

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS FOR THE
KASHIA BAND OF POMO INDIANS OF
THE STEWARTS POINT RANCHERIA
CALIFORNIA



APPROVED MARCH 11, 1936



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CONSTITUTION AND BY-LAWS FOR THE KASHIA BAND OF POMO INDIANS OF THE STEWARTS POINT RANCHERIA, CALIFORNIA

We, the Indians of the Stewarts Point Rancheria, 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 Kashia Band of Pomo Indians of the Stewarts Point Rancheria.

ARTICLE I—TERRITORY

The jurisdiction of the Kashia Band of Pomo Indians shall extend to the territory within the confines of the Stewarts Point 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 Kashia Band of Pomo 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 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 band make such adoptions feasible.

ARTICLE III.—GOVERNING BODY

SECTION 1. The governing body of the Kashia Band of Pomo Indians shall be the community council which shall be composed of all qualified voters of the band. A majority of the eligible voters shall constitute a quorum.

SEC. 2. All enrolled members of the Kashia Band of Pomo Indians who are 21 years of age or over and who have maintained legal residence on the Rancheria for a period of 1 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 (30) days after the ratification and approval of this constitution and by-laws, a community council 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 Kashia Band of Pomo Indians 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 Stewarts Point 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 Kashia Band of Pomo Indians 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 Kashia Band of Pomo Indians, 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 Rancheria 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 Stewarts Point 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 the attached By-laws, regulating the procedure of the council itself and of other tribal agencies, tribal officials, or tribal organizations of the Stewarts Point Rancheria.

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 band 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 Kashia Band of Pomo Indians, but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Kashia Band of Pomo Indians 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 (10) 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 (10) 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 by-laws 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 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 KASHIA BAND OF POMO INDIANS OF THE STEWARTS POINT RANCHERIA OF CALIFORNIA

ARTICLE I

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 band in accordance with this constitution and by-laws."

ARTICLE II

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 by-laws.

ARTICLE III

It shall be the duty of the chairman to preside over all meetings of the community council and 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.

ARTICLE IV

The community 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, and to the Commissioner of Indian Affairs.

ARTICLE V

The community 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 community council. He shall keep account of all receipts and disbursements and shall report the same to the community 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 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.

ARTICLE VI

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

ARTICLE VII

The order of business at any regular or special meeting of the community 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 VIII

Ratification of constitution and by-laws.—This constitution and by-laws, when adopted by a majority vote of the voters of the Kashia Band of Pomo Indians 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 January 16, 1936, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the adult Indians residing on the Stewarts Point Rancheria and was, on February 8, 1936, duly accepted by a vote of 47 for and 2 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.).

JOHN R. SMITH,
Chairman of Election Board.
ALLEN H. JAMES,
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 Kashia Band of Pomo Indians of the Stewarts Point 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 Kashia Band of Pomo Indians of the Stewarts Point 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 February 28, 1936.

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

CHARLES WEST,
Acting Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., March 11, 1936.