

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

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CONSTITUTION AND BY-LAWS
OF THE
AGUA CALIENTE BAND OF MISSION
INDIANS
CALIFORNIA

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ADOPTED JUNE 28, 1955
AMENDED FEBRUARY 26, 1957



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CONSTITUTION AND BY-LAWS OF THE AGUA CALIENTE BAND OF MISSION INDIANS, CALIFORNIA

ARTICLE I—NAME

The name of this organization shall be the Agua Caliente Band of Mission Indians since that name has prevailed as the name of said Band from time immemorial.

ARTICLE II—TERRITORY

The jurisdiction of the Agua Caliente Band of Mission Indians shall extend to the territory within the boundaries of the Agua Caliente Indian Reservation as heretofore designated and to any other lands which may hereafter be added.

ARTICLE III—MEMBERSHIP

- (a) The membership of the Agua Caliente Band of Mission Indians shall consist of all persons whose names appear on the last official per capita payroll of June 1954, and children born to such members as issue of a legal marriage, provided such children shall possess at least $\frac{1}{8}$ degree of Indian blood.
- (b) No new members may be adopted.

ARTICLE IV—GOVERNING BODY

- (a) The governing body of the Agua Caliente Band of Mission Indians shall be known as the Tribal Council (formerly designated as the Tribal Committee) and shall be comprised of five members consisting of three officers, namely; the Chairman, Vice-Chairman, Secretary and two additional members.
- (b) Effective beginning with the next election after the adoption of this constitution, the members of the Tribal Council shall be elected in the following manner:
 - 1. Officers shall be elected for a term of two years; the Chairman to be elected during the even year, the Vice-Chairman and Secretary to be elected during the following odd year.
 - 2. The other members shall be elected for a term of one year.
 - 3. Elections shall take place on March 15, at which time the Secretary shall call the election. Elections shall be by secret ballot and absentee ballots shall be used by members who cannot be present to cast their ballots at the place on the Reservation where, and at the time when the election is held.

4. All enrolled members of the Agua Caliente Band of Mission Indians who are 21 years of age and over are qualified voters at all elections even after their allotted lands have been sold or fee patented.
 5. The Council shall select election officers and tellers who shall have the duty of reporting certified election results to the Tribal Secretary for recording of the same and announcement to all the members of the Band.
 6. Members of the Council shall continue to serve in their official capacity until their successors are duly elected, qualified and installed.
- (c) The Tribal Council shall hold regular meetings on the first and third Tuesday of each month between the months of October and May, and the first Tuesday of each month between the months of June and September. Special meetings may be called by the Chairman or Vice-Chairman upon five days notice.
- (d) A quorum shall consist of three-fifths of the membership of the Tribal Council.
- (e) Meetings of the Tribal Council shall be conducted in an orderly manner pursuant to Robert's Rules of Order when the procedure is not specifically designated in these by-laws. The order of business shall be as follows:
1. Call to order
 2. Reading of minutes of the last meeting
 3. Unfinished business
 4. Tribal reports, accounts
 5. Indian Bureau reports, statements and accounts
 6. Applications, petitions and claims
 7. Other new business
 8. Announcements
 9. Adjournment
- (f) The duties of the officers of the Tribal Council shall be as follows:
1. The Chairman of the Tribal Council shall preside over all meetings of the Council and of the Band. He shall exercise in addition thereto any other authority vested in him by the Council to advance the interests of the Band.
 2. The Vice-Chairman shall assist the Chairman, and, in the absence of the Chairman, he shall assume the duties of the office of Chairman.
 3. The Secretary shall keep all records of the Council, including a permanent file of the minutes of all meetings. The Secretary shall make the same available at all times for the inspec-

tion of the other members of the Council and of the Agua Caliente Band. The Secretary shall also make regular reports to the Band at the annual and special meetings, of business transacted by the Council, and shall perform all the other customary duties of a Secretary concerning the affairs, property and correspondence of the Band. All correspondence prepared on behalf of and approved by the Tribal Council may be signed by the Secretary.

4. Committees may be appointed by the Tribal Council for specific purposes and their duties shall be clearly designated by resolution at the time of their creation. Such committees shall report as required to the Tribal Council at its regular meetings.
- (g) At the next regular meeting after the annual election, the Council shall appoint two enrolled adult members of the Agua Caliente Band of Mission Indians to serve as proxies for a period of one year. Upon the request of a member who is unable to be present at a meeting of the Tribal Council, a proxy may act as his substitute to attend any regular or special meeting of the Council.
 - (h) Meetings of the Tribal Council shall be open to enrolled members of the Agua Caliente Band of Mission Indians unless an executive session of the Council has been called by the Chairman. Otherwise only members of the Council, representatives of the Bureau of Indian Affairs, and guests invited by the Council may be present at such meetings.
 - (i) Members of the Council who miss three consecutive meetings without an excuse deemed sufficient by a majority of the Council, shall be considered to have voluntarily resigned from the Council. The vacancy created thereby shall be filled at the next regular meeting of the Council by the election of a new member agreed upon by at least three-fourths of the remaining members of the Tribal Council. The term of the newly elected member shall run for the balance of the term of the member who resigned.
 - (j) Members of the Tribal Council may be suspended or dismissed if they are guilty of misconduct or a violation of the provisions herein specified. Before a vote to expel a member is taken, he shall be given a written statement of the charges against him at least five days before the meeting before which he is to appear, and an opportunity to answer any and all charges shall be given to him at a regular meeting of the Council. Such suspension or dismissal must be voted on at a meeting where at least four-fifths of the membership of the Council are pres-

ent and suspension or dismissal shall require a four-fifths vote in order to be effective. This procedure need not be followed in connection with voluntary resignations pursuant to Article IV (i) hereunder.

- (k) Upon receipt of a petition signed by one-half of the eligible voters calling for the recall of any member of the Council, it shall be the duty of the chairman to call an election upon said petition. At least $\frac{1}{2}$ of the eligible voters must vote in the election. To carry a recall into effect a $\frac{3}{5}$ majority is required.
- (l) One room in the Tribal office shall be set aside for the purposes of the Tribal Council.

ARTICLE V—POWERS OF THE TRIBAL COUNCIL

Subject to all applicable statutes and regulations, the Tribal Council shall exercise the following powers:

- (a) To administer the affairs and manage the business of the Band; to regulate the uses and disposition of tribal property; to protect and preserve the Tribal property, including wildlife and natural resources, and the rights of its members; to cultivate Indian arts, crafts and culture; to administer charity; and to protect the security and general welfare of the Band and its members.
- (b) To regulate the procedures of the Tribal Council and of other tribal agencies; to enact ordinances and resolutions pertaining to tribal affairs and to take all proper means to enforce the same.
- (c) To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representatives; and to obtain legal services from the Federal Government in connection with its trust responsibility over tribal affairs, including litigation, legislation and any other matters concerning tribal property or the members of the Band.
- (d) To recommend by appropriate resolution the expenditure of any tribal funds held in the Treasury of the United States, and to expend any tribal funds within the exclusive control of the Band. Monthly per capita payments shall be maintained or increased to the extent consistent with the maintenance of a sound tribal budget.
- (e) To obtain financial reports, statements and audits of all tribal funds under the supervision and custody of the Federal Government.
- (f) To manage, repair, rebuild, remodel or reconstruct all tribal property, including tribal office buildings, mineral springs, bath

house, Palm Canyon buildings and tollgate house, and to manage, lease, or otherwise operate tribal properties; to set aside, reserve and designate tribal property for use as parks, schools, public buildings, tribal monuments, churches and hospitals.

- (g) To plan, construct, repair, and otherwise manage streets, highways, flood control and other utilities on tribal property.
- (h) To confer with and advise the Secretary of the Interior with regard to all appropriation items on behalf of Indian welfare, health, education, loans to Indians for home construction, highways, flood control and the development of resources and cultural advancement.
- (i) To promulgate and enforce assessments or permit fees upon non-members doing business and obtaining special privileges on the Agua Caliente Reservation, including the privilege of fishing, amusements, games, explorations, camps, and mining, including the preparation of a schedule of rents for the use of tribal property.
- (j) To confer and consult with the Secretary of the Interior or his authorized representative concerning the employment, including the fixing of salaries, of all persons paid from tribal funds, and to give preference in employment to members of the Agua Caliente Band and their relatives, and in accordance with 25 U. S. C. 48, to take over complete responsibility for this function.
- (k) By ordinance to exclude from the Tribal land non-Indian persons not legally entitled to be thereon and who are deemed to be objectionable, such ordinance to be subject to the approval of the Secretary of the Interior or his authorized representative.
- (l) To negotiate with the Federal, State and local governments on behalf of the Band and obtain advice and opinions from representatives of any such governmental units on matters relating to the jurisdiction of the particular governmental unit involved and which concern the status of the Band and its property, such as matters of taxation, the application of State, civil and criminal laws, and annexation of tribal lands to the City of Palm Springs.

ARTICLE VI—INHERENT POWERS

Any rights and powers heretofore vested in the Agua Caliente Band of Mission Indians not expressly referred to in this Constitution and By-laws shall not be abridged and may be exercised by the general membership in meetings called for that purpose either by the Chairman of the Tribal Council or by petition signed by at least 15 voters of the Band. At such meetings a quorum shall consist of three-fifths of the adult members of the Band.

ARTICLE VII—TRIBAL MEETINGS

There shall be one regular annual tribal meeting held on March 15. Special meetings may be called by the Chairman with notice thereof sent to the members of the Band at least five days prior to the meeting specifying the purpose for which the meeting is being called.

ARTICLE VIII—ADOPTION AND AMENDMENTS

This Constitution and By-laws shall be in full force and effect when adopted by a majority vote of the duly qualified members of the Agua Caliente Band of Mission Indians at the annual election or at any special election called for that purpose. Written notice specifying the purpose of the election shall be mailed to each member of the Band at least five days prior to said election. Amendments to the Constitution and By-laws may be made in the same manner.

ARTICLE IX—REPEAL

If adopted, this Constitution and By-laws repeals all former laws and ordinances in conflict with this Constitution and By-laws.

On June 28, 1955, the attached Constitution and By-laws was duly adopted by vote of 11 for and 9 against in an election held by the members of the Agua Caliente Band of Mission Indians and was duly amended in the same manner in an election held on February 26, 1957.

APPROVED: GLENN L. EMMONS,

DATE: *April 18, 1957.*

Commissioner of Indian Affairs