



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Central California Agency  
650 Capitol Mall, Suite 8-500  
Sacramento, CA 95814-4710

IN REPLY REFER TO

*Certified Mail: 7001 2510 0009 4495 6580*

OCT 24 2016

Cheryl A. Schmit  
Director, Stand Up for California  
Post Office Box 355  
Penryn, California 95663

Dear Ms. Schmit:

This correspondence is in regards to your Freedom of Information Act (FOIA) request BIA-2016-01661. The purpose of this letter is to respond to your request seeking documents regarding the following:

- *A copy of the Wilton Rancheria 2011 Tribal Constitution;*
- *A copy of any letters from Wilton Members who have been dis-enrolled ;*
- *A copy of the Wilton Rancheria Business Plan for the Elk Grove gaming location;*
- *A copy of any and all documents issued by the Wilton Tribe making the claim of restored lands at the City of Elk Grove or City of Galt proposed gaming location; and*
- *Any and all documents and or communication between DOI/BIA and the Wilton Rancheria between 1936 and 1958.*

Our office has located fourteen (14) responsive documents (63 pages) pertaining to your request. We have enclosed thirteen (11) documents (42 pages) and are withholding one (3) documents (21 pages) entirely. Some of these documents are being withheld entirely and partially redacted in pursuant to Exemption 4 and Exemption 6.

We are withholding one (1) document (16 pages) in full under FOIA Exemption 4. 5 U.S.C. § 552(b)(4). Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

The withheld information is commercial or financial information. The company that supplied this information (the submitter) is considered a person, because the term "person," under the FOIA, includes a wide range of entities including Indian tribes or nations. We are withholding 16 pages in full under Exemption 4 because they are protected under the following rationale:

We have determined that the information at issue was required to be submitted to the government. Information that was required to be submitted is considered confidential if disclosure of it is likely to cause substantial harm to the competitive position of the person from whom the information was obtained, or harm the government's ability to obtain it in the future.

The information is likely to cause substantial harm to the competitive position of the person from whom the information was obtained. Therefore this information is confidential for the purposes of Exemption 4 and we have withheld it.

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." [5 U.S.C. § 552\(b\)\(6\)](#). We are withholding five (2) documents in full and three (3) in part under Exemption 6.

The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency's performance of its statutory duties or otherwise let citizens 'know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy these individuals and we are withholding it under Exemption 6.

Barbara Grant, Central California Agency, FOIA Coordinator is responsible for this denial. Janet Fealk, Attorney-Advisor, Pacific Southwest Region in the Office of the Solicitor was consulted.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM

OF INFORMATION APPEAL." You must include an explanation of why you believe the Bureau of Indian Affairs, Central California Agency's (CCA) response is in error. You must also include with your appeal copies of all correspondence between you and CCA concerning your FOIA request, including your original FOIA request and CCA's response. Failure to include with your appeal all correspondence between you and CCA will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

*DOI FOIA/Privacy Act Appeals Office Contact Information*

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339  
Fax: (202) 208-6677  
Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

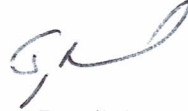
The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

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

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer. If you have any questions about our response to your request, you may contact Barbara Grant by phone at (916)930-3680, by fax at (916)930-3780, by email at [barbara.grant@bia.gov](mailto:barbara.grant@bia.gov), or by mail at 650 Capitol Mall, Suite 8-500, Sacramento, California 95814.

You may also seek dispute resolution services from our FOIA Public Liaison, Daniel Largo Jr., at (202) 208-3135.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Burdick', written in a cursive style.

Troy Burdick  
Superintendent

Cc: Doug Garcia, Pacific Regional Office, FOIA Coordinator  
Janice Whipple-De-Pina, Pacific Regional Office, Alternate FOIA Coordinator

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

CONSTITUTION AND BY-LAWS FOR THE  
ME-WUK INDIAN COMMUNITY OF  
THE WILTON RANCHERIA  
CALIFORNIA

APPROVED JANUARY 15, 1936

UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1936

## CONSTITUTION AND BY-LAWS FOR THE ME-WUK INDIAN COMMUNITY OF THE WILTON RANCHERIA

We, the people of the Wilton Rancheria in Sacramento County, in order to establish a legal rancheria organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this constitution and by-laws for the Me-wuk Indian Community of the Wilton Rancheria.

### ARTICLE I-TERRITORY

The jurisdiction of the Me-wuk Indian Community of the Wilton Rancheria shall extend to the territory within the confines of the Rancheria, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

### ARTICLE II-MEMBERSHIP

SECTION 1. The membership of the Me-wuk Indian Community of the Wilton Rancheria shall consist of-

(a) All persons of Indian blood whose names appear on the official census rolls of the community as of April 1, 1935.

(b) All children born to any member of the community who is a resident of the rancheria at the time of the birth of said children.

The community council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, when the resources of the rancheria make such adoptions feasible.

### ARTICLE III-GOVERNING BODY

SECTION 1. The governing body of the Me-wuk Indian Community of the Wilton Rancheria shall be the community council which shall be composed of all the qualified voters of the Wilton Rancheria. A majority of the eligible voters shall constitute a quorum.

SEC. 2. All enrolled members of the Me-wuk Indian Community of the Wilton Rancheria who are 21 years of age or over, and who have maintained on the rancheria for a period of one year immediately prior to election, are qualified voters at such election. Such residence, however, shall not be required as a qualification for voting upon amendments to the constitution and attached by-laws.

SEC. 3. The community council shall elect from its own members, by secret ballot, (a) chairman, (b) vice chairman, (c) secretary, (d) treasurer, (e) and such other officers and committees as may be deemed necessary.

SEC. 4. The community council shall meet on the first Monday of January and July.

SEC. 5. Within thirty days after the ratification and approval of this constitution and by-laws, a community council meeting shall be held for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting, at which time their successors shall be chosen. Thereafter, officials shall be

chosen at the July meeting.

SEC. 6. The chairman, or 25 percent of the qualified voters, may, by written notice, call special meetings of the community council.

SEC. 7. The business committee shall consist of the chairman, secretary, and treasurer of the community council, and shall perform such duties as may be authorized by that council.

#### **ARTICLE IV-POWERS OF THE COMMUNITY COUNCIL**

SECTION 1. *Enumerated powers.*-The community council of the rancheria shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

- (a) To negotiate with the Federal, State, and local governments.
- (b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets of the community.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Me-wuk Indian Community of the Wilton Rancheria prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (e) To manage all economic affairs and enterprises of the Me-wuk Indian Community of the Wilton Rancheria in accordance with the terms of a charter that may be issued to the community by the Secretary of the Interior.
- (f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Me-wuk Indian Community of the Wilton Rancheria, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing the licensing of nonmembers coming upon the rancheria for the purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the community of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances upon the Wilton Rancheria.
- (g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the community any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.
- (h) To adopt resolutions not inconsistent with this constitution and by-laws, regulating the procedure of the community council itself and of other tribal agencies, tribal officers, or tribal organizations of the Wilton Rancheria, and exercising such duties as are conferred upon the community council by the attached by-laws.

SEC. 2. *Future powers.*-The community council may exercise such further powers as may in the future be delegated to the council by members of the community or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. *Reserved powers.*-Any rights and powers heretofore vested in the Me-wuk Indian Community of the Wilton Rancheria but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Me-wuk Indian Community of the Wilton Rancheria through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. *Manner of review.*-Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior shall be presented to the superintendent in charge of the rancheria, who shall, within ten days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the community council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment he shall advise the community council of his reasons therefore. If these reasons appear to the community council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## **ARTICLE V-AMENDMENTS**

SECTION 1. This constitution and by-laws may be amended by a majority vote of the qualified voters of the community voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. At any regular or special community council meeting amendments to this constitution and by-laws may be proposed, to be acted upon at the next semiannual community council meeting. If approved by a majority vote at such meeting the proposed amendment shall be submitted to the Secretary of the Interior, who shall thereupon call an election upon the proposed amendment.

## **BY-LAWS FOR THE ME-WUK INDIAN COMMUNITY OF THE WILTON RANCHERIA**

### **ARTICLE I-DUTIES OF OFFICERS**

SECTION 1. Each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and by-laws.

Oath: I, -----, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my community in accordance with this constitution and by-laws.



SEC. 2. It shall be the duty of the community council and each member thereof to promote the general welfare of the members of this community and to carry out the provisions and purposes of this constitution and by-laws.

SEC. 3. It shall be the duty of the chairman to preside over all meetings of the community council and to carry out all orders of the council. All members of the council and all subordinate officers shall assist the chairman in all proper ways to carry out the orders of the council.

SEC. 4. The council secretary shall keep a full report of all proceedings of each regular and special meeting of the community council and of the business committee, and shall perform such other duties of like nature as the community council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the superintendent in charge of the rancheria.

SEC. 5. The council treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the community council. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep account of all receipts and disbursements and shall report the same to the council at each regular meeting. He shall be bonded in such an amount as the council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the council treasurer shall be subject to audit or inspection at the direction of the council, or the Commissioner of Indian Affairs. Until the treasurer is bonded, the business committee may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SEC. 6. The subordinate officers of the community council shall perform such duties as the council may from time to time provide by resolution.

SEC. 7. The order of business at any regular or special meeting of the council shall be as follows:

1. Council called to order.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the council treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

## **ARTICLE II-RATIFICATION OF CONSTITUTION AND BY-LAWS**

This constitution and by-laws, when adopted by a majority vote of the adult Indians residing on the Wilton Rancheria, voting at a special election called by the Secretary of the Interior, in which at least 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.

### CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 6, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the adult Indians residing on the Wilton Rancheria and was on December 7, 1935, duly ratified by a vote of 11 for and 0 against, in an election in which over 30 percent 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 (Pub., No. 147, 74th Cong.).

**McKEAN,**

**CHARLES**

*Chairman of Election Board.*

**MADRIGAL,**

**ADA**

*Secretary of Election Board.*

**ROY NASH,**

*Superintendent in Charge of the Rancheria.*

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Me-wuk Indian Community of the Wilton Rancheria.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the Me-wuk Indian Community of the Wilton Rancheria.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended: *January 7, 1936.*

**WILLIAM ZIMMERMAN, Jr.,**

*Assistant Commissioner of Indian Affairs,*

**HAROLD L. ICKES,**

*Secretary of the Interior.*

[SEAL]

**WASHINGTON, D. C.,** *January 15, 1936.*

**AMENDMENTS, CONSTITUTION AND BY-LAWS FOR THE ME-WUK  
INDIAN COMMUNITY OF THE WILTON RANCHERIA**

**AMENDMENT I.**

1. That Section 4, Article III of the Constitution be amended to read:

"The general community council shall meet on the third Tuesday of November and April".

2. That the second sentence of Section 5, Article III of the Constitution be deleted in its entirety.

3. That the last line of Section 5, Article III of the Constitution be amended to read:

"Hereafter, officials shall be chosen at the November meeting."

**AMENDMENT II.**

That an article be added to the Constitution as follows:

**ARTICLE VI-VACANCIES AND REMOVAL FROM OFFICE**

"SECTION 1. Any officer who may resign, die or be removed from office shall be replaced only at a regular election or at a special election of the Community Council.

"SECTION 2. Any officer convicted of a felony or misdemeanor involving dishonesty in any Federal, State or Indian Court may be removed from office by a majority vote of the eligible voters of the Community Council.

"SECTION 3. The Community Council may, by a majority vote of the eligible, voters, expel any officer of the Council for neglect of duty or gross misconduct; Provided, That the accused shall be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Council shall be final."

**CERTIFICATION OF ADOPTION**

Pursuant to an order, approved April 13, 1940, by the Assistant Secretary of the Interior, the attached Amendments to the Constitution and By-laws for the Me-wuk Indian Community of the Wilton Rancheria were submitted for ratification to the qualified voters of the Community, and on May 21, 1940, Amendment I was adopted by a vote of 11 for, and none against, and Amendment II was adopted by a vote of 11 for, and none against, in an election in which more than 30 per cent 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).

**McKEAN, Jr.,**

**CHARLES J.**

*Chairman, Community Council.*

**EDITH**

**WILLIAMS,**

*Secretary, Community Council.*

**ROY NASH,**

*Superintendent, Sacramento Agency.*

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments to the Constitution and By-laws of the Me-wuk Indian Community of the Wilton Rancheria.

Approval recommended: July 10, 1940.

**F. H. DAIKER,**

*Assistant to the Commissioner.*

**OSCAR L.**

*Assistant Secretary.*

**CHAPMAN,**

[SEAL]

**WASHINGTON, D. C., July 12, 1940.**

U. S. GOVERNMENT PRINTING OFFICE

## CONSTITUTION OF WILTON RANCHERIA

### PREAMBLE

We, the people of Wilton Rancheria, pursuant to our inherent sovereignty, in order to form a more perfect government, secure our rights, advance the general welfare, safeguard our interests, sustain and enrich our culture, promote our traditions and perpetuate our existence, achieve and maintain a desirable measure of prosperity, and secure the natural and self-evident right to govern ourselves, do ordain and establish this Constitution for Wilton Rancheria.

### ARTICLE I – NAME

The name of the Tribe shall be Wilton Rancheria.

### ARTICLE II – TERRITORY AND JURISDICTION

**Section 1. Territory.** The territory of Wilton Rancheria shall include all lands held by the Tribe or its members, or by the United States for the benefit of the Tribe or its members, and any additional lands acquired by the Tribe or by the United States for the benefit of the Tribe or its members, including but not limited to air, water, surface, subsurface, natural resources, and any interest therein.

**Section 2. Jurisdiction.** The jurisdiction of Wilton Rancheria shall extend to all territory set forth in Section 1 of this Article and to any and all persons or activities therein, based upon the inherent sovereign authority of the Tribe.

### ARTICLE III – MEMBERSHIP

#### Section 1. Requirements.

The following persons shall be eligible for membership in Wilton Rancheria:

- a. All persons listed as distributees or dependant members in *A Plan for Distribution of the Assets of the Wilton Rancheria, According to the Provisions of Public Law 85-671, Enacted by the 85th Congress, Approved August 18, 1958*, as approved by the deputy commissioner of the Interior Department's Bureau of Indian Affairs on July 6, 1959; and
- b. All lineal descendents of an individual eligible for membership under subsection (a) above, regardless of whether the individual through whom eligibility is claimed is living or deceased.

**Section 2. Dual Enrollment.** A person who is officially enrolled with or is a recognized member of some other tribe, band, or rancheria shall not be enrolled with Wilton Rancheria unless he/she relinquishes membership with the other band or tribe. A "recognized member of another tribe, band, or rancheria" is a person whose name is listed on the membership roll of another tribe recognized by the Secretary of the Interior as possessing a government-to-government relationship with the United States. Inherited interests in trust allotments shall not disqualify a person from membership.

**Section 3. Membership Roll.** There shall be established an official Wilton Rancheria membership roll which shall include all persons who have presented the necessary and required evidence of eligibility for membership in the Tribe.

#### **ARTICLE IV – ORGANIZATION OF THE GOVERNMENT**

**Section 1. Organization of Government.** The government of Wilton Rancheria shall be composed of a Chairperson, a Vice-Chairperson, a Tribal Council, a General Council, and a Tribal Court.

**Section 2. Separation of Functions.** Except as provided in this Constitution, the Chairperson, Vice-Chairperson, Tribal Council, General Council, and Tribal Court shall be separate and distinct and shall not exercise the powers and functions delegated to any other officer or entity.

**Section 3. Supremacy Clause.** The Constitution shall be the supreme law over all territory and persons within and under the jurisdiction of Wilton Rancheria.

#### **ARTICLE V – CHAIRPERSON**

**Section 1. Powers of the Chairperson.** The Chairperson shall lead the Tribe based upon direction received from the Tribal Council and shall be the spokesperson for the Tribe. The Chairperson shall have the power:

- a. To execute, administer, and enforce the laws of the Tribe;
- b. To represent the Tribe on all matters that concern its interests and welfare;
- c. To negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals, provided however that any treaty, compact, contract, or agreement that directly or indirectly waives the Tribe's sovereign immunity must be approved by the Tribal Council;
- d. To sign official papers on behalf of the Tribe;
- e. To make recommendations to the Tribal Council on matters of interest or benefit to the Tribe;
- f. To propose laws and an annual budget to the Tribal Council;
- g. To attend Tribal Council meetings and provide regular reports to the Tribal Council regarding activities and business of the Tribe;
- h. To veto any decision of the Tribal Council, including its approval of an annual budget, within ten calendar days after passage and written presentation to the Chairperson;
- i. To preside over meetings of the General Council;
- j. To call Annual and Special Meetings of the General Council;
- k. To administer all departments created by the Tribal Council;
- l. To administer all boards and committees created by the Tribal Council;
- m. To nominate the directors of each department subject to confirmation by the Tribal Council, except that if a confirmation vote is not taken by the Tribal Council within forty-five days, the nomination shall be deemed confirmed;
- n. To remove a director of a department;
- o. To select, hire, and administer personnel;
- p. To contract for accounting services;

- q. To administer and direct the Tribe's legal counsel; and
- r. To establish and maintain headquarters for the Tribe.

**Section 2. Vice-Chairperson.** The Vice-Chairperson shall have the power:

- a. To exercise any of the Chairperson's authority delegated by the Chairperson;
- b. To attend Tribal Council meetings;
- c. To vote in the event of a tie during a Tribal Council meeting;
- d. To be responsible for the recording of minutes during meetings of the Tribal Council and General Council;
- e. To attest the enactment of laws; and
- f. To be responsible for maintaining records.

**Section 3. Terms of Office.** The Chairperson and Vice-Chairperson shall serve staggered four-year terms. However, the Vice-Chairperson elected in 2012 shall serve only until the 2014 General Election.

**Section 4. Qualifications.** Only tribal members who are at least thirty years of age on the date of the General Election shall be eligible to run for or serve as Chairperson or Vice-Chairperson.

**Section 5. Term Limits.** The Chairperson and Vice-Chairperson shall each be limited to two consecutive terms. A Chairperson or Vice-Chairperson having served two consecutive terms must wait one full term before again seeking the same position.

## **ARTICLE VI – TRIBAL COUNCIL**

**Section 1. Composition of the Tribal Council.** The Tribal Council shall consist of seven members, and each member shall possess one vote and share equally in the power designated to the Tribal Council pursuant to this Constitution.

**Section 2. Powers of the Tribal Council.** The Tribal Council shall make the Tribe's laws. The Tribal Council shall have the power:

- a. To make all laws, including resolutions, codes, and statutes;
- b. To establish administrative departments that shall be administered by the Chairperson, such as a Department of the Treasury, Administration, Business, Housing, Health, Social Services, Education, Personnel, and any other departments deemed necessary by the Tribal Council;
- c. To pass laws regulating the Tribe's elections, enrollment, employment, and all other matters so long as those laws are consistent with the Constitution;
- d. To create boards and committees and to set qualifications for participation on those boards and committees;
- e. To appoint members of the Election Commission;
- f. To authorize expenditures by law and appropriate funds in an annual budget;
- g. To raise revenue, including the power to levy and collect taxes and license fees;
- h. To set its own procedures, to select its officers, and to enact laws governing attendance of its members, including penalties for absences;

- i. To require comprehensive reporting from the Chairperson regarding the Tribe's finances, businesses, and other activities;
- j. To override a veto by the Chairperson by an affirmative vote of two-thirds of the entire Tribal Council;
- k. To choose and employ the Tribe's legal counsel;
- l. To approve any treaty, compact, contract, or agreement that directly or indirectly waives the Tribe's sovereign immunity;
- m. To issue charters of incorporation, to charter corporations and other organizations for economic or other purposes, and to regulate their activities;
- n. To protect and foster the Tribe's religious freedom, culture, language, and traditions;
- o. To promote public health, education, charity, and other such services as may contribute to the social advancement of the members of Wilton Rancheria; and
- p. To pass laws which further develop and define the Tribal Court so long as those laws are consistent with the Constitution.

**Section 3. Quorum.** A majority of the Tribal Council shall constitute a quorum. A quorum shall be necessary to transact official business of the Tribal Council.

**Section 4. Voting.** A majority vote by the quorum shall be necessary to exercise the powers of the Tribal Council. The votes of each member of the Tribal Council shall be recorded in the minutes.

**Section 5. Terms of Office.** Members of the Tribal Council shall serve four year terms which shall be staggered. However, the three Tribal Council members receiving the lowest percentage of votes in the Tribe's 2012 General Election shall serve only until the 2014 General Election.

**Section 6. Qualifications.** Only tribal members who are at least twenty-five years of age on the date of the General Election shall be eligible to run for or serve on the Tribal Council.

**Section 7. Term Limits.** Members of the Tribal Council shall be limited to two consecutive terms. Tribal Council members having served two consecutive terms must wait one full Tribal Council term before again seeking a seat on the Tribal Council.

**Section 8. Election of Tribal Council Members.** Members of the Tribal Council shall be elected at-large by the Tribe's eligible voters.

**Section 9. Meetings.** The Tribal Council shall hold regular meetings at least once per month. The Tribal Council may hold special meetings as necessary. Tribal Council shall attend regular and special meetings and participate in such meetings in a professional manner.

## **ARTICLE VII – GENERAL COUNCIL**

**Section 1. Composition of the General Council.** All eligible voters of Wilton Rancheria are entitled to participate in the General Council.



**Section 2. Powers of the General Council.** The General Council shall have the power:

- a. To propose amendments to the Constitution pursuant to Article XIV, Section 2;
- b. To approve amendments to the Constitution pursuant to Article XIV, Section 1;
- c. To elect those officials in electable positions pursuant to Article IX;
- d. To remove officers pursuant to Article X, Section 1; and
- e. To call a Special Meeting of the General Council pursuant to Section 4 of this Article.

**Section 3. Annual Meeting.** The General Council shall meet one time each year in a meeting during the second full weekend of June beginning in 2012. During even-numbered years beginning in 2014, the meeting shall occur in conjunction with the Tribe's General Election. Notice shall be provided by the Chairperson for Annual Meetings of the General Council.

**Section 4. Special Meetings.** Special Meetings of the General Council shall be called by the Chairperson upon written petition by thirty percent of the General Council, or upon written request of a majority of the Tribal Council, or when deemed necessary by the Chairperson. Notice shall be provided by the Chairperson for all Special Meetings of the General Council.

**Section 5. Procedures.** A majority of the eligible voters of the Tribe present in General Council shall constitute a quorum. Each action of the General Council shall require the presence of a quorum. The Vice-Chairperson shall be responsible for the recording of the minutes of any General Council meeting, including any votes taken. The Vice-Chairperson shall transmit the minutes of the General Council meetings to the Tribal Council.

## **ARTICLE VIII – TRIBAL COURT**

**Section 1. Composition of the Tribal Court.** There shall be one Chief Judge of the Tribal Court and other Associate Judges as deemed necessary by the Tribal Council. Tribal Court judges shall be appointed by the Tribal Council and shall be admitted to practice law before the highest court of any state.

**Section 2. Terms of Office.** Tribal Court judges shall serve four-year terms.

**Section 3. Powers of the Tribal Court.** The judicial power of Wilton Rancheria shall be vested in the Tribal Court. The Tribal Court shall have the power to interpret and apply the Constitution, laws, customs, and traditions of Wilton Rancheria.

**Section 4. Jurisdiction of the Tribal Court.** The Tribal Court shall have original jurisdiction over all cases and controversies, both criminal and civil, in law or in equity, arising under the Constitution, laws, customs, and traditions of Wilton Rancheria, including cases in which Wilton Rancheria, or its officials and employees, shall be a party. Any such case or controversy arising within the jurisdiction of Wilton Rancheria shall be filed in the Tribal Court before it is filed in any other court. This grant of

jurisdiction by the General Council shall not be construed to be a waiver of the Tribe's sovereign immunity.

**Section 5. Composition of Traditional Court.** The Traditional Court shall be made up of a pool of elders appointed by the Tribal Council.

**Section 6. Purpose of Traditional Court.** The Traditional Court shall exist to assist the Tribal Court in the resolution of cases or controversies involving tribal members and to advise the Tribal Court on matters of custom and tradition.

**Section 7. Appellate Review.** The Tribal Council may create a Tribal Court panel for appellate review. However, no person serving as Chairperson, as Vice-Chairperson, or as a member of Tribal Council may simultaneously serve on any such panel.

**Section 8. Conflicts of Interest.** Any judge with a direct personal or financial interest in any matter before the Tribal Court shall recuse. The Tribal Council shall appoint a Judge or Justice pro tempore to fill any vacancy due to recusal.

#### **ARTICLE IX – ELECTIONS**

**Section 1. General Elections.** General Elections shall be held during the second weekend in June of even-numbered years beginning in 2014. General Elections shall be held in conjunction with the General Council's Annual Meeting. The Chairperson, Vice-Chairperson, and members of the Tribal Council shall be selected at the General Elections. All elected officials shall take office on the Monday immediately following the election.

**Section 2. Run-Off Elections.** Run-off elections shall be held during the second weekend in June of even-numbered years beginning in 2014 for all General Election races which end in a tie or in which the Chairperson or Vice-Chairperson fails to obtain more than a majority of the vote. A run-off election shall include only the two individuals who have tied in any race or the two candidates who have received the highest number of votes in the election for Chairperson or Vice-Chairperson.

**Section 3. Eligible Voters.** Any member of Wilton Rancheria who is at least eighteen years of age shall have the right to vote.

**Section 4. Election Commission.** The Wilton Rancheria Election Commission shall be an autonomous and permanent entity charged with the administration of Wilton Rancheria's elections, in accordance with this Constitution and the Tribe's election laws. Prior to each election, the Tribal Council shall appoint all members of the Election Commission and will enact laws which will govern the conduct of all elections. Commission members appointed by the Tribal Council shall serve only until the results of the next General Election are certified. However, Commission members may be re-appointed.

**Section 5. Qualifications.** No person shall be eligible to hold elected office in the Tribe who has been convicted of felony. All candidates for office must submit to a criminal background check in order to be included on a ballot. Any elected official convicted of a felony while in office shall be automatically removed from office by the conviction.

## ARTICLE X – REMOVAL AND VACANCIES

**Section 1. Removal.** The Chairperson, Vice-Chairperson, Tribal Council members, Judges, and Traditional Court members may be removed for good cause through the removal process. The Tribal Council may begin the removal process by an affirmative vote of at least two-thirds of the entire Tribal Council to submit the issue to a meeting of the General Council. After the issue of removal has been referred to the General Council by the Tribal Council, the General Council may vote to remove the official through a two-thirds vote at a Special Meeting called for that purpose and at which a quorum is present. Any official whom the Tribal Council has requested be removed by the General Council shall be informed of the charges and given an opportunity to prepare and present a defense, including presenting witnesses and other evidence at the Special Meeting.

**Section 2. Vacancies.** Any vacancy in the position of Chairperson shall be filled by the Vice-Chairperson. If a vacancy occurs in any other elected position because of death, resignation, mental or physical incapacity, removal, assumption of the Chairpersonship by the Vice-Chairperson, or any other reason, such vacancy shall be filled in the following manner:

- a. The Chairperson shall appoint a tribal member eligible to hold such position.
- b. The Tribal Council shall approve the appointment by a vote of at least two-thirds of the entire Tribal Council.

**Section 3. Terms for Vacancies.** Persons appointed to fill a vacancy shall serve only until the Tribe's next General Election. If the position is one which would not have been up for election during the next General Election, the individual elected to fill the position during the next General Election will serve for only the two years which would have remained in the position's term.

## ARTICLE XI - BILL OF RIGHTS

Wilton Rancheria, in exercising its powers of self-government, shall not:

1. make or enforce any law prohibiting the free 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 the redress of grievances;
2. violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
3. subject any person for the same offense to be twice put in jeopardy;
4. compel any person in any criminal case to be a witness against him or herself;
5. take any private property for a 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 or her, to have compulsory process for obtaining witnesses in his or her favor, and at his or her own expense to have the assistance of counsel for his or her defense;
7. 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 three years and a fine of \$15,000, or both;
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 law;
10. 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 persons; or
11. deny any member of his or her membership status, or of the benefits afforded as a result of that membership status, without due process of law; or
12. deny any adult member the right to vote without due process of law.

## **ARTICLE XII – STATUTES**

**Section 1. Statutes.** All laws passed by the Tribal Council shall be embodied in statutes. Such enactments shall be available for inspection by members of the Tribe during normal business hours.

**Section 2. Form.** All statutes shall be dated and numbered and shall include a certificate of verification.

**Section 3. Codes.** All statutes should be organized into codes based on subject matter.

## **ARTICLE XIII – SOVEREIGN IMMUNITY**

**Section 1. Immunity of Tribe from Suit.** Wilton Rancheria shall be immune from suit except to the extent that the Tribal Council expressly waives its sovereign immunity. Officials and employees of Wilton Rancheria acting within the scope of their duties or authority shall be immune from suit.

**Section 2. Suit against Officials and Employees.** Officials and employees of Wilton Rancheria who act beyond the scope of their duties or authority shall be subject in suit in equity only for declaratory and non-monetary injunctive relief in Tribal Court by persons subject to its jurisdiction for purposes of enforcing rights and duties established by this Constitution or other applicable laws. However, nothing in this paragraph shall be held to limit the Tribe itself from bringing an action for civil or criminal liability against its employees or officials.

#### **ARTICLE XIV – AMENDMENTS**

**Section 1. Requirements.** This Constitution may be amended by a two-thirds vote at a Special Meeting of the General Council called for that purpose and at which a quorum is present.

**Section 2. Request for Amendment Election.** The Chairperson shall call and hold an election to amend the Constitution at the request of two-thirds of the entire Tribal Council, at the request of the General Council, or upon presentation of a petition signed by thirty percent of the eligible voters of the Wilton Rancheria.

#### **ARTICLE XV – SAVINGS CLAUSE**

All actions of the Interim Tribal Council of Wilton Rancheria, elected on March 28, 2010, taken before the effective date of this Constitution shall remain in full force and effect to the extent that they are consistent with this Constitution. All members of the Interim Tribal Council of Wilton Rancheria, elected on March 28, 2010, shall remain in office as an Interim Tribal Council until the first General Election is held. The Interim Tribal Council of Wilton Rancheria, elected on March 28, 2010, shall prepare notice and hold the Tribe's General Election within 150 days from the adoption of this Constitution pursuant to procedures developed by the same and consistent with this Constitution and shall serve as the Election Committee for the Tribe's 2012 General Election. The Interim Tribal Council of Wilton Rancheria, elected on March 28, 2010, shall prepare a membership roll according to the criteria for eligibility for membership provided within this Constitution.

#### **ARTICLE XVI – SUPERSEDES PREVIOUS CONSTITUTION**

This Constitution and the provisions contained within overrule, supersede, and repeal the provisions of the Tribe's Constitution enacted on the 7th day of December 1935, of any other constitutions, and of any laws passed or actions taken pursuant to the 1935 Constitution or any other constitution.

#### **ARTICLE XVII – ADOPTION OF CONSTITUTION**


This Constitution may be adopted by a majority vote at a meeting called for that purpose, provided that at least forty percent of those entitled to vote shall be present at the Special Meeting. The Interim Tribal Council of Wilton Rancheria, elected on March 28, 2010, shall provide voters with at least a fifteen-day notice of the meeting. The Constitution shall be effective from the date of such meeting.

Certification

I, Treaver Hodson, the undersigned, duly-elected Secretary of the Wilton Rancheria Interim Tribal Council, do hereby certify that the foregoing Constitution of Wilton Rancheria was adopted by the General Council of Wilton Rancheria at a duly-called election on November 12, 2011, and was duly ratified by a vote of 127 for and 5 against, in an election in which at least forty percent (40%) of those entitled to vote cast their ballots.

  
Treaver Hodson

Witnessed by:

  
Andrew Franklin  
Treasurer, Interim Tribal Council

Wilton Calif

10 Dec, 58

Mr. Williamson  
U.S. Department of the Interior  
Indian Field Service  
Sacramento Area office,  
Sacramento Calif.  
Dear Mr. Williamson.

Sorry it took so long to complete  
the sketch of the Pondocia. The  
members approved of the plan in the  
drawing and wish to decide it  
accordingly.

If I could be of any service I  
would be willing to do so.

Yours truly  
Charles J. McHardy

Wilton Calif. 28 Oct. 58

We the undersigned members of the  
Wilton Rancheria give our permission  
for Larry and Dorothy Andrews to build  
on the lot formerly occupied by them.

(b) (6)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10





Wilton Calif

28 Oct. 58

- 1 Charles J. McKean ✓ Chairman
- 2 Rutha McKean ✓ Treasurer
- 3 Jane Brown ✓ Secretary
- 4 (b) (6) ✓
- 5 (b) (6) ✓
- 6 (b) (6) ✓
- 7 (b) (6) ✓
- 8 (b) (6) ✓
- 9 (b) (6) ✓
- 10 (b) (6) ✓
- 11 (b) (6) ✓
- 12 Archie Williams ✓ vice Chairman
- 13 (b) (6) ✓

These are the members present at a meeting held at the home of Charles J. McKean, on 28 Oct. 58 meeting called to order at 7:00 P.M.

Discussed dividing the Rancheria

Voted 10 to 0 to divide Rancheria as per maps

Voted 10 to 0 to give permission to Larry and Dorothy Andrews to build on lot formerly occupied by them.

Meeting adjourned at 8:30 P.M.

Wilton Calif

28 Oct. 58

We the adult members of the Wilton Rancharia do agree to divide the Rancharia among the adult members that live on the Rancharia at the present time

We wish to keep the pump lot and the water works and the play ground by forming a water Company at a later date

The rest of the Rancharia to be divided according to the map furnished.

The members present voted 10 to 0 to divide the Rancharia according to the map furnished.

1 Charles J McKeanp Chairman  
2 Bertha McLean. treasurer

3 (b) (6)

4 Jane Dracow Secretary

5 (b) (6)

6

7

8

9 Andrew G Williams vice Chairman

10 (b) (6)

11

Wilton Calif  
12 Dec. 56.

Mr. Leonard M. Hill,  
Bureau of Indian Affairs  
Box 749  
Sacramento Calif.

Dear Mr. Hill:

I am sending you a copy  
of a letter I sent to Congressman  
John E. Moss.

Sincerely yours  
Charles J. McKeon Jr.

Wilton Calif.  
12 Dec. 56

Hon. John E. Moss,  
111 Grace Drive  
Sacramento, Calif.

Dear Mr. Moss:

The members of the Wilton  
Rancheria would like to have  
you sponsor the enclosed  
Bill in the next session  
of Congress. I thank you.

Sincerely yours  
Charles J. McKeon Jr.

Sacramento Indian Agency  
California  
May 20, 1936

Mr. Charles McKean, Jr., Chairman  
Wilton Community Business Committee  
Wilton, California

Dear Mr. McKean:

I am glad to send you herewith <sup>10</sup>~~twenty~~ copies of the printed Constitution and By-Laws for the Me-Wuk Indian Community of the Wilton Rancheria.

Each member of the Business Committee, and the head of each family belonging on the Rancheria, should be provided with a copy of this Constitution. Will you kindly take necessary action to have copies placed in the hands of these people?

Sincerely,

RR

Roy Nash, Superintendent

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**CONSTITUTION AND BY-LAWS FOR THE  
ME-WUK INDIAN COMMUNITY OF  
THE WILTON RANCHERIA**

**CALIFORNIA**

+

**APPROVED JANUARY 15, 1936**

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**CONSTITUTION AND BY-LAWS FOR THE ME-WUK  
INDIAN COMMUNITY OF THE WILTON RANCHERIA**

We, the people of the Wilton Rancheria in Sacramento County, in order to establish a legal rancheria organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this constitution and by-laws for the Me-wuk Indian Community of the Wilton Rancheria.

**ARTICLE I.—TERRITORY**

The jurisdiction of the Me-wuk Indian Community of the Wilton Rancheria shall extend to the territory within the confines of the Rancheria, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

**ARTICLE II—MEMBERSHIP**

**SECTION 1.** The membership of the Me-wuk Indian Community of the Wilton Rancheria shall consist of—

(a) All persons of Indian blood whose names appear on the official census rolls of the community as of April 1, 1935.

(b) All children born to any member of the community who is a resident of the rancheria at the time of the birth of said children.

The community council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, when the resources of the rancheria make such adoptions feasible.

**ARTICLE III—GOVERNING BODY** *See Amendment*

**SECTION 1.** The governing body of the Me-wuk Indian Community of the Wilton Rancheria shall be the community council which shall be composed of all the qualified voters of the Wilton Rancheria. A majority of the eligible voters shall constitute a quorum.

**SEC. 2.** All enrolled members of the Me-wuk Indian Community of the Wilton Rancheria who are 21 years of age or over, and who have maintained legal residence on the rancheria for a period of one year immediately prior to any election, are qualified voters at such election. Such residence, however, shall not be required as a qualification for voting upon amendments to the constitution and attached by-laws.

**SEC. 3.** The community council shall elect from its own members, by secret ballot, (a) chairman, (b) vice chairman, (c) secretary, (d) treasurer, (e) and such other officers and committees as may be deemed necessary.

SEC. 4. The community council shall meet on the first Monday of January and July.

SEC. 5. Within thirty days after the ratification and approval of this constitution and by-laws, a community council meeting shall be held for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting.

SEC. 6. The chairman, or 25 percent of the qualified voters, may, by written notice, call special meetings of the community council.

SEC. 7. The business committee shall consist of the chairman, secretary, and treasurer of the community council, and shall perform such duties as may be authorized by that council.

#### ARTICLE IV—POWERS OF THE COMMUNITY COUNCIL

SECTION 1. *Enumerated powers.*—The community council of the rancheria shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State, and local governments.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets of the community.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Me-wuk Indian Community of the Wilton Rancheria prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Me-wuk Indian Community of the Wilton Rancheria in accordance with the terms of a charter that may be issued to the community by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Me-wuk Indian Community of the Wilton Rancheria, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of non-members coming upon the rancheria for the purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the community of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances upon the Wilton Rancheria.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the community any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this constitution and by-laws, regulating the procedure of the community council itself and of other tribal agencies, tribal officers, or tribal organizations of the Wilton Rancheria, and exercising such duties as are conferred upon the community council by the attached by-laws.

SEC. 2. *Future powers.*—The community council may exercise such further powers as may in the future be delegated to the council by members of the community or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. *Reserved powers.*—Any rights and powers heretofore vested in the Me-wuk Indian Community of the Wilton Rancheria but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Me-wuk Indian Community of the Wilton Rancheria through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. *Manner of review.*—Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior shall be presented to the superintendent in charge of the rancheria, who shall, within ten days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the community council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment he shall advise the community council of his reasons therefor. If these reasons appear to the community council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

#### ARTICLE V—AMENDMENTS

SECTION 1. This constitution and by-laws may be amended by a majority vote of the qualified voters of the community voting at an election called for that purpose by the Secretary of the Interior, provided that at least 20 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. At any regular or special community council meeting amendments to this constitution and by-laws may be proposed, to be acted upon at the next semiannual community council meeting. If approved by a majority vote at such meeting the proposed amendment shall be submitted to the Secretary of the Interior, who shall thereupon call an election upon the proposed amendment.

BY-LAWS FOR THE ME-WUK INDIAN COMMUNITY OF THE WILTON RANCHERIA

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. Each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and by-laws.

Oath: I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my community in accordance with this constitution and by-laws.

SEC. 2. It shall be the duty of the community council and each member thereof to promote the general welfare of the members of this community and to carry out the provisions and purposes of this constitution and by-laws.

SEC. 3. It shall be the duty of the chairman to preside over all meetings of the community council and to carry out all orders of the council. All members of the council and all subordinate officers shall assist the chairman in all proper ways to carry out the orders of the council.

SEC. 4. The council secretary shall keep a full report of all proceedings of each regular and special meeting of the community council and of the business committee, and shall perform such other duties of like nature as the community council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the superintendent in charge of the rancheria.

SEC. 5. The council treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the community council. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep account of all receipts and disbursements and shall report the same to the council at each regular meeting. He shall be bonded in such an amount as the council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the council treasurer shall be subject to audit or inspection at the direction of the council, or the Commissioner of Indian Affairs. Until the treasurer is bonded, the business committee may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SEC. 6. The subordinate officers of the community council shall perform such duties as the council may from time to time provide by resolution.

SEC. 7. The order of business at any regular or special meeting of the council shall be as follows:

1. Council called to order.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the council treasurer.

6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

ARTICLE II—RATIFICATION OF CONSTITUTION AND BY-LAWS

This constitution and by-laws, when adopted by a majority vote of the adult Indians residing on the Wilton Rancheria, voting at a special election called by the Secretary of the Interior, in which at least 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.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 6, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the adult Indians residing on the Wilton Rancheria and was on December 7, 1935, duly ratified by a vote of 11 for and 0 against, in an election in which over 30 percent 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 (Pub., No. 147, 74th Cong.).

CHARLES MCKEAN,  
*Chairman of Election Board.*  
ADA MADRIGAL,  
*Secretary of Election Board.*

ROY NASH,  
*Superintendent in Charge of the Rancheria.*

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Me-wuk Indian Community of the Wilton Rancheria.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the Me-wuk Indian Community of the Wilton Rancheria.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 7, 1936.

WILLIAM ZIMMERMAN, JR.,  
*Assistant Commissioner of Indian Affairs,*

HAROLD L. ICKES,  
*Secretary of the Interior.*

[SEAL]

WASHINGTON, D. C., January 15, 1936.



**AMENDMENTS, CONSTITUTION AND BY-LAWS FOR  
THE ME-WUK INDIAN COMMUNITY OF THE WILTON  
RANCHERIA**

**AMENDMENT I.**

1. That Section 4, Article III of the Constitution be amended to read:

"The general community council shall meet on the third Tuesday of November and April".

2. That the second sentence of Section 5, Article III of the Constitution be deleted in its entirety.

3. That the last line of Section 5, Article III of the Constitution be amended to read:

"Hereafter, officials shall be chosen at the November meeting."

**AMENDMENT II.**

That an article be added to the Constitution as follows:

**"ARTICLE VI—VACANCIES AND REMOVAL FROM OFFICE**

"SECTION 1. Any officer who may resign, die or be removed from office shall be replaced only at a regular election or at a special election of the Community Council.

"SECTION 2. Any officer convicted of a felony or misdemeanor involving dishonesty in any Federal, State or Indian Court may be removed from office by a majority vote of the eligible voters of the Community Council.

"SECTION 3. The Community Council may, by a majority vote of the eligible voters, expel any officer of the Council for neglect of duty or gross misconduct; Provided, That the accused shall be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Council shall be final."

**CERTIFICATION OF ADOPTION**

Pursuant to an order, approved April 13, 1940, by the Assistant Secretary of the Interior, the attached Amendments to the Constitution and By-laws for the Me-wuk Indian Community of the Wilton Rancheria were submitted for ratification to the qualified voters of the Community, and on May 21, 1940, Amendment I was adopted by a vote of 11 for, and none against, and Amendment II was adopted by a vote of 11 for, and none against, in an election in which more than 30 per cent 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).

CHARLES J. MCKEAN, JR.,  
*Chairman, Community Council.*  
EDITH WILLIAMS,  
*Secretary, Community Council.*

ROY NASII,  
*Superintendent, Sacramento Agency.*

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by

the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments to the Constitution and By-laws of the Me-wuk Indian Community of the Wilton Rancheria.

Approval recommended: July 10, 1940.

F. H. DAIKER,  
*Assistant to the Commissioner.*

OSCAR L. CHAPMAN,  
*Assistant Secretary.*  
[SEAL]

WASHINGTON, D. C., July 12, 1940.

WORK SHEET FOR CALIFORNIA INDIAN RESERVATION OR RANCHERIA  
 REQUESTING TERMINATION OF FEDERAL GOVERNMENT SUPERVISION

Date October 13, 1955

Reservation Wilton County Sacramento

Acreage 32.61 Date Acquired 1928 Title Held U.S.

Assigned Acreage \_\_\_\_\_ Unassigned Acreage \_\_\_\_\_

No. of Assignees 10 No. of People on Reservation \_\_\_\_\_

Liens Against Reservation Water development \$ 3,809.47

Government Buildings on Reservation: No. None Type \_\_\_\_\_

Community Property on Reservation:

(a) Community Buildings	- <u>10</u>	(b) Cemetery	- <u>10</u>
(c) Playgrounds	- <u>None</u>	(d) Domestic Water System	<u>103</u>
(e) Mountain or Unassigned Lands	<u>None</u>		
(f) Irrigation System	<u>None</u>		

Improvements Completed:

Roads - Improvements made since 1950	Costs \$	<u>0</u>
Irrigation	Costs \$	<u>0</u>
Domestic Water System	Costs \$	<u>3,809.47</u>

Work Required to Complete B.I.A. Responsibilities and Estimated Cost:

1. Roads	Est. Costs \$	<u>9,000</u>
2. Land Surveys	Est. Costs \$	<u>0</u>
3. Water Systems (Domestic)	Est. Costs \$	<u>1,000</u>
4. Irrigation System	Est. Costs \$	<u>0</u>
5. Establish Water Rights	Est. Costs \$	<u>0</u>
6. Other Legal Assistance	Est. Costs \$	<u>500</u>
7. Appraisal of Properties	Est. Costs \$	<u>200</u>
8. Programming & Planning	Est. Costs \$	<u>500</u>
Levee Construction		<u>4,500</u>

Total Estimated Cost to Complete \$ 16,000.

Disposition Requested by Group:

T. B. Williamson attended a general meeting of the Wilton Indian Reservation group October 13, 1955, at which 9 of the 10 assignees and their spouses were present. The meeting was presided over by Mr. Charles J. McKeen, Jr., Chairman of the group.

The purpose of the meeting was to discuss the proposed terminal legislation and to give each assignee an opportunity to express his desires as to the disposition of the reservation lands. The difference between trust and fee patents was explained along with such necessary actions as the formation of a legal entity to operate the domestic water system. Those present voted unanimously to request that fee patents be issued to individual members for their assigned lots. The formal Resolution dated October 13, 1955, outlines the projects to

be completed by the U. S. Government prior to issuing fee patents. One project not included by the group is levee construction to protect that portion of the reservation bordering the Comanches River which is presently subjected to flooding and which with leveling and flood protection might be used for grazing or for limited farming operations. The area involved does not exceed 10 acres.

WILTON RESERVATION, SAN JOSE COUNTY, CALIFORNIA

RESOLUTION

WHEREAS, the United States holds title to the tract of land consisting of 39 acres located adjacent to WILTON SAN JOSE County, State of California, known as the WILTON Reservation or Rancheria, and

WHEREAS, the residents of the WILTON Reservation wish to have the United States transfer to them the fee title to their individual shares of this tract, and

WHEREAS, such transfer of title should be conditioned upon the completion of the reservation road system and upon completion of an internal survey and subdivision of the assignments of the reservation so that each person will receive an insurable title to his lot, and further that such transfer of title should be conditioned upon the release of all taxes and liens held by the Federal Government against the WILTON Reservation:

NOW THEREFORE, be it resolved by the general community council of the WILTON Reservation in a special meeting called for that purpose on 13 OCT., 1955, by a vote of 10 for and 0 against, that the United States is requested to take whatever action is necessary and appropriate by legislation or otherwise, to complete the projects defined above and to issue a fee patent to each of the assignees of the WILTON Reservation for the share of the reservation land now assigned to such individuals.

A

Charles G. McKean Jr.  
Chairman

\_\_\_\_\_  
Secretary

(b) (6)



B

Milton Rancharia, Calif.  
Feb. 3, 1936.

Minutes on the Election of Community Council Officers.

On Monday evening, Feb. 3, 1936, at 7:30 p.m., a Community Council meeting was held on the Milton Rancharia at the home of Charley McKean, with 9 voters present.

This meeting was held to elect officers as provided for under the adopted Constitution and By-laws of the Milton Rancharia, approved by the Secretary of the Interior on January 15, 1936.

Supt. Wash presided as chairman and was assisted by Mr. Hooper, senior clerk and E. A. Marmon, field agent. Supt. Wash explained the plan of community organization under the new Organization Act and told of plans for the purchase of additional land for the Rancharia in the near future.

A check of the eligible-voters was made, and then Supt. Wash asked for nominations for a Chairman. Charley McKean, Jr. was unanimously elected by acclamation.

Colonel Brown and Charley McKean, Sr., were nominated for vice-chairman. Colonel Brown received 3 votes and Charley McKean, Sr., received 6 votes. McKean was elected vice-chairman.  
Total votes cast--9

Mrs. Ada Madrigal and Mrs. Bernice Brown were nominated for the office of secretary. Mrs. Madrigal received 8 votes and Mrs. Brown, 1. Mrs. Madrigal was elected secretary.  
Total votes cast--9

Mrs. Lizzie Rodriguez was the only nominee for the office of treasurer. She was unanimously elected by acclamation.

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Following the election of officers, Supt. Wash administered the oath of office to the newly elected group.

Members of the seven families residing on the Rancharia were present and manifested a great deal of interest in the evening's meeting.

The meeting adjourned at 9 p.m.

(signed) E. A. Marmon, field agent

	8 - 2 X 4 X 20	.25	1.51
plates	4 - 2 X 4 X 24		1.50
	4 - 2 X 4 X 20		1.29
studing	50 - 2 X 4 X 8		6.65
rafters	28 - 2 X 4 X 12	.25	5.60
sheating	48 - 1 X 4 X 24	.30	3.72
walls	88 X 10 - 880 sq. ft. @ .20		6.52
			22.00
floor	24 X 20	.40	11.00
shingles	576 sq. ft.	.35.20	19.20
2 doors		2.50	5.00
3 doors		1.25	3.75
Nails			1.00
			<u>101.72</u>
Doors & Window Frames	(about)		2.50
			<u>104.22</u>

Lizzie Rodriguez - Indian (Change will) me work - on Wilton Rancheria, California

Well cleaning @2.50 hr.  
Casing Cost .90 ft.

Monday, Feb. 26, met at Charlie McKean's house - meeting called to order by chairman  
McKean - with members present  
Reading of minutes by secretary, Mrs. Madrigal; minutes approved as read.  
Time - 4.45 all sign for loans. 7 family.  
6 for pumping plant. yes. votes.  
7 for loan for repairs of buildings.

1 signed in on Reservation. By all. [redacted] old age can't help himself - sign for a grant on house.

[redacted] signed in on the Wilton Rancheria for a loan on a house as she is signed up for a home by all sign O.K. She is not got no home to come to - has two children all Indians Children - self-support. Been with friends and stays most with sisters on Rancheria - Wilton, California

#### Election of Officers.

Monday Night, Feb. 3, 7:30 P.M.

J.C. Jr.	1. Chairman	)	
J.C. Mc.	2. Vice-Chairman	)	Elected by secret ballot.
Ada	3. Secretary	)	
Lizzie	4. Treasurer	)	

WILTON RANCHERIA, CALIF.  
FEB. 28, 1936.

On Friday evening Feb. 28, 1936 at 7:45 P. M. a Community Council meeting was held on the Wilton Rancheria at the home of Charley McKean, Sr. with 10 voters present.

This meeting was called to order by Chairman, Charley McKean, Jr. All members present - Reading of hour and minutes by Secretary - Mrs. Ada Madrigal and approved as read.

6 votes against water plant loan  
4 votes in favor of water plant, grant none.  
6 in favor of pumping plant by Grant  
7 families for the building of houses and garages. Repair our homes to finish. Two families sign on Reservation on the Wilton Rancheria. At our Friday evening meeting on Feb. 28, 1936 sign by all officers and all voters. The names of the 2 new parties is signed up on the Rancheria of Wilton, Calif.

WILTON RANCHERIA, CALIF.  
FEB. 28, 1936.

1. Charley McKean, Jr. Chairman. On.
2. Charley McKean, Vice Chairman. On.
3. Mrs. Ada Madrigal, Secretary. On.
4. Lizzie Rodriguez, Treasurer. On.
5. (b) (6) On.
6. On.
7. On.
8. On.
9. On.
10. On.
11. Out.
15. Out.
12. On.
13. On.
14. Out.
16. Out.

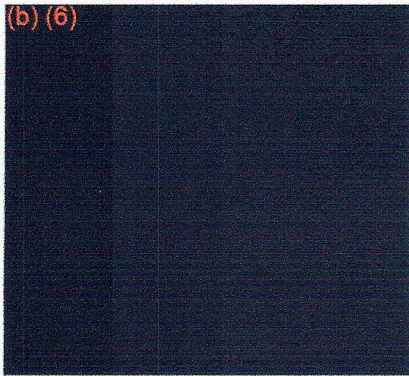
Meeting 7:45 P. M. was called at Charley McKean, Sr.  
Adjourned at 9:00 P. M.

By Charley McKean, Jr. and  
Mrs. Ada Madrigal.

Feb. 28, 1936.

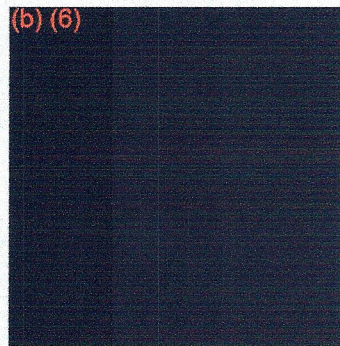


Vingie Hatch.



OK.  
OK.  
OK.  
OK.  
OK.  
OK.  
OK.  
OK.  
OK.  
OK.  
OK.

On Rancheria - for house



OK.  
OK.  
OK.  
OK.  
OK.  
OK.  
OK.  
OK.  
OK.

House for William Smith  
on Rancheria

Water Project against the voters. All want their own pumping  
plant and take a loan out for themselves.

Close out.

Loan - for houses.

Everyone is going out on a loan.

✓

MINUTES OF THE WILTON COMMUNITY COUNSEL

Meeting Held: July 6, 1936  
7 o'clock P.M.

Meeting was called to order by Chairman McKean; Roll Call was had by Secretary Madrigal. The Roll Call revealed that 8 of the 11 eligible voters were present besides several other members of the community who, because of residence, were not eligible to vote.

Election of officers was then held; Charles McKean, Jr., and Charles McKean Sr., were nominated for Chairman. Vote was by secret ballot and results were as follows:

Charles McKean, Jr.-----5  
Charles McKean, Sr.-----2  
Spoiled ballot,-----1

Charles McKean, Sr., Berniece Brown and Colonel Brown were nominated for Vice-Chairman. Voting results were as follows:

Charles McKean, Sr.,-----5  
Berniece Brown,-----0  
Colonel Brown-----3

Berniece Brown was nominated for Secretary. The Chairman, after waiting for other nominations, accepted a motion that nominations be closed, and that the rules be suspended and Berniece Brown be elected by acclamation. The motion was duly seconded and carried when presented to the meeting.

Archie Williams, Hattie McKean and Edith Williams were nominated for Treasurer. Voting results were as follows:

Archie Williams-----3  
Hattie McKean-----1  
Edith Williams-----4

The oath was administered to Charles McKean, Jr., Charles McKean, Sr., and Edith Williams by Senior Clerk Hooper of the Sacramento Indian Agency. Mrs. Brown was not sworn into office due to the fact that she was absent.

Vote was then taken of people belonging on the Wilton Community Roll. Voting results are shown as per attached tabulation.

Vote was then taken on people belonging on the Wilton Community Roll. The vote results are shown in the attached tabulation.

WILTON RANCHERIA

<u>NAME</u>	<u>Affirmative</u>	<u>Negative</u>
(b) (6)	10	
	10	
	9	
	10	
	10	
	10	
	9	
	9	
	10	1
	10	
	10	
	10	
	10	
	10	
	10	
	6	
	10	1
	10	
	10	
	10	
	10	
	10	
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	10	
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	10	
	10	
	10	
	10	
	10	
	10	
	10	
	10	
	7	
	7	2
	7	1
	7	1
	7	2
	7	2
	7	2
7	2	
10		
7	1	
10		
10		
10		

WILTON RANCHERIA

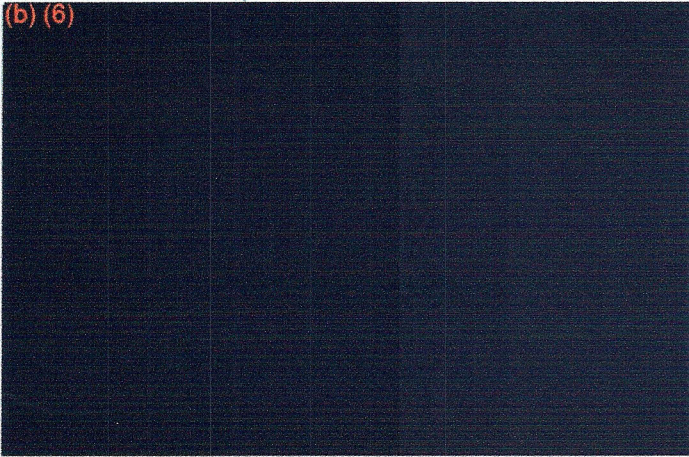
Page 2

NAME

Affirmative

Negative

(b) (6)



10  
7  
8  
9  
8  
10  
10  
10  
10  
10  
10  
10

50

Tribal Programs  
103.3 Wilton

85-671

Sacramento Area Office  
P. O. Box 749  
Sacramento 4, California

DEC 18 1958

Mr. Charles McKean, Jr., Chairman  
Wilton Rancheria  
Wilton, California

Dear Mr. McKean:

Thank you for your letter of December 10, 1958, enclosing the material indicating how you wish the Wilton Rancheria to be divided. We are still awaiting issuance by the Secretary of the Interior of the rules and regulations implementating the Rancheria Law. Upon their receipt we will be able to complete the preparation of a plan for your rancheria and we will be in touch with you as soon as the regulations are issued.

Sincerely yours,

(SGD) TEN BROECK WILLIAMSON

Ten Broeck Williamson  
Supervisory Program Officer

TBWilliamson/dyc

TRIBAL PROGRAMS COPY