

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CONSTITUTION AND BY-LAWS OF THE
RENO-SPARKS INDIAN COLONY
" NEVADA



APPROVED JANUARY 15, 1936

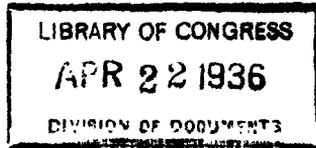


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CONSTITUTION AND BY-LAWS OF THE RENO-SPARKS INDIAN COLONY OF NEVADA

PREAMBLE

We, the members of the Reno-Sparks Indian Colony, in order to establish a legal colony organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, and to create governing units through which we may properly assume our new responsibilities, do hereby ordain and establish this constitution and by-laws.

ARTICLE I—TERRITORY

The jurisdiction of the Reno-Sparks Indian Colony shall extend to all lands now comprised within the boundaries of the present colony site 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

The membership of the Reno-Sparks Indian Colony shall consist of all persons of Indian blood who have completed one year's continuous residence in the Reno-Sparks Colony. Such persons shall remain members of said colony until they shall lose membership by one year's continuous absence from colony residence, or until their membership shall have been cancelled under authority hereinafter provided.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body under this constitution shall be the Reno-Sparks Indian Council which shall be composed of six members who shall be chosen by secret ballot by the qualified voters of the Reno-Sparks Colony, each of the two districts electing three councilmen.

SEC. 2. The council is authorized to divide the colony into two districts by a line running east and west through the center of the community house.

SEC. 3. No person shall be a candidate for membership on the Reno-Sparks Indian Council unless he shall be a member of the Reno-Sparks Colony and shall have resided for a period of one year next preceding the election in the district of his candidacy.

SEC. 4. Each district shall have power to fill vacancies which may occur in the Indian council from the respective district.

SEC. 5. The Reno-Sparks Indian Council so organized shall elect from within its own members a chairman and a vice-chairman, and from within or without its own members a secretary and treasurer, and such other officers and committees as may be deemed necessary.

SEC. 6. Within 30 days after the ratification and approval of this constitution and by-laws, an election shall be called by the present Indian council for the purpose of electing the members of the new council.

SEC. 7. Members of the Reno-Sparks Indian Council shall be elected by secret ballot for a term of two years. After the first election under this constitution, elections shall be held by the qualified voters of the colony biennially on the third Saturday of December.

ARTICLE IV—POWERS OF THE COUNCIL

SECTION 1. The Reno-Sparks Indian Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws:

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

(b) To present the sale, disposition, or encumbrance of any colony assets without the consent of the council.

(c) To negotiate with Federal, State, and local governments on behalf of the colony.

(d) To issue and revoke permits for use of home sites within the colony and to exclude from the Reno-Sparks Colony site persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.

(e) To manage all economic affairs and enterprises of the Reno-Sparks Indian Colony in accordance with the terms of a charter that may be issued to the Reno-Sparks Indian Colony by the Secretary of the Interior.

(f) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior which would provide for assessments or license fees upon non-members doing business within the colony, or obtaining special rights or privileges, and similar ordinances may also be applied to members of the colony without their submission to the Secretary provided such ordinances have been approved by a referendum of the voters of the colony.

(g) To regulate the disposition and inheritance of home and property improvements made upon the colony site.

(h) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Reno-Sparks Colony, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian court, and defining its duties and powers.

(i) To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Reno-Sparks Indian Colony, by regulating the conduct of trade and the use and disposition of the property of the colony, providing that any ordinance directly affecting the non-members of the colony shall be subject to review by the Secretary of the Interior.

(j) To regulate the domestic relations of members of the colony, subject to review by the Secretary of the Interior.

(k) To create and maintain a colony fund by accepting grants or donations from any person, State, or the United States, and by community enterprises.

(l) To delegate to subordinate boards or to cooperative associations which are open to all members of the colony, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. The Reno-Sparks Indian Council may exercise such further powers as may in the future be delegated to it by the Government, either by order of the Secretary of the Interior or by Congress.

SEC. 3. Any rights and powers heretofore vested in the members of the Reno-Sparks Indian Colony, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Reno-Sparks Indian Colony through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. 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 of the reservation, 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 council of such rescission.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the 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. Amendments to the constitution and by-laws may be ratified and approved in the same manner as this constitution and by-laws shall be ratified and approved. It shall be the duty of the Secretary of the Interior to call an election upon the request of one-fourth ($\frac{1}{4}$) of the eligible voters of the colony.

BY-LAWS OF THE RENO-SPARKS INDIAN COLONY OF NEVADA

ARTICLE I—THE RENO-SPARKS INDIAN COUNCIL

SECTION 1. The chairman of the Reno-Sparks Indian Council shall preside over all meetings of the council, perform all duties of the chairman and exercise any authority detailed to him by the council.

SEC. 2. The vice-chairman shall assist the chairman when called on to do so, and in the absence of the chairman shall preside and

when so presiding shall have all the privileges, duties, and responsibilities of the chairman.

SEC. 3. The council secretary shall forward a copy of the minutes of all meetings to the superintendent in charge of the Carson Indian Agency.

SEC. 4. The duties of the treasurer of the Reno-Sparks Indian Council shall be as follows: He shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the council, whether same be funds of the Reno-Sparks Colony or special funds for which the council is acting trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the council, and he shall keep an accurate record, filing same in the Reno-Sparks Indian Council's office, and he shall report all receipts and expenditures and accounts and the nature of all funds in his possession, or custody, once every six months, to the Reno-Sparks Indian Council in writing, or at any time he is requested to do so by the Reno-Sparks Indian Council.

SEC. 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the council.

SEC. 6. Each member of the council and each officer or subordinate officer, elected or appointed hereunder shall take an oath of office prior to assuming the duties hereof, 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 colony, in accordance with its constitution and by-laws."

SEC. 7. Regular meetings of the council shall be held monthly on a day fixed by ordinance.

SEC. 8. Special meetings may be called by a written notice signed by the chairman or a majority of the council, and when so called the council shall have the power to transact business as in the regular meetings.

SEC. 9. No business shall be transacted unless a quorum is present which shall consist of two-thirds of the entire membership.

SEC. 10. Order of business:

- (a) Call to order by chairman.
- (b) Roll call.
- (c) Reading the minutes of last meeting.
- (d) Unfinished business.
- (e) Reports.
- (f) New business.
- (g) Adjournment.

SEC. 11. It shall be the duty of each member of the council to make reports to the district from which he was elected, concerning the proceedings of the council.

SEC. 12. The council may prescribe such salaries for officers or members of the council as it deems advisable, from such funds as may be available.

ARTICLE II—ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the council on matters of general and permanent interest to the members of the colony shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the colony.

SEC. 2. All final decisions of the council on matters of temporary interest (such as action on the colony budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for colony employees or rules of order for the council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

SEC. 3. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by action of the council or by the ruling of the chairman if no objection is heard. In all ordinances, resolutions or motions the council may act by majority vote.

ARTICLE III—RATIFICATION OF CONSTITUTION AND BY-LAWS

This constitution and by-laws attached hereto shall be in full force and effect whenever a majority of the adult voters of the Indians of the Reno-Sparks Indian Colony voting at an election called by the Secretary of the Interior in which at least thirty (30%) per cent of the eligible voters shall vote, shall have ratified such constitution and by-laws, and the Secretary of the Interior shall have approved same, as provided in the act of June 18, 1934, as amended by the act of June 15, 1935.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 14, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the Indians of the Reno-Sparks Indian Colony and was on December 16, 1935, duly approved by a vote of 51 for, and 1 against, in an election in which over 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 (Public, No. 147, 74th Cong.).

HARRY SAMPSON,
Chairman of Election Board.

WILLIE TONDY,
Secretary of the Election Board.

ALIDA C. BOWLER,
Superintendent in charge of the Reservation.

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 Reno-Sparks Indian Colony.

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 and by-laws are hereby declared inapplicable to these Indians.

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.*

