

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
BIG VALLEY BAND OF POMO INDIANS
OF THE BIG VALLEY RANCHERIA
CALIFORNIA



RATIFIED OCTOBER 19, 1941



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1942

CORPORATE CHARTER OF THE BIG VALLEY BAND OF POMO INDIANS OF THE BIG VALLEY RANCHERIA

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 18, 1934

Whereas, the Big Valley Band of Pomo Indians of the Big Valley Rancheria in the State of California constitutes a recognized Indian Band organized under a Constitution and By-laws ratified by the members of the Big Valley Band of Pomo Indians on November 30, 1935, and approved by the Secretary of the Interior on January 15, 1936, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Band have petitioned that a charter of incorporation be granted to such Band, subject to ratification by a vote of the adult Indians living on the Rancheria;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this Charter of Incorporation to the Big Valley Band of Pomo Indians of the Big Valley Rancheria to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Rancheria at an election in which at least 30 percent of the eligible voters vote.

*Corporate
Existence.*

1. In order to further the economic development of the Big Valley Band of Pomo Indians of the Big Valley Rancheria in the State of California by conferring upon the said Band certain corporate rights, powers, privileges and immunities; to secure for the members of the Band an assured economic independence; and to provide for the proper exercise by the Band of various functions heretofore performed by the Department of the Interior, the aforesaid Band is hereby chartered as a body politic and corporate of the United States of America, under the corporate name, "Big Valley Band of Pomo Indians."

*Perpetual
Succession.
Member-
ship.*

2. The Big Valley Band of Pomo Indians shall, as a Federal corporation, have perpetual succession.

3. The Big Valley Band of Pomo Indians shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Band, as provided by its duly ratified and approved Constitution and By-laws.

*Manage-
ment.*

4. The Big Valley Community Council established in accordance with the said Constitution and By-laws of the Band, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers.

5. The Band, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Band, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Band's Constitution and By-laws.
- (a) To adopt, use, and alter at its pleasure a corporate seal.
 - (b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:
 - (1) No sale or mortgage may be made by the Band of any land or interests in land, including water, timber, mineral, gas or oil rights, now or hereafter held by the Band within the boundaries of the Big Valley Rancheria.
 - (2) No leases or permits (which terms shall not include land assignments to members of the Band) covering any land or interests in land now or hereafter held by the Band within the boundaries of the Big Valley Rancheria shall be made by the Band for a longer term than five years, and all such leases or permits must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral, oil and gas leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
 - (3) No action shall be taken by or in behalf of the Band which in any way operates to destroy or injure the Community grazing lands or other natural resources of the Big Valley Band of Pomo Indians. All leases and permits relating to the use of Community grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

- (c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Band, and to use such funds directly for productive Community enterprises, or to loan money thus borrowed to individual members or associations of members of the Band: *Provided*, That the amount of indebtedness to which the Band may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$2,000, except with the express approval of the Secretary of the Interior.
- (d) To engage in any business that will further the economic well-being of the members of the Band or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.
- (e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of California, including agreements with the State of California for the rendition of public services: *Provided*, That all contracts involving payment of money by the corporation in excess of \$300 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (f) To pledge or assign chattels or future Community income due or to become due to the Band: *Provided*, That such assignments of income, other than assignments to the United States, shall not extend more than five years from the date of execution and shall not amount for any one year to more than one-half of the net Community income from any one source: *And provided further*, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Band.

- (h) To sue and be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Band or by the United States to the levy of any judgment, lien or attachment upon the property of the Band other than income or chattels specially pledged or assigned.
- (i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Termination of Supervisory Powers.

6. Upon request of the Big Valley Community Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 5 (e), 5 (f), 5 (g), and Section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Band. The termination shall be effective upon ratification by a majority vote of the adult members of the Band residing on the Rancheria, at an election in which at least 30 percent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter, the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary or by the Community Council to popular referendum of the adult members of the Band actually living within the Rancheria, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

Corporate Powers.

7. No property rights of the Big Valley Band of Pomo Indians shall be in any way impaired by anything contained in this Charter, and the Community ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Band shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Band shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

Corporate Dividends.

8. The Band may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Band and may distribute per capita, among the recognized members of the Band, all income of the Band over and above sums necessary to defray corporate obligations to members of the Band or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises,

the expenses of Community government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Band shall be distributed except as provided herein.

- Corporate Accounts.* 9. The officers of the Band shall maintain accurate and complete public accounts of the financial affairs of the Band, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Band to the Commissioner of Indian Affairs.
- Amendments.* 10. This Charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Community Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Rancheria at a popular referendum in which at least 30 percent of the eligible voters vote.
- Ratification.* 11. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Big Valley Band of Pomo Indians living on the Big Valley Rancheria, provided at least 30 percent of the eligible voters vote, such ratification to be formally certified by the Superintendent of the Sacramento Indian Agency and the Chairman and Secretary of the Big Valley Community Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Big Valley Band of Pomo Indians of the Big Valley Rancheria in a popular referendum to be held on October 19, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *August 25, 1937.*

CERTIFICATION

Pursuant to section 17 of the act of June 18, 1934 (48 Stat. 984), this charter, issued on August 25, 1937, by the Assistant Secretary of the Interior to the Big Valley Band of Pomo Indians of the Big Valley Rancheria, was duly submitted for ratification to the adult Indians living on the rancheria and was on October 19, 1941, duly ratified by a vote of 17 for, and none against, in an election in which over 30 percent of those entitled to vote cast their ballots.

ROGER POSH,
Chairman, Big Valley Community Council.

LINCOLN DENNISON,
Secretary, Big Valley Community Council.

EDWIN H. HOOPER,
Chief Clerk in Charge, Sacramento Indian Agency.