

March 24, 1989

RECEIVED  
CENTRAL CALIF AGENCY  
1000 MAR 30 10:12:50

Mr. Silas Ontley  
Tribal Enrollment Specialist  
BUREAU OF INDIAN AFFAIRS  
P O Box 15740  
1800 Tulelake Rd., Suite 111  
Sacramento CA 95875-4314

Dear Mr. Ontley:

I am writing in regards to the Big Sandy Rancheria. I am a member of the rancheria and interested in the current status of the Constitution and membership enrollment list.

Please provide me with information in the following areas:

- 1) When was the tribal Constitution adopted and approved by the B.I.A?
- 2) When did the last revision or modification of the Constitution take place?
- 3) When was the last membership roll compiled?
- 4) How many pages does the current Constitution have?
- 5) Does the B.I.A. have to approve both the Constitution and the membership rolls before the two (2) documents can be considered valid?

I have tried to obtain this information from the tribe; but have not met with any success. There appears to be a lot of confusion. I would appreciate a copy of the membership roll to check if my family and myself are actually on the list, even though lineage can be shown.

Thank you for your assistance. Please do not hesitate to telephone me if you need further information. [REDACTED] (Monday-Friday).

Respectfully,

*Janette L. Sample*

JANETTE L. SAMPLE  
[REDACTED]

100-100000-1000  
MAY 15 1969

MAY 15 1969

Ms. Jeanette L. Sample

Dear Ms. Sample:

We apologize for the delay in responding to your letter received March 1968 which requested information on the constitution and membership roll of the Big Sandy Band.

In response to question Nos. 1, 2, 4 and 5 regarding a constitution, our records reveal that an election to vote on the document was not held. A final report for an election was not received from the Band prior to the expiration of the election authorization to hold an election. Although the Band is authorized to have the constitution drafted for approval, it has not been approved by the Secretary of the Interior. According to the document it could become effective upon approval by the Secretary of the Interior. We have no knowledge of whether the constitution has been revised or amended at the tribal level.

In reference to question Nos. 3 and 5 we do not have a membership roll on file for Big Sandy. The constitution and enrollment ordinance could specify whether the roll(s) would be subject to Bureau review and approval. In the Bureau of Indian Affairs files and determine tribal membership for tribal purposes, we suggest you continue your attempts to verify your membership status through contact with the Band.

In the event that you may have any further questions, feel free to contact our office.

Sincerely,

/s/ Michael R. Smith  
Superintendent

cc: Mr. Elmer Cope, Superintendent

100-100000-1000

Big Sandy



MAR 17 1989

Ms. Iliene Cape, Chairperson  
Big Sandy Rancheria  
P.O. Box 337  
Auberry, California 93602

Dear Ms. Cape:

Thank you for notifying this office of the recent tribal election held to fill the position of Treasurer on January 29, 1989.

We have noted that the Constitution being used by the Big Sandy Rancheria is not signatory, as required by Article IVX - Adoption of the Constitution. With this required action, the Constitution would not be a legally binding governing document.

In reviewing past correspondence on the Big Sandy Rancheria, we found that the Rancheria did have an authorization to call a Secretarial Election in order to have the proposed Constitution enacted by the people. It appears that the authorization period expired October 8, 1986 and no response was given from the Rancheria.

If the Rancheria wishes to re-authorize another request to conduct a Secretarial Election we will be glad to assist in any manner to complete the endeavor. Please advise us as to your position in this matter.

Any further questions may be directed to Nancy Rosales, Acting Tribal Operations Officer at (916) 978-4346.

Sincerely,

/s/ Virginia A. Carpenter

*Don* Superintendent

cc: Harry Yelton, Administrator

N.Rosales:slc  
03/16/1989 BigSan/Gen





RECEIVED  
CENTRAL CALIF. AGENCY  
United States Department of the Interior

1986 JUL 22 PM 6:25  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JUL 11 1986

Through: Sacramento Area Director

Tom Whitford, Superintendent  
Central California Agency  
1800 Tribute Road  
P.O. Box 15740  
Sacramento, CA 95813-0740

D  
7-23-86

Dear Mr. Whitford:

We have completed our review of the proposed Big Sandy Constitution which was submitted by the Area Director on August 28, 1984. The Big Sandy Rancheria was restored to Federal status pursuant to an order issued June 13, 1983, in San Joaquin or Big Sandy Band of Indians, et al. v. James Watt, et al., Civil No. C-80-3787-MHP, by the United States District Court for the Northern District of California. The proposed constitution was accompanied by a resolution adopted by the Auberry Big Sandy General Council on May 19, 1984.

As a result of our review of the proposed document, we found it necessary to recommend certain modifications. The changes reflected in the enclosed version are to make the proposal legally and technically sufficient and to conform to Bureau policy. Other modifications are to clarify the intent of the drafters. Many of the changes are discussed below.

Section 1(b) of Article 11 - Membership as proposed automatically makes any adult person of California Indian descent residing on community land a member. We believe the tribal council would want some control over admitting non-Big Sandy persons to membership. Consequently, we have reworded the section to provide that such membership is subject to majority vote of the tribal council.

If the ultimate goal of section 2 is to prevent dual enrollment, and we believe it is, the wording as proposed does not accomplish that goal. The wording has been modified to preclude dual enrollment.

Section 3 has been modified to provide that the enrollment ordinance governing future membership, loss of membership and adoption of members is subject to Secretarial approval. Inasmuch as the loss of membership and granting of tribal status to persons who can only qualify for enrollment by adoption is subject, or could be subject, to arbitrary and capricious acts of the tribal council, or succeeding tribal councils, the Secretary must be involved in establishing the standards for such loss of membership or adoptions.

Section 1 of Article III - Governing Body as drafted failed to specify whether a successful candidate was elected by a majority or plurality vote. We have inserted language providing for election by a majority vote and a remedy should a candidate fail to get a majority vote or should thirty percent fail to participate.

Section 5 of Article IV - Nominations and Elections has been modified to specify the types of processes that should be included in an election ordinance.

In Section 1(i) of Article <sup>VI</sup> VII - Powers, we have included the provision that the employment of legal counsel is subject to Secretarial approval only so long as such approval is required by law.

Section 1(m) has been modified to make it clear that when a judicial system is created, its jurisdiction or scope of authority should be defined.

Since the recall of tribal officials is a separate and distinct process from initiative and referendum, we believe recall should appear in a separate article. Article X now becomes Article X - Recall, and the remaining articles have been renumbered accordingly.

The drafters of the constitution had some difficulty in deciding what to call the tribal entity. In some places, it is referred to as the band, others the rancheria. We have endeavored to make the document consistent.

The certificates of results of election and approval have been incorporated into the proposed constitution as articles for historic preservation.

If the council does not wish to adopt our recommended modifications, arrangements can be made for discussion between Bureau personnel and the council in order to resolve differences prior to the election for adoption. Should the council decide not to adopt any or all of the Bureau's suggested modifications, the election will not be delayed. (See Coyote Valley Band of Pomo Indians v. United States, CIV-S-84-482-MLS (D.C. E.D. CA., April 2, 1986)). The council must submit a final written request accompanied by an appropriate resolution and a copy of the document upon which the Secretarial election shall be called. This will ensure that all parties are agreed upon the document that is the subject of the Secretarial election. The council's final request for a Secretarial election should be made directly to the Bureau's Washington Office, Division of Tribal Government Services, Code 440, MS 2610, 18th and E Streets NW, Washington, DC 20240, to expedite action. The Assistant Secretary will authorize the election without delay. Copies of the council's final request should also be furnished to the Superintendent and Area Director.

In the event the council agrees with the proposed changes herein, you are authorized to call and conduct the requested election in accordance with 25 CFR 81. We call your attention to 25 CFR 81.11, 81.12, 81.13 and 81.14 regarding the need to develop a list of persons eligible and registered to vote and the deadlines entailed. The registration list must be posted at least twenty (20) days prior to the election which does not include the dates of posting and election day. The date of the election shall be set by you in cooperation with rancheria officials and shall not be less than thirty (30) nor more than sixty (60) days from the date of posting notices of the election.

Section 81.8 provides for an election board composed of you as chairman and representatives of the rancheria. The election board shall furnish suitable ballots and supervise the conduct of the election.

In accordance with 25 CFR 81.15(f), this authorization, unless acted upon within ninety (90) days from the date of issuance, shall be null and void.

The election results shall be sent to us as soon as they become known. If adopted, the original of the proposed constitution, the completed certificate of results of election which is now contained in the proposed document as Article XVI, the eligible voters list, and the ballot should follow by return mail for approval action. The proposed constitution shall not become effective until approved by the Secretary of the Interior or his authorized representative. Failure to timely return the original will result in unnecessary delay of approval action.

Sincerely,

*Henrietta Whitman*

Acting Assistant Secretary - Indian Affairs

Enclosure

NOTED AND FORWARDED: JUL 21 1986

*Kenneth W Davis*

ACTING ANCA DIRECTOR



Constitution  
of the  
Auberry Big Sandy Band of Indians  
of the  
Big Sandy Rancheria, California

PREAMBLE

We, the adult members of the Auberry Big Sandy Band of Indians, also known as the San Joaquin Band of Indians, hereinafter referred to as the band, in order to establish tribal governmental powers and privileges, do hereby ordain and establish this constitution.

ARTICLE I - TERRITORY

The territorial jurisdiction of the band shall extend to all those lands as shown on the map of Fresno County Tract No. 2060 recorded at pages 89, 90 and 91 in volume 22 of plats, Fresno County Records, and to such other lands as may be hereafter acquired by or for 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 were listed as distributees or as dependent members of distributees in the Plan for the Distribution of the Assets of the Big Sandy (Auberry) Rancheria as approved by the Under Secretary of the Interior on February 17, 1965, and amended on January 24, 1967.
- (b) All adult persons of California Indian descent residing on community land of the Auberry Big Sandy Rancheria on the effective date of this constitution provided they are admitted to membership by a majority vote of the tribal council.
- (c) Lineal descendants of individuals who qualify under (a) of this section, provided such descendants were born on or prior to the effective date of this constitution.
- (d) Lineal descendants born after the effective date of this constitution of individuals who qualify under (a) of this section, provided such descendants possess at least one-fourth (1/4) degree of California Indian blood.

Section 2. No person who is enrolled with the Auberry Big Sandy Band shall also be a member of another tribe, band or community of Indians. Any persons so dually enrolled shall relinquish membership in the other tribe or be disenrolled, 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 3. The general council shall have the power to adopt ordinances consistent with this constitution governing future membership, loss of membership and the adoption of members into the band subject to the approval of the Secretary of the Interior.

### ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Auberry Big Sandy Band of Indians shall be a five (5) member tribal council. The tribal council shall consist of a chairperson, vice-chairperson, secretary, treasurer and one (1) member each elected by a majority vote of the qualified voters of the band in an election in which at least thirty percent (30%) of the qualified voters have voted. In the event that no candidate receives a majority of the votes cast or in the event that thirty percent (30%) of the voters fail to participate in the election, a subsequent election shall be held within thirty (30) days. Should it be necessary to hold a subsequent election, the two (2) candidates receiving the highest number of votes for each position shall be the only candidates for that office at such election.

Section 2. The general council shall consist of all members of the Auberry Big Sandy Band of Indians eighteen (18) years of age or older.

Section 3. Other officials or committees may be appointed by the tribal council when deemed necessary.

### ARTICLE IV - NOMINATIONS AND ELECTIONS

Section 1. The officers of the Auberry Big Sandy Band in office at the time of approval of this constitution shall hold office until their successors are duly elected and installed. The first election under this constitution shall be held on the second Wednesday in September of 1986 and the officials elected shall hold office for two (2) years. Thereafter, elections shall be held every two (2) years on the second Wednesday in September.

Section 2. Any enrolled member of the band who is at least eighteen (18) years of age at the time of the election shall be entitled to vote and hold office regardless of residency. Absentee voting shall be permitted.

Section 3. Any qualified voter of the general council shall announce his/her candidacy for the tribal council no later than thirty (30) days prior to an election. The list of candidates shall be posted at the tribal office. In the event an insufficient number announce their candidacy, a general council meeting shall be called and convened to accept nominations.

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 within six (6) months following the effective date of this constitution. The ordinance shall include secret balloting, voter registration, maintenance at all times of a current list of qualified voters and a procedure for handling election disputes and appeals. Procedures shall also be included regarding the conduct of recall and referendum elections and a uniform procedure and format for submitting and validating petitions. Elections to amend this constitution shall be conducted in accordance with Article XIV.

## ARTICLE V - VACANCIES AND REMOVAL

Section 1. If a member of the tribal council shall die, 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 by a court of competent jurisdiction of a felony while in office, the council shall declare the position vacant by a majority vote of the council members. If less than twelve (12) months of a 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 tribal council member who is proven guilty of improper conduct or of gross neglect of duty, provided the accused official is given written notification of charges at least ten (10) days prior to the designated tribal council meeting. Before any vote for expulsion is taken in the matter, such officer or member shall be given an opportunity to answer all written charges at a designated tribal council meeting called for that purpose. The decisions of the tribal council shall be final. Voting shall be by secret ballot and the chairman is eligible to vote.

## ARTICLE VI - POWERS OF THE TRIBAL COUNCIL

Section 1. Enumerated Powers. The tribal council shall exercise the following powers and responsibilities subject only to those limitations imposed by this constitution and the laws of the United States:

- (a) To consult and negotiate with Federal, State, local and tribal governments and other agencies on behalf of the band on all matters which may affect Auberry 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-tribal members; and for the exclusion of persons who are not so licensed or are otherwise undesirable, 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, or encumbrance of tribal lands or property; 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 on behalf of the band, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative so long as such approval is required by Federal law.
- (j) To sue and be sued on behalf of the band 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 noticed for 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 or 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, define its jurisdiction 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 Auberry Big Sandy Rancheria, any of the foregoing powers, reserving the right to review and rescind any action taken by virtue of such delegated powers.
- (o) To form or join an existing housing authority.

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 tribal 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 official representative of the Auberry Big Sandy Band of Indians.

Section 2. The vice-chairperson of the tribal 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 of the tribal council shall conduct all tribal correspondence, keep a complete and accurate record of all matters transacted at council meetings and attest to the enactment of all resolutions and ordinances. At the expiration of his/her term of office, all records and papers in his/her possession shall be turned over to his/her successor or the tribal council.

Section 4. It shall be the duty of the treasurer of the tribal council to accept, receive, receipt for, preserve and safeguard all funds in the custody of the council. As directed by the tribal council, he/she shall deposit all such funds in such banks or elsewhere, where depositor's funds are insured by the Federal Deposit Insurance Corporation. 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 a majority vote of the tribal council. The books and records of the treasurer shall be audited at least once a year by a competent auditor. The treasurer shall be required to give bond satisfactory to the council. The premium for such bond shall be paid from tribal funds.

Section 5. The duties of all appointive committees or officials 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 activities and decisions from time to time as required by the tribal council. Their actions and decision shall be subject to review by the tribal council.

Section 6. Newly-elected members who have been duly certified shall be installed at the first regular meeting of the tribal council following certification.

#### ARTICLE VIII - MEETINGS

Section 1. 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. Special meetings may be called by written notice signed by the chairperson, and shall be called by him upon receipt of a petition signed by at least three (3) tribal council members, and when so called the tribal council shall have the power to transact business as in the regular meetings, provided a quorum is present.

Section 2. The general council shall meet quarterly on the last Sunday of each third month. Special meetings of the general council may be called by the chairperson and/or shall be called by him upon receipt of a petition signed by at least thirty percent (30%) of the members of the general council.

Section 3. No tribal business shall be transacted at regular or special meetings 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%) of the qualified voters.

Section 4. 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 IX - REFERENDUM AND INITIATIVE

Section 1. Referendum. The tribal council shall, upon receipt of a petition signed by not less than 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 and binding on the tribal council provided that at least thirty percent (30%) of the qualified voters have voted in such election. 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 tribal 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 and binding provided that at least thirty percent (30%) of the qualified voters have voted in such an election.

## ARTICLE X - RECALL

Section 1. 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 5. Should the tribal council fail to call an election within thirty (30) days, the office shall automatically be vacant and shall be filled in accordance with Article V, Section 1. The decision of a majority of the voters voting in the recall shall be final provided at least thirty percent (30%) of the qualified voters voted. Once an individual has been subjected to recall proceedings, he/she shall not again be subject to such action during the balance of his/her term of office.

## ARTICLE XI - 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.

Section 3. All ordinances and resolutions shall be dated and numbered and shall include certification showing the presence of a quorum and the number of members voting for or against the proposed enactment. No action of the tribal council shall have any validity or effect in the absence of a quorum.

## ARTICLE XII - BILL OF RIGHTS

Section 1. All members of the band shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly and association.

Section 2. This constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of the band as citizens of the State of California or the United States.

Section 3. The individual property rights of any member of the Auberry Big Sandy Band shall not be altered, abridged or otherwise affected by the provisions of this constitution.

Section 4. Tribal members shall have the right to review all tribal records, including financial records, at any reasonable time in accordance with procedures established by the tribal council.

Section 5. In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the Auberry Big Sandy Band in exercising its powers of self-government shall not:

- (a) Make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for redress of grievances;
- (b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (c) Subject any person for the same offense to be twice put in jeopardy;
- (d) Compel any person in any criminal case to be a witness against himself;
- (e) Take any private property for a public use without just compensation;
- (f) Deny to any person in a criminal proceeding the right to a speedy trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, at his own expense, to have the assistance of counsel for his defense;
- (g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six (6) months or a fine of \$500 or both;
- (h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of laws;
- (i) Pass any bill of attainder or ex post facto law;
- (j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

## ARTICLE XIII - SEVERABILITY

If any provision of this constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIV - AMENDMENTS

Section 1. This constitution may be amended by a majority vote of the qualified voters of the Auberry Big Sandy Band voting in an election called for that purpose by the Secretary of the Interior or his authorized representative, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election, but no amendment shall become effective until approved by the Secretary of the Interior or his duly authorized representative.

Section 2. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the tribal council or upon receipt of a petition signed by at least thirty percent (30%) of the qualified voters of the Auberry Big Sandy Band.

ARTICLE XV - ADOPTION

Section 1. This constitution when adopted by a majority vote of the qualified voters of the Auberry Big Sandy Band, voting at an election called for that purpose by the Secretary of the Interior or his authorized representative in which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of his approval.

ARTICLE XVI - CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order issued JUL 11 1986, by /S/ Harrietta Whitteman **ACTING**,  
(date)  
Assistant Secretary - Indian Affairs (Operations), the Constitution of the Auberry Big Sandy Band of Indian of the Big Sandy Rancheria of California was submitted to the qualified voters of the band, and was on \_\_\_\_\_, duly  
(date)  
adopted/rejected by a vote of \_\_\_\_\_ for, and \_\_\_\_\_ against, in an election in which at least thirty percent (30%) of the \_\_\_\_\_ entitled to vote  
(number)  
cast their ballots in accordance with 25 CFR 81 and Article XIV of this constitution.

\_\_\_\_\_  
Chairman, Election Board

\_\_\_\_\_  
Election Board Member

\_\_\_\_\_  
Election Board Member



## ARTICLE XVII - CERTIFICATE OF APPROVAL

I, \_\_\_\_\_, Assistant Secretary - Indian Affairs, by virtue of the authority granted to me by 209 D.M. 8.3, do hereby approve this Constitution of the Auberry Big Sandy Band of Indians of the Big Sandy Rancheria in accordance with Article XV of this constitution. It is effective as of this date, provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Assistant Secretary - Indian Affairs

Washington, DC

Date:



**A REVISED TRIBAL CONSTITUTION**

**presented to the**

**BIG SANDY TRIBAL COUNCIL**

**and**

**GENERAL COUNCIL**

**by the members of**

**the Constitution Committee**

**June 1996**

Following are the revisions that have been made to the current Big Sandy Tribal Constitution:

ARTICLE II--MEMBERSHIP, section 1. (b).

ARTICLE II--MEMBERSHIP, section 1. (c).  
[(c) will become (b)].

ARTICLE II--MEMBERSHIP, section 1. (d).  
[(d) will become (c)].

ARTICLE II--MEMBERSHIP, section 2. (b) has been added.

ARTICLE III--GOVERNING BODY, section 1. last sentence.

ARTICLE IV--NOMINATIONS AND ELECTIONS, section 1.

ARTICLE IV--NOMINATIONS AND ELECTIONS, section 2.

ARTICLE IV--NOMINATIONS AND ELECTIONS, section 3.  
[new section 3 has been added].

ARTICLE IV--NOMINATIONS AND ELECTIONS, sections 3,4 & 5.  
[sections 3,4 & 5 become 4,5 & 6 respectively].

ARTICLE V--VACANCIES AND REMOVAL, section 1.

ARTICLE VI--POWERS OF THE TRIBAL COUNCIL, section 1. (m).

ARTICLE VIII--MEETINGS, section 2. ["voting" added].

ARTICLE IX--RECALL, section 3. [percentages changed &  
reference to Art. IV, sect. 5 revised to become  
Art. IV, sect. 6].

ARTICLE XI--BILL OF RIGHTS, section 4.

\*\*In question: ARTICLE VI--POWERS OF TRIBAL COUNCIL.  
[See (1) last line] re: INDIAN CHILD WELFARE ACT.  
Should this be revised as (25 U.S.C.1981)?

descendants were born on or prior to the effective date of this constitution.

- (c)~~(d)~~ Lineal descendants born after the effective date of this constitution of individuals who qualify under (a) of this section, ~~provided such descendants possess at least one-fourth (1/4) degree of California Indian blood.~~

## Section 2.

- (a) Any person who is eligible for membership in the Auberry 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 Auberry 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.
- (b) Any person who wishes to withdraw from membership in the Tribe must submit a written withdrawal notice to the Tribal Council Chairperson who shall direct the enrollment committee to adjust the enrollment records accordingly. Withdrawal is final. No re-applications are permitted.

Section 3. The General Council shall have the power to adopt ordinances consistent with this Constitution governing future membership, loss of membership and the adoption of members into the Band.

## ARTICLE III--GOVERNING BODY

Section 1. The governing body of the Auberry Big Sandy Band of Indians shall be a five (5) member Tribal Council. The Tribal Council shall consist of a Chairperson, Vice-Chairperson, Secretary, Treasurer, and one (1) member each elected by the General Council from its membership in an election in which at least thirty percent (30%) of the qualified voters who live within a 50 mile radius of the Big Sandy Rancheria have voted.

elected must reside in the area for the term of their office.

Section 3. Any enrolled member of the Band who is 18 years of age or older at the time of election—who lives in the 50 mile radius of the Rancheria shall be entitled to vote.

Section 4

~~Section 3.~~ Any qualified voter of the General Council shall announce his/her candidacy for the Tribal Council no later than thirty (30) days prior to an election. The list of candidates shall be posted at the Tribal Office. In the event an insufficient number announce their candidacy, a General Council meeting shall be called and convened to accept nominations.

Section 5

~~Section 4.~~ The candidate receiving the highest number of votes for a particular office shall hold that office.

Section 6

~~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

only to those limitations imposed by this Constitution and the laws of the United States:

- (a) To negotiate with Federal, State, local, and Tribal governments on behalf of the Band; to consult with the Department which may affect Auberry 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-tribal members; and for the exclusion of persons from the Big Sandy Rancheria or other tribal lands, and persons not so licensed or otherwise undesirable.
- (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 tribal owned corporations.
- (g) To initiate, approve, grant or reject any acquisition, disposition lease, or encumbrance of tribal lands or property; 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,

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 Tribal Council. He/she shall have general supervision of all other officers, employees and committees of the Band and see their duties are properly performed. When neither the General Council nor the Tribal Council is in session, he/she shall be the official representative of the Auberry Big Sandy Band of Indians.

Section 2. The Vice-Chairperson of the Tribal 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 of the Tribal Council shall conduct all tribal correspondence, keep a complete and accurate record of all matters transacted at council meetings and attest to the enactment of all resolutions and ordinances.



## ARTICLE VIII--MEETINGS

Section 1. 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. Special meetings may be called by written notice signed by the Chairperson, and shall be called by him upon receipt of a petition signed by at least three (3) Tribal Council members, and when so called the Tribal Council shall have the power to transact business as in the regular meetings, provided a quorum is present.

Section 2. The General Council shall meet quarterly on the last Sunday of each third month. Special meetings of the General Council may be called by the Chairperson and /or shall be called by him upon receipt of a petition signed by at least thirty percent (30%) of the voting members of the General Council.

Section 3. No tribal business shall be transacted at regular or special meetings 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 4 Order of Business

- (a) Call to order by Chairperson
- (b) Roll call
- (c) Reading of minutes of last meeting
- (d) Unfinished business

thirty percent (30%) of the qualified voters have voted in such an election.

Section 3. Recall. Upon receipt of a petition signed by at least ~~thirty percent (30%)~~ fifty percent (50%) 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 5~~ Section 6. Should the Tribal Council not call an election within thirty (30) days 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%)~~ fifty percent (50%) of the qualified voters voted. Once an individual has been subjected to recall proceedings, he/she shall not again be subject to such action during the balance of his/her term of office.

#### ARTICLE X--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

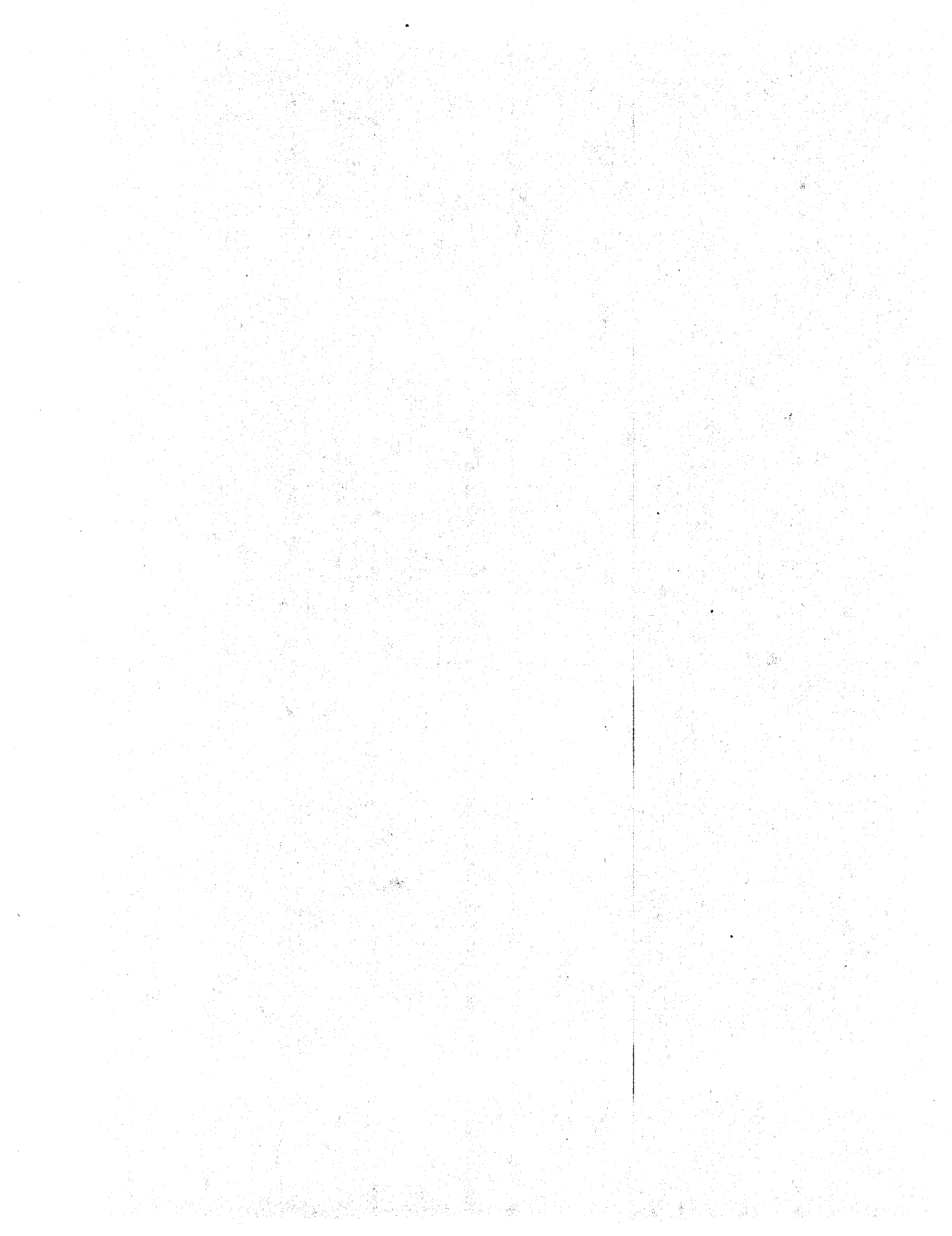
the Tribal Council. No copies of Tribal records or documents shall be made or removed from the Tribal office.

Section 5. In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the Auberry Big Sandy Rancheria in exercising its powers of self-government shall not:

- (a) Make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for redress of grievances:
- (b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (c) Subject any person for the same offense to be twice put in jeopardy;
- (d) Compel any person in any criminal case to be a witness against himself;
- (e) Take any private property for a public use without just compensation;
- (f) Deny to any person in a criminal proceeding the right to a speedy trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense, to have the assistance of counsel for his defense;
- (g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six (6) months or a fine of \$500 or both;
- (h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any

#### ARTICLE XIV--ADOPTION

Section 1. This constitution when adopted by a majority vote of the qualified voters of the Auberry Big Sandy Rancheria, voting at an election called for that purpose by the Secretary of the Interior or his authorized representative in which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of his approval.



**A REVISED TRIBAL CONSTITUTION**

**Presented to the**

**BIG SANDY TRIBAL COUNCIL**

**And**

**GENERAL COUNCIL**

**By the members of**

**The Constitution Committee**

**December 1997**

## **Revisions to the Big Sandy Constitution.**

Following are the revisions that have been made to the Big Sandy Tribal constitution. Deletions are shown in strikethrough print. Additions are shown in bold print. (Section headings are shown in bold throughout). Please note that after the constitution has been ratified, the entire document will be formatted more appropriately.

### Page1, Preamble

The term "the Band" has been changed to read "Big Sandy" throughout the document.

### Article II, Membership,

Section 1 (b).

Section 1 (c).

Section 1 (d).

### Article IV, Nominations and Elections

Section 1

Section 2

Section 3 – Section added.

Sections 3, 4, & 5 become 4, 5, & 6 respectively.

### Article V, Vacancies and Removal

Section 1

### Article VI, Powers of the Tribal Council

Section 1(a)

Section 1(e)

Section 1(j)

Section 1(m)

### Article VII. Duties of Officers

Section 1

### Article VIII, Meetings

Section 2

Section 3

### Article IX, Referendum, Initiative, and Recall

Section 3

### Article XI, Bill of Rights

Section 4

### Article XIII, Amendments

Section 1

Section 2 – deleted

### Article XIV, Adoption

Section 1

Also added Tribal Council signature blocks.

**Constitution  
Of the  
Auberry Big Sandy Band of Indians  
Known as The San Joaquin Band of Western Mono Indians**

**PREAMBLE**

We the people of the Auberry Big Sandy Band of Indians, herein after referred to as the ~~"Band"~~ **"Big Sandy"**, in order to establish tribal governmental powers and privileges, do hereby ordain and establish this constitution.

**ARTICLE I--TERRITORY**

The territorial jurisdiction of the ~~Band~~ **Big Sandy** shall extend to all those lands as shown on the map of Fresno County Tract No. 2060 recorded at pages 89, 90, and 91 in volume 22 of plats, Fresno County Records and to other lands as may be hereafter acquired by the ~~Band~~ **Big Sandy**.

**ARTICLE II--MEMBERSHIP**

**Section 1.** The membership of the ~~Band~~ **Big Sandy** shall consist of the following:

- (a) All persons who were listed as distributees and dependent members of their immediate families in the Plan for the Distribution of the Assets of the Big Sandy (Auberry) Rancheria as approved by the Under Secretary of the Interior on February 17, 1965 and amended on January 24, 1967.
- ~~(b) All adult persons of California Indian descent who are residing on Community land of the Auberry Big Sandy Rancheria on the effective date of this constitution.~~
- (b)** ~~(e)~~ Lineal descendants of individuals who qualify under (a) of this section, provided such descendants were born on or prior to the effective date of this constitution.
- ~~(d) Lineal descendants born after the effective date of this constitution of individuals who qualify under (a) of this section, provided such descendants possess at least one fourth (1/4) degree of California Indian blood.~~



## **Section 2.**

- (a) Any person who is eligible for membership in the ~~Auberry Big Sandy Band of Indians~~ **Big Sandy** 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 ~~Auberry Big Sandy Band~~ **Big Sandy**. 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.
- (b) Any person who wishes to withdraw from membership in the Tribe must submit a written withdrawal notice to the Tribal Council Chairperson who shall direct the enrollment committee to adjust the enrollment records accordingly. Withdrawal is final. No re-applications are permitted.

## **Section 3.**

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

## **ARTICLE III--GOVERNING BODY**

### **Section 1.**

The governing body of the ~~Auberry Big Sandy Band of Indians~~ shall be a five (5) member Tribal Council. The Tribal Council shall consist of a Chairperson, Vice-Chairperson, Secretary, Treasurer, and one (1) member each elected by the General Council from its membership in an election in which at least thirty percent (30%) of the qualified voters have voted.

### **Section 2.**

The General Council shall consist of all members of the ~~Auberry Big Sandy Band of Indians~~ eighteen (18) years of age or older.

### **Section 3.**

Other officials or committees may be appointed by the Tribal Council when deemed necessary.

## ARTICLE IV--NOMINATIONS AND ELECTIONS

### Section 1.

The officers of the ~~Auberry~~ 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 held on the second Wednesday of September and the officials elected shall hold office for ~~two~~ **four (4)** years. Thereafter, elections shall be held every ~~two (2)~~ **four (4)** years on the second Wednesday of September. **The elections for the positions of Tribal Chairman, Treasurer and Member at Large will be held in even numbered years. The elections for the positions of Secretary and Vice-Chairman will be held in odd numbered years.**

### Section 2.

Any enrolled member of the ~~Band~~ **Big Sandy** who is at least eighteen (18) years of age at the time of the election, **and who lives within the Counties of Fresno or Madera** shall be entitled to ~~vote and hold office regardless of residency. Absentee voting will be permitted.~~ **Potential candidates must reside in the local area 120 days prior to election and if elected must reside in the area for the term of their office.**

### Section 3.

**Any enrolled member of Big Sandy who is 18 years of age or older at the time of election.**

### ~~Section 3~~ Section 4.

Any qualified voter of the General Council shall announce his/her candidacy for the Tribal Council no later than thirty (30) days prior to an election. The list of candidates shall be posted at the Tribal Office. In the event an insufficient number announce their candidacy, a General Council meeting shall be called and convened to accept nominations.

### ~~Section 4~~ Section 5.

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

that office.

~~Section 5~~ **Section 6.**

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~~ **must** 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 Tribal Council member who is proven guilty of improper conduct or of gross neglect of duty. Provided the accused official is given written notification of charges ten (10) days prior to the designated Tribal Council meeting. Before any vote for expulsion is taken in the matter, such officer or member shall be given an opportunity to answer all written charges at a designated Tribal Council meeting called for that purpose. The decisions of the Tribal Council shall be final. Voting must be by secret ballot and the Chairman is eligible to vote.

**ARTICLE VI--POWERS OF THE TRIBAL COUNCIL**

**Section 1.**

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

the laws of the United States:

- (a) To negotiate with Federal, State, local, and Tribal governments on behalf of ~~the Band Big Sandy~~; to consult with the Department of the Interior on all matters which may affect Auberry 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 Big Sandy~~ and its members.
- (c) To encourage and foster arts, crafts, traditions, and culture of ~~the Band Big Sandy~~.
- (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-tribal members; and for the exclusion of persons from the Big Sandy Rancheria or other tribal lands, and persons not so licensed or otherwise undesirable.
- (e) To promulgate and enforce ordinances on such subjects as the activity of the ~~Band Big Sandy~~ may require as **and which** 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 Big Sandy~~, and create tribal owned corporations.
- (g) To initiate, approve, grant or reject any acquisition, disposition lease, or encumbrance of tribal lands or property; 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 Big Sandy~~ for the benefit of ~~the Band Big Sandy~~ 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 on behalf of ~~the Band~~ **Big Sandy**, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative.
- (j) To sue on behalf of ~~the Band~~ **Big Sandy** and be sued provided such suit is consented to by waiver of sovereign immunity; ~~provided~~ **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 noticed for that express purpose, or at a regularly scheduled meeting.
- (k) Employ consultants for the protection and advancement of the interest of the ~~Band~~ **Big Sandy** and its members.
- (l) To form or join existing tribal courts, consortiums, or Indian organizations dealing with the 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 form or join~~ a tribal judicial system **or regulatory agency** 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 Auberry Big Sandy Rancheria~~, any of the foregoing powers, reserving the right to review and rescind any action taken by virtue of such delegated powers.
- (o) To form or join an existing Housing Authority.

## **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~~ **Big Sandy**, but not specifically referred to in this Constitution, shall not be abridged, but shall be reserved to the people of the ~~Band~~ **Big Sandy** 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 ~~the Band Big Sandy~~ **Big Sandy** all contracts, leases or other documents approved by the Tribal Council. He/she shall have general supervision of all other officers, employees and committees of the ~~the Band Big Sandy~~ **Big Sandy** and see their duties are properly performed. When neither the General Council nor the Tribal Council is in session, he/she shall be the official representative of the Auberry Big Sandy Band of Indians. **The Tribal Chairperson shall not conduct official business without approval of the tribal council as a whole.**

### Section 2.

The Vice-Chairperson of the Tribal 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 of the Tribal Council shall conduct all tribal correspondence, keep a complete and accurate record of all matters transacted at council meetings and attest to the enactment of all resolutions and ordinances.

### Section 4.

It shall be the duty of the Treasurer of the Tribal Council to accept, receive, receipt for, preserve and safeguard all funds in the custody of the council. As directed by the Tribal Council, he/she shall deposit all such funds in such banks or elsewhere, where depositor's funds are insured by the Federal Deposit Insurance Corporation. 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 a majority vote of the Tribal Council. The books and records of the Treasurer shall be audited at least once a year by a competent auditor. The Treasurer shall be required to give bond satisfactory to the council. The premium for such bond shall be paid from the tribal funds.

**Section 5.**

The duties of all appointive committees or officials of the ~~Band~~ **Big Sandy** shall be clearly defined by the Tribal Council at the time of their creation or appointment. Such committees and officers shall report on their activities 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 6.**

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

**ARTICLE VIII--MEETINGS**

**Section 1.**

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. Special meetings may be called by written notice signed by the Chairperson, and shall be called by him upon receipt of a petition signed by at least three (3) Tribal Council members, and when so called the Tribal Council shall have the power to transact business as in the regular meetings, provided a quorum is present.

**Section 2.**

The General Council shall meet quarterly on the last Sunday of each third month. Special meetings of the General Council may be called by the Chairperson and /or shall be called by him upon receipt of a petition signed by at least thirty percent (30%) of the **voting** members of the General Council.

**Section 3.**

No tribal business shall be transacted at regular or special meetings 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%) **of the voting members of the General Council.**

**Section 4.**  
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 IX--REFERENDUM, INITIATIVE, AND RECALL**

**Section 1.**

**Referendum.** The Tribal Council shall, upon receipt of a petition signed by not less than 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~~ **Big Sandy** reserve the power to independently propose tribal legislation. Any proposed initiative measure shall be presented to the Tribal 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 General Council 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 an election.

**Section 3.**

**Recall.** Upon receipt of a petition signed by at least thirty percent (30%) of the qualified voters of ~~the Band~~ **Big Sandy** 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 5~~ **Section 6**. Should the Tribal Council not call an election within thirty (30) days 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~~ **(provided that** at least thirty percent (30%) of the qualified voters voted.) Once an individual has been subjected to recall proceedings, he/she shall not again be subject to such action during the balance of his/her term of office.

## **ARTICLE X--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 XI--BILL OF RIGHTS**

### **Section 1.**

All members of ~~the rancheria~~ **Big Sandy** shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly and association.

### **Section 2.**

This constitution shall not in any way alter, abridge, or otherwise jeopardize the

rights and privileges of the members of ~~the rancheria~~ **Big Sandy** as citizens of the State of California or the United States.

**Section 3.**

The individual property rights of any member of the Big Sandy Rancheria shall not be altered, abridged or otherwise affected by the provisions of this constitution.

**Section 4.**

Tribal members shall have the right to review all tribal records, including financial records, at any reasonable time in accordance with procedures established by the Tribal Council. **No copies of Tribal records or documents shall be made or removed from the Tribal office.**

**Section 5.**

In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the Auberry Big Sandy Rancheria in exercising its powers of self-government shall not:

- (a) Make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for redress of grievances;
- (b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (c) Subject any person for the same offense to be twice put in jeopardy;
- (d) Compel any person in any criminal case to be a witness against himself;
- (e) Take any private property for a public use without just compensation;
- (f) Deny to any person in a criminal proceeding the right to a speedy trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense, to have the assistance of counsel for his defense;
- (g) Require excessive bail, impose excessive fines, inflict cruel and unusual

punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six (6) months or a fine of \$500 or both;

- (h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of laws;
- (i) Pass any bill of attainder or ex post facto law;
- (j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

## **ARTICLE XII--SEVERABILITY**

If any provision of this constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

## **ARTICLE XIII--AMENDMENTS**

### **Section 1.**

This constitution may be amended by a majority vote of the qualified voters of the Auberry Big Sandy Rancheria voting in an election called for that purpose by the Secretary of the Interior or his authorized representative, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election. ~~but no amendment shall become effective until approved by the Secretary of the Interior or his duly authorized representative.~~

### **Section 2.**

~~It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Tribal Council or upon receipt of a petition signed by at least thirty (30%) of the qualified voters of the Auberry Big Sandy Rancheria.~~

## **ARTICLE XIV—ADOPTION**

### **Section 1.**

This constitution when adopted by a majority vote of the qualified voters of the Auberry Big Sandy Rancheria, voting at an election called for that purpose by the Secretary of the Interior or his authorized representative in which at least

thirty percent (30%) of those entitled to vote shall vote **in such election**, shall be submitted to the Secretary of the Interior. ~~for his approval, and shall be effective from the date of his approval.~~

This constitution was adopted on \_\_\_\_\_, 19\_\_.

Big Sandy Rancheria  
Tribal Council

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Member at Large

**BALLOT FOR  
RATIFICATION OF THE BIG SANDY CONSTITUTION**

I hereby approve the following:

YES

NO

\_\_\_\_\_

\_\_\_\_\_

1. The ratification of the original Big Sandy constitution and reaffirmation of all the actions taken by the Tribal Council and General Membership under the provisions of the original constitution.

YES

NO

\_\_\_\_\_

\_\_\_\_\_

2. The implementation of the proposed revisions to the constitution.

**BALLOT FOR  
RATIFICATION OF THE BIG SANDY CONSTITUTION**

I hereby approve the following:

YES

NO

\_\_\_\_\_

\_\_\_\_\_

1. The ratification of the original Big Sandy constitution and reaffirmation of all the actions taken by the Tribal Council and General Membership under the provisions of the original constitution.

YES

NO

\_\_\_\_\_

\_\_\_\_\_

2. The implementation of the proposed revisions to the constitution.



**BIG SANDY RANCHERIA**  
  
**BAND OF WESTERN MONO INDIANS**

*Ernest*

SUPT.	<u>D</u>
ADMIN.	<u>T.O.A.</u>
ROUTE	<u></u>
RESPONSE REQUIRED	<u></u>
DUE DATE	<u></u>
MEMO	<u>LTR</u>
TELE	<u>OTHER</u>

February 8, 2001

Dale Risling, Sr., Superintendent  
Bureau of Indian Affairs, Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

Re: Update Tribe's Name on Federal Register

Dear Mr. Risling:

The Big Sandy Rancheria, a federally recognized Indian tribe ("Tribe"), is formally requesting that the Tribe's name which is published in the Federal Register be updated on the "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs."

Currently, the Federal Register lists the Tribe as the Big Sandy Rancheria of Mono Indians of California. The Tribe is requesting that the Bureau of Indian Affairs update the name to read, "Big Sandy Band of Western Mono Indians."

Attached please find the current Big Sandy Band of Western Mono Indians Constitution, as adopted, in its amended form by the General Council and approved by the Tribal Council on February 2, 2000. Should you have any questions please contact our attorney, Judy Albietz, at 916-442-4241.

Sincerely,

*Wilbur Beecher*

Wilbur Beecher  
Tribal Chairperson

Enclosures

4 cop 00 by Tribe 2-21-00  
amended 2-21-00

Constitution  
of the  
Big Sandy Band of Western Mono Indians

PREAMBLE

We, the adult members of the Big Sandy Band of Western Mono Indians, also known as the San Joaquin Band of Indians, hereinafter referred to as the tribe, in order to establish tribal governmental powers and privileges, do hereby ordain and establish this constitution.

ARTICLE I - TERRITORY

The territorial jurisdiction of the tribe shall extend to all those lands as shown on the map of Fresno County Tract No. 2060 recorded at pages 89, 90 and 91 in volume 22 of plats, Fresno County Records, and to such other lands as may be hereafter acquired by or for the tribe.

ARTICLE II- MEMBERSHIP

Section 1. The membership of the tribe shall consist of the following:

- (a) All persons of California Indian descent who were listed as distributees or as dependent members of distributees in the Plan for the Distribution of the Assets of the Big Sandy (Auberry) Rancheria as approved by the Under Secretary of the Interior on February 17, 1965, and amended on January 24, 1967.
- (b) Direct lineal descendants or individuals who qualify under (a) of this section.

Section 2. No person who is enrolled with the Big Sandy Band of Western Mono Indians shall also be a member of another tribe, band or community of Indians. Any persons so dually enrolled shall relinquish membership in the other tribe or be disenrolled, 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 3. The general council shall have the power to adopt ordinances consistent with this constitution governing future membership, loss of membership and the adoption of members into the tribe.

Post-it Fax Note	7671	Date	# of pages ▶
To	ATH Brandt	From	Roy Ferguson
Co./Dept	Attorney Gen Office	Co.	PIA
Phone #		Phone #	930-3754
Fax #	3272319	Fax #	



### ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Big Sandy Band of Western Mono Indians shall be a five (5) member tribal council. The tribal council shall consist of a chairperson, vice-chairperson, secretary, treasurer and one (1) member each elected by a majority vote of the qualified voters of the tribe in an election in which at least thirty percent (30%) of the qualified voters have voted. In the event that no candidate receives a majority of the votes cast or in the event that thirty percent (30%) of the voters fail to participate in the election, a subsequent election shall be held within thirty (30) days. Should it be necessary to hold a subsequent election, the two (2) candidates receiving the highest number of votes for each position shall be the only candidates for that office at such election.

Section 2. The general council shall consist of all members of the Big Sandy Band of Western Mono Indians eighteen (18) years of age or older.

Section 3. Other officials or committees may be appointed by the tribal council when deemed necessary.

### ARTICLE IV - NOMINATIONS AND ELECTIONS

Section 1. The officers of the Big Sandy Band of Western Mono Indians in office at the time of approval of this constitution shall, hold office until their successors are duly elected and installed. The first election under this constitution shall be held on the second Wednesday in September of 1986 and the officials elected shall hold office for two (2) years. Thereafter, elections shall be held every two (2) years on the second Wednesday in September.

Section 2. Any enrolled member of the tribe who is at least eighteen (18) years of age at the time of the election shall be entitled to vote and hold office regardless of residency. Absentee voting shall be permitted.

Section 3. Any qualified voter of the general council shall announce his/her candidacy for the tribal council no later than thirty (30) days prior to an election. The list of candidates shall be posted at the tribal office. In the event an insufficient number announce their candidacy, a general council meeting shall be called and convened to accept nominations.

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 within six (6) months following the effective date of this constitution. The ordinance shall include secret balloting, voter registration, maintenance at all times of a current list of qualified voters and a procedure for handling election disputes and appeals. Procedures shall also be included regarding the conduct of recall and referendum elections and a uniform procedure and format for submitting and validating petitions. Elections to amend this constitution shall be conducted in accordance with Article XIV.

## ARTICLE V - VACANCIES AND REMOVAL

Section 1. If a member of the tribal council shall die, 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 by a court of competent jurisdiction of a felony while in office, the council shall declare the position vacant by a majority vote of the council members. If less than twelve (12) months of a 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 tribal council member who is proven guilty of improper conduct or of gross neglect of duty, provided the accused official is given written notification of charges at least ten (10) days prior to the designated tribal council meeting. Before any vote for expulsion is taken in the matter, such officer or member shall be given an opportunity to answer all written charges at a designated tribal council meeting called for that purpose. The decisions of the tribal council shall be final. Voting shall be by secret ballot and the chairman is eligible to vote.

## ARTICLE VI- POWERS OF THE TRIBAL COUNCIL

Section 1. Enumerated Powers. The tribal council shall exercise the following powers and responsibilities subject only to those limitations imposed by this constitution and the laws of the United States;

- (a) To consult and negotiate with Federal, State, local and tribal governments and other agencies on behalf of the tribe on all matters which may affect the Big Sandy Band of Western Mono 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 tribe and its members.
- (c) To encourage and foster arts, crafts, traditions and culture of the tribe.
- (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-tribal members; and for the exclusion of persons who are not so licensed or are otherwise undesirable, from the Big Sandy Rancheria or other tribal lands.
- (e) To promulgate and enforce ordinances on such subjects as the activity of the tribe 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 tribe, and create tribally-owned corporations.
- (g) To initiate, approve, grant or reject any acquisition, disposition, lease, or encumbrance of tribal lands or property; 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 tribe for the benefit of the tribe 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 on behalf of the tribe, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative so long as such approval is required by Federal law.
- (j) To sue and be sued on behalf of the tribe 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 noticed for that express purpose, or at a regularly scheduled meeting.
- (k) Employ consultants for the protection and advancement of the interest of the tribe and its members.
- (l) To form or join existing tribal courts, consortiums or 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, define its jurisdiction 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 Auberry Big Sandy Rancheria, any of the foregoing powers, reserving the right to review and rescind any action taken by virtue of such delegated powers.
- (o) To form or join an existing housing authority.

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 tribe, but not specifically referred to in this Constitution, shall not be abridged, but shall be reserved to the people of the tribe 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 tribe all contracts, leases or other documents approved by the tribal council. He/she shall have general supervision of all other officers, employees and committees of the tribe 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 official representative of the Big Sandy Band of Western Mono Indians.

Section 2. The vice-chairperson of the tribal 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 of the tribal council shall conduct all tribal correspondence, keep a complete and accurate record of all matters transacted at council meetings and attest to the enactment of all resolutions and ordinances. At the expiration of his/her term of office, all

records and papers in his/her possession shall be turned over to his/her successor or the tribal council.

Section 4. It shall be the duty of the treasurer of the tribal council to accept, receive, receipt for, preserve and safeguard all funds in the custody of the council. As directed by the tribal council, he/she shall deposit all such funds in such banks or elsewhere, where depositor's funds are insured by the Federal Deposit Insurance Corporation. 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 a majority vote of the tribal council. The books and records of the treasurer shall be audited at least once a year by a competent auditor. The treasurer shall be required to give bond satisfactory to the council. The premium for such bond shall be paid from tribal funds.

Section 5. The duties of all appointive committees or officials 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 activities and decisions from time to time as required by the tribal council. Their actions and decision shall be subject to review by the tribal council.

Section 6. Newly-elected members who have been duly certified shall be installed at the first regular meeting of the tribal council following certification.

#### ARTICLE VIII - MEETINGS

Section 1. 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. Special meetings may be called by written notice signed by the chairperson, and shall be called by him upon receipt of a petition signed by at least three (3) tribal council members, and when so called the tribal council shall have the power to transact business as in the regular meetings, provided a quorum is present.

Section 2. The general council shall meet quarterly on the last Sunday of each third month. Special meetings of the general council may be called by the chairperson and/or shall be called by him upon receipt of a petition signed by at least thirty percent (30%) of the members of the general council:

Section 3. No tribal business shall be transacted at regular or special meetings 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%) of the qualified voters.

Section 4. 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 IX - REFERENDUM AND INITIATIVE

Section 1. Referendum. The tribal council shall, upon receipt of a petition signed by not less than 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 and binding on the tribal council provided that at least thirty percent (30%) of the qualified voters have voted in such election. 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 tribe reserve the power to independently propose tribal legislation. Any proposed initiative measure shall be presented to the tribal 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 tribe 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 and binding provided that at least thirty percent (30%) of the qualified voters have voted in such an election.

## ARTICLE X - RECALL

Section 1. Recall. Upon receipt of a petition signed by at least thirty percent (30%) of the qualified voters of the tribe 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 5. Should the tribal council fail to call an election within thirty (30) days, the office shall automatically be vacant and shall be filled in accordance with Article V, Section 1. The decision of a majority of the voters voting in the recall shall be final provided at least thirty percent (30%) of the qualified voters voted. Once an individual has been subjected to recall proceedings, he/she shall not again be subject to such action during the balance of his/her term of office.

## ARTICLE XI- 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 ordinance, resolutions, or motions the tribal council may act by a majority of those present.

Section 3. All ordinances and resolutions shall be dated and numbered and shall include certification showing the presence of a quorum and the number of members voting for or against the proposed enactment. No action of the tribal council shall have any validity or

effect in the absence of a quorum.

## ARTICLE XII - BILL OF RIGHTS

Section 1. All members of the tribe shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly and association.

Section 2. This constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of the tribe as citizens of the State of California or the United States.

Section 3. The individual property rights of any member of the Big Sandy Band of Western Mono Indians shall not be altered, abridged or otherwise affected by the provisions of this constitution.

Section 4. Tribal members shall have the right to review all tribal records, including financial records, at any reasonable time in accordance with procedures established by the tribal council.

Section 5. In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the Big Sandy Band of Western Mono Indians in exercising its powers of self-government shall not:

- (a) Make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for redress of grievances;
- (b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (c) Subject any person for the same offense to be twice put in jeopardy;
- (d) Compel any person in any criminal case to be a witness against himself;
- (e) Take any private property for a public use without just compensation;
- (f) Deny to any person in a criminal proceeding the right to a speedy trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, at his own expense, to have the assistance of counsel for his defense;
- (g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six (6) months or a fine of \$500 or both;
- (h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of laws;
- (i) Pass any bill of attainder or ex post facto law;
- (j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

## ARTICLE XIII - SEVERABILITY

If any provision of this constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIV - AMENDMENTS

Section 1. This constitution may be amended by a majority vote of the qualified voters of the Big Sandy Band of Western Mono Indians, voting in an election called for that purpose by the Tribal Council, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election.

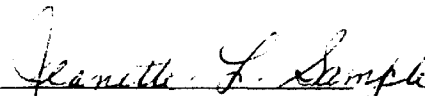
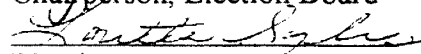
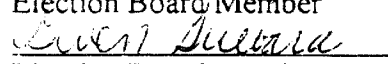
Section 2. It shall be the duty of the Tribal Council to call an election on any proposed amendment at the request of the General Council or upon receipt of a petition signed by at least thirty percent (30%) of the qualified voters of the Big Sandy Band of Western Mono Indians.

ARTICLE XV - ADOPTION

Section 1. This Constitution when adopted by a majority vote of the qualified voters of the Big Sandy Band of Western Mono Indians, voting at an election called for that purpose by the tribal council in which at least thirty percent (30%) of those entitled to vote shall vote, and shall be effective from the date of its approval.

ARTICLE XVI - CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order issued February 11, 2000, by Loren Baty, Chairperson, Big Sandy Band of Western Mono Indians, the Constitution of the Big Sandy Band of Western Mono Indians of the Big Sandy Rancheria of California was submitted to the qualified voters of the tribe, and was on February 21, 2000 duly adopted/rejected by a vote of 44 for, and 0 against, in an election in which at least thirty percent (30%) of the 169 entitled to vote cast their ballots in accordance with Article XIV of this constitution.

  
\_\_\_\_\_  
Chairperson, Election Board  
  
\_\_\_\_\_  
Election Board Member  
  
\_\_\_\_\_  
Election Board Member

ARTICLE XVII - CERTIFICATE OF APPROVAL

We, the Big Sandy Rancheria Tribal Council, do hereby approve this Constitution of the Big Sandy Band of Western Mono Indians in accordance with Article XV of this constitution. It is effective as of this date, provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

*John W. Budy*  
Chairman, Tribal Council

2/21/00  
Date

*Wally Chisente*  
Vice-Chair, Tribal Council

2/21/2000  
Date

*Regina Bates*  
Secretary, Tribal Council

2/21/00  
Date

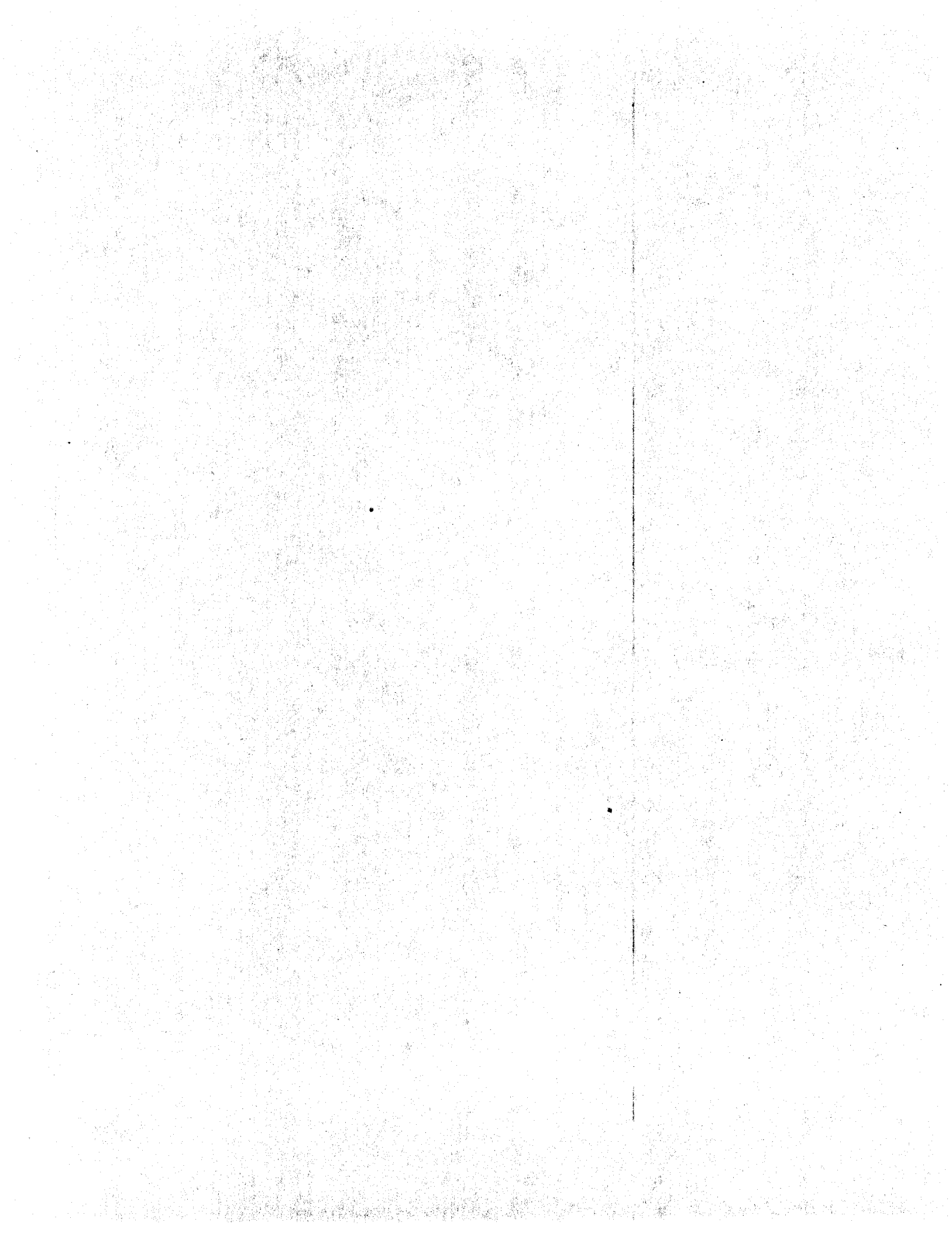
*Jeanette L. Sample*  
Treasurer, Tribal Council

2/21/00  
Date

*Margaret Masquay*  
Member-at-Large, Tribal Council

2/21/00  
Date





COMMUNICATION REFERRAL

INSTRUCTIONS: Prepare original only as a confirmation, referral or temporary record of a telephone or verbal conversation. Print or write legibly

TO	1. Files	3.
	2.	4.

ACTION  Your Information  Your Comment  Return

FROM Silas G. Ortley, Tribal Enrollment Specialist DATE 5/2/86

SUBJECT Visit to Big Sandy Rancheria on 4/24/86

FILE DESCRIPTION AND REFERENCE, IF ANY

063- Big Sandy

NAME AND TITLE OF PERSON  CALLING  CALLED  VISITING  VISITED

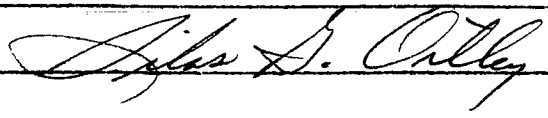
Linda Aleck and Phyllis Lewis

OFFICE

Big Sandy Tribal Office

SUMMARY OF CONVERSATION

Informed them that a voter's list needed to be developed for the election to vote on the constitution once authorization is received. Voters should include distributees, dependent members and descendants who are eighteen years of age. Copies of enrollment ordinances (samples) are to be sent to Phyllis for her information. Samples of assignment and election ordinances were provided on 4/24/86.





JAN 10 1986

Ms. Eileen Cape  
Big Sandy Rancheria  
P.O. Box 337  
Auberry, California 93602

Dear Ms. Cape:

On May 19, 1985, Mr. Paul Swazo of our office met with Big Sandy tribal officials and provided verbal comments on the draft of the band's membership ordinance which was received on May 13, 1985. As discussed during a more recent visit to the rancheria by members of our staff, the following written comments are being provided for your use in arriving at a final draft of the document.

We suggest the fourth paragraph of the introduction be reworded to cite Article II, Section 3, of the band's proposed constitution which provides the authority to enact a membership ordinance.

Article I - Eligibility Requirements for Membership: To prevent conflict of eligibility requirements between the constitution and ordinance, we suggest the eligibility requirements of the constitution (Article II, Section 1.) be transferred to this article.

Article III - Filing of Membership Applications: As the provisions of Article II, Section 1 (a), of the constitution will automatically confer membership to individuals meeting the requirement, an additional requirement to file an application should not be imposed upon persons in this category. The tribe may, however, request an application be filed for information purposes. You may wish to include the words "natural parentage" in place of "parentage" in the second sentence in order that acceptable proof be provided for children who may be adopted.

Article IV - Approval or Disapproval of Applications and Article V - Appeals: In the event the band may wish to resolve their own appeals, the articles may be rewritten to provide for such action.

Article VII - Born Out of Wedlock: We suggest the following for this article: "If an applicant is born out of wedlock, he or she shall be deemed to possess only one-half (1/2) of the total degree of the mother unless paternity has been established. If an applicant is claiming membership through the paternal side of the family only, proof of paternity must be provided. Paternity statements properly notarized, birth certificates signed by the father, findings of a probate examiner and orders of courts of competent jurisdiction shall be considered as proof of paternity."

INITIALS COPY

560  
1/9/86

Article XII - Keeping Membership Roll Current: You may wish to change the date (January 1) for updating the roll or the application filing provision of Article III in order that they coincide.

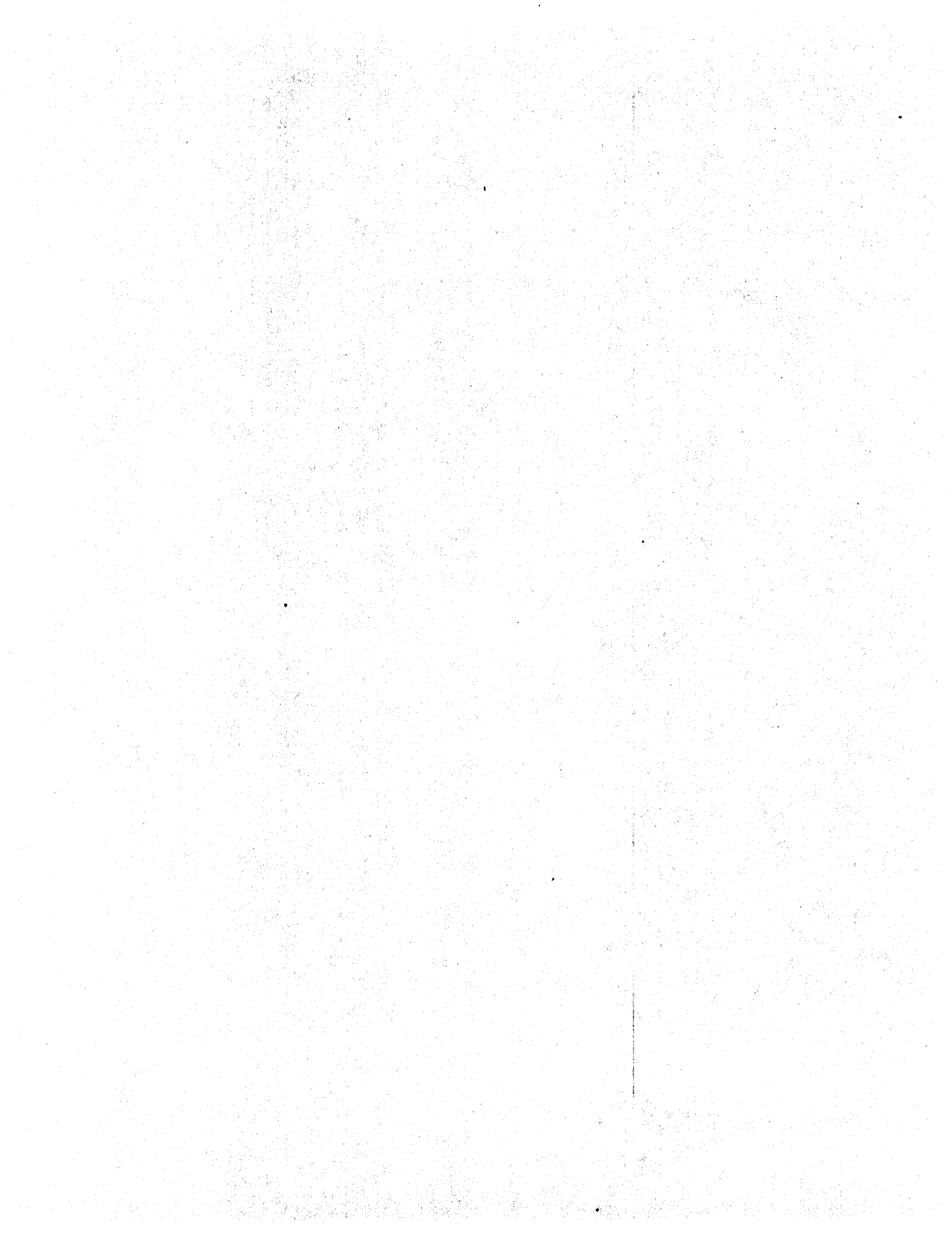
A final recommendation is for an additional article to provide for amendments to the ordinance. In the event that you may have any questions regarding the foregoing, feel free to contact our Tribal Operations staff at (916) 978-4346.

Sincerely,  
/s/ THOMAS WHITFORD, SR

Superintendent

SGOrtley: ch 1/9/86

cc: 064 Big Sandy



*to*  
*T.D.*

May 10, 1985

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

Mr. Silas Ortley  
Enrollment Specialist  
Central California Agency  
Bureau of Indian Affairs  
1800 Tribute Road  
P.O. Box 17740  
Sacramento, California 95852-0740

Dear Mr. Ortley:

Find enclosed, as per your request, a rough draft of a membership ordinance for Big Sandy Rancheria, please review and present any recommendations on May 18, to our membership committee.

We have not been advised from Paul Swazo, regarding a workshop on Tribal Operation policies, tentatively scheduled for May 18. Would you or Mr. Swazo notify us immediately regarding the status of this workshop at (209)855-8276, Monday thru Friday 9:00 a.m. to 5:00 p.m.

Sincerely,

*Wanda Lewis*

Geraldine Alec  
Chairperson

*for*

GA:w1

5-19-85

*To: Swazo, TRIBAL OPERATIONS met with TRIBE TO  
review the ordinance - CCA COMMENTS WERE NOTED  
By TRIBE AND will be incorporated in A DRAFT FOR  
FINAL REVIEW.*

*P*

BIG SANDY BAND

FRESNO COUNTY, CALIFORNIA

MEMBERSHIP ORDINANCE NO. 1

SUBJECT: Rules and Procedural requirements governing the enrollment activities of the Big Sandy Band.

WHEREAS, Article II of the Band's Constitution sets forth the requirements for tribal membership and,

WHEREAS, It is the desire of the Band to establish rules and procedures which will assure all applicants of fair and equal consideration during the enrollment process which will provide an efficient and orderly approach toward formulation and maintenance of a tribal membership roll.

NOW, THEREFORE BE IT KNOWN, That the following rules and procedural requirements governing the enrollment activities of the Big Sandy Band are hereby adopted by the General Council and shall become effective on the date of approval by the Secretary of the Interior or his authorized representative as provided on Article II, Section 1(a), 1(b), 1(c), & 1(d) of Big Sandy Band's Constitution.

ARTICLE I- ELIGIBILITY REQUIREMENTS FOR MEMBERSHIP:

SECTION 1. Membership in the Big Sandy Band shall consist of individuals who file membership applications and qualify under one of the following categories:

(a) Living persons whose names appear on one of the following documents:

(1) Schedule showing the Big Sandy Indians

(b) Persons who are living on February 17, 1965, who are lineal descendants of those individuals named on records identified under (a) of this Section.



(c) Persons born who are one-fourth (1/4) or more degree of California Indian blood who are lineal descendants of individuals listed in (a) or (b) of this section.

(d) Persons duly adopted into membership in accordance with the provisions of this ordinance.

Section 2. No person shall be a member of the Big Sandy Band who had been a member in good standing and a qualified lot-holder of any tribe or band of Indians when its trust relationship with the Federal Government was terminated; who has been allotted land on another reservation or who is officially enrolled with or is recognized as a member of some other tribe or band of Indians, unless such person relinquishes such affiliation with that tribe or band to the satisfaction of the Big Sandy General Membership.

ARTICLE II - ENROLLMENT COMMITTEE:

The Tribal Council shall appoint a Five Member Enrollment Committee which shall be composed of members of the General Council. They shall serve for a period of two (2) years and may be re-appointed for additional terms. One member shall be designated as chairman of the committee. The Enrollment Committee shall be directly responsible to the Tribal Council which may remove any member of the committee at such time that it is clearly evident that he or she has neglected their duties as a member. Among other duties which may be assigned, the Enrollment Committee shall dispense information regarding the membership requirements, distribute and receive applications and relate, forms and review membership applications for presentations to the General Council.

ARTICLE III - FILING OF MEMBERSHIP APPLICATIONS:

All persons desiring membership with the Big Sandy Band must file a written application with the Enrollment Committee.

Applicants shall submit acceptable proof of birth and parentage when applying for membership. An application for membership may be filed on behalf of a minor, mentally incompetent individual, or anyone else who is in need of assistance by a parent, guardian, relative, or a member of the Tribal Council or Enrollment Committee. The burden of proof rests upon the applicant to establish eligibility for enrollment. Birth certificates, death certificates, baptismal records, copies of probate records, marriage licenses, affidavits, paternity statements, adoption records or records of the Bureau of Indian Affairs and tribe may be used as evidence to establish eligibility. Applications must be filed between August 1 and November 1 of each year by individuals desiring membership.

ARTICLE IV - APPROVAL OR DISAPPROVAL OF APPLICATIONS:

The General Council shall approve or disapprove all applications for membership at the regular quarterly general meeting. The General Council's decision on applications for adoption shall be final. All applicants shall be notified of the determination on their application.

ARTICLE V - APPEALS:

Except in cases of adoption, applicants whose applications have been disapproved shall be notified by certified mail-return receipt requested of the reason(s) for such disapproval and the right to appeal must be in writing and received by the Superintendent within thirty (30) days from receipt of the rejection notice for forwarding to the Area Director. If after review of the appeal and any other pertinent information the Area Director finds that the applicant has established his right to enrollment, he shall advise the applicant and instruct the Band to add the persons name to the roll. If after his review, he sustains the decision of the General Council, he shall forward the appeal and available information to the Secretary of the Interior for final determination.

Written notice of the Secretary's decision shall be given to the applicant. The General Council shall have the right to appeal the Area Director's decision to the Secretary of the Interior within thirty (30) days from receipt of his decision on an appeal. Extensions of time to submit additional evidence for an appeal may be granted provided an appeal is timely filed.

ARTICLE VI - ADOPTION:

Any individual possessing one-fourth (1/4) or more Indian blood who has lived on or in the area of the Big Sandy Band prior to applying for adoption and will help promote and develop the band for all members may be adopted into membership by the General Council. At least two (2) weeks before the quarterly meeting, the names of the applicants shall be posted by the Enrollment Committee. Individuals duly adopted under the provisions of this Article shall not become a member of the Band until they have been a member in good standing for two (2) years after adoption into membership.

ARTICLE VII - BORN OUT OF WEDLOCK:

If an applicant is born out of wedlock, he or she shall be deemed to possess one-half (1/2) of the total degree of the mother or father. If an applicant is claiming membership through the paternal side of the family, proof of paternity must be established. Paternity statements properly notarized, birth certificates signed by the father or mother, findings of a probate examiner and orders of courts of competent jurisdiction shall be considered as proof of paternity.

ARTICLE VIII - DUAL ENROLLMENT:

A person eligible for membership with the Big Sandy Band and who is officially enrolled with or is a recognized member of some other tribe or band shall relinquish in writing all rights and interest, except inherited interests, with the other tribe or band before being accepted for membership with the Big Sandy Band.

ARTICLE IX - RELINQUISHMENT:

Any member may relinquish his membership with the Big Sandy Band by submitting a request in writing to the Tribal Council which shall approve the request. If the relinquishment of a member is for the purpose of enrollment with another tribe, the relinquishment of membership in the Big Sandy Band may be contingent upon his or her being accepted for membership with the other tribe.

ARTICLE X - PREPARATION OF THE MEMBERSHIP ROLL:

After final action has been taken on all applications, the membership roll shall be prepared reflecting the names of all approved members. In Addition to the member's last, first, middle and maiden name, if applicable, the roll shall include such information as date of birth, sex, blood degree, eligibility reference and other information as desired by the band. The band shall affix a signed certificate as to the correctness of the roll and shall then forward the roll, applications and certification to the Superintendent of the Central California Agency for review and approval. Should the Superintendent disagree with the band's decision on any application, he shall notify the applicant by certified mail-return receipt requested of the decision and of the right to appeal the determination to the Area Director in accordance with Article V - Appeals, of this ordinance. After all appeals have been finalized the Superintendent shall affix a certification to the roll certifying to its correctness and that the roll, to the best of his knowledge and belief contains only the names of Indians entitled to enrollment with the Big Sandy Band. Unless otherwise directed by Congress, the approved roll shall be used for all official purposes.

ARTICLE XI - LOSS OF MEMBERSHIP:

The following shall be grounds for the disenrollment of any member:

- (A) The person obtained enrollment by error, fraud, deceit or misrepresentation.

(B) The person enrolled with or became a recognized member of another tribe or band without relinquishing his membership with the Big Sandy Band.

(C) A person is a descendant of a person disenrolled pursuant to (A) of this Article and does not otherwise meet the membership criteria of this ordinance.

Written notice by certified mail-return receipt requested shall be given to the person being disenrolled advising him of the proposed action. The notice shall inform him of the right to explain in a hearing on a date of his choice why he should not be disenrolled. If after the hearing it is the decision of the General Council to disenroll the member, the General Council shall enact a resolution of the official disenrollment. The person shall be notified by certified mail-return receipt requested of the official action and of the right to appeal the decision within thirty (30) days with the Superintendent for forwarding to the Secretary through the Area Director for final determination. The burden of proof in disenrollment actions is upon the band.

ARTICLE XII - KEEPING MEMBERSHIP ROLL CURRENT:

The official membership roll shall be updated as of January 1 of each year by:

(A) Adding the names of applicants who were enrolled in accordance with the requirements of this ordinance.

(B) Striking the names of persons who relinquished their membership, were disenrolled or of deceased persons upon receipt of documentation of death.

(C) Making corrections to the roll such as dates of birth, name and address changes, and degree of blood provided such corrections are supported by satisfactory evidence.

C-E-R-T-I-F-I-C-A-T-I-O-N

We, the undersigned, as duly elected officers of the Big Sandy Tribal Council, do hereby certify that the foregoing ordinance was enacted by the qualified voters of the Big Sandy General Council of the Big Sandy Band of California at a duly called General Council Meeting at which a quorum was present on \_\_\_\_\_, \_\_\_\_\_ by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, and \_\_\_\_\_ abstain, and that this ordinance has not been rescinded or amended in any way.

\_\_\_\_\_  
Chairperson Date  
Geraldine Alec  
Big Sandy Tribal Council

ATTEST:

\_\_\_\_\_  
Secretary Date  
Martha Beecher

ACKNOWLEDGED:

APPROVED:

\_\_\_\_\_  
Superintendent  
Central California Agency

\_\_\_\_\_  
Acting Area Director  
Sacramento Area Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



APR 15 2003

Connie Lewis, Chairperson  
Big Sandy Rancheria  
P.O. Box 337  
Auberry, California 93602

Dear Ms. Lewis:

The purpose of this correspondence is to acknowledge receipt of and respond to a letter by Wilbur Beecher, former Chairperson of the Big Sandy Rancheria (Tribe), dated February 14, 2001. In his letter, Mr. Beecher requested "that the Tribe's name which is published in the Federal Register be updated...to read 'Big Sandy Band of Western Mono Indians'" to reflect the name stated in the Tribe's current amended Constitution. The Central California Agency (Agency) received Mr. Beecher's letter on February 14, 2001.

Recently, staff of the Office of Tribal Services, Central Office, Bureau of Indian Affairs, informed the Agency that publication of an updated document "Indian Entities Recognized and Eligible to Receive Services for the United States Bureau of Indian Affairs" would soon occur, and sought the Agency's assistance in providing updated information. As Agency staff prepared to provide the Office of Tribal Services with Mr. Beecher's letter of February 14, 2001, Agency staff noted that the purported adoption of the Tribe's Constitution did not conform to the requirements set forth at ARTICLE XV – ADOPTION, which states:

Section 1. This Constitution when adopted by a majority vote of the qualified voters of the Big Sandy Band of Western Mono Indians, voting at an election called for that purpose by the tribal council in which at least thirty percent (30%) of those entitled to vote shall vote, and shall be effective from the date of its approval.

In order to determine whether the Constitution was adopted in an election "in which at least thirty percent (30%) of those entitled to vote shall vote," I considered the facts presented in ARTICLE XVI – CERTIFICATE OF RESULTS OF ELECTION, which states:

Pursuant to an order issued February 11, 2000, by Loren Baty, Chairperson, Big Sandy Band of Western Mono Indians, the Constitution of the Big Sandy Band of Western Mono Indians of the Big Sandy Rancheria of California was submitted to the qualified voters of the tribe, and was on February 21, 2000 duly adopted/rejected by a vote of 44 for, and 0 against, in an election in which at least thirty percent (30%) of the 169 entitled to vote cast their ballots in accordance with Article XIV of this constitution.

Specifically, ARTICLE XVI states that 169 voters were entitled to vote. Further, ARTICLE XV states that "at least thirty percent of those entitled to vote shall vote." By multiplying 169 by 0.3, I conclude that 50.7 or fifty-one voters represents "at least thirty percent of those entitled to vote."



Yet, ARTICLE XVI states that only forty-four voters participated in the February 21, 2000, election. Since forty-four voters is seven voters short of the fifty-one voters necessary to adopt the Tribe's Constitution pursuant to ARTICLE XV, I conclude that the Tribe's Constitution was not adopted on February 21, 2000. As a result, I decided not to provide the Office of Tribal Services with Mr. Beecher's letter of February 14, 2001, since the Tribe's proposed name change could not take effect unless the Constitution were properly adopted.

I note that ARTICLE XVI refers to ARTICLE XIV – AMENDMENTS as the appropriate standard. However, Section 1 of ARTICLE XIV states:

This constitution may be amended by a majority vote of the qualified voters of the Big Sandy Band of Western Mono Indians, voting in an election called for that purpose by the Tribal Council, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election.

Yet, the foregoing analysis still applies, since both ARTICLE XV and ARTICLE XIV require “at least thirty percent (30%) of those entitled to vote.”

Further, the Agency's position is that the Tribe has yet to formally organize under a constitutional form of government recognized by the Bureau of Indian Affairs. I understand that in 1984, the Tribe once operated under a constitution that required adoption in a Secretarial election and Secretarial approval to be effective. However, although the Agency received a authorization to conduct a Secretarial election, the Tribe failed to timely respond to the Agency's efforts. Subsequently, the Tribe proceeded to operate under that constitution. In 1996, the Tribe sought to adopt a constitution by majority vote of the General Council, but its effectiveness was in question because of the Tribe's failure to remove the Secretarial election and approval requirements from its constitution. Agency staff in attendance at the General Council meeting recommended the removal of the Secretarial election and approval requirements from its constitution, since the Tribe was ineligible to reorganize under Section 16 of the Indian Reorganization Act (25 USC § 476) and no federal law required the Tribe to seek adoption through a Secretarial election or Secretarial approval. However, the constitution acted upon by the General Council contained the Secretarial election and approval requirements.

Thus, in light of the foregoing analysis, I conclude that the Constitution purportedly adopted by the Tribe in its election of February 21, 2000, is ineffective for lack of compliance with the requirements set forth at ARTICLE XV – ADOPTION. As a result, I decided not to provide the Office of Tribal Services with Mr. Beecher's letter of February 14, 2001, since the Tribe's proposed name change could not take effect unless the Constitution were properly adopted.

I strongly encourage the Tribe to conduct a tribal election on the question of adoption or rejection of a Tribal Constitution, and to submit the results of such an election to the Agency so that I may issue a decision to recognize the formal organization of the Tribe. As always, I offer the assistance of my staff to assist you in this worthy endeavor.

This decision may be appealed to the Regional Director, Pacific Region, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California, 95825, in accordance with the regulations in 25 CFR Part 2.

Your notice of appeal must be filed in this office (the Central California Agency) within 30 days of the date you receive this decision. The date of filing your notice of appeal is the date it is postmarked or the date it is personally delivered to this office. Your notice of appeal must include your name, address, and telephone number. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. The notice and the envelope in which it is mailed should be clearly labeled "Notice of Appeal." Your notice of appeal must list the names and addresses of the interested parties known to you and certify that you have sent them copies of the notice. You must also send a copy of your notice of appeal to the Regional Director, at the address given above. If you are not represented by an attorney, you may request assistance from this office in the preparation of your appeal.

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

Please contact Brian Golding, Sr., Tribal Operations Officer, at (916) 930-3763 should you require additional information with regard to this matter.

Sincerely,

*Sgd. Raymond D. Fry*

*DRS*  
Dale Risling, Sr.  
Superintendent

cc: 3702-P5 Big Sandy Rancheria FY 03  
37112-T1 Tribal Operations Chron  
12112-T1 Superintendent Chron  
Blind Copy (Ernest)

EYoung:04/14/2003