

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS
OF THE
UPPER LAKE POMO INDIAN COMMUNITY



Ratified October 22, 1941, as Amendment III to the
Constitution and By-laws of the Upper Lake Band
of Pomo Indians of the Upper Lake Rancheria



UNITED STATES
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CONSTITUTION AND BY-LAWS OF THE UPPER LAKE POMO INDIAN COMMUNITY ¹

PREAMBLE

We, the people of the Upper Lake Band of Pomo Indians, in order to establish a legal community organization to be known henceforth as the Upper Lake Pomo Indian Community, and to secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this Constitution and By-laws.

ARTICLE I.—TERRITORY

The jurisdiction of the Upper Lake Pomo Indian Community shall extend to all lands now within the confines of the Upper Lake Rancheria and the Pomo Reservation, provided that the Indians of the Pomo Reservation shall agree by majority vote to make their lands a part of the Upper Lake Pomo Indian Community, and shall further extend to such other lands as may hereafter be added thereto.

ARTICLE II.—MEMBERSHIP

SECTION 1. The membership of the Upper Lake Pomo Indian Community shall consist of:

(a) All persons of Indian blood whose names appear on the official census of the Sacramento Indian Agency for the Upper Lake Rancheria, as of April 1, 1935.

(b) All persons of Indian blood whose names appear on the official census of the Sacramento Indian Agency for the Pomo Reservation, as of November 13, 1940, provided that such Indians make written application for membership in the Community.

(c) All children born to any member of the Upper Lake Pomo Indian Community who is a resident of the Community at the time of the birth of said children.

SEC. 2. The Executive Committee 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 Community make such adoptions feasible.

ARTICLE III.—GOVERNING BODY

SECTION 1. The governing body of the Upper Lake Pomo Indian Community shall be known as the Executive Committee and shall be composed of seven (7) committeemen to be elected by secret ballot.

SEC. 2. All enrolled members of the Upper Lake Pomo Indian Community who are 21 years of age or over and who have maintained legal residence in the Community for a period of one year immediately prior to any election are qualified voters at such election.

¹This Constitution and By-laws, most of the provisions of which were adopted as an amendment (Amendment III, ratified October 22, 1941, and approved November 5, 1941), modifies the "Constitution and By-laws of the Upper Lake Band of Pomo Indians of Upper Lake Rancheria."

SEC. 3. The officers of the Executive Committee shall be the Chairman, Vice-Chairman and Secretary-Treasurer, who shall be selected by the Executive Committee from its own membership at the first meeting after each election.

SEC. 4. The committeemen shall hold office for a term of two years, or until their successors are elected, except as hereinafter provided.

SEC. 5. Within thirty days after the ratification and approval of this amendment, a general meeting of the Upper Lake Pomo Indian Community shall be held to elect the officers named in Section 1, Article III, and to transact such other business as may be necessary.

ARTICLE IV.—NOMINATIONS AND ELECTIONS

SECTION 1. The seven committeemen shall be elected at a general meeting of the Community at which at least 30 percent of the eligible voters shall be present. To be eligible for nomination a candidate must have reached his or her twenty-first birthday and be a regularly qualified member of the Community.

SEC. 2. The four members of the Executive Committee receiving the highest vote at the November 1941 election shall hold office for two years; the three receiving the lowest vote shall hold office for a period of one year; thereafter vacancies shall be filled at annual elections held on the second Thursday each November.

SEC. 3. The Executive Committee or a board appointed by the Executive Committee, shall determine rules and regulations governing elections and shall certify to the election of members of the Executive Committee.

ARTICLE V.—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Any officer or committeeman who may resign, die or be removed from office shall be replaced at a regular or special meeting of the Executive Committee, to serve the unexpired term.

SEC. 2. Any officer or committeeman convicted of a felony or misdemeanor involving dishonesty in any Federal, State or Indian Court may be removed from office by a majority vote of the Executive Committee.

SEC. 3. In order to expel any officer or committeeman for neglect of duty or gross misconduct, a majority vote of the general community will be necessary; *Provided*, That the accused shall be given an opportunity to answer any and all charges at a designated general community meeting called for that purpose. The decision reached at this meeting shall be final.

ARTICLE VI.—POWERS OF THE EXECUTIVE COMMITTEE

SECTION 1. *Enumerated powers.*—The Executive Committee of the Upper Lake Pomo Indian Community 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 Community;

(d) To advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Upper Lake Pomo 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 Upper Lake Pomo 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, governing the conduct of members of the Upper Lake Pomo Indian Community, 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 into the Community for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Community, of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances within the Upper Lake Pomo Indian Community;

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any 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 the attached By-laws, regulating the procedure of the Committee itself and, also, of other tribal agencies, tribal officials, or tribal organizations of the Upper Lake Pomo Indian Community.

SEC. 2. *Future Powers.*—The Executive Committee may exercise such further powers as may in the future be delegated to the Committee by members of the Community 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 Upper Lake Pomo Indian Community, but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Upper Lake Pomo Indian Community 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 Community, who shall, within 15 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 Executive Committee of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him within 15 days after its enactment, he shall advise the Executive Committee of his reasons therefor. If these



reasons appear to the Committee 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 VII.—AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Community 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 Executive Committee meeting, amendments to this Constitution and By-laws may be proposed, to be acted upon at the next semiannual Executive Committee 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 OF THE UPPER LAKE POMO INDIAN COMMUNITY

ARTICLE I.—DUTIES OF OFFICERS

SECTION 1. 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 Community in accordance with this Constitution and By-laws.

SEC. 2. It shall be the duty of the Executive Committee and each member thereof to promote the general welfare of the members of this Community and to carry out the provisions and purposes of this Constitution and By-laws.

SEC. 3. It shall be the duty of the chairman to preside over all meetings of the Executive Committee and carry out all orders of the Committee. All members of the Committee and all subordinate officers shall assist the chairman in all proper ways to carry out the orders of the Committee.

SEC. 4. The secretary-treasurer shall keep a full report of all proceedings of each regular and special meeting of the Executive Committee and shall perform such other duties of like nature as the Committee 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 Community and to the Commissioner of Indian Affairs.

The secretary-treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Executive Committee. He shall pay out money in accordance with the orders

and resolutions of the Committee. He shall keep account of all receipts and disbursements and shall report the same to the Committee at each regular meeting. He shall be bonded in such an amount as the Executive Committee may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the secretary-treasurer shall be subject to audit or inspection at the direction of the Executive Committee or the Commissioner of Indian Affairs. Until the secretary-treasurer is bonded, the Executive Committee may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SEC. 5. The subordinate officers of the Executive Committee shall perform such duties as the Committee may from time to time provide by resolution.

SEC. 6. The order of business at any regular or special meeting of the Executive Committee shall be as follows:

1. Committee called to order.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the secretary-treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

ARTICLE II.—MEETINGS AND PROCEDURE

SECTION 1. The Executive Committee shall meet semiannually on the second Thursday of November and April of each year.

SEC. 2. All meetings of the Committee shall be open to members of the Community as auditors. Records of the Committee shall be open to any members of the Community.

SEC. 3. Five members of the Executive Committee shall constitute a quorum at any regular or special meeting. In the absence of both chairman and vice-chairman, the remaining Committee members may elect a temporary chairman to preside.

SEC. 4. Special meetings of the Executive Committee may be called by the chairman or by three or more members of the Committee.

SEC. 5. The members of the Community may by petition signed by not less than 30 percent of the voters of the Community, initiate any measure they deem advisable. This petition shall be filed with the secretary-treasurer of the Committee. It shall be the duty of the Committee to call a special meeting of the voters within a period of ten days from the date of filing such petition to vote upon the measure.

SEC. 6. The members of the Community shall have the right, through a petition signed by not less than 30 percent of the eligible voters of the Community, to call a special election to revoke any act of the Committee. It shall be the duty of the Committee to call such election within ten days from the date of the filing of such petition with the secretary-treasurer of the Committee.

SEC. 7. The Executive Committee shall meet with the general community at the November meeting to make a report of its activities for the past year and to discuss future plans.



ARTICLE III.—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the voters of the Upper Lake Pomo Indian Community, 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 May 29, 1941, by the Assistant Secretary of the Interior, the attached Amendment III to the Constitution and By-laws for the Upper Lake Band of Pomo Indians of the Upper Lake Rancheria, was submitted for ratification to the qualified voters of the rancheria, and on October 22, 1941, was duly ratified by a vote of 14 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 (49 Stat. 378).

HARRIS GEORGE,
Chairman, Community Council.

RODNEY SNOW,
Secretary, Community Council.

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

I, Oscar L. Chapman, 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 Amendment III to the Constitution and By-laws for the Upper Lake Band of Pomo Indians of the Upper Lake 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 Upper Lake Pomo 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: October 30, 1941.

WALTER V. WOHLKE,
Assistant to the Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.

WASHINGTON, D. C., November 5, 1941.

[SEAL]

