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CONSTITUTION
OF THE
CHEMEHUEVI INDIAN TRIBE

PREAMBLE

We, the Chemehuevi Indians of the Chemehuevi Reservation, in order to establish a legally recognized tribal government, to protect our property and civil rights, and promote the general welfare of the Chemehuevi Indians, do establish this constitution for the Chemehuevi Indian Tribe pursuant to the Act of June 18, 1934 (48 Stat. 984), as amended, which shall revoke and replace the constitution of the Chemehuevi Indian Tribe approved on June 5, 1970, and this constitution shall henceforth constitute the governing document of the Chemehuevi Indian Tribe.

ARTICLE I - PURPOSE

The purpose of this organization is to promote the development of the Chemehuevi Reservation and its people, and to place the development under the management of the Chemehuevi Indian Tribe. The Tribe shall effect this development through the utilization of all powers and benefits available to Indian tribes in the United States.

ARTICLE II - TERRITORY

This constitution shall apply to all territory belonging to the Chemehuevi Indian Tribe and such land as may be hereafter adjudicated in favor of or acquired by or for the Chemehuevi Indian Tribe.

ARTICLE III - MEMBERSHIP

Section 1. Members. The members of the Chemehuevi Indian Tribe shall be all persons of Chemehuevi blood who are or shall be enrolled as members of the Chemehuevi Indian Tribe pursuant to Sections 2, 3 and 4 of this Article.

Sec. 2. Categories of Members. There shall be two categories of membership in the Chemehuevi Indian Tribe:

- (a) Non-Voting Members. All enrolled Chemehuevi tribal members possessing less than one-sixteenth (1/16) degree of Chemehuevi blood are non-voting members.

DEC 1976

(b) Voting Member. All enrolled Chemehuevi tribal members possessing one-sixteenth (1/16) or more degree of Chemehuevi blood are voting members.

(c) Rights of Members. Both categories of membership shall have the same rights, exclusive of the privilege of voting and of holding office.

Sec. 3. Membership in the Tribe. Membership in the Chemehuevi Tribe shall be determined in accordance with the following procedures:

(a) Base Enrollees. All persons, including children, who are enrolled as members of the Chemehuevi Tribe as of the date of the approval of this constitution shall be members of the Chemehuevi Tribe and shall be known as "base enrollees".

(b) Descendants of Members. All descendants of base enrollees (other than descendants over the age of twenty-one (21) who are not base enrollees as of the date of adoption of this constitution) and all descendants of any persons who become members of the Tribe subsequent to the adoption of this constitution shall automatically become members of the Tribe at birth.

(c) Adoption as a Member. Any person of Chemehuevi blood may be adopted as either a voting or non-voting member of the Chemehuevi Indian Tribe, depending upon that person's blood quantum, by a two-thirds (2/3) majority vote of the Tribal Council meeting at a regular meeting, subject to approval by a two-thirds (2/3) vote of those voting at the next annual general meeting. Prior to each of the aforementioned meetings at least thirty (30) days notice must be given of a proposed adoption. The proposed member shall not be considered adopted prior to the affirming vote of the general membership.

Sec. 4. Membership in Other Tribes. Any person who is enrolled as a member of the Chemehuevi Indian Tribe 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 Chemehuevi Indian Tribe. However, nothing in this provision shall be construed in any way to require relinquishment of any property previously acquired through purchase, allotment, bequest, inheritance, assignment, or other manner of acquisition.

Sec. 5. Citizenship Requirement. Persons who become members of the Chemehuevi Indian Tribe after the approval of this constitution must

be citizens of the United States of America.

ARTICLE IV - GOVERNING BODY

Section 1. Name. The governing body of the Chemehuevi Indian Tribe shall be known as the Chemehuevi Tribal Council.

Sec. 2. Powers. The Tribal Council shall exercise all powers of tribal government stated in Article VI and otherwise vested in the Tribal Council by this constitution.

Sec. 3. Membership. The Tribal Council shall consist of nine (9) voting members, including the Chairman, Vice-Chairman, and Secretary-Treasurer.

Sec. 4. Qualifications. Any voting member of the Chemehuevi Indian Tribe who has reached the age of twenty-one (21) years shall be qualified to be a candidate for election to the Tribal Council.

Sec. 5. Eligible Voters. Any voting member of the Chemehuevi Indian Tribe who has reached the age of eighteen (18) years shall be entitled to vote in tribal elections.

ARTICLE V - ELECTION OF COUNCIL MEMBERS

Section 1. Election of Members. Voting for members of the Tribal Council under this constitution shall be held in conjunction with the annual membership meeting, but shall not be considered as business of the meeting and shall not be subject to the quorum requirements for the meeting. The terms of six (6) present council members expire in 1976 and the terms of the other three (3) present council members expire in 1978. Upon approval of this constitution all council members in office shall remain in office until their present terms of office expire, except that of the six (6) council members whose terms expire in 1976, the three (3) who received the highest number of votes when elected shall remain in office until the annual membership meeting in 1977. The general voting membership shall elect members of the council to the extent that any terms have expired. The Tribal Council shall pass an ordinance governing tribal elections including provisions for nominations and secret balloting.

Sec. 2. Election of Officers. After the terms of the present officers expire, the Council shall elect from its members a Chairman, Vice-

Chairman and Secretary-Treasurer. The officers shall serve for three (3) years or until their term as a council member expires.

Sec. 3. Terms of Office. Each council member shall serve a term of three (3) years or until his or her successor is elected.

ARTICLE VI - POWERS OF SELF-GOVERNMENT

Section 1. General Powers. The Chemehuevi Indian Tribe possesses and may exercise all powers necessary or advisable to promote the welfare of its people.

Sec. 2. Enumerated Powers. The Chemehuevi Indian Tribe hereby delegates to its Tribal Council the following enumerated powers subject only to those limitations imposed by this constitution or by applicable statutes of the United States:

- (a) Conduct Governmental Relations. To negotiate with Federal, State, and local Governments on behalf of the Tribe; to consult with the Department of the Interior on all activities of the Department which may affect Chemehuevi Indians or the Chemehuevi Indian Tribe; and to advise the Secretary of the Interior on all Federal projects for the benefit of the Tribe or the reservation.
- (b) Promote Health, Education and Welfare. 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) Foster Traditions. To encourage and foster arts, crafts, traditions, and culture of the Tribe.
- (d) Enact Codes and Ordinances. To promulgate codes or ordinances on land, water, and such other subjects as the activity of the Tribe may require and as are not inconsistent with this constitution subject to any required approvals of the United States Secretary of the Interior; and to enact an election ordinance which shall provide all election procedures, including provisions for voting by secret ballot, for the casting of absentee ballots, and for special elections.
- (e) Manage Tribal Business Affairs. To borrow money and to provide for the repayment thereof, to manage all economic

enterprises and negotiate and contract on behalf of the Tribe and to create tribally owned corporations.

(f) Manage Tribal Lands. To initiate, approve, grant, or reject any acquisition, disposition, lease, encumbrance, or condemnation of tribal lands or property; to pledge newly purchased lands as security for loans on such lands; to manage, protect, and preserve all lands, minerals, wildlife, and other natural resources of the Chemehuevi Reservation; to initiate and administer land development projects for the entire reservation; and to make, administer, and revoke assignments of tribal lands to members of the Tribe.

(g) Administer Tribal Funds. To create and maintain a reasonable tribal fund for administrative expense 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; to make reasonable expenditures of available funds for tribal purposes including salaries and remuneration of Tribal Council 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.

(h) Levy Taxes and Fees. To levy taxes or impose fees upon members and those doing business on the reservation.

(i) Employ Consultants. To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior; and to employ consultants for the protection and advancement of the interests of the Tribe and its members.

(j) Distribution of Property. To prescribe procedures governing distribution of property and the use of such property by the spouse of a deceased member with no children who are members.

(k) Judicial System. To establish a tribal judicial system.

(l) Enrollment Procedures. To establish ordinances, not inconsistent with this constitution, subject to the approval of the United States Secretary of the Interior where authorized

by statute, governing future membership, loss of membership, and adoption of members; and to establish enrollment procedures for membership.

(m) Special Elections. To call special elections pursuant to Article IX of this constitution.

Sec. 3. General Powers. 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.

Sec. 4. Delegation of Powers. The Tribal Council may delegate any of its governmental powers to the Executive Committee, which shall be composed of the Chairman, Vice-Chairman and Secretary-Treasurer.

ARTICLE VII - VACANCIES

Section 1. Vacancy on Council. If a member of the Tribal Council shall die or resign or shall 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 found guilty of a felony while in office, the council may declare the position vacant by a majority vote of the council members. If less than twelve (12) months of the term remains, the council shall fill the vacancy by appointment of a tribal member who qualifies for candidacy to the vacant position. A special election shall be called to fill the vacated position when more than twelve (12) months remain in the unexpired term.

Sec. 2. Vacancy on Executive Committee. If a vacancy occurs on the Executive Committee for any of the reasons stated in Section 1, then the vacancy on the council shall be filled in accordance with the procedures established in Section 1. The vacancy on the Executive Committee shall be filled by the council from among its members, provided, however, that in the case of a vacancy in the Chairmanship, the Vice-Chairman shall automatically fill such vacancy until the next regularly held council meeting when a new Chairman shall be elected.

ARTICLE VIII - REMOVAL AND RECALL

Section 1. Removal. Any member of the Tribal Council charged during his or her term of office with neglect of duty, misconduct in office, or any offense involving dishonesty, may be removed from office as follows:

(a) **Written Charges.** Any member of the Tribal Council can request removal of any Tribal Council member by submitting a written statement of charges to the Secretary-Treasurer of the Tribal Council or, in the case of a request for removal of the Secretary-Treasurer, to the Chairman of the council. Such written statement must be received by the accused council member no later than twenty (20) days before the next regular council meeting at which he or she is to appear.

(b) **Evidence.** At the next regular council meeting following the submission of such written statement, the charging party shall present his or her allegations and proof against the accused member to the Tribal Council, and the accused member shall be given an opportunity to reply to all charges by presenting his or her allegations and proof to the Tribal Council.

(c) **Vote.** After hearing all of the charges and proof presented by both sides, the Tribal Council shall take a vote on whether the accused member shall be removed from office. If two-thirds (2/3) of the Tribal Council vote to remove the accused council member, his or her seat shall be declared vacant.

Sec. 2. Recall. Every person elected to a position on the Chemehuevi Tribal Council shall be subject to recall from such office by the eligible voters of the Tribe as follows:

(a) **Recall Petition.** Any voting member of the Chemehuevi Indian Tribe may circulate one or more petitions among the eligible voters of the Tribe requesting a special recall election, which petition(s) shall contain the name(s) of the person(s) whose recall is sought and shall state the charges being preferred against such person(s). If one-third (1/3) of the eligible voters of the Chemehuevi Tribe shall sign the recall petition(s), such petition(s) shall be presented to the Secretary-Treasurer of the Tribal Council or, if charges are being preferred against the Secretary-Treasurer, to the Chairman of the Tribal Council.

(b) Call of Election. The Secretary-Treasurer (or if charges are being preferred against the Secretary-Treasurer, the Chairman) shall then certify the validity of such signatures by comparing them with the list of signatures of eligible voters maintained by the Tribe. If the required number of valid signatures appear on the recall petition, the Tribal Council shall call a special recall election within sixty (60) days from receipt of the petition(s).

(c) Voting. The ballot used at a recall election shall contain the question: "Shall (name of member(s)) be recalled from office on the Chemehuevi Tribal Council?" The ballot shall contain a space opposite such question in which the words "Yes - No" shall be printed, so that the voter may indicate with a mark whether he or she wishes to vote for or against the recall of the member(s) so named. In the case of a recall of two (2) or more council members, there shall be a separate ballot for each member being recalled.

(d) Recall. If a majority of the eligible voters voting in a special recall election vote to recall the council member named in the ballot, and provided that twenty percent (20%) of all eligible voters of the Chemehuevi Indian Tribe vote in said election, the Tribal Council shall immediately declare the council member to be recalled from office and his or her seat shall be declared vacant.

Sec. 3. Vacancies. All vacancies effected by this Article shall be filled in accordance with Article VII.

ARTICLE IX - SPECIAL ELECTIONS

Upon receipt of a petition signed by at least thirty percent (30%) of the eligible Chemehuevi voters requesting a referendum on any code, ordinance, or resolution, the Tribal Council shall call a special election within sixty (60) days from receipt of the petition. If a majority of the members eligible to vote either approve or disapprove the referendum measure, such approval or disapproval shall be binding upon the Tribal Council provided at least twenty percent (20%) of the members eligible to vote vote in such an election. Should less than twenty percent (20%) of the voting members vote on the referendum measure, the code, ordinance, or resolution shall stand as enacted.

ARTICLE X - MEETINGS

Section 1. Council Meetings. All meetings of the Tribal Council, except Executive Sessions, shall be open to tribal members, and shall be held in accordance with the following provisions:

(a) Frequency. Meetings of the Tribal Council shall be held on the Chemehuevi Reservation monthly or as may be fixed by resolution of the council.

(b) Quorum. A majority of the voting members of the council shall constitute a quorum at all council meetings.

(c) Proxy Votes. A proxy vote may be approved by the council for absences caused only by hospitalization or approved tribal business. Requests to the Tribal Council to vote by proxy shall be in writing.

(d) Meeting Notice. At least ten (10) days notice shall be given by the Secretary-Treasurer, unless a regular time is specified by council resolution.

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

(f) Special Meetings. Special meetings of the council may be called by the Chairman or by any four (4) members of the council. The notice in regard to any special meeting shall be given at least seven (7) days prior to the meeting and shall specify the purpose of the meeting. Emergency meetings may be provided for in a council ordinance.

(g) Voting. Each member of the Tribal Council shall have one vote on all matters, and all matters to be acted on at a Tribal Council meeting shall be approved or disapproved by a majority vote of those present and voting unless provided to the contrary in this constitution.

(h) Executive Sessions. Executive Sessions of the council and invited guests may be held to discuss any matter which should be kept confidential for the welfare of the Tribe.

Sec. 2. General Meetings. All general membership meetings of the

Tribe shall be open to all tribal members, and shall be held in accordance with the following provisions:

(a) Frequency. The general membership meeting of the Tribe shall be held annually in April of each year on the Chemehuevi Reservation.

(b) Notice. Written notice shall be mailed to each member at least thirty (30) days prior to the annual membership meeting.

(c) Quorum. At all general membership meetings, a quorum shall constitute twenty percent (20%) of the total voting membership. In the event a quorum is not present no further general membership meeting need be called for such year.

(d) Special Meetings. Special meetings of the general membership may be called by the Chairman or by a majority vote of the Tribal Council and shall be held on the Chemehuevi Reservation. The notice in regard to any special meeting shall be given at least thirty (30) days prior to the meeting and shall specify the purpose of the meeting.

(e) Voting. Each voting member of the Tribe shall have one vote on all matters, and all matters to be acted on at a general membership meeting shall be approved or disapproved by a majority vote of those present and voting unless provided to the contrary in this constitution.

ARTICLE XI - DUTIES OF OFFICERS

Section 1. Chairman. The Chairman of the Tribal Council shall preside at all meetings of the council, shall perform all duties of the Chairman and shall exercise any authority delegated to him or her by the council.

Sec. 2. Vice-Chairman. The Vice-Chairman shall, in the absence of the Chairman, perform all duties and assume all responsibilities vested in the Chairman. The Vice-Chairman shall, upon the request of the Chairman, assist in carrying out the duties of the Chairman.

Sec. 3. Secretary-Treasurer. The Secretary-Treasurer shall:

(a) Minutes. Keep the minutes of all regular and special meetings of the Tribal Council and of the general membership meetings and make copies available to the members upon request.

(b) Membership Rolls. Maintain the general membership rolls.

(c) Tribal Funds. Act as custodian of all tribal funds, disburse funds in accordance with orders and resolutions of the council, account for receipts and disbursements and report the same in writing to the council at all regular meetings, and be bonded in such amount as the council may provide.

The Treasurer's records shall be subject to audit or inspection upon request of the Tribal Council at any time. An annual financial statement shall be prepared in a manner prescribed by the council and made available to the general membership.

ARTICLE XII - AMENDMENTS

This constitution may be amended by a majority vote of those voting in an election called for the purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote at such election. An amendment shall become effective only upon approval of the Secretary of the Interior. The Secretary of the Interior shall call an election on any proposed constitutional amendment at the request of the Tribal Council or upon receipt of a petition signed by one-third (1/3) of the eligible voters of the Tribe.

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 shall be severed and the remaining provisions shall remain in full force and effect.

ARTICLE XIV - REPEAL AND SAVINGS CLAUSE

Section 1. Repeal Clause. The constitution of the Chemehuevi Indian Tribe approved June 5, 1970, under the provisions of the Indian Reorganization Act of June 18, 1934, as amended, is hereby repealed and superseded by this constitution.

Sec. 2. Savings Clause. All ordinances and resolutions heretofore enacted by the Chemehuevi Indian Tribal Council shall remain in full force and effect except to the extent that they are inconsistent with this constitution.

ARTICLE XV - APPROVAL

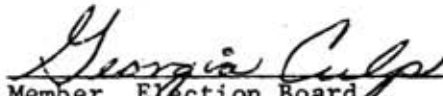
This constitution, when adopted by a majority vote of the Chemehuevi Indian Tribe voting at a special election called by the Secretary of the Interior in which at least thirty percent (30%) of those entitled to vote shall have voted, shall then be submitted to the Secretary of the Interior for his approval and shall be effective from the date of such approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by Morris Thompson, Commissioner of Indian Affairs, on July 2, 1976, the attached constitution of the Chemehuevi Indian Tribe was submitted to the qualified voters of the tribe and was on October 30, 1976 duly ~~(rejected)~~ (adopted) by a vote of 55 for and 9 against, in an election in which at least thirty percent (30%) of the 113 members entitled to vote cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378).

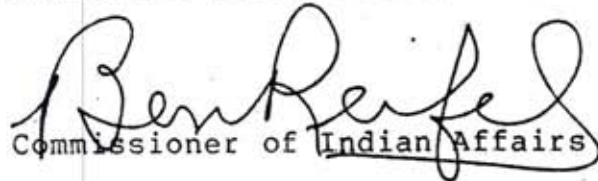

Chairman, Election Board


Member, Election Board


Member, Election Board

APPROVAL

I, _____, Commissioner of Indian Affairs,
by virtue of the authority granted to the Secretary of the
Interior by the Act of June 18, 1934 (48 Stat. 984), as
amended, and delegated to me by 230 D.M. 1.1, do hereby
approve the Constitution of the Chemehuevi Indian Tribe.


Commissioner of Indian Affairs

Washington, D.C.

Date: DEC 9 1976

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Phoenix Area Director on February 14, 1977, the attached Amendment I to the Constitution and Bylaws of the Chemehuevi Tribe, California, was submitted to the qualified voters of the Tribe and was on April 16, 1977, duly ~~rejected~~ ^{adopted} by a vote of 52 for, and 8 against, in an election in which at least 30 percent of the 130 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 13, 1934, (48 Stat. 984) as amended by the Act of June 15, 1935, (49 Stat. 378).



Chairman, Election Board



Election Board Member



Election Board Member

file w/ const.

ATIN	_____
JACK	<i>rwf</i>
DOMB	_____
JONES	_____
CROWLEY	_____
LILA	_____
NINA	_____
BETTY	_____
FILE	_____

APPROVAL

I, John Artichoker, Jr., Area Director, Phoenix Area Director, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to the Commissioner of Indian Affairs by 230 D.M. 1.1, and redelegated to me by 10 BIAM 3, do hereby approve Amendment I to the Constitution and Bylaws of the Chemehuevi Tribe.

John Artichoker, Jr.
Area Director, Phoenix

Phoenix, Arizona

Date: APR 21 1977

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