UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

✦

CONSTITUTION AND BYLAWS FOR THE TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA

CALIFORNIA

✦

APPROVED JANUARY 15, 1936

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1936

CONSTITUTION AND BYLAWS FOR THE TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA OF CALIFORNIA

PREAMBLE

We, the Tuolumne Band of Me-wuk Indians of the Tuolumne Rancheria in the State of California, in order to establish a legal rancheria organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do hereby ordain and establish this constitution and bylaws.

Article I—Territory

The jurisdiction of the Tuolumne Band of Me-wuk Indians shall extend to the territory within the confines of the Tuolumne Rancheria, as established by warranty deed dated October 25, 1910, 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 Tuolumne Band of Me-wuk Indians shall consist of—

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

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

Sec. 2. 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 Tuolumne Rancheria make such adoptions possible.

Article III—Governing Body

Section 1. The governing body of the Tuolumne Band of Me-wuk Indians shall be the community council which shall be composed of all the qualified voters of the band. A majority of the eligible voters shall constitute a quorum.

Sec. 2. All enrolled members of the Tuolumne Band of Me-wuk Indians who are twenty-one years of age or over, and who have maintained legal residence in the band for a period of one year immediately prior to any election are qualified voters at such election.

Sec. 3. The community council shall elect from its 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 bylaws, 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 in 1937, 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 band 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 band;

(d) To advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Tuolumne 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 Tuolumne Band of Me-wuk Indians of the Tuolumne Rancheria in accordance with the terms of a charter that may be issued to the band 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 Tuolumne Band of Me-wuk Indians of the Tuolumne 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 nonmembers coming upon the reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the band of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances upon the Tuolumne Rancheria;

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the band, 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 officials, or tribal organizations of the band, and exercising such duties as are conferred upon the Council by the attached bylaws.

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 tribe 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 Tuolumne Band of Me-wuk Indians of the Tuolumne 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 Tuolumne Band of Me-wuk Indians of the Tuolumne Rancheria through the adoption of appropriate bylaws 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 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 bylaws may be amended by a majority vote of the qualified voters of the band 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 bylaws 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.

BYLAWS FOR THE TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA OF CALIFORNIA

Article I—Duties of Officers

Section 1. Each officer elected 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 bylaws.

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 band in accordance with this constitution and bylaws.

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 band and to carry out the provisions and purposes of this constitution and bylaws.

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 community 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 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 come under the jurisdiction or into the control of the community council. He shall pay out money in accordance with 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 community 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 community council or the Commissioner of Indian Affairs. Until the council 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 council treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

ARTICLE II—PROPERTY REGULATIONS

It shall be the duty of the community council to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the Tuolumne Rancheria and to see that such rules and regulations are properly enforced.

ARTICLE III—PUBLIC WELFARE

SECTION 1. *Community welfare.*—(a) The community council shall determine in a careful manner what constitutes just cause for aid or assistance to the indigent members of the band and shall make proper provisions for recommendation to proper agencies of individuals needing relief.

(b) The community council shall designate persons who shall administer welfare work among members of the band, and the solicitation and expenditure of welfare funds shall be conducted in a systematic manner so that the right to do so may not be abused. The community council thereby shall render assistance or aid to the aged, the physically handicapped, and to all others in actual need of assistance.

SEC. 2. *Education.*—(a) The community council shall encourage and promote among the members of the band by every practical means, a proper system of education for members of all ages in such subjects as home economics, hygiene, child care and training, etc., cooperating with State and Federal departments and agencies which seek to promote such work.

ARTICLE IV—ORDINANCES AND RESOLUTIONS

SECTION 1. All ordinances and resolutions shall be recorded and available at all times for the information and education of the band.

SEC. 2. Every ordinance shall begin with the words: "Be it enacted by the community council of the Tuolumne Band of Me-wuk Indians,".

SEC. 3. Every resolution shall begin with the words: "Be it resolved by the community council of the Tuolumne Band of Me-wuk Indians,".

ARTICLE V—RATIFICATION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when adopted by a majority vote of the voters of the Tuolumne Band of Me-wuk Indians of the Tuolumne 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 in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 12, 1935, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Tuolumne Band of Me-wuk Indians of the Tuolumne rancheria and was, on December 7, 1935, duly ratified by a vote of 27 for and none 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.).

WILLIAM FULLER,
Chairman of Election Board.
RICHARD O. FULLER,
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 bylaws of the Tuolumne Band of Me-wuk Indians of the Tuolumne 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 bylaws, are hereby declared inapplicable to the Tuolumne Band of Me-wuk Indians of the Tuolumne rancheria.

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

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.*

O