



UNITED STATES  
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS  
SOUTHERN CALIFORNIA AGENCY  
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IN REPLY REFER TO:  
FOIA BIA 2014-00434

**JAN 29 2014**

Kelly B. Gray, Esq.  
2657 Stow Street  
Los Olivos, CA 93441

Dear Ms. Gray:

This letter is a response to your Freedom of Information Act (FOIA) request received in this office for processing on January 23, 2014. FOIA control number BIA 2014-00434 has been assigned to this request; please refer to this number in future correspondence.

In your correspondence you requested the following: This is a request for a true and correct copy of the Constitution of the Santa Ynez Band of Chumash Mission Indians, all amendments thereto, all exhibits and attachments thereto, and all documents incorporated by reference therein which are not exhibits or attachments.

Response: Enclosed are twelve pages of responsive documents.

We are required to advise you of your appeal rights whenever informing you of our partial response to your request; we believe that we have no additional responsive records. Therefore, if you have additional information (not provided in your request letter) that would lead you to believe that documents responsive to your request are, indeed, on file in files maintained by the Department of the Interior, you may file a FOIA appeal by writing to the FOIA Appeals Officer.

You may appeal this response in accordance with 43 CFR §2.57. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

Freedom of Information Act  
Department of the Interior  
Office of the Solicitor  
1849 C Street NW, MS-6556  
Washington, D.C. 20240

You must include with your appeal, copies of correspondence between you and the Bureau concerning your FOIA request, including a copy of your original FOIA request and this letter.

Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION ACT APPEAL". Your letter should include in as much detail as possible and reasons why you believe the bureau's response is in error.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
(OGIS) 8601 Adelphi Road  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <http://ogis.archives.gov>  
Telephone: 202-741-5770  
Facsimile: 202-741-5769  
Toll-free: 1-877-684-6448

There are no chargeable fees for the processing of this FOIA request. The bureau does not bill requesters for FOIA fees incurred when their fees do not exceed \$30.00 (43 CFR §2.56).

Should you have any questions, please contact Michael F. Garcia, Freedom of Information Act Southern California Agency Coordinator, at 951-276-6624, ext. 238 or Sandra Hansen, Alternate Agency FOIA Coordinator at 951-276-6624 ext. 223.

Sincerely,



Robert Eben  
Superintendent

Enclosure

cc: Tribal Operations, SCA  
FOIA Coordinator, PRO

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ARTICLES OF ORGANIZATION  
OF THE  
SANTA YNEZ INDIAN BAND  
SANTA YNEZ RESERVATION, CALIFORNIA

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APPROVED

February 7, 1964

REVISED

In accordance with Amendments I, II, III, and IV  
Approved by the Area Director, Sacramento Area Office

November 24, 1980



ARTICLES OF ORGANIZATION  
of the  
SANTA YNEZ INDIAN BAND  
SANTA YNEZ RESERVATION  
California

PREAMBLE

We, the members of the Santa Ynez Band of Mission Indians, in order to establish a formal organization and to promote our common welfare do hereby adopt the following Articles of Organization.

ARTICLE I - Name

The name of this organization shall be the Santa Ynez Band of Mission Indians, hereinafter referred to as the Band.

ARTICLE II - Territory

The jurisdiction of the Band shall extend to the land now or hereafter comprised within the Santa Ynez Reservation. There are at present ninety-nine (99) acres of reservation land located in Santa Barbara County, California.

ARTICLE III - Membership

Section 1. Membership in the Band shall consist of:

- A. Those living persons whose names appear on the January 1, 1940 Census Roll of the Santa Ynez Band of Mission Indians, except that where "NE" appears in column I opposite the names of certain persons, such persons shall not be eligible for membership.
- B. Living descendants of those person described in Section 1 A regardless of whether those persons listed on the census roll are living or deceased, provided that such descendants have one-fourth (1/4) or more degree of Indian blood of the Band.

Section 2. The Business Council, as provided for in Article IV, shall keep the membership roll current at all times by striking therefrom the names of persons who have relinquished in writing their membership in the Band and of deceased members upon receipt of a death certificate or other evidence of death, and by adding the names of persons eligible under Article III, Section 1B.

ARTICLE IV - Governing Body

Section 1. The governing body of the Band shall be the General Council which shall consist of all adult members twenty-one years of age or older. A Business Council consisting of a Chairman, a Vice-Chairman, a Secretary-Treasurer, and two adult members of the Band shall be elected and shall have such delegated powers as hereinafter provided.

Section 2 The General Council hereby delegates to the Business Council the following enumerated powers subject to the following limitations: (1)

"The Business Council shall not commit the Band to any contract, sale, disposition, lease or encumbrance of tribal land, interest in land or any matter concerning tribal assets amounting to more than three thousand dollars (\$3,000.00) unless otherwise authorized by the General Council":

1. To effectuate all tribal approved ordinances, resolutions or other enactments of the General Council.
2. To represent the General Council in all negotiations between the Band and local, state, and federal governments, their agencies and officers.
3. To manage, contract or otherwise deal with tribal assets and community resources.
4. To employ legal counsel to represent the Band, the choice of counsel and fixing of fees subject to the approval of the Secretary of the Interior or his authorized representative.

(1) As revised by Amendment I, approved November 24, 1980



5. Faithfull advise the Band members of all aforementioned negotiations.
6. To assess fees for the payment of expenses of the Band or to finance any project for the benefit of the Band as a whole, PROVIDED: That no action shall be taken by the Business Council on any action concerning an amount over three thousand dollars (\$3,000.00), without prior General Council approval.
7. To call general council meetings and elections.
8. To appoint committees and employ persons necessary to carry on the business of the Band.
9. To take such actions as are necessary to carry into effect any of the foregoing powers.

Section 3. Any member of the Band twenty-one years of age or older shall have the right to vote and, if duly elected, to hold office.

All elections of officers shall be by secret ballot.

Nominations for Chairman and four members of the Business Council shall be made at General Council meeting called for that purpose, and all nominees certified as voters by the Business Council shall have their names placed on the ballot.

Section 4. All officers shall be elected for a term of two (2) years, or until their successors are duly elected and qualified. At the first meeting after the election of the members of the Business Council, they shall elect from their own membership, a Vice-Chairman, and a Secretary-Treasurer, and may appoint or employ such other committees and employees as may be necessary.

#### ARTICLE V - Elections (2)

Section 1. Nominations for the Business Council members shall be from the floor at a General Council meeting held specifically for that purpose at least thirty (30) days before the scheduled election.

(2) As revised by Amendment II, approved November 24, 1980

However, nominations can also be recommended by a nominating committee, appointed by the Chairman, which shall be present at the meeting called for nominations.

Section 2. All nominations and elections, whether for officers, referendum or initiative, shall be in accordance with an ordinance or ordinances proposed by the Business Council and adopted by the General Council, which shall provide for the dates thereof, for polling places, election committee and their duties, absentee balloting and any other necessary requirements.

Section 3. A special election on any specific matter may be called for by the Chairman of the Business Council or by petition signed by at least 30% of the qualified voters. Special elections shall be conducted in the same manner as specified in Article VI, Section 2.

Section 4. Voting shall be by secret ballot with the names of each candidate thereon.

Section 5. General Requirements.

- A. No election shall be valid unless at least 51% of the qualified voters vote in such election.
- B. Qualified voters may vote by absentee ballot.
- C. Absentee ballots shall be mailed to qualified voters who do not live on the reservation, on the assumption that such qualified voters are unable to attend the election as prescribed in the election ordinance. Absentee ballots shall be mailed by the Election Board and the ballots shall be returned to the Chairperson of the Election Board.

- D. The decision of majority of those voting in an election shall be final and shall govern the election results.
- E. If 51% of the qualified voters do not vote in an election, the Chairman of the Business Council shall call an election within ten (10) days following the preceeding election until such time as 51% or more of the qualified voters have made a decision on an election.

Section 6. If there is any inconsistency between this Article and/or an ordinance or ordinances governing elections and the requirements of 25 CFR Part 52, then the provisions of 25 CFR Part 52 shall govern such election.

Section 7. Vacancies and Recall elections will be conducted pursuant to Article VII.

ARTICLE VI - General Council Meeting (3)

Section 1. The meetings of the General Council may be called by the Chairman of the Business Council, by a majority of the Business Council, or by a petition signed by not less than ten percent (10%) of the qualified voters. Any petition calling for a General Council meeting shall be submitted to the Chairman of the Business Council, who shall, in response to said petition, call a General Council meeting within not less than seven (7) days and not more than fourteen (14) days of the receipt.

Section 2. A meeting of the General Council shall be valid when seven (7) days prior notice has been provided to the General Council.

Section 3. No resolution or ordinance approved by a majority of the qualified voters present at a duly noticed General Council meeting will be



valid unless voted on by at least fifty-one percent (51%) of the qualified voters of the General Council. However, if a resolution or ordinance has been approved by a majority vote of those present at a General Council meeting, but the total vote does not represent 51% of the qualified voters, the measure shall be submitted for vote by those members of the General Council who did not vote. The Secretary of the Business Council shall mail absentee ballots to those members of the General Council who did not attend such meeting. The absentee ballot shall contain the resolution or ordinance voted on at the General Council meeting, and appropriate boxes marked "APPROVED" and "DISAPPROVED". Together with the ballot, there shall be an inner envelope bearing on the outside the words, "Absentee Ballot", and a pre-addressed outer envelope. All absentee ballots must be returned to the Secretary of the Business Council within two (2) weeks of the mailing, to be counted.

Section 4. Absentee ballots shall be counted by a majority of the membership of the Business Council at a duly noticed Business Council meeting or by a committee appointed by the Business Council. The Business Council shall report the results of the absentee ballot at the next scheduled General Council meeting and declare whether the resolution or ordinance received the requisite approval. If those persons present at a General Council meeting and those persons voting by absentee ballot amount to 51% of the qualified voters, then a resolution or an ordinance receiving the approval by a majority vote of those present at a General Council meeting plus those absentee ballots shall be valid and effective as of the date it received such approval.

ARTICLE VII - Vacancies and Recall

- Section 1. If an officer shall die, resign, be found guilty of felony in any State or Federal Court or be recalled for any other cause from his office, a vacancy in the office shall be automatically created.
- Section 2. Any vacant office shall be filled by the General Council at its next meeting and such replacement shall serve the unexpired term of office.
- Section 3. Upon receipt of a petition signed by twenty (20) percent of the voters calling for the recall of an officer, the Business Council shall hold a recall election within thirty (30) days. The decision of a majority of those voting in such recall election shall govern, providing that at least thirty (30) percent of those eligible to vote shall vote in the election.

ARTICLE VIII - Powers of the Governing Body (4)

- Section 1. The General Council shall have the powers and responsibilities hereafter provided, subject to any limitation imposed by the statutes or the Constitution of the United States.
- A. To veto any sale, disposition, lease or encumbrance of lands, interests in lands, or other assets of the Band made by any authority other than the General Council.
- B. To establish rules or procedures for the conduct of its affairs. The following powers shall be set forth in ordinances or resolutions passed by the General Council and approved by the Commissioner of Indian Affairs or his authorized representative.

(4)As revised by Amendment IV, approved November 24, 1980

- C. To make assignments of reservation lands and to lease reservation lands.
- D. To administer assets of the Band and to manage all economic affairs and enterprises of the Band where the value is more than \$3,000.00.
- E. To acquire property and to accept gifts.
- F. To borrow money and pledge the assets of the Band other than tribal land held in trust by the United States.
- G. To assess fees for payment of expenses of the Band, where the value is more than \$3,000.00.
- H. To control future membership, loss of membership and the adoption of members.
- I. To delegate any of its authorities or responsibilities to the Business Council or any committee which it might establish.

Section 2. Any rights and powers heretofore vested in the General Council, but not expressly referred to in this Article, shall not be lost by reason of their omission but may be exercised through the adoption of appropriate bylaws or amendments.

#### ARTICLE IX - Amendments

These Articles of Organization may be amended by a majority vote of the General Council and such amendment shall be ratified and approved in the same manner as these Articles of Organization.

### BYLAWS OF THE SANTA YNEZ BAND OF MISSION INDIANS OF THE SANTA YNEZ RESERVATION

#### ARTICLE I - Duties of Officer

Section 1. The Chairman shall preside at all meetings of the General Council



and the Business Council. He shall be authorized to execute on behalf of the Band all contracts, leases or other documents approved by the General Council. He 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 nor the Business Council are in session, he shall be the official representative of the Band. The Chairman shall vote only in case of tie vote in either General Council or Business Council meetings.

Section 2. The Vice-Chairman in the absence of the Chairman shall have the power and authority of the Chairman and may, if authorized by the Chairman, assist the Chairman in the performance of his duties.

Section 3. The Secretary-Treasurer shall keep the minutes of both the General Council meetings and the meetings of the Business Council. He shall certify the enactment of all ordinances or resolutions of both the Business Council and the General Council. He shall attend to the giving of all notices required by this document. He shall also receive on behalf of the Business Council all petitions provided for in this document. He shall have care and custody of all valuables for the Band and deposit all money in an approved depository. He shall disburse all funds as ordered by the General Council by check to be co-signed by the Chairman. He shall maintain financial accounts, receipts and records which shall be available for inspection by officers of the General Council and representatives of the Commissioner of Indian Affairs. All financial records of the Band shall be audited at least once each year and such other

times as may be directed by the General Council or the Commissioner of Indian Affairs. Copies of all minutes, resolutions or other enactments shall be submitted to the Commissioner through the local field office as soon after their enactment as possible. The Secretary-Treasurer shall file a bond satisfactory to the General Council and the Commissioner of Indian Affairs when either are of the opinion sufficient funds have accumulated in the Band Treasury. The General Council shall authorize the payment of the annual bond premium from local Band funds.

ARTICLE II - Adoption

Section 1. These articles of Organization, when adopted by a majority vote of the adult Indians of the Santa Ynez Band, voting at a special election called by the Secretary of the Interior at which at least thirty (30) percent 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 such approval.

Section 2. The present Business Council shall within (30) days after his approval cause an election of officers to be held in accordance with the terms of these articles of Organization.

CERTIFICATION OF ADOPTION

Pursuant to an order approved August 23, 1963, by the Assistant Secretary of the Interior, the attached Articles of Organization were submitted for ratification to the adult members of the Santa Ynez Band of Mission Indians of the Santa Ynez Reservation, California and were on November 17, 1963, duly ratified by a vote of 51 for and 2 against, in an election in which at least thirty percent (30%) of those 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 by the Act of June 15, 1935 (49 Stat. 378).

/s/ Joe C. Miranda  
Tribal Official Spokesman

/s/ James P. Pace  
Tribal Official Secretary & Treasurer

/s/ Orlando Garcia  
Area Field Representative

/s/ Leonard M. Hill  
Area Director

SEAL

Approved: John A. Carver, Jr.  
Assistant Secretary of the Interior

Date: February 7, 1964