

Quartz Valley

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS
OF THE
QUARTZ VALLEY INDIAN COMMUNITY
CALIFORNIA



APPROVED JUNE 15, 1939



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CONSTITUTION AND BY-LAWS OF THE QUARTZ VALLEY INDIAN COMMUNITY, CALIFORNIA

PREAMBLE

We, the adult Indians residing on the Indian Reservation in Quartz Valley, California, proclaimed by the Secretary of the Interior "for such Shasta and Upper Klamath Indians eligible to participate in the benefits of the Act of June 18, 1934 (48 Stat. 984), as shall be designated by the Secretary of the Interior," in order to establish a community organization, to conserve and develop our lands and resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution and By-laws for the Quartz Valley Indian Community.

ARTICLE I—TERRITORY

The jurisdiction of the Quartz Valley Indian Community shall embrace land purchased by the United States in Quartz Valley, California, heretofore proclaimed an Indian Reservation for the occupancy and use of such Shasta and Upper Klamath Indians as are eligible to participate in the benefits of the Act of June 18, 1934 (48 Stat. 984) and any additional land bought by the Federal Government for the use of the Community, or any land bought by the Community itself.

The aforesaid reservation shall hereafter be known as the Quartz Valley Indian Reservation.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Quartz Valley Indian Community shall consist of:

(a) All persons of one-half degree or more Indian blood who are given assignments of land on the Quartz Valley Indian Reservation, together with their children of one-half degree or more Indian blood residing with them.

(b) All children born hereafter to any member of the Community.

SEC. 2. The General Community Council shall have the power to promulgate ordinances, subject to the review of the Secretary of the Interior, covering future membership, loss of membership, and the adoption of new members when the council shall find that there is sufficient available land, except that no person of less than $\frac{1}{4}$ degree Indian blood may be accepted by means of adoption.

(a) The General Community Council shall have the power, subject to the approval of the Secretary of the Interior, to adopt into its membership those persons whose names were not found on the Roll of

California Indians, but who are persons of one-half degree or more Indian blood, and recognized by the General Community Council as entitled to membership in their group.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Quartz Valley Indian Community shall be the General Community Council which shall be composed of all qualified members of the Community.

SEC. 2. Any enrolled member of the Community who is twenty-one years of age or over shall be entitled to vote.

SEC. 3. The General Community Council shall elect from its members by secret ballot, a Chairman; a Vice-Chairman; and a Secretary-Treasurer; and such other officers and committees as may be deemed necessary.

SEC. 4. The General Community Council shall meet during each alternate month on a day selected by the Community Council.

SEC. 5. Within thirty days after the ratification and approval of this Constitution and By-laws, a General Community Council meeting shall be called and supervised by the present Business Committee in cooperation with the Superintendent of the Hoopa Valley Agency for the purpose of electing the officers named herein for the General Community Council and to transact such other business as may be necessary. Officers elected at this meeting shall serve until June 30, 1939.

SEC. 6. Immediately after organization of the General Community Council as provided for in Section 5, the Business Committee shall cease to exist, and all the powers and duties thereof shall be assumed henceforth by the General Community Council.

SEC. 7. After the first election of the General Community Council the annual election shall be held at the June meeting.

SEC. 8. The Chairman of the Community Council, or a majority of the qualified voters may, by written notice posted at least ten days in advance of the meeting, call a special meeting of the General Community Council.

SEC. 9. One-third of the resident qualified voters of the Community shall constitute a quorum at any regular or special meeting of the General Community Council.

ARTICLE IV—REFERENDUM

Upon a petition of at least a majority of the resident qualified voters of the Quartz Valley Indian Community, any enacted or proposed ordinance, resolution or other regulative act of the General Community Council shall be submitted to a referendum of the resident qualified voters.

ARTICLE V—POWERS OF THE GENERAL COMMUNITY COUNCIL

SECTION 1. The General Community Council of the Quartz Valley Indian Community shall have the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States.

(a) To negotiate with 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 community lands, interests in lands, or other assets of the Community;

(d) To confer with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Quartz Valley Indian Community, 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 Quartz Valley Indian Community 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, providing for the regulation of hunting and fishing upon Community lands; for the licensing of non-members coming upon Community lands for the purposes of hunting, fishing, trading, or other business; for the exclusion from Community lands of persons not legally entitled to reside therein; for the maintenance of law and order within the Community and for cooperation with proper agencies for law enforcement.

(g) To charter subordinate organizations for economic purposes and delegate to such organizations, or to 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 Council itself and of other Community agencies, officials, or organizations of the Quartz Valley Indian Community.

(i) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, providing for the manner of making, holding and revoking assignments of tribal land or interests therein.

SEC. 2. The General Community Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior or by any other authorized official or agency of the State or Federal Government; and may exercise such rights and powers as may be delegated to it by the individual members of the Community.

SEC. 3. *Manner of Review.*—Any ordinance or resolution 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 Hoopa Valley Indian Agency who shall, within ten days thereafter, approve or disapprove the same. If the Superintendent approves 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 his action. If the Superintendent refuses to approve any ordinance or resolution submitted to him within 10 days after its enactment he shall advise the Community of his reasons. The Community Council 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 VI—AMENDMENTS

Amendments to this Constitution and By-laws may be proposed by a majority vote of the Quartz Valley Community Council and may be ratified and approved in the same manner as this Constitution and By-laws.

BY-LAWS OF THE QUARTZ VALLEY INDIAN COMMUNITY

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The Chairman shall preside over all meetings of the Council, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council. He shall vote only in case of a tie.

SEC. 2. The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman he shall preside. When so presiding he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

SEC. 3. The Secretary-Treasurer of the Council shall conduct all the Community correspondence and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Council.

He shall accept, receive, receipt for, preserve and safeguard all Community funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody at each regular meeting of the General Community Council. An audit of accounts shall be made once a year and at such times as the Community Council or Commissioner may require.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council.

He shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs, when sufficient funds have accumulated in the Community treasury in the opinion of the Community Council or of the Commissioner of Indian Affairs.

SEC. 4. The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report to the Council from time to time as required, and their activities and decisions shall be subject to review by the Council upon the petition of any person aggrieved.

ARTICLE II—ADOPTION

This Constitution and By-laws, when adopted by a majority vote of the adult Indians residing on the Quartz Valley Indian Reservation, as set forth in Article I of this Constitution, voting at a special election called by the Secretary of the Interior in which at least 30

per cent 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 March 29, 1939 by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the adult Shasta and Upper Klamath Indians residing on the Indian Reservation in Quartz Valley, California, and was on May 9, 1939, duly ratified by a vote of 7 for and 0 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 (49 Stat. 378).

HARRY BURCELL,
Chairman of Election Board.
JETTY TOM,
Secretary of Election Board.

O. M. BOGGESS,
Superintendent, Hoopa Valley 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 Constitution and By-laws of the Quartz Valley Indian Community of California.

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 the Quartz Valley Indian Community.

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

Approval recommended.

F. H. DAIKER,
Assistant to the Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., June 15, 1939.

