

# CONSTITUTION OF THE MOORETOWN RANCHERIA

Amended on January 2, 1999 by the  
General Lineal Voting Membership

1-7-99  
Date

Shirley Prusia  
Shirley Prusia, Tribal Chairperson

1-7-99  
Date

Gary W. Archuleta  
Gary Archuleta, Vice-Chairperson

1-7-99  
Date

Marion Contreras  
Marion Contreras, Secretary

1-7-99  
Date

Kim Newton  
Kim Newton, Treasurer

1-7-99  
Date

Janice Taylor  
Janice Taylor, Council Member

1-7-99  
Date

Ken Gilbert  
Ken Gilbert, Council Member

1-7-99  
Date

Antonio Archuleta  
Antonio Archuleta, Council Member

CONSTITUTION  
OF THE  
MOORETOWN RANCHERIA

PREAMBLE

We, the members of the Mooretown Rancheria, being of the Concow/Maidu Indian Tribe located in Butte County, the State of California, in order to promote our common welfare and to secure to ourselves and our descendants the rights, powers and privileges conferred by the Tribe's inherent rights of self-government, do hereby ordain and establish this constitution.

ARTICLE I - TERRITORY

This Constitution shall apply to all lands belonging to the Mooretown Rancheria and such lands as may be hereafter adjudicated in favor or acquired by or for the Mooretown Rancheria.

ARTICLE II - MEMBERSHIP

The General Membership of Mooretown Rancheria shall consist of Lineal Members and Non-Lineal Members, provided however, that such individuals are not enrolled members in any other federally recognized tribe. He/She must relinquish membership and land use assignment on another reservation or rancheria. However, inherited interests in trust allotments shall not disqualify a person from membership.

SECTION 1. Lineal Members shall consist of the following:

(a) Individuals who are direct lineal descendants of Kate Archuleta, Fred Taylor, Robert Jackson and Ina Jackson, who were listed as distributees in the Plan for Distribution of the Assets of the Mooretown Rancheria as recorded in the Federal Register dated August 1, 1961.

(b) Individuals who are lineal descendants of an individual, living or dead, identified in Section 1 above.

SECTION 2. Non-Lineal Members shall consist of the following:

(a) Any individual of Indian descent determined to be eligible by, and who has fulfilled all requirements of, the Enrollment Ordinance for adoption into the tribe.

SECTION 3. The official membership roll shall be prepared in accordance with an ordinance adopted by the Tribal Council. Such ordinance shall contain provisions for enrollment procedures and requirements, applications, rejection notice, appeals, corrections and provisions for keeping the roll on current basis.

### ARTICLE III - GOVERNING BODY

SECTION 1. Any rights and powers which have at any time been vested or shall in the future be vested in the Mooretown Rancheria, but which are not expressly referred to in this Constitution, shall not be limited or forfeited by the fact that they are not listed here. Such rights and powers may be exercised by the Lineal Voting Members or delegated by it to the Tribal Council or other officers and agencies of the tribe without amendment of this Constitution. The lineal voting members exercise their powers through referendum and amendment and such other powers delegated to them by this Constitution.

SECTION 2. The governing body of the Mooretown Rancheria shall be the Tribal Council.

SECTION 3. The Tribal Council shall consist of seven (7) lineal voting members elected at-large from the Mooretown Rancheria Lineal Voting Membership. This includes: four officers, a Chairperson, Vice-Chairperson, Secretary and Treasurer, three (3) Council members and Three (3) Alternate Council Members.

### ARTICLE IV - ELECTIONS

SECTION 1. Voter Qualification. All enrolled lineal members as defined in Article II, who have reached the age of 21 years, regardless of residence, shall have the right to vote in tribal elections. These members shall be referred to as Lineal Voting Members. Persons adopted into the Tribe who are not lineal descendants of original distributees or dependent members shall not have the right to vote in tribal elections.

SECTION 2. Qualification of Candidates. All candidates for the Tribal Council must be

qualified voters of the Mooretown Rancheria, twenty-one (21) years of age or older, who reside within the state of California. No person who has been convicted of a felony in any State or Federal Court within three (3) years preceding the election shall be eligible to hold office on the Mooretown Rancheria Tribal Council.

Tribal members may not serve on Tribal Council and hold a management position for Mooretown Rancheria, Feather Falls Casino, or any business enterprise concurrently. Management is defined as administrative managers and department managers.

Any person removed from office by recall cannot run for office for 5 years.

SECTION 3. All elections of tribal officials shall be by secret ballot.

SECTION 4. Each Tribal Council member shall be elected for a term of four (4) years. Terms of office for the seven (7) council members shall be staggered. The election shall be conducted so that the Chairperson, Secretary, and Treasurer are elected for a term of four (4) years. The remaining members shall be elected for a term of four (4) years. Persons who are members of the Tribal Council at the time this Constitution is adopted and approved shall continue to serve on the Tribal Council until the regular annual elections, held on the third (3rd) week in March, for their respective offices. Elected officials shall hold and remain in office until their successors are duly elected and installed. Installation of Council Members shall be made at the next duly called regularly scheduled Tribal Council meeting following their election.

SECTION 5. Nomination. The time, place and manner of nominations shall be specified in the election ordinance adopted pursuant to Section 6, of this article.

SECTION 6. Election Ordinance. An election ordinance shall be adopted by the Tribal Council within six (6) months following the effective date of this Constitution. Such ordinance shall include, but not be limited to, the following provisions: Election Committee, Secret balloting, nomination of candidates, absentee balloting, and a procedure for resolving election disputes. Provisions shall also be included regarding the conduct of recall and referendum elections, including a uniform procedure for submitting recall and referendum petitions. Elections to amend this Constitution shall be conducted in accordance with Article XV of this Constitution.

## ARTICLE V - REMOVAL, RECALL AND FORFEITURE

SECTION 1. Removal. Any member of the Tribal Council of the Mooretown Rancheria who, during the term for which he/she is elected or appointed, 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 court. Any member of the Tribal Council found guilty by the Tribal Council of behavior involving misconduct reflecting on the dignity and integrity of the tribal government, malfeasance in office, or gross neglect of duty shall be removed from office if at least four (4) members of the Tribal Council vote in favor of such removal. Voting must be by secret ballot and the chairperson is entitled to vote. The accused shall not have the right to cast a secret ballot. Before any vote for removal is taken, such member shall be given a written statement of the charges against him/her at least ten (10) days before the meeting of the Tribal Council 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. The decision of the Tribal Council shall be final. No member of the Tribal Council shall preside over the meeting at which his/her removal is being considered.

SECTION 2. Recall. Upon receipt of a petition signed by at least thirty percent (30%) of the qualified voters of the Mooretown Rancheria, it shall be the duty of the Tribal Council to call and conduct within thirty (30) days an election to consider the recall of an elected official. The election shall be conducted pursuant to the election ordinance. Once the Tribal Council has been served with a recall petition against a council member, that council member shall no longer have any authority on the council until such time as the validity of the petition or the recall election has been decided. Once an individual has been subjected to recall proceedings, he/she shall not again be subject to such action for the same charge during the balance of his/her term of office.

SECTION 3. Forfeiture. After due notice, it shall be the duty of the Tribal Council to immediately declare vacant any position and to promptly fill such vacancy in the manner provided in Article VI when it is determined that the incumbent:

- (a) Had died
- (b) Has resigned
- (c) Has been convicted while in office of a crime involving dishonesty.
- (d) Has been convicted of a felony while in office.
- (e) Has been absent, without being excused by the Tribal Council, for three (3) consecutive meetings; provided, that the loss of office for such reason shall not serve to prevent a person from becoming a candidate for office in subsequent elections.
- (f) Has ceased to reside physically in the State of California.

- (g) Has falsified his affidavit of qualifications, when being certified as a candidate for tribal office.

## ARTICLE VI - VACANCIES

SECTION 1. Any office which has been vacated, whether it be by removal, recall or forfeiture, shall be filled by appointment of a council member by the Tribal Council at its next meeting and such replacement shall serve the unexpired term of office. If the unexpired term is for six (6) months or more it shall be filled by special election. The Tribal Council appointee shall serve until the special election is held.

## ARTICLE VII - POWERS OF THE GOVERNING COUNCIL OF MOORETOWN RANCHERIA

SECTION 1. The Tribal Council of the Mooretown Rancheria shall have powers and responsibilities hereinafter provided:

- (a) To consult, negotiate, contract or conclude agreements with federal, state and local governments on activities which may affect the Mooretown Rancheria.
- (b) To employ legal counsel.
- (c) To manage, lease or otherwise operate all unassigned tribal property and to oversee the use of, and development on assigned tribal lands.
- (d) To acquire property and to accept gifts on behalf of the tribe.
- (e) To join and/or charter tribal housing authorities.
- (f) To charter tribal enterprises, corporations and associations.
- (g) To prescribe rules and regulations governing future membership, loss of membership and adoption of members. The only way a lineal member can be terminated is if he or she relinquishes their rights on his or her own.
- (h) To establish business enterprises as branches of agencies of the Mooretown Rancheria government and otherwise to engage in business activities which promote

the economic well-being of the tribe and its members.

- (i) To promulgate and enforce such ordinances as are deemed necessary to safeguard and promote the peace, safety, health and general welfare of the members of the Mooretown Rancheria.
- (j) To promulgate and adopt ordinances to assure the complete jurisdiction available to the Mooretown Rancheria pursuant to the Indian Child Welfare Act of 1978, (25 U.S.C. 1918).
- (k) To promulgate and adopt ordinances necessary or incidental to the exercise of any of the foregoing powers and duties as long as they are not in conflict with this Constitution.
- (l) To establish reasonable and fair rules or procedures for the conduct of its affairs.
- (m) To set compensation for travel and per diem of Council members, officers, and committee members as it believes is advisable.
- (n) To participate in educational programs and activities for the benefit and welfare of the Tribe.
- (o) To have the authority to suspend or terminate the services of any employee for cause. Said employee shall be granted the right to appeal such said Council action before a grievance committee.

## ARTICLE VIII - TRIBAL ENACTMENTS

SECTION 1. Ordinances. All final decision on matters of general and permanent interest to members of the tribe shall be embodied in ordinances, such as an enrollment ordinance or an election ordinance. Such enactments shall be available for inspection by members of the General Membership during normal office hours.

SECTION 2. Resolutions and Motions. All final decisions on matters of short term or one time interest where a formal expression is needed shall be embodied in resolutions. Other decisions of a temporary nature or relating to particular individuals, officials or committees shall be put in the form of motions and noted in the Minutes and shall be available for inspection by members of the General Membership during normal office hours.

SECTION 3. All ordinances and resolutions shall be dated and numbered, and shall include a certification showing the presence of a quorum and the number of members voting for/against the proposed enactment.

SECTION 4. No enactment of the Lineal Voting Members or Tribal Council of the Mooretown Rancheria shall have any validity or effect in the absence of a quorum of the membership thereof at a legally called session.

#### ARTICLE IX - REFERENDUM

SECTION 1. Upon presentation to the Tribal Council of a petition signed by thirty (30%) of the qualified voters, the Tribal 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 forty five (45) days, by secret ballot, at a regular or special election. The Mooretown Rancheria shall abide by the vote of two-thirds (2/3) majority of the voters in any such election, provided that at least fifty-one (51%) of those eligible to vote have voted.

#### ARTICLE X - BILL OF RIGHTS

SECTION 1. The protection guaranteed to persons by Title II of the Civil Rights Act of 1968 (82 Stat. 73), against actions of a tribe in the exercise of its powers of self-government shall apply to the Mooretown Rancheria, its officers and all persons within its jurisdiction.

#### ARTICLE XI - MEETINGS

SECTION 1. Regular meetings of the Tribal Council shall be held as needed in a place designated by the Tribal Council. Special meetings of the Tribal Council may be called by the Chairperson and shall be called by him/her upon receipt of a petition signed by at least four (4) Tribal Council members and when so called, the Tribal Council shall have the power to transact business as in regular meetings provided that a quorum is present. All members of the Tribal Council shall be notified at least twenty-four (24) hours in advance of all special tribal meetings. Notice may be waived by the unanimous consent of all seven (7) Tribal Council Members, this does not include the alternates.

SECTION 2. A quorum for the purpose of convening a meeting of the Tribal Council shall be six (6) Tribal Council members. Business can be conducted as soon as the meeting is properly convened. Official Tribal Council actions shall be taken by majority vote of the members present, providing that a quorum is present at the time of the vote or action. This includes the alternates.

SECTION 3. Regular meetings of the General Membership shall be held quarterly. Special meetings of the General Membership may be called by the Chairperson, or shall be called by him/her upon receipt of a valid petition signed by at least thirty (30%) of the Lineal Voting Membership.

SECTION 4. A quorum of the General Membership shall consist of thirty (30%) of the Lineal Voting Members. Action may be taken by the concurrence of a majority of the Lineal Voting Members present at any duly called meeting providing that a quorum is present at the time of the vote or action.

SECTION 5. The Tribal Council shall establish rules of procedure governing the conduct of meetings.

## ARTICLE XII - DUTIES OF OFFICERS

SECTION 1. Newly elected officers shall assume their respective offices and duties at the regular council meeting immediately following the election.

SECTION 2. The chairperson shall preside at all meetings of the Tribal Council and of the General membership and shall execute on behalf of the Mooretown Rancheria contracts, leases or other documents approved by the Tribal council. He/she shall have general supervision of all other officers, the administrator and committees of the Mooretown Rancheria and see that their duties are properly performed. When the Tribal Council is not in session, he/she shall be the official representative of the Mooretown Rancheria.

SECTION 3. The Vice-Chairperson shall assist the Chairperson when called upon to do so. In the absence of the Chairperson, he/she shall preside and when so presiding shall have all rights, privileges, duties and responsibilities of the Chairperson.

SECTION 4. The Secretary shall keep the Minutes of all General Membership and Tribal Council meetings and shall attest to the enactment of all resolutions and ordinances. Copies of resolutions and ordinances shall be submitted by him/her to the Bureau of Indian Affairs in a timely manner. The Secretary shall issue notices of all General Membership

and Tribal Council meetings.

SECTION 5. The Treasurer shall carry out the financial directives of the Tribal Council, receive all local monies of the Mooretown Rancheria and keep an accurate account of the receipts and disbursements. Funds shall be deposited in the Mooretown Rancheria account in a local bank selected by the Tribal Council where depositor's funds are insured by the Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with resolutions of the Tribal Council. The Treasurer shall file a bond satisfactory to the Tribal Council as requested by the Tribal Council, and all financial records shall be available for inspection by any member of the Mooretown Rancheria through appointment according to procedure established by the Tribal Council. At the expiration of his/her term of office, the Secretary and Treasurer shall turn over all the records and papers in his/her possession to the Tribal Council. The Treasurer shall make a financial report to the General Membership quarterly.

SECTION 6. Nepotism.

- (a) "Immediate family member" as used in this section means husband, wife, brother, sister, son, daughter, father, mother.
- (b) No two immediate family members may serve as officers or signatories (check signers) on the same check.
- (c) No officer or other member of the Tribal Council shall participate in or attempt to influence a decision of the Tribal Council that will have a direct effect on an immediate family member other than a decision that affects the family member in the same way as all other members of the Tribe.

ARTICLE XIII - SEVERABILITY

If any provision of this Constitution shall, in the future, be declared invalid by a Court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIV - AMENDMENTS

SECTION 1. This Constitution may be amended in the same manner as provided for adoption in Article XV. Amendments adopted in this way shall be effective from the date

of such adoption, unless otherwise provided in the amendment itself. Amendments may be proposed by the Tribal Council or upon receipt of a petition signed by at least thirty percent (30%) of the Lineal Voting Members.

#### ARTICLE XV - ADOPTION

This Constitution shall be effective when adopted by a two-thirds (2/3) majority vote of the qualified Lineal Voting Members of the Mooretown Rancheria voting at an election called for that purpose, provided that fifty-one (51%) of the Lineal Voting Members, vote at that election by secret ballot.

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