

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS  
FOR THE  
CACHIL DEHE BAND OF WINTUN INDIANS  
OF THE  
COLUSA INDIAN COMMUNITY  
CALIFORNIA



RATIFIED NOVEMBER 23, 1941



UNITED STATES  
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# CONSTITUTION AND BY-LAWS FOR THE CACHIL DEHE BAND OF WINTUN INDIANS OF THE COLUSA INDIAN COMMUNITY, CALIFORNIA

We, the people of the Cachil Dehe Band of Wintun Indians of the Colusa Rancheria, in order to establish a legal community organization and secure certain privileges and powers offered to us by the act of June 18, 1934 (48 Stat. 984), do ordain and establish this Constitution and By-laws.

## ARTICLE I.—TERRITORY

The jurisdiction of the Cachil Dehe Band of Wintun Indians shall extend to all lands now within the confines of the Colusa Rancheria and the Colusa Reservation, and to such other lands as may hereinafter be added thereto.

## ARTICLE II.—MEMBERSHIP

SECTION 1. The membership of the Cachil Dehe Band of Wintun Indians shall consist of:

(a) All persons of Indian blood whose names appear on a census of the Cachil Dehe Band of Wintun Indians, as taken by the Sacramento Indian Agency, as of January 5, 1941.

(b) All children born to any member of the Cachil Dehe Band of Wintun Indians who is a resident of the Community at the time of the birth of said children.

SEC. 2. Any person of one-half or more Indian blood related by marriage or descent to members of the Community and who has resided in the Community for at least two years prior to date of application, and who will help to promote and develop the Community may be adopted as a member of the Colusa Indian Community upon written application and a two-thirds vote of approval by the eligible voters of the Community: *Provided*, That the Indian wife of a non-Indian husband shall not be eligible for adoption.

SEC. 3. A member who remains away from the Community continuously for a period of two years without prior leave of absence from the Business Committee shall automatically lose his membership and may be reinstated only upon application as prescribed for new membership.

SEC. 4. If a female member marries a non-Indian, she will automatically lose her membership and will be required to leave the Community within ninety days after written notice has been served upon her by the Business Committee: *Provided*, That this provision shall not apply in the case of any marriages consummated prior to the approval of this Constitution and By-laws.

SEC. 5. The Community Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior,

setting forth additional requirements for future membership or loss of membership in the Community as conditions may warrant.

### ARTICLE III.—GOVERNING BODY

SECTION 1. The governing body of the Cachil Dehe Band of Wintun Indians shall be known as the Colusa Indian Community Council which shall be composed of all qualified voters of the band. Thirty percent of the eligible voters shall constitute a quorum.

SEC. 2. All enrolled members of the Cachil Dehe Band of Wintun Indians 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.

SEC. 3. The Colusa Indian Community Council shall elect from its own members, by secret ballot, (a) a chairman, (b) a vice-chairman, (c) a secretary-treasurer, and such other officers and committees as may be deemed necessary.

SEC. 4. The Colusa Indian Community Council shall meet on the second Tuesday of November and April.

SEC. 5. Within 30 days after the ratification and approval of this Constitution and By-laws, a Community Council meeting shall be held for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the November meeting, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the November meeting.

SEC. 6. The chairman, or 25 percent of the qualified voters, may, by written notice, call special meetings of the Community Council.

SEC. 7. The Business Committee shall consist of the chairman, the vice-chairman, and the secretary-treasurer of the Community Council, and shall perform such duties as may be authorized by the Council.

### ARTICLE IV—VACANCIES AND REMOVAL

SECTION 1. Any officer who may resign, die or be removed from office shall be replaced at a meeting of the Community Council.

SEC. 2. Any officer 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 Community Council.

SEC. 3. The Community Council may, by a majority vote, remove from office any officer of the Council for neglect of duty or gross misconduct: *Provided*, That the accused shall be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Council shall be final.

### ARTICLE V—POWERS OF THE COMMUNITY COUNCIL

SECTION 1. *Enumerated Powers.*—The Community Council of the Colusa 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 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 advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Colusa 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 Colusa 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 Colusa Indian Community; providing for the manner of making, holding, and revoking assignments of Community land or interests therein; providing for the levying of taxes and appropriation of available Community funds for public purposes; providing for the licensing of non-members coming upon the Community for the purpose 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 upon the lands of the Colusa 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 Council itself and, also, of other Community agencies, officials, or organizations of the Colusa Indian Community.

**SEC. 2. Future Powers.**—The Community Council may exercise such further powers as may in the future be delegated to the Council by members of the Community or by the Secretary of the Interior or any other duly authorized officials or agency of the State or Federal Government.

**SEC. 3. Reserved Powers.**—Any rights and powers heretofore vested in the Cachil Dehe Band of Wintun Indians of the Colusa 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 Colusa 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 ninety days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Community Council 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 Community 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 ninety days from the date of enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## ARTICLE VI—AMENDMENTS

**SECTION 1.** This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Community voting at any election called for that purpose by the Secretary of the Interior, provided that at least thirty 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 Community Council meeting, amendments to this Constitution and By-laws may be proposed by a majority vote at such meeting, the amendment then to be submitted to the Secretary of the Interior, who shall thereupon call an election upon the proposed amendment.

## BY-LAWS FOR THE CACHIL DEHE BAND OF WINTUN INDIANS OF THE COLUSA 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 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 Community Council 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. *Chairman.*** It shall be the duty of the chairman to preside over all meetings of the Community Council and carry out all orders of the Council.

**SEC. 4. *Vice-Chairman.*** In the absence of the regular chairman, the vice-chairman shall preside and he shall have all powers, privileges and duties of the regular chairman.

**SEC. 5. *Secretary-Treasurer.***—The secretary-treasurer shall keep a full report of all proceedings of each meeting of the Community Council and of the Business Committee, and shall perform such other duties of like nature as the Community Council shall from time to time by resolution provide, and shall transmit three copies of the minutes of each meeting to the Superintendent in charge of the Community. He shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Community Council.

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

## ARTICLE II—ORDER OF BUSINESS

SECTION 1. The order of business at any meeting of the Community Council shall be as follows:

1. Council called to order.
2. Roll call.
3. Announcement of members who have reached voting age.
4. Reading of minutes of previous meeting.
5. Reports of committees.
6. Report of secretary-treasurer.
7. Reading of communications.
8. Unfinished business.
9. New business.
10. Adjournment.

## ARTICLE III—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws shall be in full force and effect whenever a majority of the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community, voting at an election called by the Secretary of the Interior in which at least 30 percent 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 October 17, 1941, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community, and was on November 23, 1941, duly accepted by a vote of 25 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).

ANDREW MITCHELL,  
*Chairman, Election Board.*  
F. R. GONZALES,  
*Secretary, Election Board.*

JOHN G. ROCKWELL,  
*Field Representative in Charge, Sacramento 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 Cachil Dehe Band of Wintun Indians of the Colusa Indian Community.

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 will be inapplicable to these Indians from and after the date of their adoption thereof.

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 16, 1941.

WILLIAM ZIMMERMAN, JR.,  
*Acting Commissioner.*

OSCAR L. CHAPMAN,  
*Assistant Secretary.*  
[SEAL]

WASHINGTON, D. C., *October 17, 1941.*

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