

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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CORPORATE CHARTER
OF THE
UPPER LAKE POMO INDIAN COMMUNITY

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RATIFIED FEBRUARY 15, 1942



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1942



CORPORATE CHARTER OF THE UPPER LAKE POMO INDIAN COMMUNITY

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

Whereas, the people of the Upper Lake Band of Pomo Indians of the Upper Lake Rancheria in the State of California ratified a Constitution and By-laws on November 30, 1935, which was 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, amendments to said Constitution and By-laws were approved on November 5, 1941, to include the Indians of the Pomo Reservation, and to establish a legal community organization to be known as the Upper Lake Pomo Indian Community, and

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

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by Section 17 of the said Act of June 18, 1934, do hereby issue and submit this Charter of Incorporation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians of the Upper Lake Pomo Indian Community.

Corporate Existence.

1. In order to further the economic well-being and independence of the members of the Upper Lake Pomo Indian Community, the Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name, Upper Lake Pomo Indian Community.

Duration.

2. The Upper Lake Pomo Indian Community shall, as a federal corporation, have perpetual succession.

Membership.

3. The members of the corporation shall be all persons now or hereafter members of the Community, as provided by its duly ratified and approved Constitution and By-laws.

Management.

4. The Executive Committee of the Upper Lake Pomo Indian Community established in accordance with the said Constitution and By-laws, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers.

5. The Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the Community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by its Constitution and By-laws:



- (a) To adopt, use, and alter a corporate seal.
- (b) To purchase, lease, 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 Community of land or interests in land, including water, timber, mineral, gas or oil rights, now or hereafter held by the Community within the boundaries of the Upper Lake Pomo Indian Community. This shall not apply to unrestricted land purchased with corporate funds and held as an asset of the Community.
 - (2) No leases or permits (which terms shall not include land assignments to members of the Community) covering any land or interests in land now or hereafter held by the Community within the boundaries of the Upper Lake Pomo Indian Community shall be made by the Community 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 Community which in any way operates to destroy or injure the Community grazing lands or other natural resources of the Upper Lake Pomo Indian Community. 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 Community, and to use such funds directly for productive Community enterprises, or to lease lands outside the Upper Lake Pomo Indian Community for productive Community or individual enterprises, or to loan money thus borrowed to individual members or association of members of the Community: *Provided*, That the amount of indebtedness to which the Community may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$5,000, 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 Community 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 \$500 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 Community: *Provided*, That such agreements of pledge or assignment, other than agreements with the United States, shall not extend more than ten years from the date of execution and shall not mount in any one year to more than one-half the net Community income in the preceding year: *And provided further*, That any such agreement 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 corporation.

- (h) To sue or be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue or be sued shall not be deemed a consent by the Community or by the United States to the levy of any judgment, lien or attachment upon the property of the Community 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 Executive Committee of the Upper Lake Pomo Indian Community 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 Community. The termination shall be effective upon ratification by majority vote of the adult members of the Community residing in the Community, 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 of the Interior 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 Executive Committee to popular referendum of the adult members of the Community actually living within the Community, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.
7. No property rights of the members of the Upper Lake Pomo Indian Community 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 Community shall not be subject to any corporate debts or liabilities without such owners' consent.

Corporate Property.

Corporate Dividends.

8. The Community 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 Community and may distribute per capita, among recognized members of the Community, all income of the Community over and above sums necessary to defray corporate obligations to members of the Community 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 cost of public enterprises, the expenses of Community government, the needs of charity, or other corporate purposes. 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 Community shall be distributed except as provided herein.

Corporate Accounts.

9. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, 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 Community 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 Executive Committee which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote at a popular referendum in which at least 30 percent of the adult members living in the Community vote.

Ratification.

11. This Charter shall be effective from and after the date of its ratification by a majority vote at a popular referendum in which at least 30 percent of the adult members of the Community living in the Upper Lake Pomo Indian Community shall vote, the ratification of this Charter to be formally certified by the Superintendent of the Sacramento Agency and the Chairman and Secretary of the Executive Committee of the Upper Lake Pomo Indian Community.

Submitted by the Assistant Secretary of the Interior for ratification by the Upper Lake Pomo Indian Community of California.

[SEAL]

OSCAR L. CHAPMAN,
Assistant Secretary.

WASHINGTON, D. C., *January 21, 1942.*

CERTIFICATION OF RATIFICATION

Pursuant to an order approved January 21, 1942, by the Assistant Secretary of the Interior, the attached Charter for the Upper Lake Pomo Indian Community was submitted for ratification to the qualified voters of the Community and on February 15, 1942, was duly ratified by a vote of 30 for, and 0 against, in an election in which over thirty percent of those entitled to vote cast their ballots, in accordance with Section 17 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378).

ARTHUR TREPPA,

Chairman, Executive Committee.

ELVIRA TREPPA,

Secretary-Treasurer, Executive Committee.

JOHN G. ROCKWELL,

Field Representative in Charge, Sacramento Agency.

