



# SUSANVILLE INDIAN RANCHERIA

## Bylaws of The Susanville Indian Rancheria

Lassen County, California

### Preamble

We, the People of the Susanville Indian Rancheria in Lassen County, California, in order to establish a reservation organization, to protect our tribal customs, and to promote our common welfare, do hereby ordain and adopt these Bylaws, which are subject to the provisions of the Susanville Indian Rancheria (SIR) Constitution adopted by the voting members of the Tribe on May 18, 2005, and approved by the official representative of the Secretary of the Interior on July 13, 2005.

### Article 1- Rights of Members

#### Section 1- Civil Rights

Subject to the limitations imposed by the constitution, all members of the tribe shall enjoy equal political rights and opportunities to participate in the tribal government, tribal economic resources, tribal assets, and all the rights that are conferred upon a tribal citizen, and no member shall be denied freedom of speech, religion, the right to peaceful assembly, or other rights guaranteed by applicable federal law, nor shall any member be denied the right to petition the Tribal Business Council, General Council, or the tribal courts for redress of grievances against the tribe, or otherwise be deprived of life, liberty or property without notice and an opportunity to be heard. The Susanville Indian Rancheria (SIR) in exercising its powers of self-government shall guarantee to all persons the protections set forth in Title II of the Indian Civil Rights Act of April 11, 1968 (82 Stat.77, codified at 25 U.S.C. §1302).

Without limiting the civil rights described above, the Tribe through the actions of the General Council or Tribal Business Council shall not adopt any law or take any action which would have the effect of favoring one religion over another religion or of disadvantaging any religion as compared to the treatment of any other religion; provided, however, that this requirement shall not prevent the Tribe from taking actions or implementing programs to preserve or enhance the culture and traditions of the Indian people of the Susanville Indian Rancheria.

## **Section 2 - Right to Review**

Tribal members shall have the right to review tribal and financial records except those records that are protected under the federal or tribal privacy and confidentiality laws and regulations, at any reasonable time in accordance with procedures established by the Tribal Business Council.

## **Section 3 – Petitions**

Tribal members have the right to submit to the Tribal Business Council any petition in accordance with Sections 11-14 of the Tribe's Election Ordinance (Ordinance No. 2006-001).

## **Article II - General Council**

The General Council shall have the powers and responsibilities according to Article VI, Section 1 of the SIR Constitution.

### **Section 1 - Rules of Conduct**

The General Council shall abide by the following "Rules of Conduct" in order to promote the equal right and opportunity of tribal members to participate in the tribal government:

1. General Council meetings shall be a place for disseminating tribal information, sharing ideas, and conducting governmental affairs. Tribal members who choose to express personal issues or concerns need to present them at a Tribal Business Council meeting;
2. Tribal members must be respectful of and courteous to other tribal members when those members speak during the meeting and allow them to present their views without interference. The presiding officer may take such action as is necessary to preserve decorum and order at the meeting, including the imposition of a time limit on speakers, if necessary to provide all members in attendance with an opportunity to speak;
3. The General Council acknowledges that the Tribal Business Council is responsible for employing and terminating employees in accordance with the Tribal Personnel Policies and that these decisions and the discussion of them shall not take place at General Council meetings;
4. The General Council agendas shall be mailed to the members of the General Council two (2) weeks prior to a scheduled meeting to provide tribal members an equal opportunity to participate. Request for specific agenda items to be placed on the agenda need to be submitted, in writing, prior to the two (2) week mailing;

5. Any tribal member may address the General Council during a General Council meeting on any subject not on the agenda. However, any matter that requires action shall be tabled for research and placed as an action item at the next General Council meeting;
6. No recording of the meetings is allowed, except as provided in this sub-section 6. Upon a written request by a tribal member submitted to the Tribal Office not less than three working days prior to the meeting, the Tribal Business Council will provide the cameras, video cameras, tape recorders and other devices that will be used to record the meeting. All recordings are the property of the Tribe. Any tribal member may submit a written request to review a recording at the tribal office. Tribal minutes are designated as the only "official" record of the meetings. Once those minutes have been approved by a vote of the General Council, no other evidence of the proceedings will be considered by the Tribe; and
7. Any person displaying acts of misconduct at any meetings shall, upon the majority vote of the General Council, be ejected from the meeting. Acts of misconduct are those actions which stifle the free exchange of ideas, such as, but not limited to, threats, intimidation, name-calling, assault, fighting or challenging to fight, lewd or suggestive language, or disrespect of any tribal member or tribal employees.

### **Article III - Tribal Business Council**

The Tribal Business Council shall have the powers and responsibilities according to Article VI, Section 2 of the SIR Constitution.

#### **Section 1 - Tribal Business Council Operations**

1. Tribal Business Council Membership - The Tribal Business Council shall consist of a Chairperson, Vice-Chairperson, Secretary/Treasurer, and four (4) other council persons elected as provided in Article III, Section 1 of the SIR Constitution.
2. Tribal Business Council Meetings - Regular meetings of the Tribal Business Council shall be held at least monthly, on a day set by the Tribal Business Council.
3. Special meetings may be called by written notice from the Chairperson to all Tribal Business Council members, unless such notice is waived in writing by the members. Unless waived, the notice must be received 24 hours prior to the meeting and may be delivered by email, fax, or personal delivery. The notice shall contain the purpose, place, and time of the special meeting and be posted at the Tribal Office at least 24 hours prior to the meeting.

4. Emergency meetings without providing 24 hours advanced written notice may be called by the Chairperson with the consent of at least four (4) members of the Tribal Business Council.
5. The Chairperson 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.
6. Quorum - No meeting will be conducted or continued without a quorum of five (5) members present. All meetings shall be open to tribal members, except when personal, personnel or confidential matters are discussed. Matters of this type will be discussed in an executive session of the Tribal Business Council.
7. Executive Session - Executive session is a session of a quorum of the Tribal Business Council closed to members of the public, except those who are allowed by the Tribal Business Council to attend, because they have information required to make a decision. The purpose of all executive session meetings shall be listed on the Tribal Business Council's agenda. When the Tribal Business Council comes out of a closed session, the results and/or actions from the closed session, if any, shall be reported immediately, which will be recorded in the minutes.
8. Action without Meeting – If a need to take action arises between meetings, as an alternative to a special or emergency meeting, the Chairperson or in his or her absence, the Vice-Chairperson, may conduct a poll of Tribal Business Council members, which may be conducted by telephone or personal contact. If a majority of the full Tribal Business Council members approve the action during the poll, the action shall be deemed approved by the Tribal Business Council and relied upon. The action must be presented at the next Tribal Business Council meeting and shall be deemed final action, if ratified by majority vote of a quorum present at that meeting. If the action is not so ratified, the action shall not be considered to have been approved by the Tribal Business Council, except to the extent that it has been implemented and the Tribe and third parties have changed their position in reliance upon the results of the poll.
9. Removal/Suspension at Tribal Business Council - No member of the Tribal Business Council shall be suspended or removed from office except in accordance with Article IV, Section 3 of the SIR Constitution.
10. Proxy Votes - No proxy votes are allowed. Only members of the Tribal Business Council present at the meeting may vote.

11. Voting - Each member of the Tribal Business Council present at the meeting, including the Chairperson, shall have one (1) vote on all matters. All matters to be acted on at a Tribal Business Council meeting shall be approved or disapproved by a majority vote of those present and voting, unless a super-majority is required for a particular decision by the SIR Constitution. All votes will be recorded in the minutes to reflect each Tribal Business Council member's vote.
12. Resolutions and Ordinances - Copies of resolutions or ordinances adopted by the Tribal Business Council, its committees and subcommittees shall be maintained at the tribal office and shall be available for inspection to all enrolled members of the Tribe upon reasonable notice to the Tribal Office of a request to inspect the record.
13. Procedures - All meetings of the Tribal Business Council shall be conducted in accordance with Robert's Rules of Order except those procedures that are in conflict with the SIR Constitution or rules adopted by the Tribal Business Council.
  - a. Any tribal member or non-tribal member requesting to be placed on the Tribal Business Council agenda, must submit with a signature, in writing or by fax, the topic they wish to address to the Tribal Business Council three (3) working days prior to any regularly scheduled Tribal Business Council meeting.
  - b. Any tribal member may address the Tribal Business Council during a Tribal Business Council meeting on any subject not on the agenda; however, any matter that requires action will be deferred to next regular meeting, and shall be listed on the agenda for that meeting.
14. The order of business at any regular or special meeting of the Tribal Business Council shall be as follows, unless by a majority vote at the meeting a different order is approved.
  - a. Call to Order
  - b. Roll Call
  - c. Review and approval of the Agenda
  - d. Reading of the Minutes of the last meeting for approval
  - e. Reports
  - f. Unfinished Business
  - g. Action Items
  - h. Discussion Items
  - i. Closed Business Items
  - j. Adjournment

## **Section 2 - Tribal Business Council's Powers and Responsibilities**

The Tribal Business Council shall have the powers and responsibilities according to the SIR Constitution, Article VI, Section 2. In addition, the Tribal Business Council shall abide by the following rules:

1. The Tribal Business Council shall have the general responsibility of preserving, protecting and guaranteeing tribal rights and property. To enact legislation, ordinances, resolutions, codes, rules and regulations necessary or incidental to the exercise of any of the Tribal Business Council powers or duties as long as they are consistent with the SIR Constitution;
2. To exercise general supervision over all tribal operated programs and businesses, including the delegation of authority to subordinate tribal officials or employees and employment of such help as may be deemed necessary;
3. To establish committees necessary for the governmental purposes of the Tribe;
4. To accept gifts and donations on behalf of the tribe;
5. To promulgate policies that affect in the performance of their official duties for the Tribe elected tribal officials' and paid and unpaid tribal employees' use, possession or sale of illegal drugs, and the unlawful use or abuse of legal drugs and controlled substances by such officials and employees;
6. To prohibit conflicts of interest in the performance of their duties by elected and appointed tribal officials and tribal Employees; and
7. To fix and prescribe wages, salaries, allowances and other reimbursements, if any, for all elected officials of the tribe, except that no such action will be taken without at least thirty (30) days notice that the matter will be on the Tribal Business Council agenda.

## **Section 3 - Duties of Officers**

All Tribal Business Council Officers will uphold the following rules:

1. Chairperson - The Chairperson shall exercise the following powers as the chief executive officer of the tribe:
  - a. Preside over all meetings of the Tribal Business Council and General Council;

- b. Faithfully implement and enforce the legislative enactments and policies of the SIR;
- c. Vote at all meetings of the Tribal Business Council;
- d. Act as the principal spokesperson and representative for the SIR in its dealings with all other governmental and non-governmental entities;
- e. Subject to the approval of the Tribal Business Council, appoint all non-elected officials and employees of the tribal government and direct them in their work, subject only to applicable restrictions embodied in the SIR Constitution or in enactments of the Tribal Business Council establishing personnel policies or government personnel management;
- f. Subject to the approval of the Tribal Business Council, establish such boards, committees, or subcommittees as the business of the Tribal Business Council may require, and to serve as an ex-officio member of all such committees and boards;
- g. Subject to the approval of all contacts by the Tribal Business Council, serve as a contracting officer or agent for the tribe, including authority to sign documents on behalf of the Tribe;
- h. Unless otherwise provided in a Tribal ordinance governing the removal or exclusion of persons from tribal lands, take such actions, including removal and/or barring of persons from tribal lands, as may be necessary to safeguard the health and/or safety of the SIR or its natural resources from imminent danger pending action by the Tribal Business Council, provided, however, that the Chairperson first shall have attempted to convene a special meeting of the Tribal Business Council on the issue. If such emergency action was not preceded by a meeting of the Tribal Business Council authorizing such action, the tribal Chairperson shall, within forty-eight (48) hours after taking such action, convene a special meeting of the Tribal Business Council. If the Tribal Business Council declines to ratify the Chairperson's emergency action, or if no meeting is held within the time allowed, said action shall cease to have any force or effect;
- i. Call special meetings of the Tribal Business Council as provided in the SIR Constitution;

- j. Prepare and present to the Tribal Business Council for approval, no later than one hundred and twenty (120) days prior to the beginning of each fiscal year, a proposed annual tribal financial plan that sets forth in detail the then current assets of the SIR, the sources and amounts of all anticipated tribal revenues for the year, and a tribal budget for said year;
  - k. The Chairperson shall not hold any other position on the Tribal Business Council;
  - l. The Chairperson must disclose in the minutes of the Tribal Business Council any financial interests, including employment or sources of income which may pose a conflict of interest with the Tribe's enterprises or business activities during his/her term of office and shall not participate in making or in using his or her position to influence any decision or action that could have a material financial effect on any such financial interest; and
  - m. Faithfully implement and enforce the legislative enactments and policies of the SIR. The Chairperson shall uphold the majority decisions of the General Council and the Tribal Business Council regardless of personal objections.
  - n. Make sure that the agenda for the scheduled Tribal Business Council and General Council meeting is prepared;
2. Vice-Chairperson – The Vice-Chairperson shall, in the absence of the Chairperson, perform all duties and assume all the responsibilities vested in the Chairperson and comply with all of the obligations imposed on the Chairperson under subsection 2, above, while performing such duties. As used in these bylaws, the phrase “absence of the Chairperson” or similar phrases shall mean that the Chairperson is unable due to absence or disability to perform the specific duty the Vice-Chairperson is called upon to perform within the time required to avoid undue prejudice to the interests of the Tribe. Before it can be determined that the Chairperson is unable to perform that specific duty in a timely manner reasonable efforts must be made to contact him or her.
3. Secretary/Treasurer – The Secretary/Treasurer shall have the following powers and duties:
- a. Call the roll;
  - b. Act as the custodian of all official records of the Tribe and prepare and process all official correspondence of the Tribal Business Council;



- c. Vote at all meetings of the Tribal Business Council;
- d. Faithfully prepare, record or cause to be recorded, and keep the minutes of the regular and special meetings of the Tribal Business Council and General Council. The Tribal Business Council may appoint a recording secretary to assist the secretary in recording Tribal Business Council and General Council meeting minutes and enactments;
- e. Certify and maintain custody of all resolutions, legislative enactments, and other official actions of the SIR and Tribal Business Council at the tribal office;
- f. Accept, receipt for, keep, and safeguard all funds under the exclusive control of the Tribe by depositing them in a federally or state chartered bank or savings and loan association in accounts fully insured by the Federal Deposit Insurance Corporation or collateralized with assets approved by the Tribal Business Council, or in any appropriate account or tribal trust account within the Bureau of Indian affairs, as directed by the Tribal Business Council and shall keep or cause to be kept an accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his or her custody to the Tribal Business Council at regular meetings and such other times as requested. The Secretary/Treasurer shall not pay or otherwise disburse any funds in the custody of the Tribal Business Council except when properly authorized to do so by the Tribal Business Council;
- g. Have the books and records audited at least once a year by a competent auditor employed by the Tribal Business Council, and at such other times as the General Council may direct;
- h. The Secretary/Treasurer may be required to give a security bond satisfactory to the Tribal Business Council;
- i. Oversee compliance with the Fiscal Manual to insure that payment of tribal funds are authorized and paid in compliance therewith;
- j. Perform other duties as the Chairperson may direct;
- k. The Secretary/Treasurer shall not hold any other position on the Tribal Business Council;

- l. The Secretary/Treasurer must disclose in the minutes of the Tribal Business Council any financial interests, including employment or sources of income which may pose a conflict of interest with the Tribe's enterprises or business activities during his/her term of office and shall not participate in making or in using his or her position to influence any decision or action that could have a material financial effect on any such financial interest; and
  - m. Faithfully implement and enforce the legislative enactments and policies of the SIR and uphold the majority decisions of the General Council and Tribal Business Council regardless of personal objections.
4. Tribal Business Council Members Representing Districts and At Large ("Members")- The Tribal Business Council Members shall have the following powers and duties:
- a. Vote at all meetings of the Tribal Business Council;
  - b. Perform other duties as the Chairperson may direct;
  - c. The Tribal Council Members shall not hold any other position on the Tribal Business Council;
  - d. The Tribal Council must disclose in the minutes of the Tribal Business Council any financial interests, including employment or sources of income which may pose a conflict of interest with the Tribe's enterprises or business activities during his/her term of office and shall not participate in making or in using his or her position to influence any decision or action that could have a material financial effect on any such financial interest; and
  - e. Faithfully implement and enforce the legislative enactments and policies of the SIR and uphold the majority decisions of the General Council and Tribal Business Council regardless of personal objections.

#### **Section 4 - Tribal Business Council Code of Conduct**

The officers and members of the Tribal Business Council will conduct themselves, in order to protect and promote integrity and to enhance the ability of the SIR to achieve its objectives, in a manner consistent with its mission and values and all applicable laws and regulations. All officers and members of the Tribal Business Council shall:

1. While doing business on behalf of the SIR, conduct all activities in an honest, ethical, and a professional manner in compliance with all applicable federal, state and tribal laws and regulations. Tribal Business Council members will not knowingly engage in any business activity that is unethical or illegal;
2. Respect the privacy of tribal information and not reveal information unless authorized to do so;
3. Practice good faith in all transactions occurring during the course of business;
4. Guard against any conflicts of interest, real or perceived, and/or the appearance of impropriety. Tribal Business Council members will disclose any conflict of interest or potential conflict of interest, including business positions or employment of and sources of income to themselves or their immediate family members, to the Tribal Business Council which disclosures shall be recorded in the minutes of a Tribal Business Council meeting. A conflict of interest is defined as any situation in which a Tribal Business Council member is able to use his or her position to access information not publicly available , or to participate in making or to influence a decision for private gain or the benefit of the Tribal Business Council member or his or her family, or anyone with whom the member has social or business ties. "Benefit" means a gift, gratuity, favor, services, compensation in any form, discount, debt forgiveness, special treatment, or anything of monetary value;
5. Abstain from personnel and/or conflict of interest actions regarding members of their immediate families. The immediate family shall include the following:
 

Husband	Father-in-Law	Mother-in-Law
Wife	Brother-in-Law	Sister-in-Law
Son	Son-in-Law	Daughter-in-Law
Daughter	Step-children	Person-Living-in-same-dwelling
Mother	Father	Sister/Brother
6. Commit to providing an environment that is free of discrimination, harassment, violence, and intimidation and that is drug free, as required by law. The Tribal Business Council shall not tolerate any form of threatening or abusive behavior, nor tolerated sexual harassment or other forms of harassment or discrimination; and
7. Provide open communication channels to allow tribal members and SIR employees to pursue compliance or ethical questions without fear of retaliation and to protect them from any form of retaliation.

8. Acknowledge that as members of the Tribal Business Council no single member or group of members exercises the powers of the Tribal Business Council or has the authority to direct the affairs of the Tribe or any of its officers, employees or members. Tribal Business Council members may give such direction only by participating in the meetings of the Tribal Business Council and exercising their right, as members of the Tribal Business Council, to vote on matters that come before the Council.

**Article IV - Amendment to Bylaws**


Tribal members and the Tribal Business Council members have the right to propose amendments.

1. Amendments to these bylaws may be proposed by:
  - a. any tribal member using the initiative process in accordance with the Tribe's Election Ordinance; or
  - b. 2/3 vote of the entire Tribal Business Council.
2. To become effective any such proposed amendment must be:
  - a. adopted in an election conducted pursuant to the SIR Ballot Measure Ordinance (Ord. No. 2006-008); or
  - b. approved by majority vote of the members present at a duly called meeting of the General Council with a quorum present.
3. When an amendment is adopted to the SIR Bylaws, the amended Bylaws shall become effective immediately.

**CERTIFICATION**

We, the undersigned Chairman and Secretary/Treasurer of the Susanville Indian Rancheria, hereby certify that the foregoing Bylaws was adopted by the General Council through a Ballot Measure on the 2<sup>nd</sup> day of March, 2015, with a vote count of 180 yes, 63 no, and 1 spoiled. We also certify that at least a quorum of the voting members (212 out of 708) voted on the Bylaws.

ATTEST:

  
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Mr. Aaron Dixon, Sr.  
Secretary/Treasurer

  
\_\_\_\_\_  
Mr. Stacy Dixon  
Tribal Chairman

3-10-15  
Dated