

CONSTITUTION
OF THE
ROUND VALLEY INDIAN TRIBES

PREAMBLE

We the people of the Round Valley Indian Tribes of the Round Valley Reservation, a federally recognized sovereign Indian tribe, do hereby adopt this Constitution in order to:

- o promote the social and economic welfare of the members of the Tribe,
- o protect the rights of our members,
- o protect our land, timber, fish, wildlife, water and natural resources,
- o preserve and protect our heritage including our cultural values and traditions, build a stronger tribal government,
- o promote honor, dignity and respect among the Tribe,
- o acquire additional lands for the benefit of the Tribe and its members, promote tribal businesses and enterprises,
- o preserve, secure and exercise all the inherent sovereign rights and powers of an Indian tribe.

ARTICLE I - TERRITORY AND JURISDICTION

Section 1. Territory. The territory of the Tribe shall include all lands within the original boundaries of the Round Valley Reservation, and to any and all lands which the Tribe may acquire for itself or which the United States may acquire for the benefit of the Tribe or its members. The territory of the Tribe shall include all lands, property, airspace, surface rights, subsurface rights, other natural resources and any interest therein, tenements, hereditaments, all water rights and all accretions, which are either now or in the future owned by the Tribe or owned by the United States for the benefit of the Tribe or for individual tribal members, notwithstanding the issuance of any right-of-way.

Section 2. Jurisdiction. The Tribe shall have jurisdiction over all persons, subjects, property, and all activities occurring within the boundaries of the Reservation or on other lands within its territory as defined by this Article. Nothing in this Article shall be construed to limit the ability of the Tribe to exercise its jurisdiction to the fullest extent according to Federal law or based upon its inherent sovereignty as an Indian tribe.

ARTICLE II - MEMBERSHIP

Section 1. Requirements. The membership of the Tribe shall consist of:

- (a) All persons who were qualified for and have been accepted into membership in the Covelo Indian Community under the membership requirements contained in the Constitution and Bylaws approved December 16, 1936, as amended, now superseded by this Constitution.
- (b) Lineal descendants of members of the Tribe who are admitted into membership according to enrollment procedures established by ordinance, provided, that the person demonstrates a willingness to maintain tribal affiliations.

Section 2. No Dual Enrollment. Any member of the Tribe who is or becomes a member of any other federally recognized Indian tribe may be disenrolled by the Tribal Council.

Section 3. Membership Roll.

- (a) The Tribal Council shall maintain a current membership roll of tribal members.
- (b) The Tribal Council shall have the authority to make corrections to the membership roll by removing the names of persons who do not meet the requirements for membership and adding the names of persons who have been omitted through error or mistake, provided, that the Tribal Council shall provide any person subject to disenrollment full due process rights including adequate notice of all pending actions and a hearing before the Tribal Council with the right to present witnesses and other evidence.
- (c) Any adult person who has voluntarily requested to be removed from the membership roll cannot re-enroll with the Tribe. All relinquishments of membership in the Tribe shall be done in writing.

Section 4. Membership Ordinance. The Tribal Council shall have the power to adopt a membership ordinance not inconsistent with the terms of this Constitution covering all enrollment procedures.

Section 5. Appeal. Any person whose application for enrollment is rejected or who has been disenrolled from the Tribe shall have the right to appeal to the Tribal Court in accordance with the applicable procedures contained in the enrollment ordinance.

ARTICLE III - ORGANIZATION OF THE GOVERNMENT

The government of the Tribe shall be composed of the Legislative branch which shall be known as the Tribal Council, the Executive branch which shall be known as the Tribal Administration, and the Judicial branch which shall be known as the Tribal Court. The Tribal Council shall operate in accordance with Article IV. The Tribal Administration shall be subordinate to the Tribal Council and shall operate in accordance with Article VII. The Tribal Court shall operate in accordance with Article VI. No person or group of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except as this Constitution may otherwise expressly direct or permit.

ARTICLE IV - THE TRIBAL COUNCIL

Section 1. Tribal Council. The governing body of the Tribe shall be known as the Round Valley Tribal Council which shall consist of seven (7) members including the President and Vice President. All members of the Tribal Council shall have the right to vote on all matters.

Section 2. Terms of Office. The terms of office for all Tribal Council members including the President and Vice President shall be four (4) years or until a successor is chosen and seated. The terms of office shall be staggered in accordance with Article XVI.

Section 3. Selection of Officers. The Tribal Council shall select a President and a Vice President from within the Tribal Council membership who shall each serve a four (4) year term or until successors are chosen and seated. The Tribal Council shall select a secretary, a treasurer and a sergeant-at-arms from within the Tribal Council membership.

Section 4. Duties of the Officers. The duties of the President, Vice President, secretary, treasurer, and sergeant-at-arms, and any compensation, shall be established by ordinance.

Section 5. Tribal Council Compensation. Tribal Council members may receive reasonable compensation for attending Tribal Council meetings so long as the member stays for the entire meeting.

Section 6. Meetings of the Tribal Council.

- (a) The Tribal Council shall hold a regular meeting on the second Saturday of each month. All regular meetings of the Tribal Council shall be opened to tribal members. The Tribal Council may, upon motion duly passed, go into executive session.

- (b) The President or any three (3) members of the Tribal Council may call special meetings of the Tribal Council. Notice of all special meetings shall be provided to all members of the Tribal Council.

Section 7. Quorum Four (4) or more members of the Tribal Council shall constitute a quorum at any regular or special meeting. A quorum is required at all meetings in order to conduct official business of the Tribal Council.

Section 8. Voting. All decisions of the Tribal Council shall be by majority vote unless otherwise indicated in this Constitution. Proxy voting shall be prohibited.

Section 9. Conflict of Interest. Any Tribal Council member who may have a direct personal or financial interest in any matter before the Tribal Council which is not similarly shared by all members of the Tribal Council shall not vote on such matter without the consent of the remaining members of the Tribal Council.

Section 10. Removal.

- (a) The Tribal Council shall remove a Council member for any of the following reasons so long as the actions in question take place during the Council member's term of office:
- (1) Failure to attend three (3) regular meetings consecutively absent good cause as defined by ordinance. The ordinance shall include provisions for leave for the following reasons: emergencies, illness, death in the immediate family, reasonable vacation, failure to receive adequate notice of a meeting, and circumstances beyond the Council member's control.
 - (2) Final conviction by any tribal, Federal or state court of any of the following offenses:
 - (i) a felony,
 - (ii) two (2) misdemeanors.
- (b) A Tribal Council member appealing a conviction of an offense listed in Section 10 (a) (2) of this Article shall be suspended pending the outcome of the final appeal.
- (c) Any Tribal Council member facing removal under this Section shall be afforded full due process rights including being given a written copy of the charges, being given an opportunity to present witnesses and other evidence and to otherwise respond to those charges at a hearing before the Tribal Council. The Tribal Court shall have jurisdiction to review removal actions and can overturn a removal if the Tribal Council's findings of fact have been arbitrary or capricious.

Section 11. Recall.

- (a) Any adult tribal member may initiate recall proceedings against any Tribal Council member by filing with the Election Board a written statement giving specific reasons why the Council member should be recalled.
- (b) After receipt of the written statement, the Election Board shall issue official petition forms to the tribal member who initiated the recall. The official petition forms shall include at the top of each page the list of allegations for recall. The tribal member shall have thirty (30) days to collect the signatures from thirty-three percent (33%) of the eligible voters of the Tribe. The Election Board shall inform the tribal member of the number of signatures required for a valid recall petition.
- (c) Once a tribal member has signed an official petition form his or her name shall not be removed from the form.
- (d) Individual petition forms shall be circulated for each Tribal Council member subject to recall. A maximum of three (3) Tribal Council members may be recalled at a time.
- (e) The Election Board shall verify the signatures on a recall petition in a timely manner. If a petition contains the required number of signatures and has been properly submitted then the Election Board shall call and hold a recall meeting within thirty (30) days of receipt of the petition before holding a special recall election.
- (f) The Election Board shall provide adequate notice of the recall meeting. The notice shall include a statement that the person(s) subject to recall shall be provided with an opportunity to respond to the charges at the meeting. The Election Board shall conduct all recall meetings in an orderly and fair manner.
- (g) The Election Board shall conduct a special recall election within thirty (30) days of the recall meeting. The ballots for the special recall election shall include a list of the charges and the response, if any, from the person(s) subject to recall.
- (h) A majority vote of the eligible voters shall determine the success or failure of the recall petition(s), provided, that at least thirty-three percent (33%) of the eligible voters actually vote in the special recall election.
- (i) If the special recall election fails, then the charges used to initiate the recall cannot be used to initiate another recall for the remainder of the Council member's term of office.

- (j) If the special recall election succeeds and the person(s) is successfully recalled, then he or she shall not be eligible to run for Tribal Council office until after his or her term would have ended.
- (k) A special election to fill a possible vacancy created by a recall election shall be conducted at the same time as such recall election.

Section 12. Code of Ethics. The Tribal Council shall have the power to adopt a Code of Ethics governing the conduct of tribal officials and employees. The Code of Ethics may include disciplinary provisions including removal so long as the person in question is afforded full due process rights including being informed of the charges and being given an opportunity to present witnesses and other evidence at a hearing before the Tribal Council.

ARTICLE V - POWERS OF THE TRIBAL COUNCIL

Section 1. Powers of the Tribal Council. The Tribal Council shall have all legislative powers vested in the Tribe through its inherent sovereignty and Federal law and shall, in accordance with established practices of the Tribe and subject to the express limitations contained in this Constitution and the applicable laws of the United States, have the following powers:

- (a) to represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this Constitution;
- (b) to negotiate and enter into contracts with Federal, state and local governments;
- (c) to regulate its own procedures;
- (d) to employ legal counsel in accordance with applicable law;
- (e) to advise the Secretary of Interior or his representative on all activities that may affect the Tribe, and on all appropriation estimates and Federal projects for the benefit of the Tribe before such estimates and projects are submitted to the Office of Management and Budget and to Congress;
- (f) to prevent or veto the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the formal consent of the Tribe;
- (g) to regulate the use and disposition of all lands within the jurisdiction of the Tribe, including but not limited to the enactment of ordinances providing for the manner of making, holding and revoking assignments of tribal lands and interests therein;

- (h) to condemn property for public purposes so long as just compensation is paid, provided, that all condemnation proceedings are conducted in accordance with applicable law;
- (i) to make rules and regulations governing trespass upon lands within the jurisdiction of the Tribe;
- (j) to regulate hunting, fishing, trapping, logging, mining, camping, hiking, recreation, gaming and all other related activities on lands within the jurisdiction of the Tribe;
- (k) to exercise control over assets within the control of the Tribe;
- (l) to appropriate and regulate the use of available funds;
- (m) to levy and collect taxes, duties, fees and assessments;
- (n) to charter tribal enterprises, tribal housing authorities, corporations and associations, and to manage and regulate all tribal economic affairs and enterprises;
- (o) to regulate domestic relations of persons within the jurisdiction of the Tribe through the adoption of an ordinance;
- (p) to enact an ordinance governing law enforcement on lands within the jurisdiction of the Tribe;
- (q) to appoint peace officers;
- (r) to appoint subordinate committees, commissions, boards, tribal officials and employees not otherwise provided for in this Constitution, and to prescribe their compensation, tenure, duties, policies and procedures;
- (s) to determine all terms and conditions of employment for all persons employed by the Tribe through the adoption of appropriate ordinances;
- (t) to requisition labor for public purposes in a state of emergency;
- (u) to issue and to regulate motor vehicle license plates;
- (v) to accept grants and donations from any person, organization, state or the United States;
- (w) to enact ordinances providing for the removal or exclusion of any non-member of the Tribe for cause, and to prescribe conditions upon which non-members may remain within the territory of the Tribe, provided, that all actions of exclusion or removal shall be done by filing an action in Tribal Court;

- (5) take any private property for public use without just compensation;
- (6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;
- (7) require excessive bail, impose excessive fines, or inflict cruel and unusual punishment;
- (8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- (9) pass any bill of attainder or ex post facto laws; and
- (10) deny any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than twelve (12) persons.

ARTICLE XII - HUMAN RIGHTS

The Tribe shall provide food, shelter, clothing, and other basic human necessities to needy resident tribal members to the fullest extent financially feasible.

ARTICLE XIII - SOVEREIGN IMMUNITY

Section 1. Immunity of Tribe from Suit. The Tribe hereby declares that, in exercising self-determination and its sovereign powers to the fullest extent, the Tribe is immune from suit except to the extent that the Tribal Council expressly waives sovereign immunity, or as provided by this Constitution.

Section 2. Immunity of Tribal Officials and Employees. No tribal employee or Tribal Council member acting within the scope of his or her duties or authority is subject to suit.

Section 3. Suit Against the Tribe in Tribal Court. The Tribe, tribal officials and employees shall be subject to suit for declaratory and injunctive relief in the Tribal Court by persons subject to tribal jurisdiction for the purposes of enforcing the rights and duties established by this Constitution or other applicable laws.

ARTICLE XIV - ORDINANCES AND RESOLUTIONS

Section 1. Ordinances. All final decisions on matters of permanent interest shall be embodied in ordinances. Such enactments shall be available for inspection by members of the Tribe during normal business hours.

Section 2. Resolutions. All final decisions on matters of temporary interest where a formal expression is needed shall be embodied in a resolution, noted in the minutes, and shall be available for inspection by members of the Tribe during normal business hours.

Section 3. Form. All ordinances and resolutions shall be dated and numbered, shall cite the appropriate constitutional authority and shall include a certificate showing the presence of a quorum and the number of members voting in favor of the proposed enactment.

Section 4. Review. The Tribal Council shall submit Tribal laws and enactments to the Secretary of the Interior for his review, comment and approval only when required to do so by Federal law.

ARTICLE XV - AMENDMENTS

Section 1. Requirements. This Constitution may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided, that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until approved by the Secretary of the Interior or until deemed approved by the Secretary by operation of law. If the voters adopt the amendment(s), the Secretary of the Interior shall approve such amendment(s) within forty-five (45) days after the election unless the amendment(s) are contrary to applicable law; if the Secretary of the Interior takes no action within forty-five days, his approval shall be considered as given.

Section 2. Requests for a Secretarial Election. It shall be the duty of the Secretary of the Interior to call and hold an election on any proposed amendment at the request of the Tribal Council, or upon presentation of a petition signed by thirty percent (30%) of the qualified voters of the Tribe.

ARTICLE XVI - SAVINGS CLAUSE

All enactments of the Tribe adopted before the effective date of this Constitution shall continue in full force and effect to the extent that they are consistent with this Constitution.

ARTICLE XVII - SEVERABILITY

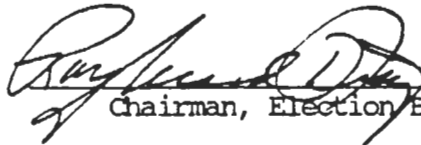
If any provision of this Constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XVIII - ADOPTION OF CONSTITUTION

This Constitution, when adopted by a majority vote of the registered voters of the Tribe of the Round Valley Indian Reservation, California, voting at a special election authorized by the Secretary of the Interior in which at least thirty percent (30%) of those registered in accordance with Secretarial regulations to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and, if approved by the Secretary of the Interior or by operation of law, shall be effective from the date of such approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs on April 22, 1994, the Constitution of the Round Valley Indian Tribes of California was submitted to the qualified voters of the Covelo Indian Community of the Round Valley Reservation, and on 8-3-94, was duly adopted ~~rejected~~ by a vote of 98 (number) for, and 45 (number) against, and 2 (number) cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 223 (number) entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.



Chairman, Election Board



Election Board Member



Election Board Member



Election Board Member



Election Board Member



Election Board Member

Election Board Member

Date:

CERTIFICATE OF APPROVAL

I, Patrick A. Hayes, Deputy 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), and delegated to me by 230 D.M. 2.4, do hereby approve the Constitution of the Round Valley Indian Tribes. This Constitution 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.

Patrick A. Hayes

Acting Deputy Commissioner of Indian Affairs

Washington, D. C.

Date: SEP 14 1994