members of this Association and such other persons as may become members under the provisions and restrictions of these Articles of Association shall, while they remain members, be associated with and bound by these Articles of Association.

3. All members of the Association shall, on a proportionate basis, pay the obligations of the Association. Failure to do so shall be cause for Association action to collect unpaid assessments from the delinquent members by legal means if necessary or by expulsion from the Association after due notice and hearing. All members shall be liable for their proportionate share of assessments even though they may decline to share in Association benefits.

4. This Association shall neither be dissolved nor shall any of its powers be revoked or altered by transfer of the parcel or lot of any member thereof, whether by act of the party, by operation of law, or by the resignation or death of any member.

5. Each distributee of the Big Sandy Rancheria is entitled to membership in this Association and shall be entitled to one vote and no member, regardless of how membership is acquired, shall be entitled to more than one vote. Each member shall receive a certificate of membership which shall be in the following form.

BIG SANDY ASSOCIATION
(Nonprofit Association)

This certifies that _____ is a member of the Big Sandy Association and as such member is entitled to all the rights and privileges thereof, except as otherwise provided in the Articles of Association. The said member is liable for the payment of his or her proportionate share of such assessments as may from time to time be levied upon the members by the

Association regardless of whether he or she may decline to share in Association benefits. This membership is nontransferable but it may be terminated.

In witness whereof the Association has caused this membership certificate to be issued by its President and Secretary-Treasurer this _____ day of _____ 19_____.

BIG SANDY ASSOCIATION

By_____
President

_____
Secretary-Treasurer

6. Membership, regardless of how acquired, shall be nontransferable and the membership of any member shall terminate automatically whenever the said member's tract conveyed to him pursuant to the Act of August 18, 1958, as amended, is transferred to another owner, either voluntarily or by operation of law, and the new owner shall be eligible for membership in this Association provided he or she makes application for such membership in writing. If at the time of such transfer the member-grantor has failed to pay any or all assessments levied upon him or her and due prior to the time of transfer, the said member-grantor shall remain personally liable for the payment of such unpaid assessments, together with interest at the rate of seven percent (7%) per annum, beginning with the date such unpaid assessments were due and payable, plus the cost of collection including but not limited to

attorney's fees. Any member may withdraw from this Association by giving notice of withdrawal in writing to the Secretary of this Association and by paying all assessments due prior to such withdrawal.

7. If a member's tract as originally conveyed by the United States under the Act of August 18, 1958, as amended, is partitioned or is transferred to more than one individual, the new owners shall designate among themselves which one from among them shall represent them as a member in the Association and notify the Secretary in writing as to their choice. The Secretary shall, upon receipt of such notice, if the designee is not already a member, issue a certificate of membership, as set forth in these Articles, to the person so designated in the said notice and he or she shall have one vote only, Provided: That so long as the original distributee retains any portion of the parcel conveyed to him by the United States of America he may exercise the voting privilege for the entire parcel if he so desires. If as a result of such partitioning or transfer to more than one individual, more than one household on a tract as conveyed by the United States receives water from the community water system, the assessment for that tract may be proportionately increased.

8. An annual meeting of the members shall be held at the Association's principal place of business on the first Wednesday of February of each year. At such annual meeting, a President and a Secretary-Treasurer for the ensuing year shall be elected to serve one year,

or until their successors are elected and qualified. Business may be transacted at meetings, whether annual or special, only if a quorum, consisting of fifty percent (50%) of the members, shall be present.

9. The only manner in which money can be raised by the Association in addition to amounts collected for water service charges shall be by levy of assessments upon the members, Provided: That the trustees on behalf of the Association may accept property by gift, devise or request. Once collected or received, such funds or other properties shall become Association property. The consent of all the members shall be required to create any other personal liability against them as individuals. All contracts entered into shall be limited to creating a liability against the property of the Association only.

10. The officers shall perform the duties usually appertaining to their respective offices, including but not limited to management of Association property, collection of water service charges by legal action if necessary, and levying assessments for payment of Association obligations as already provided herein. The President and the Secretary-Treasurer shall act as trustees on behalf of the Association and title to Association property shall be taken in the name of said trustees. Successor President and Secretary-Treasurer shall automatically become successor trustees when elected. The trustees may not dispose of such property except in accordance with the terms of these Articles. The trustees

shall manage Association property in accordance with the terms of these Articles and such Association legislative enactments by ordinance or resolution which are not in conflict with these Articles. No person shall hold office unless he or she be a member and a transfer, either voluntary or by operation of law, of his or her entire lot or parcel of land shall operate as a resignation from office. The Secretary-Treasurer of the Association shall have these Articles of Association and the deed from the United States conveying property to the Association pursuant to the Act of August 18, 1958, as amended, recorded in Fresno County, State of California. He shall be adequately bonded and, upon authorization of the members, pay out of any money in his hands the taxes and insurance premiums on the property of the Association and the charges for necessary repairs and expenses thereto. He shall keep an account and record of the affairs of the Association and render reports at the annual meetings.

11. Association property may be sold or otherwise conveyed by the trustees with the consent in writing, or as expressed by vote at a duly called meeting, of sixty-six and two-thirds percent (66 2/3%) of the members.

12. The Association may be dissolved by the consent in writing of one-hundred percent (100%) of the current members. At that time the Association property shall be distributed on a proportionate basis to the members of record as of the date of dissolution who are Indian or to members of record who acquire their membership by inheritance or devise of the parcel of a former Indian member.

13. These Articles may be amended or altered by the affirmative vote of two-thirds (2/3rds) of the members of record expressed by vote at an annual meeting or a special meeting called for that purpose. Mail ballots may be used to determine the views of those unable to attend such meetings in person.

In witness whereof the original associates have set their hands and seals hereto this _____ day of _____.

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

87966

BIG SANDY ASSOCIATION

Articles of Association of Nonprofit Association

The undersigned parties do hereby associate themselves as a nonprofit association for the purpose of holding and managing the following described property conveyed to the Association by the United States pursuant to the Act of August 18, 1958 (72 Stat. 619), as amended, and any other property acquired by the Association in the future.

Parcels 1, 5, 14, 21, 22 (cemetery), 23

Outlot A

Water system

As shown on the Record of Survey of the Big Sandy Rancheria recorded in the official records of Fresno County, California, in volume 22 of plats, pages 89-91, inclusive, on March 9, 1966.

In order to facilitate the accomplishment of the purposes of this Association, we agree as follows.

1. The name of this Association shall be Big Sandy Association with its principal place of business at Auberry, California.
2. The original members of this Association and such other persons as may become members under the provisions and restrictions of these Articles of Association shall, while they remain members, be associated with and bound by these Articles of Association.

3. All members of the Association shall, on a proportionate basis, pay the obligations of the Association. Failure to do so shall be cause for Association action to collect unpaid assessments from the delinquent members by legal means if necessary or by expulsion from the Association after due notice and hearing. All members shall be liable for their proportionate share of assessments even though they may decline to share in Association benefits.

4. This Association shall neither be dissolved nor shall any of its powers be revoked or altered by transfer of the parcel or lot of any member thereof, whether by act of the party, by operation of law, or by the resignation or death of any member.

5. Each distributee of the Big Sandy Rancheria is entitled to membership in this Association and shall be entitled to one vote and no member, regardless of how membership is acquired, shall be entitled to more than one vote. Each member shall receive a certificate of membership which shall be in the following form.

BIG SANDY ASSOCIATION
(Nonprofit Association)

This certifies that _____ is a member of the Big Sandy Association and as such member is entitled to all the rights and privileges thereof, except as otherwise provided in the Articles of Association. The said member is liable for the payment of his or her proportionate share of such assessments as may from time to time be levied upon the members by the

Association regardless of whether he or she may decline to share in Association benefits. This membership is nontransferable but it may be terminated.

In witness whereof the Association has caused this membership certificate to be issued by its President and Secretary-Treasurer this _____ day of _____ 19_____.

BIG SANDY ASSOCIATION

By_____
President

_____
Secretary-Treasurer

6. Membership, regardless of how acquired, shall be nontransferable and the membership of any member shall terminate automatically whenever the said member's tract conveyed to him pursuant to the Act of August 18, 1958, as amended, is transferred to another owner, either voluntarily or by operation of law, and the new owner shall be eligible for membership in this Association provided he or she makes application for such membership in writing. If at the time of such transfer the member-grantor has failed to pay any or all assessments levied upon him or her and due prior to the time of transfer, the said member-grantor shall remain personally liable for the payment of such unpaid assessments, together with interest at the rate of seven percent (7%) per annum, beginning with the date such unpaid assessments were due and payable, plus the cost of collection including but not limited to

attorney's fees. Any member may withdraw from this Association by giving notice of withdrawal in writing to the Secretary of this Association and by paying all assessments due prior to such withdrawal.

7. If a member's tract as originally conveyed by the United States under the Act of August 18, 1958, as amended, is partitioned or is transferred to more than one individual, the new owners shall designate among themselves which one from among them shall represent them as a member in the Association and notify the Secretary in writing as to their choice. The Secretary shall, upon receipt of such notice, if the designee is not already a member, issue a certificate of membership, as set forth in these Articles, to the person so designated in the said notice and he or she shall have one vote only, Provided: That so long as the original distributee retains any portion of the parcel conveyed to him by the United States of America he may exercise the voting privilege for the entire parcel if he so desires. If as a result of such partitioning or transfer to more than one individual, more than one household on a tract as conveyed by the United States receives water from the community water system, the assessment for that tract may be proportionately increased.

8. An annual meeting of the members shall be held at the Association's principal place of business on the first Wednesday of February of each year. At such annual meeting, a President and a Secretary-Treasurer for the ensuing year shall be elected to serve one year,

or until their successors are elected and qualified. Business may be transacted at meetings, whether annual or special, only if a quorum, consisting of fifty percent (50%) of the members, shall be present.

9. The only manner in which money can be raised by the Association in addition to amounts collected for water service charges shall be by levy of assessments upon the members, Provided: That the trustees on behalf of the Association may accept property by gift, devise or request. Once collected or received, such funds or other properties shall become Association property. The consent of all the members shall be required to create any other personal liability against them as individuals. All contracts entered into shall be limited to creating a liability against the property of the Association only.

10. The officers shall perform the duties usually appertaining to their respective offices, including but not limited to management of Association property, collection of water service charges by legal action if necessary, and levying assessments for payment of Association obligations as already provided herein. The President and the Secretary-Treasurer shall act as trustees on behalf of the Association and title to Association property shall be taken in the name of said trustees. Successor President and Secretary-Treasurer shall automatically become successor trustees when elected. The trustees may not dispose of such property except in accordance with the terms of these Articles. The trustees

shall manage Association property in accordance with the terms of these Articles and such Association legislative enactments by ordinance or resolution which are not in conflict with these Articles. No person shall hold office unless he or she be a member and a transfer, either voluntary or by operation of law, of his or her entire lot or parcel of land shall operate as a resignation from office. The Secretary-Treasurer of the Association shall have these Articles of Association and the deed from the United States conveying property to the Association pursuant to the Act of August 18, 1958, as amended, recorded in Fresno County, State of California. He shall be adequately bonded and, upon authorization of the members, pay out of any money in his hands the taxes and insurance premiums on the property of the Association and the charges for necessary repairs and expenses thereto. He shall keep an account and record of the affairs of the Association and render reports at the annual meetings.

11. Association property may be sold or otherwise conveyed by the trustees with the consent in writing, or as expressed by vote at a duly called meeting, of sixty-six and two-thirds percent (66 2/3%) of the members.

12. The Association may be dissolved by the consent in writing of one-hundred percent (100%) of the current members. At that time the Association property shall be distributed on a proportionate basis to the members of record as of the date of dissolution who are Indian or to members of record who acquire their membership by inheritance or devise of the parcel of a former Indian member.

13. These Articles may be amended or altered by the affirmative vote of two-thirds (2/3rds) of the members of record expressed by vote at an annual meeting or a special meeting called for that purpose. Mail ballots may be used to determine the views of those unable to attend such meetings in person.

In witness whereof the original associates have set their hands and seals hereto this 8TH day of DECEMBER, 1966.

[redacted]

[redacted]

STATE OF CALIFORNIA,
County of Fresno } ss.

On this 9th day of December in the year one thousand nine hundred and Sixty six before me, Hope C. Ostendorf a Notary Public in and for said County and State residing therein, duly commissioned and sworn, personally appeared Wilbur E. Beecher

Certifing that he witness the signatures of the attached document

known to me to be the person.... described in, whose name is subscribed to and who executed the within instrument and acknowledged that he

OFFICIAL SEAL
HOPE C. OSTENDORF
NOTARY PUBLIC-CA
PRINCIPAL OFFICE
FRESNO COUNTY

U/6.0 Big Sandy

December 21, 1966

Mr. Wilbur Beecher
Star Route
Auberry, California 93602

Dear Mr. Beecher

As you are aware, the Articles of Association of the Big Sandy Association call for an annual meeting of members to be held on the firs first Wednesday of Feburary. At this meeting, a President and Secretary-Treasurer are to be elected and Association business is to be transacted.

It is assumed that you, as President of the present Big Sandy organization, will call the meeting which, this coming year, will fall on February First. Among the items of business to be conducted in addition to electing officers, should be the adoption of procedures for operation of the domestic water system and the levying of assessments on Association members, pursuant to Section 9 of the Articles, in order to raise funds with which to meet Association expenses.

Enclosed are copies of two resolutions recently adopted by the Hopland Rancheria to cover these two items. These resolutions may, of course, be modified to suit Big Sandy Rancheria needs. We think it is important to keep funds collected for the operation and maintenance of the water system separate from funds collected to pay Association expenses. We also think that it is important to build a reserve in the water fund for use in the event of unexpected repair or replacement costs.

If the domestic water resolution and the membership levy resolution are to be enacted at the February 1, 1967 meeting, it will be necessary that they be discussed and understood in advance by the Association members. Please let us know if we can be helpful in such discussion.

After a Secretary-Treasurer for the Big Sandy Association has been elected and bonded, we will transfer the proceeds from the sale of Parcel 26.

Sincerely yours,

(SGD) TEN BROECK WILLIAMSON

Area Tribal Operations Officer

TBWilliamson:vf - 12-21-66
Enclosures (2)

Tribal Operations
076.0 Big Sandy

November 7, 1967

Mr. Reed Clegg, Director
Fresno County Welfare Department
P. O. Box 1912
Fresno, California 93718

Dear Mr. Clegg:

Pursuant to authority contained in the Rancheria Act, Public Law 85-671, as amended by Public Law 88-419, assets of the Big Sandy Rancheria located near Auberry, California are being distributed to the Indian owners. It is planned to deliver the deeds at a meeting called for 7:00 p.m., Friday, November 17, 1967, on the rancheria.

This confirms the telephone request made to your office on November 6, 1967, that a representative of your office attend this meeting to speak informally to the distributees regarding the duties and responsibilities of property ownership with particular relation to the functions of your office in this connection.

It would be helpful if we could know in advance the name of the individual who will represent your office.

Sincerely yours,

FOR TOM KOOSE WILLIAMSON

Area Tribal Operations Officer

TBWilliamson:vf - 11-7-67

Tribal Operations
076.0 Big Sandy

November 7, 1967

Mr. G. B. Gard
County Assessor
Fresno County
4499 E. Kings Canyon Road
Fresno, California 93702

Dear Mr. Gard:

Pursuant to authority contained in the Rancheria Act, Public Law 85-671, as amended by Public Law 88-419, assets of the Big Sandy Rancheria located near Auberry, California are being distributed to the Indian owners. It is planned to deliver the deeds at a meeting called for 7:00 p.m., Friday, November 17, 1967, on the rancheria.

This confirms the telephone request made to your office on November 6, 1967, that a representative of your office attend this meeting to speak informally to the distributees regarding the duties and responsibilities of property ownership with particular relation to the functions of your office in this connection.

It would be helpful if we could know in advance the name of the individual who will represent your office.

Sincerely yours,

[illegible] WILLIAMSON

Area Tribal Operations Officer

TBWilliamson:vf - 11-7-67

✓ Tribal Operations
076.0 Big Sandy
103.3 Big Sandy

Sent to all distributees listed in Big Sandy Rancheria Plan
[redacted], as Conservator of [redacted]
[redacted], as Conservator of [redacted]
Mrs. [redacted], as Conservator of [redacted]

As you know, all actions required by the plan for the distribution of the assets of the Big Sandy Rancheria have been completed.

Except for two estates still to be probated, the deeds for the Big Sandy Rancheria have now been recorded in the Fresno County Records and can be delivered to the distributees, to the Conservators of distributees and to the Big Sandy Association.

A meeting of the distributees is being held on the rancheria at 7:00 p.m., Friday, November 17, 1967, primarily for this purpose. It is planned that representatives of the Fresno County Welfare Department and the Fresno County Assessor's Office will attend the meeting to discuss the benefits and responsibilities associated with the ownership of property.

We sincerely hope that each of you will be able to attend this most important meeting.

Sincerely yours,

(SGD) TEN BROECK WILLIAMSON

Area Tribal Operations Officer

P.S. It will not be necessary for you to attend this meeting. We will mail the deed to you.

P.S. sent only to [redacted], Hayward, Calif.

FEB 2 1967

Mr. Albert Moore, President
Big Sandy Association
Star Route
Auberry, California 93602

Dear Mr. Moore:

This is to advise you that on January 24, 1967, the Secretary of the Interior approved the two petitions modifying the Big Sandy Rancheria Distribution Plan.

The first petition called for the removal from the plan of the names of [redacted] and the children, [redacted]. The other called for taking Association title to Parcel Number One.

A copy of the modified plan is enclosed for your files.

Also enclosed is the original of the Articles of Association for the Big Sandy Association, which has been properly recorded in Fresno County.

We are sending you a supply of Certificates to be issued to the members of the Association, as set forth in Item #5 of the Articles of Association.

Sincerely yours,

(SGD) TEN BROECK WILLIAMSON

Ten Broeck Williamson
Area Tribal Operations Officer

Enclosures: (3 sets)

TBWilliamson:vf - 2-2-67

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
SACRAMENTO AREA OFFICE
2550 FAIR OAKS BLVD. • P. O. BOX 4775
SACRAMENTO, CALIFORNIA 95825

March 9, 1966

TO: Big Sandy Rancheria Distributees

As you are aware, the plan for the distribution of the assets of the Big Sandy Rancheria provides that this office shall assist the distributees in the establishing of an organization to accept title to and administer the properties which are to be retained in group ownership. There is enclosed for your study a suggested form for such an organization.

The enclosed document provides for the type of association which has been created on other rancherias. It is subject to such changes as the majority of the distributees wish to make. Please read the enclosed articles carefully and be prepared to discuss them at a meeting to be held on the rancheria March 16, 1966, at 7:30 p.m.

It is very important that each distributee attend this meeting, for it concerns the organization to which each of you will belong. Also, between now and March 16, you should be thinking of the name you will want for the association.

Sincerely yours,

Ten Broeck Williamson

Ten Broeck Williamson
Area Tribal Operations Officer

Enclosure

076.0 Big Sandy

Regional Solicitor
Attention: Mr. E. Skroch

MAR 18 1966

Tribal Operations, Sacramento Area Office
Bureau of Indian Affairs

Legal entity - Big Sandy Rancheria

The evening of March 16, I discussed with Big Sandy Rancheria distributees our proposal for Articles of Association. I first made a general statement regarding the need for an organization to receive title to and administer items to be taken in community ownership and then proceeded to discuss the proposed Articles, section by section, describing alternative language which might be adopted.

Present at the meeting, presumably by invitation, was Mr. Harvey Ince, a non-member of the Big Sandy Rancheria, who, I believe, is a Klamath River Indian. Mr. Ince is a founder and former President of the Sierra Indian Club who reportedly left the organization after a disagreement developed among the members. Mr. Ince commented at length on the proposed Articles and rather strongly recommended to the group that in lieu of adopting the Articles they incorporate under State law as a non-profit corporation. As a matter of fact, Mr. Ince so monopolized the discussion for a time as to, in my view, prevent presentation of views by distributees present. Finally, I pointed out to Mr. Ince that as a non-member he was in a rather difficult position at the meeting, endeavoring to present his points of view to the distributees who were directly concerned and who would be the ones to ultimately decide the type of organization to be created. This comment somewhat subdued Mr. Ince.

It developed that a number of the distributees are concerned with a type of organization broader in scope than the proposed Association. Some of them, for example, are interested in being able to receive contributions and assure the donor of a tax write-off. They wish to be able to solicit funds for the educational assistance of their children. They are interested in an organization to which they can make financial contributions and claim a write-off for income tax purposes.

The discussion ended with a commitment on my part to furnish the distributees with a statement of the advantages and disadvantages of incorporating under State law. I believe that at some time in the past at least a start in this type of presentation was prepared, and it will be appreciated if you will furnish this office with such a presentation which we in turn can send to the distributees for their examination prior to the next meeting on the subject of an organization.

This memorandum is designed to implement the discussion we had this morning and if further talk is indicated, I will be pleased to meet with you on my return to the office March 28.

(SGD) TEN BROECK WILLIAMSON

Ten Broeck Williamson
Area Tribal Operations Officer

TBWilliamson/dyc 3-18-66

INDIAN PLANNING CONSORTIUM OF CENTRAL CALIFORNIA
1044 FULTON MALL, ROOM 411, FRESNO, CA 93721 (209) 266-9818

T.O.

July 14, 1980

Richard Burchell, Superintendent
Bureau of Indian Affairs
1800 Tributa Road
P.O. Box 15740
Sacramento, CA 95813

Dear Mr. Burchel,

Pursuant to my conservation with Mr. Calf Looking on July 10, 1980 enclosed is a copy of the Constitution and Bylaws of the Big Sandy Rancheria.

It has been approved by the general council and is being forward to your office for review and comments.

If you should have any questions, please contact myself or Big Sandy Tribal Chairman, Mr. Thane Baty. I am forwarding the Constitution on behalf of the tribal chairman, who is on an out of town business trip.

Thank you.

Sincerely,

Emma Charlie

Emma Charlie
Planning Intern

EC/ec

HB

March 15, 1983

BIG SANDY ASSOCIATION/RANCHERIA
P. O. Box 337
Auberry, California 93602

Mr. Ronald Jaeger
Superintendent
Central California Agency
Bureau of Indian Affairs
1800 Tribute Road
Sacramento, California 95813

Dear Mr. Jaeger:

Attn: Tribal Operations

RE: Technical assistance for constitution

The Big Sandy Association/Rancheria has formed a constitution committee to revise the draft constitution formerly submitted to your office. The make-up of this committee is of four distributees, as outlined in the original termination plan and three members at large.

We are requesting that tribal operation staff provide technical assitance to this committee in assisting with any further developments connected with a constitution.

We would prefer that a Sunday be set-aside for meeting with this committee as soon as possible. Please advise and contact myself before noon, regarding the finalizing of arrangements at (209) 855-2481.

Sincerely,

Daniel Lewis, President

Mr. Daniel Lewis
President
Big Sandy Association

Constitution of the

Big Sandy Band of Indians

PREAMBLE

We, the people of the Big Sandy Band of Indians, hereinafter referred to as the "Band," in order to establish a tribal governmental powers and privileges, do hereby ordain and establish this Constitution.

ARTICLE I - TERRITORY

The territorial jurisidiction of the governing body of the Band shall extend to all lands within the boundaries of the Big Sandy Rancheria site in Fresno County, State of California, and to other such lands as may be hereafter acquired by the Band.

ARTICLE II - MEMBERSHIP

Section 1.

The membership of the Band shall consist of the following:

(a) All persons of California Indian descent who reside at the Big Sandy Rancheria and have resided there continuously for a period of at least five (5) years prior to adoption of this Constitution, or have resided there all their lives if they are less than (5) years of age at the time of adoption of this constitution.

(b) All persons of California Indian descent, regardless of residence, who are recognized as members of the Big Sandy Band of Indians by a majority of the enrolled members.

(c) All lineal descendants born after the effective date of this Constitution who possess at least one-sixteenth (1/16) degree California Indian blood, regardless of whether the ancestor through whom eligibility is claimed is living or deceased.

(d) All persons of Indian blood upon whom membership is conferred by adoption.

Section 2.

There shall be two categories of membership in the Band.

(a) Non-voting members. All enrolled members of the Band possessing less than one-sixteenth (1/16) degree California Indian blood shall be non-voting members.

(b) Voting Members. All enrolled members of the Band who possess at least one-sixteenth (1/16) degree California Indian blood shall be voting members.

(c) Both voting and non-voting members shall have the same rights and privileges exclusive of the privilege of voting and holding office.

Section 3.

Any person who is eligible for membership in the Big Sandy Band of Indians and who is also a member of another Tribe must relinquish membership in the other Tribe on the effective date of his or her enrollment as a member of the Big Sandy Band. Provided, nothing in this provision shall be construed in any way to require the relinquishment of any property acquired by purchase, allotment, bequest, inheritance, assignment, or other manner of acquisition.

Section 4.

All persons who become members of the Band after the effective date of this Constitution must be citizens of the United States of America.

Section 5.

The General Council shall have the power to adopt ordinances, consistent with this Constitution, governing future membership or loss of membership and the adoption of members into the Band.

ARTICLE III - GOVERNING BODY

Section 1.

The governing body of the Band shall be the General Council, which shall consist of all adult enrolled voting members of the Big Sandy Band of Indians eighteen (18) years of age or older.

Section 2.

The General Council shall elect from its membership by secret ballot a Tribal Council consisting of five (5) members from which a Chairman, Vice-Chairman, Secretary-Treasurer and two (2) members, shall be elected by the qualified voters.

ARTICLE IV - NOMINATIONS AND ELECTIONS

Section 1.

The officers of the Big Sandy Band in office at the time of approval of this Constitution shall hold office until their successors are duly elected. The first election under this Constitution shall be called within sixty (60) days after the date of approval of this Constitution, and thereafter elections shall be held every two (2) years on the second Wednesday of September.

Section 2.

Any enrolled voting member of the Band who is at least eighteen (18) years of age at the time of the election, shall be entitled to vote.

Section 3.

Any qualified voter of the General Council shall announce his/her candidacy for the council no later than 30 days prior to an election. The list of candidates shall be announced publicly in the regular July Council meeting preceding the election and shall further be posted this same day at Tribal Office.

Section 4.

The candidate receiving the highest number of votes for a particular office shall hold that office.

Section 5.

The General Council shall adopt an election ordinance prescribing procedures for elections, handling disputes and appeals.

ARTICLE V - VACANCIES AND REMOVAL

Section 1.

If a member of the Tribal Council shall die or resign or be absent from regular council meetings two (2) successive unexcused times or three (3) unexcused times in any twelve (12) month period, the council shall declare the position vacant. If a member of the Tribal Council shall be convicted of a felony while in office, the council may declare the position vacant by a majority vote of the council members. If less than twelve (12) months of the term remains, the council shall fill the vacancy by appointment of a tribal member who qualifies for candidacy. A special election shall be called to fill vacated positions when more than twelve (12) months remain in the unexpired term.

Section 2.

The Tribal Council may, by three affirmative votes, expel any officer or council member who is proven guilty of improper conduct or of gross neglect of duty. Before any vote for expulsion is taken in the matter, such officer or member shall be given an opportunity to answer any or all charges at a designated Council meeting. The decisions of the Council shall be final. Voting must be by secret ballot and the Chairman is eligible to vote.

ARTICLE VI - POWERS AND DUTIES OF THE COUNCIL

Section 1.

Enumerated Powers. The Tribal Council shall exercise the following powers and responsibilities subject only to those limitations imposed by this Constitution:

(a) To negotiate with Federal, State, local and Tribal governments on behalf of the Band; to consult with the Department of the Interior on all activities of the department which may affect Big Sandy Band of Indians or the Big Sandy Rancheria; and to advise the Secretary of the Interior on all Federal projects for the benefit of the Tribe or the Rancheria.

(b) To promote the health, education, and general welfare of the members of the Tribe and to administer charity and other services as may contribute to the social and economic advancement of the Band and its members.

(c) To encourage and foster arts, crafts, traditions, and culture of the Band.

(d) To promulgate and enforce resolutions or ordinances, providing for the manner of making, holding, and revoking assignments of Big Sandy Rancheria land; providing for the levying of taxes and the appropriation of available tribal funds for public purposes; providing for the licensing of non-members; and for the exclusion of persons from the Big Sandy Rancheria or other tribal lands.

(e) To promulgate and enforce ordinances on such subjects as the activity of the Band may require as are not inconsistent with this Constitution.

(f) To borrow money and provide for the repayment thereof, manage all economic affairs and enterprises, negotiate and contract on behalf of the Band, and create tribally-owned corporations.

(g) To initiate, approve, grant or reject any acquisition, disposition lease, encumbrance or condemnation of tribal lands or property; to pledge newly purchased lands as security for loans on such lands; to manage, protect, and preserve all lands, minerals, wildlife, and other natural resources of the Big Sandy Rancheria; to initiate and administer land development projects for the entire rancheria.

(h) To create and maintain a reasonable tribal fund for administrative expenses of the tribe and to provide for remuneration of Tribal Council members and tribal officials as may be required, to administer any funds or property within the control of the Band for the benefit of the Band and its members, officers or employees; and to allocate tribal funds as loans or grants and to transfer tribal property and other assets to tribal organizations for such use as the Tribal Council may determine.

(i) To employ legal counsel of its choice on behalf of the Band and to fix fees for such counsel.

(j) To sue on behalf of the Band and be sued provided such suit is consented to by waiver of sovereign immunity; provided, no waiver of sovereign immunity shall be made by the Tribal Council without the express prior approval by a majority of the General Council, voting thereon at a meeting duly called and noticedfor that express purpose, or at a regularly scheduled meeting.

(k) Employ consultants for the protection and advancement of the interest of the Band and its members.

(l) To form or join existing tribal courts/consortiums/Indian organizations dealing with Indian Child Welfare Act of 1978 (25 U.S.C. §1901 et seq.) and to reassume jurisdiction over Indian child custody proceedings as authorized by the Indian Child Welfare Act (25 U.S.C. §1918).

(m) To establish a tribal judicial system and promulgate tribal court rules.

(n) To create and regulate subordinate organizations; and to delegate to such organizations, or to any subordinate boards or officials of the Big Sandy Rancheria, any of the foregoing powers, reserving the right to review and rescind any action taken by virtue of such delegated powers.

Section 2.

The Tribal Council shall have all of the appropriate powers necessary to implement specific provisions of this Constitution and to effectively govern tribal affairs. All powers heretofore vested in the Band, but not specifically referred to in this Constitution, shall not be abridged, but shall be reserved to the people of the Band and may be exercised through appropriate amendment to this Constitution.

ARTICLE VII - DUTIES OF OFFICERS

Section 1.

The Chairperson of the Tribal Council shall preside at all meetings of the General Council and of the Tribal Council, and shall execute on behalf of the Band all contracts, leases or other documents approved by the General Council. He/she shall have general supervision of all other officers, employees and committees of the Band and see that their duties are properly performed. When neither the General Council nor the Tribal Council is in session, he/she shall be the offical representative of the Big Sandy Band of Indians.

Section 2.

The Vice-Chairperson of the council shall assist the Chairperson when called upon to do so, and in the absence of the Chairperson, he/she shall preside. When presiding, he/she shall have all the rights, privileges, and duties as well as responsibilities of the Chairperson.

Section 3.

The Secretary-Treasurer of the council shall conduct all tribal correspondence and keep a complete and accurate record of all matters transacted at council meetings. It shall be his/her duty to accept, receive, receipt for, preserve and safeguard all funds in the custody of the council. He/she shall deposit all such funds in such banks or elsewhere, as directed by the council. He/she shall not pay out nor authorize disbursement of any funds in his/her possession or custody or in the possession or custody of the council, except when properly authorized to do so by majority vote of the council. The books and records of the Secretary-Treasurer shall be audited at least once a year by a competent auditor. The Secretary-Treasurer shall be required to give bond satisfactory to the council. The premium for such bond shall be paid from tribal funds. The Secretary-Treasurer shall keep the minutes of all meetings, and attest to all enactments of resolutions and ordinances.

Section 4.

Appointive Officers. The duties of all appointive committees or officers of the Band shall be clearly defined by the Tribal Council at the time of their creation or appointment. Such committees and officers shall report on their activites and decisions from time to time as required by the Tribal Council. Their actions and decisions shall be subject to review by the Tribal Council.

Section 5.

Newly-elected members who have been duly certified shall be installed at the first regular meeting of the Tribal Council following certification.

Section 6.

Each member of the Tribal Council, and each officer or subordinate officer, elected or appointed under this constitution shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the Big Sandy Band of Indians.

OATH:

"I, _____,

do solemnly swear that I will support and defend the Constitution of the Big Sandy Band of Indians, that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate with, promote, and protect the best interests of the Big Sandy Band of Indians, in accordance with the Constitution of the Band.

Section 7.

Regular meetings of the Tribal Council shall be held on the last Saturday of each month, or at such other times as the Tribal Council may by resolution provide, on a day to be determined by the Tribal Council.

Section 8.

Absences from regular meetings must be excused by majority vote of the council members present. As provided in Article V, Section 1, unexcused absences shall be cause for removal of a council member from office.

Section 9.

Special meetings may be called by a written notice signed by the Chairperson, or thirty percent (30%) of the General Council, and when so called the Tribal Council shall have the power to transact business as in the regular meetings.

Section 10.

No tribal business shall be transacted unless a quorum is present. A quorum of the Tribal Council is three (3) members. For General Council meetings a quorum is fifteen percent (15%).

Section 11. Order of Business.

(a) Call to order by Chairperson

(b) Roll call

(c) Reading of minutes of last meeting.

(d) Unfinished business

(e) Reports

(f) New business

(g) Adjournment

ARTICLE VIII - REFERENDUM, INITIATIVE AND RECALL

Section 1.

Referendum - The Council shall, upon receipt of a petition signed by thirty percent (30%) of the qualified voters, submit any enacted or proposed tribal legislation to a referendum of the eligible voters. The decision of a majority of the voters voting in the referendum shall be final, providing thirty percent (30%) of the qualified voters voted. The Tribal Council shall call the referendum within thirty (30) days from the date of the receipt of a valid petition. The vote shall be by secret ballot.

Section 2.

Initiative - the qualified voters of the Band reserve the power to independently propose tribal legislation. Any proposed initiative measure shall be presented to the Council accompanied by a petition signed by not less than thirty percent (30%) of the eligible voters of the General Council. Upon receipt of such a petition, the Tribal Council shall call a special election for the purpose of allowing the members of the Band to vote on the initiative measure. The election shall be held within thirty (30) days from the date a valid petition is presented. The initiative shall be final providing that thirty percent (30%) of the qualified voters have voted in such election.

Section 3.

Recall - upon receipt of a petition signed by at least thirty percent (30%) of the qualified voters of the Band demanding a recall of any member of the Tribal Council, it

shall be the duty of the Tribal Council to call a special election on the question of the recall within thirty (30) days from the date of the filing of the valid petition. The elections shall be held in the manner prescribed in an election ordinance in accordance with Article IV, Section 4. Should the Tribal Council not call an election within thirty days (30) the office will be declared vacant and filled in accordance with Article V., Section 1. The decision of a majority of the voters voting in the recall shall be final providing at least thirty percent (30%) of the qualified voters voted.

ARTICLE IX - ORDINANCES AND RESOLUTIONS

Section 1.

All final decisions of the Tribal Council on matters of general and permanent interest (such as action on the tribal budget for a single year, or petitions to Congress or the Secretary of the Interior), or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees, or rules of order for the council) shall be embodied in resolutions or ordinances.

Section 2.

All questions of procedure (such as acceptance of committee reports, or invitations to outsiders to speak) shall be decided by action of the Tribal Council, or by the ruling of the Chairperson, if no objection is heard. On all ordinances, resolutions, or motions, the Tribal Council may act by a majority of those present.

ARTICLE X - BILL OF RIGHTS

All members of the Big Sandy Band of Indians shall have equal rights, equal protection, and equal opportunity to participate in the economic resources, tribal assets, and activities of the Rancheria. No member shall be denied freedom of speech, religion or the right to peaceful assembly, nor shall any member be denied the right to petition the Tribal Council or tribal courts for redress of grievances.

ARTICLE XI - AMENDMENTS

Amendments to this Constitution may be adopted in the same manner as the initial adoption as specified in Article XII.

ARTICLE XII - ADOPTION

This Constitution shall become effective when it has been adopted by a majority of the voters of the Band at a special election called by the Officers of the Band in which at least thirty (30) percent of the eligible voters vote.

Tribal Operations
063 Big Sandy

MAR 8 1985

Ms. Geraldine Alec, Chairperson
Big Sandy Rancheria
P.O. Box 337
Auberry, CA 93602

Dear Ms. Alec:

As requested by your letter received on March 7, 1985, we are enclosing a copy of the tribe's membership ordinance (Membership Ordinance No. 1) which was enacted on July 28, 1984. Also enclosed is a copy of our letter dated December 12, 1984, which provided comments on the ordinance.

In the event you ~~with~~ wish to discuss the ordinance and our review with members of our staff, please provide a written request with a tentative meeting date. Any questions regarding this matter may be directed to Silas G. Ortley of our Tribal Operations office. For your convenience he can be reached at (916) 484-4659.

Sincerely,

Joseph J. LaFrombois

Superintendent

Enclosures

SGOrtley:tlw/3-8-85

cc: 063 Big Sandy

INITIAL INCOMING COPY

SG
3/8/8

Big Sandy Rancheria
P. O. Box 337
Auberry, California 93602
March 5, 1985

Bureau Of Indian Affairs
Central California Agency
Tribal Operations Office
Mr. Silas G. Ortley
1800 Tribute Road
Post Office Box 15740
Sacramento, California 95852-0740

Re: Membership Ordinance

Dear Mr. Ortley:

When you were here for our last meeting with the Membership Committee, you had a copy of the membership ordinance, in looking through our files we have fail to find a copy of the ordinance. If you would be so kind, could you send a copy of the one that you have. It would be greatly appreciated.

Thank you very much.

Sincerely,

Geraldine Alec

Geraldine Alec,
Chairperson

ga

SEP 14 2000

Judith Kammins Albietz, Attorney at Law
Albietz Law Corporation
2001 N Street
Sacramento, California 95814-4222

Dear Ms. Albietz:

The Bureau of Indian Affairs, Central California Agency, is in receipt of your correspondence of September 6, 2000, the original "Liquor Ordinance of the Big Sandy Rancheria, Ordinance No. 0014," Tribal Resolution No. 0800-02, and Liquor Ordinance No. 00-14 on diskette. You are requesting on behalf of the Big Sandy Rancheria of Mono Indians of California, Secretarial approval of the Tribe's liquor ordinance, pursuant to Title 18 U.S.C. §1161.

In accordance with your request, we are forwarding your letter of September 6, 2000, the original liquor ordinance and tribal resolution, and the diskette to the Regional Director, Pacific Region, Bureau of Indian Affairs, for appropriate action.

Please contact Dorson Zuni, Regional Tribal Operations Officer, Pacific Region, Bureau of Indian Affairs, at (916) 978-6063 should you require additional information with regard to this matter.

Sincerely,

FOR Sgd. Douglas J. Rollins
Dale Risling, Sr.
Superintendent

cc: Jeanette Sample, Chairperson, Big Sandy Rancheria Tribal Council
Pacific Regional Tribal Operations Officer, Bureau of Indian Affairs
3718-P5 Big Sandy Rancheria FY 2000
Tribal Operations Chron
Superintendent Chron
Blind Copy (Carol)

CBRogers-Davis:09/12/00

SURNAME COPY CBRogers-Davis 9/15/00

Coral RD

ALBIETZ
LAW
CORPORATION

2001 "N" STREET, SUITE 100
SACRAMENTO, CA 95814-4222
(916) 442-4241
FAX (916) 444-5494

T.O.
RESPONSE REQUIRED
DATE
LTR
OTHER

September 6, 2000

Dale Risling, Superintendent
Bureau of Indian Affairs
Central California Agency
1824 Tribute Road, Suite J
Sacramento, CA 95815

Re: Big Sandy Rancheria Alcoholic Beverage Control Law

Dear Mr. Risling:

This office represents Big Sandy Rancheria Band of Western Mono Indians ("Tribe"), a federally recognized Indian tribe. We have attached for your review the original Big Sandy Alcoholic Beverage Control Law, a.k.a., Liquor Ordinance of Big Sandy Rancheria ("Ordinance"), the original resolution adopting the Ordinance, and a diskette with the Ordinance in both Word and Wordperfect format.

Upon review please forward the Ordinance to the Secretary of the Interior for approval within thirty (30) days for approval and publication in the Federal Register pursuant to 18 U.S.C. §1161.

Your prompt attention to this matter is greatly appreciated.

Very truly yours,

ALBIETZ LAW CORPORATION

Judith Kammins Albietz

Enclosures

D:\Client\Big Sandy\Liquor Ordinance\2000 09 06.reviewreq.bia.ltr.wpd

TRIBAL PROGRAMS
NOTED BY 9/12/2000

BIG SANDY RANCHERIA

BAND OF WESTERN MONO INDIANS
BIG SANDY RANCHERIA
RESOLUTION 0800-02
Regarding Liquor Ordinance-00-14.

WHEREAS; the Big Sandy Rancheria is a federally recognized Indian Tribe; and

WHEREAS; the Big Sandy Rancheria Tribal Council is the governing body of the Big Sandy Rancheria; and

WHEREAS; the Big Sandy Rancheria has voted to accept and adopt Liquor Ordinance-00-14; and

NOW THEREFORE BE IT RESOLVED THAT, the Tribal Council of the Big Sandy Rancheria hereby adopts Liquor Ordinance-00-14 as the ordinance for the Big Sandy Rancheria.

BE IT FURTHER RESOLVED THAT, in compliance with 18 U.S.C. Section 1161, the Big Sandy Rancheria Tribal Council, the governing body of this federally recognized Indian tribe, hereby requests that the Secretary of the Interior for the United States certify and publish in the Federal Register the Liquor Ordinance-00-14 adopted by the Council on, July 29, 2000.

CERTIFICATION

This resolution has been passed by the undersigned as duly elected Tribal Council of the Big Sandy Rancheria. This foregoing resolution was adopted and approved on 7, 29, 2000, where a quorum was present with a vote of 4 For 2 Against 0 Abstain.

Jeanette L. Sample, Tribal Chairwoman

Mechelle Johnson, Treasurer

Pearl Hutchins, Vice-Chair

Regina Baty, Secretary

Margaret Marquez, Member-At-Large

(559) 855-4003 • FAX (559) 855-4129
33041 Auberry Rd. Ste. 101 P.O. Box 337 Auberry, CA 93602

Big Sandy Rancheria Alcoholic Beverage Control Law

Liquor Ordinance
of the
Big Sandy Rancheria

Ordinance No. 00-14

Chapter I--Introduction

Section 101. Title. This ordinance shall be known as the ``Liquor Ordinance of the Big Sandy Rancheria of Mono Indians of California."

Section 102. Authority. This ordinance is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. 1161) and the Constitution of the Big Sandy Rancheria of Mono Indians of California ("Big Sandy Rancheria" or "Rancheria").

Section 103. Purpose. The purpose of this ordinance is to regulate and control the possession and sale of liquor on lands under the control of the Big Sandy Rancheria. The enactment of a tribal ordinance governing liquor possession and sale on the Rancheria will increase the ability of the tribal government to control Rancheria liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal government services.

Chapter II--Definitions

Section 201. Definitions. As used in this ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

"Alcohol" Means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions of this substance.

"Alcoholic Beverage" Is synonymous with the term ``Liquor" as defined in this Chapter.

"Bar" Means any establishment with special space and accommodations for sale by the glass, can or bottle and for consumption on the premises of liquor, as herein defined.

"Beer"	Means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain of cereal in pure water containing not more than four percent of alcohol by volume. For the purposes of this title, any such beverage, including ale, stout, and porter, containing more than four percent of alcohol by weight shall be referred to as ``strong beer."
"General Membership"	Means the general membership of the Big Sandy Rancheria, which is composed of the membership of the Tribe as a whole.
"Liquor"	Includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented spirituous, vinous, or malt liquor or combination thereof, and mixed liquor, or otherwise intoxicating; and every liquor or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contain more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.
"Liquor Store"	Means any store at which liquor is sold and, for the purposes of this ordinance, includes stores only a portion of which are devoted to sale of liquor or beer.
"Malt Liquor"	Means beer, strong beer, ale stout, and porter.
"Package"	Means any container or receptacle used for holding liquor.
"Public Place"	Includes state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishment, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theater, gaming facilities, entertainment centers, store garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds of character; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public. For the purposes of this ordinance, "Public Place" shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

"Rancheria"	Means land held in trust by the United States Government for the benefit of the Big Sandy Rancheria of Mono Indians of California (See also, Tribal Land).
"Sale and Sell"	Include exchange, barter, and traffic; and also include the selling or supplying or distributing by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or wine by any person to any person.
"Spirits"	Means any beverage, which contains alcohol obtained by distillation, including wines exceeding 17 percent of alcohol by weight.
"Tribal Council"	Means the Tribal Council of the Big Sandy Rancheria of Mono Indians of California.
"Tribal Land"	Means any land within the exterior boundaries of the Rancheria which is held in trust by the United States for the Tribe as a whole, including such land leased to other parties and lands held in trust under lease to Big Sandy Rancheria.
"Tribe"	Means the Big Sandy Rancheria of Mono Indians of California.
"Wine"	Means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than 17 percent of alcohol by weight, including sweet wines fortified with wine spirits such as port, sherry, muscatel, and angelica, not exceeding 17 percent of alcohol by weight.
"Trust Account"	Means the account designated by the Tribal Council for deposit of proceeds from the tax from the sale of alcoholic beverages.
"Trust Agent"	Means the Tribal Chairperson or a designee of the Chairperson.

Chapter III-Powers of Enforcement

Section 301. Powers. The Tribal Council, in furtherance of this ordinance, shall have the following powers and duties:

(a) To publish and enforce the rules and regulations governing the sale, manufacture, and distribution of alcoholic beverages on the Rancheria;

(b) To employ managers, accountants, security personnel, inspectors, and such other persons as shall be reasonably necessary to allow the Tribal Council to perform its functions;

(c) To issue licenses permitting the sale or manufacture or distribution of liquor on the Rancheria;

(d) To hold hearings on violations of this ordinance or for the issuance or revocation of licenses hereunder;

(e) To bring suit in the appropriate court to enforce this ordinance as necessary;

(f) To determine and seek damages for violation of this ordinance;

(g) To make such reports as may be required by the Council;

(h) To collect taxes and fees levied or set by the Tribal Council and to keep accurate records, books, and accounts; and

Section 302. Limitation on Powers. In the exercise of its powers and duties under this ordinance, the Tribal Council and its individual members shall not accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee.

Section 303. Inspection Rights. The premises on which liquor is sold or distributed shall be open for inspection by the Tribal Council or its designee at all reasonable times for the purposes of ascertaining whether the rules and regulations of this ordinance are being complied with.

Chapter IV--Sales of Liquor

Section 401. Licenses Required. No sales of alcoholic beverages shall be made within the exterior boundaries of the Rancheria, except at a tribally licensed or tribally owned business operated on tribal land within the exterior boundaries of the Rancheria.

Section 402. Sales Only on Tribal Land. All liquor sales within the exterior boundaries of the Rancheria shall be on tribal land, including leases thereon.

Section 403. Sales for Cash. All liquor sales within the Rancheria boundaries shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that this provision does not prevent the use of major credit cards such as Visa, American Express, etc.

Section 404. Sale for Personal Consumption. All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Rancheria is prohibited. Any person who is not licensed pursuant to this ordinance who purchases an alcoholic beverage within the boundaries of the Rancheria and sells it, whether in the original container or not, shall be guilty of a violation of this ordinance and shall be subjected to paying damages to the Tribe as set forth herein.

Chapter V--Licensing

Section 501. Application for Tribal Liquor License Requirements. No tribal license shall issue under this ordinance except upon a sworn application filed with the Tribal Council containing a full and complete showing of the following:

(a) Satisfactory proof that the applicant is or will be duly licensed by the State of California.

(b) Satisfactory proof that the applicant is of good character and reputation among the people of the Rancheria and that the applicant is financially responsible.

(c) The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license.

(d) Agreement by the applicant to accept and abide by all conditions of the tribal license.

(e) Payment of $250 fee as prescribed by the Tribal Council.

(f) Satisfactory proof that neither the applicant nor the applicant's spouse has ever been convicted of a felony.

(g) Satisfactory proof that notice of the application has been posted in a prominent, noticeable place on the premises where intoxicating beverages are to be sold for at least 30 days prior to consideration by the Tribal Council and has been published at least twice in such local newspaper serving the community that may be affected by the license the Tribal Chairperson or Secretary may authorize. The notice shall state the date, time and place when the application shall be considered by the Tribal Council pursuant to Section 502 of this ordinance.

Section 502. Hearing on Application for Tribal Liquor License. All applications for a tribal liquor license shall be considered by the Tribal Council in open session at which

the applicant, his attorney, and any person protesting the application shall have the right to be present, and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Tribal Council shall determine whether to grant or deny the application based on:

(1) Whether the requirements of Section 501 have been met; and

(2) Whether the Tribal Council, in its discretion, determines that granting the license is in the best interests of the Tribe.

In the event that the applicant is a member of the Tribal Council, or a member of the immediate family of a Tribal Council member, such members shall not vote on the application or participate in the hearings as a Tribal Council member.

Section 503. Temporary Permits. The Tribal Council or their designee may grant a temporary permit for the sale of intoxicating beverages for a period not to exceed 3 days to any person applying for the same in connection with a tribal or community activity, provided that the conditions prescribed in Section 504 of this ordinance shall be observed by the permittee. Each permit issued shall specify the types of intoxicating beverages to be sold. Further, a fee of $25 will be assessed on temporary permits.

Section 504. Conditions of the Tribal License. Any tribal license issued under this title shall be subject to such reasonable conditions as the Tribal Council shall fix, including, but not limited to the following:

(a) The license shall be for a term not to exceed 1 year.

(b) The licensee shall at all times maintain an orderly, clean and neat establishment, both inside and outside the licensed premises.

(c) The State of California shall have jurisdiction over offenses and civil causes of action committed on the licensed premises to the same extent that it has jurisdiction over offenses and civil causes of action committed elsewhere within California, and the California criminal laws, and civil laws of general applicability to private persons or private property, shall have the same force and effect on the licensed premises as they have elsewhere in California.

(d) The licensed premises shall be subject to patrol by the tribal enforcement department, and such other law enforcement officials as may be authorized under federal, California, or tribal law.

(e) The licensed premises shall be open to inspection by duly authorized tribal officials at all times during the regular business hours.

(f) Subject to the provisions of subsection (g) of this section, no intoxicating beverages shall be sold, served, disposed of, delivered or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State of California, and in accordance with the hours fixed by the Council, provided that the licensed premises shall not operate or open earlier or operate or close later than is permitted by the laws of the State of California.

(g) No liquor shall be sold within 200 feet of a polling place on tribal election days, or when a referendum is held of the people of the Tribe, and including special days of observation as designated by the Tribal Council.

(h) All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the State of California, and shall be in accordance with this ordinance and any tribal license issued pursuant to this ordinance.

(i) No person under the age permitted under the laws of the State of California shall be sold, served, delivered, given, or allowed to consume alcoholic beverages in the licensed establishment and/or area.

(j) There shall be no discrimination in the operations under the tribal license by reason of race, color, or creed.

Section 505. License Not a Property Right. Notwithstanding any other provision of this ordinance, a tribal liquor license is a mere permit for a fixed duration of time. A tribal liquor license shall not be deemed a property right or vested right of any kind, nor shall the granting of a tribal liquor license give rise to a presumption of legal entitlement to the granting of such license for a subsequent time period.

Section 506. Assignment or Transfer. No tribal license issued under this ordinance shall be assigned or transferred without the written approval of the Tribal Council expressed by formal resolution.

Chapter VI--Rules, Regulations, and Enforcement

Section 601. Sales or Possession With Intent to Sell Without a Permit. Any person who shall sell or offer for sale or distribute or transport in any manner, any liquor in violation of this ordinance, or who shall operate or shall have liquor in his possession with intent to sell or distribute without a permit, shall be guilty of a violation of this ordinance.

Section 602. Purchases From Other Than Licensed Facilities. Any person within the boundaries of the Rancheria who buys liquor from any person other than at a properly licensed facility shall be guilty of a violation of this ordinance.

Section 603. Sales to Persons Under the Influence of Liquor. Any person who sells liquor to a person apparently under the influence of liquor shall be guilty of a violation of this ordinance.

Section 604. Consuming Liquor in Public Conveyance. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant or employee or such person who shall knowingly permit any person to drink any liquor in any public conveyance shall be guilty of an offense. Any person who shall drink any liquor in a public conveyance shall be guilty of a violation of this ordinance.

Section 605. Consumption or Possession of Liquor by Persons Under 21 Years of Age. No person under the age of 21 years shall consume, acquire or have in his possession any alcoholic beverage. No person shall permit any other person under the age of 21 to consume liquor on his premises or any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of a separate violation of this ordinance for each and every drink so consumed.

Section 606. Sales of Liquor to Persons Under 21 Years of Age. Any person who shall sell or provide liquor to any person under the age of 21 years shall be guilty of a violation of this ordinance for each sale or drink provided.

Section 607. Transfer of Identification to Minor. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of an offense; provided, that corroborative testimony of a witness other than the minor shall be a requirement of finding a violation of this ordinance.

Section 608. Use of False or Altered Identification. Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification, which falsely purports to show the individual to be over the age of 21 years, shall be guilty of violating this ordinance.

Section 609. Violations of This Ordinance. Any person guilty of a violation of this ordinance shall be liable to pay the Tribe a penalty not to exceed $500 per violation as civil damages to defray the Tribe's cost of enforcement of this ordinance. In addition to any penalties so imposed, any license issued hereunder may be suspended or canceled by the Tribal Council after 10 days notice to the licensee. The decision of the Tribal Council shall be final.

Section 610. Acceptable Identification. Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following issued cards of identification which shows his correct age and bears his signature and photograph:

(a)Driver's license of any state or identification card issued by any State Department of Motor vehicles;

(b) United States Active Duty Military; or

(c) Passport.

Section 611. Possession of Liquor Contrary to This Ordinance. Alcoholic beverages which are possessed contrary to the terms of this ordinance are declared to be contraband. Any tribal agent, employee, or officer who is authorized by the Tribal Council to enforce this section shall have the authority to, and shall seize, all contraband.

Section 612. Disposition of Seized Contraband. Any officer seizing contraband shall preserve the contraband in accordance with the appropriate California law code. Upon being found in violation of the ordinance by the Tribal Council, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Tribe.

Chapter VII--Taxes

Section 701. Sales Tax. There is hereby levied and shall be collected a tax on each sale of alcoholic beverages on the Rancheria in the amount of 1 percent of the amount actually collected, including payments by major credit cards. The tax imposed by this section shall apply to all retail sales of liquor on the Rancheria and shall preempt any tax imposed on such liquor sales by the State of California.

Section 702. Payment of Taxes to Tribe. All taxes from the sale of alcoholic beverages on the Rancheria shall be paid over to the trust agent of the Tribe.

Section 703. Taxes Due. All taxes for the sale of alcoholic beverages on the Rancheria are due within 30 days at the end of the calendar quarter for which the taxes are due.

Section 704. Reports. Along with payment of the taxes imposed herein, the taxpayer shall submit an accounting for the quarter of all income from the sale or distribution of said beverages as well as for the taxes collected.

Section 705. Audit. As a condition of obtaining a license, the licensee must agree to the review or audit of its books and records relating to the sale of alcoholic beverages on the Rancheria. Said review or audit may be done annually by the Tribe through its agents or employees whenever, in the opinion of the Tribal Council, such a review or audit is necessary to verify the accuracy of reports.

Chapter VIII--Profits

Section 801. Disposition of Proceeds. The gross proceeds collected by the Tribal Council from all licensing provided from the taxation of the sale of alcoholic beverages on the Rancheria shall be distributed as follows:

(a) For the payment of all necessary personnel, administrative costs, and legal fees for the operation and its activities.

(b) The remainder shall be turned over to the Trust Account of the Tribe.

Chapter IX--Severability and Miscellaneous

Section 901. Severability. If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this title or to render such provisions inapplicable to other persons or circumstances.

Section 902. Prior Enactments. All prior enactments of the Tribal Council, which are inconsistent with the provisions of this ordinance, are hereby rescinded.

Section 903. Conformance with California Laws. All acts and transactions under this ordinance shall be in conformity with the laws of the State of California as that term is used in 18 U.S.C. 1161.

Section 904. Effective Date. This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the Federal Register.

Chapter X--Amendment

This ordinance may only be amended by a majority vote of the Tribal Council.

Chapter XI--Sovereign Immunity

Nothing contained in this ordinance is intended to, nor does in any way limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit or action.

CERTIFICATION
ORDINANCE NO.

We, the undersigned duly elected officials of the Big Sandy Rancheria, do hereby certify under penalty of perjury that on Aug. 30, 2000, the foregoing Ordinance was adopted at a duly called meeting of the Tribal Council of the Big Sandy Rancheria, with a quorum present by a vote of:

4 for, 0 against, and 0 abstaining;

Jeanette L. Sample
Jeanette Sample, Tribal Chairperson

Aug 30, 2000
Date

ATTESTED BY:

Regina Baty
Secretary

8/30/00

SEP 15 2000

Superintendent, Central California Agency

Request for Secretarial Approval of Big Sandy Rancheria Liquor Ordinance

Regional Director, Pacific Region, Bureau of Indian Affairs
Attention: Regional Tribal Operations Officer

The Bureau of Indian Affairs, Central California Agency, is in receipt of correspondence dated September 6, 2000, from Judith Kammins Albietz, legal counsel for the Big Sandy Rancheria of Mono Indians of California, submitting the original Big Sandy Rancheria Liquor Ordinance and Resolution 0800-02, and Ordinance No. 00-14 on diskette.

The Tribe is requesting Secretarial approval and publication of the liquor ordinance in the Federal Register, pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. 1161). We are, therefore, forwarding the original ordinance and tribal resolution, and the diskette containing the liquor ordinance in Word and Wordperfect format to the Regional Office for appropriate action.

Please contact Raymond D. Fry, Tribal Operations Officer, at (916) 566-7124 should you require additional information with regard to this matter.

Sgd. Dale Risling, Sr.

Attachments

cc: 3718-P5 Big Sandy Rancheria FY 2000
Tribal Operations Chron
Superintendent Chron
Blind Copy (Carol)

CBRogers-Davis:09/13/00

SURNAME COPY

TRIBAL PROGRAMS
NOTED BY 9/12/2000

BAND OF WESTERN MONO INDIANS
BIG SANDY RANCHERIA
RESOLUTION 0800-02
Regarding Liquor Ordinance-00-14.

WHEREAS; the Big Sandy Rancheria is a federally recognized Indian Tribe; and

WHEREAS; the Big Sandy Rancheria Tribal Council is the governing body of the Big Sandy Rancheria; and

WHEREAS; the Big Sandy Rancheria has voted to accept and adopt Liquor Ordinance-00-14; and

NOW THEREFORE BE IT RESOLVED THAT, the Tribal Council of the Big Sandy Rancheria hereby adopts Liquor Ordinance-00-14 as the ordinance for the Big Sandy Rancheria.

BE IT FURTHER RESOLVED THAT, in compliance with 18 U.S.C. Section 1161, the Big Sandy Rancheria Tribal Council, the governing body of this federally recognized Indian tribe, hereby requests that the Secretary of the Interior for the United States certify and publish in the Federal Register the Liquor Ordinance-00-14 adopted by the Council on, August 30, 2000.

CERTIFICATION

This resolution has been passed by the undersigned as duly elected Tribal Council of the Big Sandy Rancheria. This foregoing resolution was adopted and approved on August 30, 2000, where a quorum was present with a vote of 4 For 0 Against 0 Abstain.

Jeanette L. Sample, Tribal Chairwoman

Mechelle Johnson, Treasurer

Pearl Hutchins, Vice-Chair

Regina Baty, Secretary

Margaret Marquez, Member-At-Large

(559) 855-4003 • FAX (559) 855-4129
33041 Auberry Rd. Ste. 101 P.O. Box 337 Auberry, CA 93602

Big Sandy Rancheria Alcoholic Beverage Control Law

Liquor Ordinance
of the
Big Sandy Rancheria

Ordinance No. 00-14

Chapter I--Introduction

Section 101. Title. This ordinance shall be known as the ``Liquor Ordinance of the Big Sandy Rancheria of Mono Indians of California."

Section 102. Authority. This ordinance is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. 1161) and the Constitution of the Big Sandy Rancheria of Mono Indians of California ("Big Sandy Rancheria" or "Rancheria").

Section 103. Purpose. The purpose of this ordinance is to regulate and control the possession and sale of liquor on lands under the control of the Big Sandy Rancheria. The enactment of a tribal ordinance governing liquor possession and sale on the Rancheria will increase the ability of the tribal government to control Rancheria liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal government services.

Chapter II--Definitions

Section 201. Definitions. As used in this ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

"Alcohol"	Means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions of this substance.
"Alcoholic Beverage"	Is synonymous with the term ``Liquor" as defined in this Chapter.
"Bar"	Means any establishment with special space and accommodations for sale by the glass, can or bottle and for consumption on the premises of liquor, as herein defined.

"Beer"	Means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain of cereal in pure water containing not more than four percent of alcohol by volume. For the purposes of this title, any such beverage, including ale, stout, and porter, containing more than four percent of alcohol by weight shall be referred to as ``strong beer."
"General Membership"	Means the general membership of the Big Sandy Rancheria, which is composed of the membership of the Tribe as a whole.
"Liquor"	Includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented spirituous, vinous, or malt liquor or combination thereof, and mixed liquor, or otherwise intoxicating; and every liquor or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contain more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.
"Liquor Store"	Means any store at which liquor is sold and, for the purposes of this ordinance, includes stores only a portion of which are devoted to sale of liquor or beer.
"Malt Liquor"	Means beer, strong beer, ale stout, and porter.
"Package"	Means any container or receptacle used for holding liquor.
"Public Place"	Includes state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishment, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theater, gaming facilities, entertainment centers, store garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds of character; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public. For the purposes of this ordinance, "Public Place" shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

"Rancheria"	Means land held in trust by the United States Government for the benefit of the Big Sandy Rancheria of Mono Indians of California (See also, Tribal Land).
"Sale and Sell"	Include exchange, barter, and traffic; and also include the selling or supplying or distributing by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or wine by any person to any person.
"Spirits"	Means any beverage, which contains alcohol obtained by distillation, including wines exceeding 17 percent of alcohol by weight.
"Tribal Council"	Means the Tribal Council of the Big Sandy Rancheria of Mono Indians of California.
"Tribal Land"	Means any land within the exterior boundaries of the Rancheria which is held in trust by the United States for the Tribe as a whole, including such land leased to other parties and lands held in trust under lease to Big Sandy Rancheria.
"Tribe"	Means the Big Sandy Rancheria of Mono Indians of California.
"Wine"	Means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than 17 percent of alcohol by weight, including sweet wines fortified with wine spirits such as port, sherry, muscatel, and angelica, not exceeding 17 percent of alcohol by weight.
"Trust Account"	Means the account designated by the Tribal Council for deposit of proceeds from the tax from the sale of alcoholic beverages.
"Trust Agent"	Means the Tribal Chairperson or a designee of the Chairperson.

Chapter III-Powers of Enforcement

Section 301. Powers. The Tribal Council, in furtherance of this ordinance, shall have the following powers and duties:

(a) To publish and enforce the rules and regulations governing the sale, manufacture, and distribution of alcoholic beverages on the Rancheria;

(b) To employ managers, accountants, security personnel, inspectors, and such other persons as shall be reasonably necessary to allow the Tribal Council to perform its functions;

(c) To issue licenses permitting the sale or manufacture or distribution of liquor on the Rancheria;

(d) To hold hearings on violations of this ordinance or for the issuance or revocation of licenses hereunder;

(e) To bring suit in the appropriate court to enforce this ordinance as necessary;

(f) To determine and seek damages for violation of this ordinance;

(g) To make such reports as may be required by the Council;

(h) To collect taxes and fees levied or set by the Tribal Council and to keep accurate records, books, and accounts; and

Section 302. Limitation on Powers. In the exercise of its powers and duties under this ordinance, the Tribal Council and its individual members shall not accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee.

Section 303. Inspection Rights. The premises on which liquor is sold or distributed shall be open for inspection by the Tribal Council or its designee at all reasonable times for the purposes of ascertaining whether the rules and regulations of this ordinance are being complied with.

Chapter IV--Sales of Liquor

Section 401. Licenses Required. No sales of alcoholic beverages shall be made within the exterior boundaries of the Rancheria, except at a tribally licensed or tribally owned business operated on tribal land within the exterior boundaries of the Rancheria.

Section 402. Sales Only on Tribal Land. All liquor sales within the exterior boundaries of the Rancheria shall be on tribal land, including leases thereon.

Section 403. Sales for Cash. All liquor sales within the Rancheria boundaries shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that this provision does not prevent the use of major credit cards such as Visa, American Express, etc.

Section 404. Sale for Personal Consumption. All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Rancheria is prohibited. Any person who is not licensed pursuant to this ordinance who purchases an alcoholic beverage within the boundaries of the Rancheria and sells it, whether in the original container or not, shall be guilty of a violation of this ordinance and shall be subjected to paying damages to the Tribe as set forth herein.

Chapter V--Licensing

Section 501. Application for Tribal Liquor License Requirements. No tribal license shall issue under this ordinance except upon a sworn application filed with the Tribal Council containing a full and complete showing of the following:

(a) Satisfactory proof that the applicant is or will be duly licensed by the State of California.

(b) Satisfactory proof that the applicant is of good character and reputation among the people of the Rancheria and that the applicant is financially responsible.

(c) The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license.

(d) Agreement by the applicant to accept and abide by all conditions of the tribal license.

(e) Payment of $250 fee as prescribed by the Tribal Council.

(f) Satisfactory proof that neither the applicant nor the applicant's spouse has ever been convicted of a felony.

(g) Satisfactory proof that notice of the application has been posted in a prominent, noticeable place on the premises where intoxicating beverages are to be sold for at least 30 days prior to consideration by the Tribal Council and has been published at least twice in such local newspaper serving the community that may be affected by the license the Tribal Chairperson or Secretary may authorize. The notice shall state the date, time and place when the application shall be considered by the Tribal Council pursuant to Section 502 of this ordinance.

Section 502. Hearing on Application for Tribal Liquor License. All applications for a tribal liquor license shall be considered by the Tribal Council in open session at which

the applicant, his attorney, and any person protesting the application shall have the right to be present, and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Tribal Council shall determine whether to grant or deny the application based on:

(1) Whether the requirements of Section 501 have been met; and

(2) Whether the Tribal Council, in its discretion, determines that granting the license is in the best interests of the Tribe.

In the event that the applicant is a member of the Tribal Council, or a member of the immediate family of a Tribal Council member, such members shall not vote on the application or participate in the hearings as a Tribal Council member.

Section 503. Temporary Permits. The Tribal Council or their designee may grant a temporary permit for the sale of intoxicating beverages for a period not to exceed 3 days to any person applying for the same in connection with a tribal or community activity, provided that the conditions prescribed in Section 504 of this ordinance shall be observed by the permittee. Each permit issued shall specify the types of intoxicating beverages to be sold. Further, a fee of $25 will be assessed on temporary permits.

Section 504. Conditions of the Tribal License. Any tribal license issued under this title shall be subject to such reasonable conditions as the Tribal Council shall fix, including, but not limited to the following:

(a) The license shall be for a term not to exceed 1 year.

(b) The licensee shall at all times maintain an orderly, clean and neat establishment, both inside and outside the licensed premises.

(c) The State of California shall have jurisdiction over offenses and civil causes of action committed on the licensed premises to the same extent that it has jurisdiction over offenses and civil causes of action committed elsewhere within California, and the California criminal laws, and civil laws of general applicability to private persons or private property, shall have the same force and effect on the licensed premises as they have elsewhere in California.

(d) The licensed premises shall be subject to patrol by the tribal enforcement department, and such other law enforcement officials as may be authorized under federal, California, or tribal law.

(e) The licensed premises shall be open to inspection by duly authorized tribal officials at all times during the regular business hours.

(f) Subject to the provisions of subsection (g) of this section, no intoxicating beverages shall be sold, served, disposed of, delivered or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State of California, and in accordance with the hours fixed by the Council, provided that the licensed premises shall not operate or open earlier or operate or close later than is permitted by the laws of the State of California.

(g) No liquor shall be sold within 200 feet of a polling place on tribal election days, or when a referendum is held of the people of the Tribe, and including special days of observation as designated by the Tribal Council.

(h) All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the State of California, and shall be in accordance with this ordinance and any tribal license issued pursuant to this ordinance.

(i) No person under the age permitted under the laws of the State of California shall be sold, served, delivered, given, or allowed to consume alcoholic beverages in the licensed establishment and/or area.

(j) There shall be no discrimination in the operations under the tribal license by reason of race, color, or creed.

Section 505. License Not a Property Right. Notwithstanding any other provision of this ordinance, a tribal liquor license is a mere permit for a fixed duration of time. A tribal liquor license shall not be deemed a property right or vested right of any kind, nor shall the granting of a tribal liquor license give rise to a presumption of legal entitlement to the granting of such license for a subsequent time period.

Section 506. Assignment or Transfer. No tribal license issued under this ordinance shall be assigned or transferred without the written approval of the Tribal Council expressed by formal resolution.

Chapter VI--Rules, Regulations, and Enforcement

Section 601. Sales or Possession With Intent to Sell Without a Permit. Any person who shall sell or offer for sale or distribute or transport in any manner, any liquor in violation of this ordinance, or who shall operate or shall have liquor in his possession with intent to sell or distribute without a permit, shall be guilty of a violation of this ordinance.

Section 602. Purchases From Other Than Licensed Facilities. Any person within the boundaries of the Rancheria who buys liquor from any person other than at a properly licensed facility shall be guilty of a violation of this ordinance.

Section 603. Sales to Persons Under the Influence of Liquor. Any person who sells liquor to a person apparently under the influence of liquor shall be guilty of a violation of this ordinance.

Section 604. Consuming Liquor in Public Conveyance. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant or employee or such person who shall knowingly permit any person to drink any liquor in any public conveyance shall be guilty of an offense. Any person who shall drink any liquor in a public conveyance shall be guilty of a violation of this ordinance.

Section 605. Consumption or Possession of Liquor by Persons Under 21 Years of Age. No person under the age of 21 years shall consume, acquire or have in his possession any alcoholic beverage. No person shall permit any other person under the age of 21 to consume liquor on his premises or any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of a separate violation of this ordinance for each and every drink so consumed.

Section 606. Sales of Liquor to Persons Under 21 Years of Age. Any person who shall sell or provide liquor to any person under the age of 21 years shall be guilty of a violation of this ordinance for each sale or drink provided.

Section 607. Transfer of Identification to Minor. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of an offense; provided, that corroborative testimony of a witness other than the minor shall be a requirement of finding a violation of this ordinance.

Section 608. Use of False or Altered Identification. Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification, which falsely purports to show the individual to be over the age of 21 years, shall be guilty of violating this ordinance.

Section 609. Violations of This Ordinance. Any person guilty of a violation of this ordinance shall be liable to pay the Tribe a penalty not to exceed $500 per violation as civil damages to defray the Tribe's cost of enforcement of this ordinance. In addition to any penalties so imposed, any license issued hereunder may be suspended or canceled by the Tribal Council after 10 days notice to the licensee. The decision of the Tribal Council shall be final.

Section 610. Acceptable Identification. Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following issued cards of identification which shows his correct age and bears his signature and photograph:

(a)Driver's license of any state or identification card issued by any State Department of Motor vehicles;

(b) United States Active Duty Military; or

(c) Passport.

Section 611. Possession of Liquor Contrary to This Ordinance. Alcoholic beverages which are possessed contrary to the terms of this ordinance are declared to be contraband. Any tribal agent, employee, or officer who is authorized by the Tribal Council to enforce this section shall have the authority to, and shall seize, all contraband.

Section 612. Disposition of Seized Contraband. Any officer seizing contraband shall preserve the contraband in accordance with the appropriate California law code. Upon being found in violation of the ordinance by the Tribal Council, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Tribe.

Chapter VII--Taxes

Section 701. Sales Tax. There is hereby levied and shall be collected a tax on each sale of alcoholic beverages on the Rancheria in the amount of 1 percent of the amount actually collected, including payments by major credit cards. The tax imposed by this section shall apply to all retail sales of liquor on the Rancheria and shall preempt any tax imposed on such liquor sales by the State of California.

Section 702. Payment of Taxes to Tribe. All taxes from the sale of alcoholic beverages on the Rancheria shall be paid over to the trust agent of the Tribe.

Section 703. Taxes Due. All taxes for the sale of alcoholic beverages on the Rancheria are due within 30 days at the end of the calendar quarter for which the taxes are due.

Section 704. Reports. Along with payment of the taxes imposed herein, the taxpayer shall submit an accounting for the quarter of all income from the sale or distribution of said beverages as well as for the taxes collected.

Section 705. Audit. As a condition of obtaining a license, the licensee must agree to the review or audit of its books and records relating to the sale of alcoholic beverages on the Rancheria. Said review or audit may be done annually by the Tribe through its agents or employees whenever, in the opinion of the Tribal Council, such a review or audit is necessary to verify the accuracy of reports.

Chapter VIII--Profits

Section 801. Disposition of Proceeds. The gross proceeds collected by the Tribal Council from all licensing provided from the taxation of the sale of alcoholic beverages on the Rancheria shall be distributed as follows:

(a) For the payment of all necessary personnel, administrative costs, and legal fees for the operation and its activities.

(b) The remainder shall be turned over to the Trust Account of the Tribe.

Chapter IX--Severability and Miscellaneous

Section 901. Severability. If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this title or to render such provisions inapplicable to other persons or circumstances.

Section 902. Prior Enactments. All prior enactments of the Tribal Council, which are inconsistent with the provisions of this ordinance, are hereby rescinded.

Section 903. Conformance with California Laws. All acts and transactions under this ordinance shall be in conformity with the laws of the State of California as that term is used in 18 U.S.C. 1161.

Section 904. Effective Date. This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the Federal Register.

Chapter X--Amendment

This ordinance may only be amended by a majority vote of the Tribal Council.

Chapter XI--Sovereign Immunity

Nothing contained in this ordinance is intended to, nor does in any way limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit or action.

CERTIFICATION
ORDINANCE NO.

We, the undersigned duly elected officials of the Big Sandy Rancheria, do hereby certify under penalty of perjury that on Aug. 30, 2000, the foregoing Ordinance was adopted at a duly called meeting of the Tribal Council of the Big Sandy Rancheria, with a quorum present by a vote of:

4 for, 0 against, and 0 abstaining;

Jeanette L. Sample
Jeanette Sample, Tribal Chairperson

Aug 30, 2000
Date

ATTESTED BY:

Regina Baty
Secretary

8/30/00

UNITED STATES GOVERNMENT

memorandum

DATE: NOV 17 2000

D
T.O.

REPLY TO ATTN OF: Acting Regional Director, Pacific Region, Bureau of Indian Affairs

SUBJECT: **Big Sandy Rancheria** - Proposed Liquor Ordinance No. 00-14

TO: Deputy Commissioner - Indian Affairs
Attention: Director, Office of Tribal Services

We have attached the proposed Liquor Ordinance of the Big Sandy Rancheria for your approval and publication in the Federal Register as required by 18 U.S.C. § 1161.

Tribal Resolution No. 0800-02 and the Ordinance were lawfully enacted by the Tribal Council. Furthermore, the Ordinance appears in conformity with the laws of the State of California, therefore, we recommend approval.

If you have any questions, please contact Dorson Zunie, Regional Tribal Operations Officer at (916) 978-6063, or Fred Doka Jr., Regional Tribal Operations Specialist, at (916) 978-6067.

Carmen Lewis

Attachments

Liquor Ordinance No. 00-14
Tribal Resolution No.0800-02
Solicitor's Review
Diskette

cc: Superintendent, Central California Agency

the United States will accept 90.94 acres of land, more or less, in trust for the Lower Brule Sioux Tribe of Indians of South Dakota. It was determined that the acceptance of the 90.94 acres in trust, pursuant to 25 U.S.C. 465, would be in the best interest of the Lower Brule Sioux Tribe of Indians of South Dakota. On December 14, 2000, the Bureau issued an EA and FONSI for the trust acquisition of the Lower Brule Sioux Tribe and the construction of the Native American Scenic Byway. Based on the additional environmental information contained in the EA, the Department ratifies its April 6, 2000, decision to take 90.94 acres of land in trust for the Lower Brule Sioux Tribe of Indians of South Dakota.

Dated: January 18, 2001.

Michael J. Anderson,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 01–2383 Filed 1–25–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Big Sandy Rancheria Liquor Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Big Sandy Rancheria Liquor Ordinance. The Ordinance regulates the control of, the possession of, and the sale of liquor on the Big Sandy Rancheria trust lands, and is in conformity with the laws of the State of California, where applicable and necessary. Although the Ordinance was adopted on August 30, 2000, it does not become effective until published in the **Federal Register** because the failure to comply with the ordinance may result in criminal charges.

DATES: This Ordinance is effective on January 26, 2001.

FOR FURTHER INFORMATION CONTACT: Kaye Armstrong, Office of Tribal Services, 1849 C Street, NW, MS 4631–MIB, Washington, D.C. 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transaction in Indian country. The Big Sandy Rancheria Liquor Ordinance, Resolution No. 00–14, was duly adopted by the Big Sandy Rancheria Tribal Council on August 30, 2000. The Big Sandy Rancheria, in furtherance of its economic and social goals, has taken positive steps to regulate retail sales of alcohol and use revenues to combat alcohol abuse and its debilitating effects among individuals and family members within the Big Sandy Rancheria.

This notice is being published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.

I certify that by Resolution No. 00–14, the Big Sandy Rancheria Liquor Ordinance was duly adopted by the Big Sandy Tribal Council on August 30, 2000.

Dated: January 19, 2001.

Michael J. Anderson,

Acting Assistant Secretary—Indian Affairs.

The Big Sandy Rancheria Liquor Ordinance, Resolution No. 00–14, reads as follows:

Big Sandy Rancheria Liquor Ordinance

Chapter I—Introduction

Section 101. Title. This ordinance shall be known as the Liquor Ordinance of the Big Sandy Rancheria of Mono Indians of California.

Section 102. Authority. This ordinance is enacted pursuant to the Act of August 15, 1953 (Public Law 83–277, 67 Stat. 588, 18 U.S.C. 1161) and the Constitution of the Big Sandy Rancheria of Mono Indians of California (Big Sandy Rancheria or Rancheria).

Section 103. Purpose. The purpose of this ordinance is to regulate and control the possession and sale of liquor on lands under the control of the Big Sandy Rancheria. The enactment of a tribal ordinance governing liquor possession and sale on the Rancheria will increase the ability of the tribal government to control Rancheria liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal government services.

Chapter II—Definitions

Section 201. Definitions. As used in this ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

Alcohol means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions of this substance.

Alcoholic Beverage is synonymous with the term "liquor" as defined in this Chapter.

Bar means any establishment with special space and accommodations for sale by the glass, can or bottle and for consumption on the premises of liquor, as herein defined.

Beer means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain of cereal in pure water containing not more than 4 percent of alcohol by volume. For the purposes of this title, any such beverage, including ale, stout, and porter, containing more than 4 percent of alcohol by weight shall be referred to as "strong beer."

General Membership means the general membership of the Big Sandy Rancheria, which is composed of the membership of the Tribe as a whole.

Liquor includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented spirituous, vinous, or malt liquor or combination thereof, and mixed liquor, or otherwise intoxicating; and every liquor or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contain more than 1 percent of alcohol by weight shall be conclusively deemed to be intoxicating.

Liquor Store means any store at which liquor is sold and, for the purposes of this ordinance, includes stores only a portion of which are devoted to sale of liquor or beer.

Malt Liquor means beer, strong beer, ale stout, and porter.

Package means any container or receptacle used for holding liquor.

Public Place includes state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishment, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theater, gaming facilities, entertainment centers, store garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds of character; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the

public. For the purposes of this ordinance, "public place" shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

Rancheria means land held in trust by the United States Government for the benefit of the Big Sandy Rancheria of Mono Indians of California (See also Tribal Land).

Sale and Sell include exchange, barter, and traffic; and also include the selling or supplying or distributing by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or wine by any person to any person.

Spirits mean any beverage, which contains alcohol obtained by distillation, including wines exceeding 17 percent of alcohol by weight.

Tribal Council means the Tribal Council of the Big Sandy Rancheria of Mono Indians of California.

Tribal Land means any land within the exterior boundaries of the Rancheria which is held in trust by the United States for the Tribe as a whole, including such land leased to other parties and lands held in trust under lease to Big Sandy Rancheria.

Tribe means the Big Sandy Rancheria of Mono Indians of California.

Trust Account means the account designated by the Tribal Council for deposit of proceeds from the tax from the sale of alcoholic beverages.

Trust Agent means the Tribal Chairperson or a designee of the Chairperson.

Wine means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than 17 percent of alcohol by weight, including sweet wines fortified with wine spirits such as port, sherry, muscatel, and angelica, not exceeding 17 percent of alcohol by weight.

Chapter III—Powers of Enforcement

Section 301. Powers. The Tribal Council, in furtherance of this ordinance, shall have the following powers and duties:

(a) To publish and enforce the rules and regulations governing the sale, manufacture, and distribution of alcoholic beverages on the Rancheria;

(b) To employ managers, accountants, security personnel, inspectors, and such other persons as shall be reasonably necessary to allow the Tribal Council to perform its functions;

(c) To issue licenses permitting the sale or manufacture or distribution of liquor on the Rancheria;

(d) To hold hearings on violations of this ordinance or for the issuance or revocation of licenses hereunder;

(e) To bring suit in the appropriate court to enforce this ordinance as necessary;

(f) To determine and seek damages for violation of this ordinance;

(g) To make such reports as may be required by the Council;

(h) To collect taxes and fees levied or set by the Tribal Council and to keep accurate records, books, and accounts.

Section 302. Limitation on Powers. In the exercise of its powers and duties under this ordinance, the Tribal Council and its individual members shall not accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee.

Section 303. Inspection Rights. The premises on which liquor is sold or distributed shall be open for inspection by the Tribal Council or its designee at all reasonable times for the purposes of ascertaining whether the rules and regulations of this ordinance are being complied with.

Chapter IV—Sales of Liquor

Section 401. Licenses Required. No sales of alcoholic beverages shall be made within the exterior boundaries of the Rancheria, except at a tribally licensed or tribally owned business operated on tribal land within the exterior boundaries of the Rancheria.

Section 402. Sales Only on Tribal Land. All liquor sales within the exterior boundaries of the Rancheria shall be on tribal land, including leases thereon.

Section 403. Sales for Cash. All liquor sales within the Rancheria boundaries shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that this provision does not prevent the use of major credit cards such as Visa, American Express, etc.

Section 404. Sale for Personal Consumption. All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Rancheria is prohibited. Any person who is not licensed pursuant to this ordinance who purchases an alcoholic beverage within the boundaries of the Rancheria and sells it, whether in the original container or not, shall be guilty of a violation of this ordinance and shall be subjected to paying damages to the Tribe as set forth herein.

Chapter V—Licensing

Section 501. Application for Tribal Liquor License Requirements. No tribal license shall be issued under this ordinance except upon a sworn application filed with the Tribal Council containing a full and complete showing of the following:

(a) Satisfactory proof that the applicant is or will be duly licensed by the State of California.

(b) Satisfactory proof that the applicant is of good character and reputation among the people of the Rancheria and that the applicant is financially responsible.

(c) The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license.

(d) Agreement by the applicant to accept and abide by all conditions of the tribal license.

(e) Payment of $250 fee as prescribed by the Tribal Council.

(f) Satisfactory proof that neither the applicant nor the applicant's spouse has ever been convicted of a felony.

(g) Satisfactory proof that notice of the application has been posted in a prominent, noticeable place on the premises where intoxicating beverages are to be sold for at least 30 days prior to consideration by the Tribal Council and has been published at least twice in such local newspaper serving the community that may be affected by the license the Tribal Chairperson or Secretary may authorize. The notice shall state the date, time and place when the application shall be considered by the Tribal Council pursuant to Section 502 of this ordinance.

Section 502. Hearing on Application for Tribal Liquor License. All applications for a tribal liquor license shall be considered by the Tribal Council in open session at which the applicant, his attorney, and any person protesting the application shall have the right to be present, and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Tribal Council shall determine whether to grant or deny the application based on:

(1) Whether the requirements of Section 501 have been met; and

(2) Whether the Tribal Council, in its discretion, determines that granting the license is in the best interests of the Tribe.

In the event that the applicant is a member of the Tribal Council, or a member of the immediate family of a

Tribal Council member, such members shall not vote on the application or participate in the hearings as a Tribal Council member.

Section 503. Temporary Permits. The Tribal Council or their designee may grant a temporary permit for the sale of intoxicating beverages for a period not to exceed 3 days to any person applying for the same in connection with a tribal or community activity; Provided, That the conditions prescribed in Section 504 of this ordinance shall be observed by the permittee. Each permit issued shall specify the types of intoxicating beverages to be sold. Further, a fee of $25 will be assessed on temporary permits.

Section 504. Conditions of the Tribal License. Any tribal license issued under this title shall be subject to such reasonable conditions as the Tribal Council shall fix, including, but not limited to the following:

(a) The license shall be for a term not to exceed 1 year.

(b) The licensee shall at all times maintain an orderly, clean and neat establishment, both inside and outside the licensed premises.

(c) The State of California shall have jurisdiction over offenses and civil causes of action committed on the licensed premises to the same extent that it has jurisdiction over offenses and civil causes of action committed elsewhere within California, and the California criminal laws, and civil laws of general applicability to private persons or private property, shall have the same force and effect on the licensed premises as they have elsewhere in California.

(d) The licensed premises shall be subject to patrol by the tribal enforcement department, and such other law enforcement officials as may be authorized under federal, California, or tribal law.

(e) The licensed premises shall be open to inspection by duly authorized tribal officials at all times during the regular business hours.

(f) Subject to the provisions of subsection (g) of this section, no intoxicating beverages shall be sold, served, disposed of, delivered or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State of California, and in accordance with the hours fixed by the Council, provided that the licensed premises shall not operate or open earlier or operate or close later than is permitted by the laws of the State of California.

(g) No liquor shall be sold within 200 feet of a polling place on tribal election days, or when a referendum is held of the people of the Tribe, and including special days of observation as designated by the Tribal Council.

(h) All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the State of California, and shall be in accordance with this ordinance and any tribal license issued pursuant to this ordinance.

(i) No person under the age permitted under the laws of the State of California shall be sold, served, delivered, given, or allowed to consume alcoholic beverages in the licensed establishment and/or area.

(j) There shall be no discrimination in the operations under the tribal license by reason of race, color, or creed.

Section 505. License Not a Property Right. Notwithstanding any other provision of this ordinance, a tribal liquor license is a mere permit for a fixed duration of time. A tribal liquor license shall not be deemed a property right or vested right of any kind, nor shall the granting of a tribal liquor license give rise to a presumption of legal entitlement to the granting of such license for a subsequent time period.

Section 506. Assignment or Transfer. No tribal license issued under this ordinance shall be assigned or transferred without the written approval of the Tribal Council expressed by formal resolution.

Chapter VI—Rules, Regulations, and Enforcement

Section 601. Sales or Possession With Intent to Sell Without a Permit. Any person who shall sell or offer for sale or distribute or transport in any manner, any liquor in violation of this ordinance, or who shall operate or shall have liquor in his possession with intent to sell or distribute without a permit, shall be guilty of a violation of this ordinance.

Section 602. Purchases From Other Than Licensed Facilities. Any person within the boundaries of the Rancheria who buys liquor from any person other than at a properly licensed facility shall be guilty of a violation of this ordinance.

Section 603. Sales to Persons Under the Influence of Liquor. Any person who sells liquor to a person apparently under the influence of liquor shall be guilty of a violation of this ordinance.

Section 604. Consuming Liquor in Public Conveyance. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant or employee or such person who shall knowingly permit any person to drink any liquor in any public conveyance shall be guilty of an offense. Any person who shall drink any liquor in a public conveyance shall be guilty of a violation of this ordinance.

Section 605. Consumption or Possession of Liquor by Persons Under 21 Years of Age. No person under the age of 21 years shall consume, acquire or have in his possession any alcoholic beverage. No person shall permit any other person under the age of 21 to consume liquor on his premises or any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of a separate violation of this ordinance for each and every drink so consumed.

Section 606. Sales of Liquor to Persons Under 21 Years of Age. Any person who shall sell or provide liquor to any person under the age of 21 years shall be guilty of a violation of this ordinance for each sale or drink provided.

Section 607. Transfer of Identification to Minor. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of an offense; Provided, That corroborative testimony of a witness other than the minor shall be a requirement of finding a violation of this ordinance.

Section 608. Use of False or Altered Identification. Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification, which falsely purports to show the individual to be over the age of 21 years, shall be guilty of violating this ordinance.

Section 609. Violations of This Ordinance. Any person guilty of a violation of this ordinance shall be liable to pay the Tribe a penalty not to exceed $500 per violation as civil damages to defray the Tribe's cost of enforcement of this ordinance. In addition to any penalties so imposed, any license issued hereunder may be suspended or canceled by the Tribal Council after 10 days notice to the licensee. The decision of the Tribal Council shall be final.

Section 610. Acceptable Identification. Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following issued cards of identification which shows his correct age and bears his signature and photograph:

(a) Driver's license of any state or identification card issued by any State Department of Motor vehicles;

(b) United States Active Duty Military; or

(c) Passport.

Section 611. Possession of Liquor Contrary to This Ordinance. Alcoholic beverages which are possessed contrary to the terms of this ordinance are declared to be contraband. Any tribal agent, employee, or officer who is authorized by the Tribal Council to enforce this section shall have the authority to, and shall seize, all contraband.

Section 612. Disposition of Seized Contraband. Any officer seizing contraband shall preserve the contraband in accordance with the appropriate California law code. Upon being found in violation of the ordinance by the Tribal Council, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Tribe.

Chapter VII—Taxes

Section 701. Sales Tax. There is hereby levied and shall be collected a tax on each sale of alcoholic beverages on the Rancheria in the amount of 1 percent of the amount actually collected, including payments by major credit cards. The tax imposed by this section shall apply to all retail sales of liquor on the Rancheria and shall preempt any tax imposed on such liquor sales by the State of California.

Section 702. Payment of Taxes to Tribe. All taxes from the sale of alcoholic beverages on the Rancheria shall be paid over to the trust agent of the Tribe.

Section 703. Taxes Due. All taxes for the sale of alcoholic beverages on the Rancheria are due within 30 days at the end of the calendar quarter for which the taxes are due.

Section 704. Reports. Along with payment of the taxes imposed herein, the taxpayer shall submit an accounting for the quarter of all income from the sale or distribution of said beverages as well as for the taxes collected.

Section 705. Audit. As a condition of obtaining a license, the licensee must agree to the review or audit of its books and records relating to the sale of alcoholic beverages on the Rancheria. Said review or audit may be done annually by the Tribe through its agents or employees whenever, in the opinion of the Tribal Council, such a review or audit is necessary to verify the accuracy of reports.

Chapter VIII—Profits

Section 801. Disposition of Proceeds. The gross proceeds collected by the Tribal Council from all licensing provided from the taxation of the sale of alcoholic beverages on the Rancheria shall be distributed as follows:

(a) For the payment of all necessary personnel, administrative costs, and legal fees for the operation and its activities.

(b) The remainder shall be turned over to the Trust Account of the Tribe.

Chapter IX—Severability and Miscellaneous

Section 901. Severability. If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this title or to render such provisions inapplicable to other persons or circumstances.

Section 902. Prior Enactments. All prior enactments of the Tribal Council, which are inconsistent with the provisions of this ordinance, are hereby rescinded.

Section 903. Conformance with California Laws. All acts and transactions under this ordinance shall be in conformity with the laws of the State of California as that term is used in 18 U.S.C. 1161.

Section 904. Effective Date. This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the **Federal Register**.

Chapter X—Amendment

This ordinance may only be amended by majority vote of the Tribal Council.

Chapter XI—Sovereign Immunity

Nothing contained in this ordinance is intended to, nor does in any way limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit or action.

[FR Doc. 01–2384 Filed 1–25–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. OR–035–01–1220–AB: GP0–01–0075]

Notice of Meeting of the Oregon Trail Interpretive Center Advisory Board

AGENCY: National Historic Oregon Trail Interpretive Center, Vale District, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is given that a meeting of the Advisory Board for the National Historic Oregon Trail Interpretive Center will be held on Tuesday, February 20, 2001 from 8:00 a.m. to 12:00 Noon in the Library Room at the Best Western Sunridge Inn, One Sunridge Lane, Baker City, Oregon. Public comments will be received from 12:00 noon to 12:15 p.m., February 20, 2001. Topics to be discussed are the Action Plan Development for Advisory Board recommendations for FY2001–2002, Marketing Strategy for NHOTIC, and the Capital Expansion Plan.

DATES: The meeting will begin at 8:00 a.m. and run to 12:00 Noon, February 20, 2001.

FOR FURTHER INFORMATION CONTACT: David B. Hunsaker, Bureau of Land Management, National Historic Oregon Trail, Interpretive Center, PO Box 987, Baker City, OR 97814, (Telephone 541–523–1845).

Roy L. Masinton,

Acting Vale District Manager.

[FR Doc. 01–2396 Filed 1–25–01; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–170–1430–00; COC 64613, COC 64614]

Notice of Realty Action: Commercial Permit/Lease/Easement on Public Land.

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed commercial permit/lease/easement, section 302, Federal Land Policy and Management Act.

SUMMARY: The Bureau of Land Management, San Juan Field Office, Durango, Colorado, has for consideration interest in land use authorization(s) under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762; 43 U.S.C. 1732), and regulations at 43 CFR Part 2920. There are two proponents for use of BLM managed public lands in the Silverton, Colorado vicinity. Core Mountain Enterprises, LLC proposes to use approximately 1600 acres of public land for a recreation/learning facility. Velocity Peak Inc, proposes to use approximately 3660 acres of public land for recreation development. The respective areas of proposed use overlap in some locations.

Description: An area of federal lands managed by the Bureau of Land Management, Department of the Interior, lying approximately within sections 20–21, 27–34 of protracted Township 42 N., R.7 W., and, also within sections 3–9 of protracted Township 41 N., R.7 W., New Mexico Principal Meridian. Further described as north of Silverton, in San Juan County, Colorado, and bounded as follows: