

**CONSTITUTION
OF
THE SUSANVILLE INDIAN RANCHERIA**
Lassen County, California
Approved by the Bureau of Indian Affairs on July 13, 2005

PREAMBLE

We, the adult Indian members of the Susanville Indian Rancheria in Lassen County, California, in order to reaffirm our sovereign tribal government, to protect our tribal customs, and to promote our common welfare, do hereby ordain and establish this Constitution, which will supersede the Constitution and By-Laws approved June 18, 2001.

ARTICLE I - TERRITORY

The jurisdiction of the Susanville Indian Rancheria shall extend to all lands now within its present boundaries, and to all future lands, which may be acquired and placed in trust for the benefit of the tribe.

ARTICLE II - MEMBERSHIP

Section 1 - The membership shall consist of the following:

- (a.) Persons of not less than one-fourth (1/4) degree California Indian blood who have held valid assignments on the Susanville Indian Rancheria as of the effective date of the Susanville Indian Rancheria Assignment Ordinance, dated July 17, 1969 and persons who hereafter acquired valid assignments in accordance with the assignment ordinance, as provided in Article V, Section 1, and their spouses (of present and future assignees) of not less than one-fourth (1/4) degree California Indian blood, or;
- (b.) Persons of not less than one-fourth (1/4) degree California Indian blood and who are from the Paiute, Pit River, Maidu and Washo people from Lassen County based on the Bureau of Indian Affairs 1928 California Indian Census Roll and/or the Department of Interior's "Greenville Indian Agency, Register of Applications, Allotments, Susanville, California, Land District" document, and/or other Allotment Acts thereafter or;
- (c.) Persons listed on the Base Roll of the Susanville Indian Rancheria approved by the Tribal Business Council on November 2, 2004, which list 466 tribal members living or deceased or;

- (d.) Persons who are lineal descendants of individuals in subsection “a,” “b,” or “c” above.

Section 2 - Persons who meet the requirements of Section I (a), (b), (c), or (d) of this Article, but who have been allotted on another reservation, or are officially enrolled with or are recognized members of some other federally recognized tribe or band shall not be eligible for membership on the Susanville Indian Rancheria. A person may receive benefits through inheritance without jeopardizing membership status on the Susanville Indian Rancheria.

Section 3 - The official membership roll shall be prepared in accordance with the rules and regulations prescribed in an ordinance adopted by the General Council and such ordinance shall become effective upon approval by the Secretary of the Interior. Such ordinance shall contain, among other things, provisions for an initial roll, enrollment committee, a requirement to complete an application form in order to be considered for enrollment, provisions for approval and disapproval of applications, rejection notices, appeals, and provisions for keeping the roll on a current basis.

Section 4 - Admission to membership through adoption shall be governed in accordance with an ordinance enacted by the governing body, such ordinance to become effective upon approval by the Secretary of the Interior.

ARTICLE III - GOVERNING BODY

Section 1 - General Council - The governing body of the Susanville Indian Rancheria shall be the General Council, which shall consist of all members 18 years or older. Each member of the General Council who is enrolled in the Susanville Indian Rancheria and who is eighteen (18) years or older, regardless of residence, is qualified and has the right to vote at all elections conducted on the Rancheria. Election voting rights of the General membership cannot be removed, suspended, or revoked for any reason.

The General Council shall meet quarterly on the first Saturday in November, and thereafter on the first Saturday in February, May, and August. Special meetings of the General Council may be called by the Chairperson and shall be called by him/her upon receipt of a petition signed by at least thirty-percent (30%) of the voting members of the General Council. A quorum of the General Council shall consist of thirty-percent (30%) of its voting members.

Once a quorum has been established, Roberts Rules of Order shall apply in the continued presence of a quorum. When a quorum of the General Council has been established and remains a quorum, the meeting will proceed with all business conducted until all agenda items have been completed and the meeting adjourned. No business shall be conducted in the absence of a quorum.

Section 2 - Elections - The General Council shall elect from its membership by secret ballot, a Tribal Business Council consisting of a Chairperson, Vice-Chairperson, a Secretary/Treasurer and four (4) council members [one (1) from District 1, one (1) from District 2, and two (2) at-large, with one representative from any tribal trust property and one representative from Lassen County] for a total of seven (7) elected Tribal Business Council members.

- (a.) Election Ordinance - An election ordinance shall be adopted by the General Council within 180 days following the effective date of this constitution. Such ordinance shall include, but not be limited to, the following provisions: secret balloting; nominations and screening of prospective candidates; maintenance of current list of qualified voters; a procedure for resolving election disputes, and the establishment of an Election Board having responsibility to ensure that elections are conducted objectively and fairly. Provisions shall also be included for the conduct of recall and referendum elections and uniform procedures for submitting petitions and shall describe how such petitions are to be determined valid.
- (b.) Qualifications of Candidates - Any member with a high school degree or the equivalent of such and is 21 years or older, who has resided at least one year prior to an election, within the limits of Lassen County, California is eligible to be nominated, elected, and hold office. No person who has been convicted of a felony shall be eligible to hold office on the Tribal Business Council.
- (c.) Nominations - The time, place, and manner of nominations shall be specified in the "Election Ordinance."
- (d.) Terms of Office - The Tribal Business Council elections shall be conducted annually on the first Saturday of November to fill those Tribal Business Council positions which have expired. Currently the terms for the Chairperson, Vice-Chairperson and Secretary/Treasurer expire in 2006, the terms for one representative from District 1 and one representative from District 2 expire in 2004, and the terms for two representatives-at-large 2005. All terms will be for three years. One of the two representatives-at-large must live on tribal trust property. Members of the Tribal Business Council shall remain in office until their successors are duly elected and installed.
- (e.) Secret Ballot - All elections of the Tribal Business Council shall be by secret ballot bearing the name of each candidate and the office he/she seeks. Each candidate may run for only one office. When requested, absentee ballots shall be furnished to tribal members who are unable to attend the election, in ample time prior to the election, to allow for receipt into the tribal office by noon on election day. The candidate receiving the highest number of votes for their respective office shall be declared elected. In case any election results in a tie vote, a run-off election shall be conducted within forty-five (45) days.
- (f.) Election Board - Except as provided in Article IV, all elections shall be conducted by a five (5) member Election Board, who shall be appointed by the Tribal Business Council at the quarterly meeting held in September of each year. This board shall be separate from control of the Tribal Business Council.

- (g.) Tribal Business Council Meeting - Regular meetings of the Tribal Business Council shall be held monthly, on a day set by the Tribal Business Council. Special meetings may be called by written notice from the Chairperson, and he/she shall call a meeting upon receipt of a petition signed by at least five (5) members of the Tribal Business Council, and when so called, the Tribal Business Council shall have the power to transact business as in a regular meeting. No meeting will be conducted without a quorum of five (5) present. All meetings shall be open to tribal members, with the exception wherein personal, personnel or confidential matters are discussed. Matters of this type will be discussed in an executive session of the Tribal Business Council.

ARTICLE IV - VACANCIES, RECALL, AND REMOVAL

Section 1 - Vacancies - Any office which has been vacated whether it be by death, resignation, removal, recall or forfeiture, shall be filled by the Tribal Business Council at its next meeting where at least five Council members are present and such replacement shall serve the unexpired term of office unless the unexpired term is for six (6) months or more, in which case it shall be filled by a special election of the General Council called by the Election Board within forty-five (45) days.

Section 2 - Recall - Upon receipt of a petition which is signed by at least 30% of the qualified voters for the recall of an elected official(s), the Tribal Business Council shall call for and hold a meeting within seven (7) days to review and declare the petition valid and the Tribal Business Council shall, within thirty forty-five (45), call for and hold a General Council Meeting to vote on the recall. The official(s) being recalled will remain in office until a final decision is made. The official(s) being recalled will have the right to appear before the General Council whereupon, the General Council hearing verbal and written documentation, a secret ballot vote shall be taken to recall or not to recall the official(s). A majority vote, (51% of those voting), of the General Council is final. After due notice, it shall be the responsibility and duty of the General Council, through its elected officials and the election board to immediately declare any position(s) vacant and shall promptly fill such vacancy(ies) in accordance with this Article IV.

- (a.) The Recall petition must state the grounds for recall. Grounds for recall of a Tribal Business Council member are conviction of a felony or of a crime involving moral turpitude (conduct that is regarded as immoral or depraved), or of a crime against the Tribe (or against its agents or employees while serving in their official capacity); fraud; gross negligence; dereliction of duties; or misuse of Tribal funds.
- (b.) Before any vote for recall is taken, such member or official shall be given a written statement of the charges against him/her at least thirty (30) days before the meeting of the General Council at which he/she is to appear and he/she shall be given an opportunity to answer any and all charges at the designated council meeting.

Section 3 - Removal - Any member of the Tribal Business Council of the Susanville Indian Rancheria, who during the term for which he/she is elected, is convicted of a felony in any federal or state court shall automatically forfeit his/her office effective on the date of his/her initial conviction in a court of competent jurisdiction. Any members of the Tribal Business Council found guilty by the Tribal Business Council of behavior involving gross misconduct reflecting on the dignity and integrity of the tribal government and its members, gross neglect of duty or malfeasance in office shall be suspended if at least five (5) members of the Tribal Business Council vote in favor of such suspension. The accused shall be given a written statement of the evidence against him/her at least forty-five (45) days before a meeting of the General Council, at which he/she is to appear and he/she shall be given the opportunity to answer any and all charges. Individual(s) being charged shall have a right to counsel. All charges and evidence shall be brought before the General Council for their action. A majority decision (51% of those voting) of the General Council to remove shall be final. No member of the Tribal Business Council shall preside over the meeting at which his/her removal is being considered.

ARTICLE V - INITIATIVE AND REFERENDUM

Section 1 - Initiative. The eligible voters of the Rancheria reserve the right to independently propose and enact legislative measures that will be binding on the Tribal Business Council and the Rancheria. Upon receipt of a valid petition signed by at least thirty percent (30%) of the qualified voters, it shall be the duty of the Tribal Business Council to call and conduct an initiative election for the purpose of allowing members to vote on the initiative measure within sixty (60) days. The decision of the majority, (51% of the voters), shall be binding on the Rancheria provided thirty percent (30%) of the qualified voters voted.

Section 2 - Referendum. Upon presentation to the Tribal Business Council of a petition signed by thirty percent (30%) of the qualified voters, the Tribal Business Council shall either: (1) adopt the provisions of the petition by ordinance, resolution or other appropriate action, or (2) provide that the issue presented by the petition be voted on within sixty (60) days at a regular or special election. The Tribal Business Council shall abide by the vote of the majority, (51%), of the voters in any such election provided thirty percent (30%) of the qualified voters voted.

ARTICLE VI - POWER OF THE GENERAL COUNCIL AND THE TRIBAL BUSINESS COUNCIL

Section 1 - The General Council shall have the powers and the responsibilities hereinafter provided, subject to any limitation imposed upon such powers by the Statutes of the United State of America. The following powers shall be exclusively reserved to the General Council. No exercise of these powers by the Tribal Business Council or by any other agency or office of the tribe shall be effective unless the General Council by a two-thirds (2/3) vote of the qualified voters has given its specific consent to such action for a designated time period.

- (a.) To elect tribal officers;

- (b.) To initiate an initiative, referendum and recall;
- (c.) To initiate the sale or relinquishment of land owned by the tribe or land held in trust for the tribe by the United States of America;
- (d.) To waive the tribe's sovereign immunity from suit;
- (e.) To establish rules of procedure for the conduct of its affairs;
- (f.) To establish rules and regulations governing assignments, land leasing, and acquired Rancheria land;
- (g.) To prescribe rules and regulations governing loss of membership;
- (h.) To enjoy equal political rights and the opportunity to participate in tribal government, tribal economic resources, tribal assets, and all rights conferred upon a tribal member;
- (i.) To protect all tribal members from any action that would restrict or limit any tribal religious or traditional practices;
- (j.) To protect all tribal members as set forth in Title II of the Indian Civil Rights Act, 25 USC SECTION 1301 et seq. of April 11, 1968.

Section 2 - The Tribal Business Council shall have the following powers, to be exercised consistent with Federal law, this constitution, and the applicable laws of the Susanville Indian Rancheria:

- (a.) To consult, negotiate, contract or conclude agreements with Federal, state, local and tribal governments and with private persons and organizations;
- (b.) To employ legal counsel, the choice of counsel and fixing of fees;
- (c.) To borrow money from public and private sources;
- (d.) To set aside and to spend tribal funds for tribal purposes;
- (e.) To levy and collect dues and fees consistent with Federal law upon any and all business activities located or conducted within tribal jurisdiction;
- (f.) To regulate by ordinance, the use and development of all tribal lands, whether assigned or unassigned, and to manage, lease or otherwise use all unassigned tribal lands in accordance with applicable Federal law;

- (g.) To charter and regulate corporations, cooperatives, associations, special districts, housing authorities, educational and charitable institutions, political subdivisions and entities;
- (h.) To license and regulate the conduct of all business activities within tribal jurisdiction;
- (i.) To establish enterprises as branches or agencies of the tribal government and otherwise to engage in business activities and projects which promote the economic well-being of the tribe and its members;
- (j.) To purchase and to acquire land and other property with approval from the General Council with a majority vote of at least thirty-percent (30%) through a ballot measure or a ballot at a General Council meeting;
- (k.) To manage, develop, protect and regulate the use of water, minerals and all other natural resources within tribal jurisdiction;
- (l.) To enact laws and codes governing conduct of individuals and proscribing offenses against the tribe; to maintain order to protect the safety and welfare of all persons within tribal jurisdiction; and provide for the enforcement of the laws and codes of the tribe in accordance with applicable laws;
- (m.) To establish tribal courts and administrative tribunals from time to time as may be required, and provide for the court or courts, jurisdiction, procedures and method for the selection of judges;
- (n.) To prescribe conditions under which non-members other than agents of Federal, state or local governments may enter and remain on the Rancheria and to establish procedures for the exclusion of non-members from any land within the tribe's jurisdiction;
- (o.) To appoint, direct, establish policies and procedures, and set the compensation of the tribal business administrator or manager and other tribal employees and to establish policies and procedures for the employment of tribal personnel; and
- (p.) To provide General Council with an annual audit of all financial activity for the prior year and a strategic plan report with short and long range goals.


Section 3 - Any rights and powers heretofore vested in the Susanville Indian Rancheria not expressly referred to in this article shall not be lost by reason of their omission but may be exercised with the adoption of appropriate by-laws or amendments.

ARTICLE VII - AMENDMENTS

Amendments to this Constitution may be proposed by a majority vote of members of the Susanville Indian Rancheria but elections on such amendments must be conducted in accordance with the Secretary of the Interior's regulations pertaining to elections of groups organized under section 16 of the Indian Reorganization Act approved June 18, 1934 (48 Stat. 984), as amended.

CERTIFICATE OF APPROVAL

The Constitution of the Susanville Indian Rancheria, Lassen County, California, which was adopted by the qualified voters of the Rancheria on May 16, 2005, is hereby approved pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and delegated to the Deputy Commissioner of Indian Affairs by 230 D.M. 2.4 and redelagated to me by Memorandum of Agreement dated August 16, 1994.



Regional Director

7/13/05

Date



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Northern California Agency
1900 Churn Creek Road, Suite 300
Redding, California 96002-0292

Amended Constitution of the Susanville Indian Rancheria


Certificate of Results of Election

Pursuant to an election authorized by the Regional Director, Pacific Region, Bureau of Indian Affairs, on February 18, 2005, the enclosed Amended Constitution of the Susanville Indian Rancheria, was submitted to the qualified voters of the Tribe and was on, May 16, 2005, adopted by a vote of 107 "for" and 58 "against", and 3 cast ballots found to be spoiled or mutilated, in an election in which at least thirty percent (30%) of the entitled to vote cast their votes; 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).

Date: 5-18-05



Chairman, Election Board



Election Board Member



Election Board Member



Election Board Member

Election Board Member



United States Department of the Interior

RECEIVED

JUL 22 2005

NORTHERN CAL AGENCY

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:

JUL 13 2005

RECEIVED

JUL 22 2005

TRIBAL OPERATIONS

Dr. Virgil Akins, Superintendent
Bureau of Indian Affairs
Northern California Agency
1900 Churn Creek Road, Suite 300
Redding, CA 96002-0292

SUPT. 12 7/22/05
ADMIN. 7/22/05
ROUTE TV
RESPONSE REQUIRED _____
DUE DATE _____
MEMO _____ LTR _____
TELE _____ OTHER 2371

Dear Dr. Akins:

We have reviewed the formal results of the Secretarial Election held on May 16, 2005, involving the Susanville Indian Rancheria. The election was conducted according to our authorization issued on February 18, 2005, pursuant to Title 25 of the Code of Federal Regulations, Part 81. The purpose of the election was for the qualified voters to vote on the proposed revised Constitution of the Susanville Indian Rancheria.

As evidenced by the Certificate of Results of Election, signed by the Election Board Members, the proposed revision of the Constitution, by a vote of 107 "for" and 58 "against," and 3 cast ballots found to be spoiled or mutilated, was adopted by the voters of the Rancheria. Therefore, the proposed Constitution of the Susanville Indian Rancheria, Lassen County, California, is approved pursuant to the authority of the Secretary redelegated to me by Memorandum of Agreement dated August 16, 1994.

By separate cover letter, please return the following to the Rancheria:

1. The original February 18, 2005, authorization letter
2. The original of this approval letter
3. The original completed Certificate of Results of Election
4. The final proposed revised Constitution
5. The original Certificate of Approval
6. Copies of any other documents that would be appropriate for the Rancheria to retain that relate to the Secretarial Election

Returned herewith are the documents submitted with your June 27, 2005, memorandum. If you have any questions, please contact, Heather Wilkinson, Regional Tribal Operations Specialist, at (916) 978-6063, or Fred Doka Jr., Regional Tribal Operations Officer, at (916) 978-6067

Sincerely,



Regional Director

Enclosures

Revised Constitution
Original Completed Certificate of Results of Election
Original Certificate of Approval

cc: Director, Bureau of Indian Affairs (without enclosures)
Assistant Regional Solicitor (without enclosures)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:

Dr. Virgil Akins, Superintendent
Bureau of Indian Affairs
Northern California Agency
1900 Churn Creek Road, Suite 300
Redding, CA 96002-0292

RECEIVED JUL 29 2005
AUG - 3 2005
NORTHERN CAL AGENCY

Dear Dr. Akins:

This is an addendum to the approval letter dated July 13, 2005, regarding the Susanville Indian Rancheria's Secretarial Election of May 16, 2005. The July 13, 2005, letter did not address the challenges that were filed pursuant to 25 CFR § 81.22, Contesting of Election Results.

After a review of the documents provided regarding the challenges filed by several tribal members, I concur with your findings they lack substantiation. The actions taken in conducting the Secretarial election for the Susanville Indian Rancheria were in accordance with 25 CFR 81.

This addendum shall be attached and made part of the approval letter dated July 13, 2005. Should you have any further questions regarding this matter, please contact Heather Wilkinson, Regional Tribal Operations Specialist, at (916) 978-6063, or Fred Doka Jr., at (916) 978-6067 or at the address above.

Sincerely,

Acting 
Regional Director

cc: Stacy Dixon, Chairman, Susanville Rancheria

A 8-3-05

SUPPL.	_____
ADMIN.	8-3-05
ROUTE	TO
RESPONSE REQUIRED	_____
FILE DATE	_____
MEMO	LTR
TELE	OTHER 2457