

COPY

BYLAWS OF MOORETOWN RANCHERIA

**ARTICLE I
PRINCIPAL OFFICE**

The principal office for the transaction of business of the Mooretown Rancheria is hereby located at: 1900 Oro Dam Boulevard, Suite No. 8, Oroville, California 95965. County of Butte, California. The Tribal Council is hereby granted full power and authority to change the principal office from this location to another location within Butte County.

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**ARTICLE II
MEMBERSHIP**

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Section 1. Qualifications of Members

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1. Eligibility of voting: All enrolled members of Mooretown Rancheria twenty-one (21) years of age or older and of Maidu descent, other than members adopted into the Tribe, regardless of residence, are qualified voters. Persons adopted into the Tribe who are not lineal descendents of original distributees or dependent members shall not have the right to vote in tribal elections or hold office.
2. Special membership meetings may be called at the discretion of the Tribal Council. Special meetings of the General Membership may be called by the Chairperson and shall be called by him/her upon receipt of a petition signed by at least twenty-five percent (25%) of the General Membership.
3. Notice of membership meetings shall be mailed to each member of the Mooretown Rancheria at least seven (7) days in advance and be specific as to date, time, place and address. In addition, notice of meetings shall be published through posters, media, etc., within the discretion of the Tribal Council.
4. A quorum necessary to conduct official business of the Mooretown Rancheria shall be a simple majority of the existing membership of the Tribal Council, not the total members of the Mooretown Rancheria.
5. The latest edition of Robert's Rules of Order shall govern all membership meetings, except as otherwise specified in these Bylaws.
6. No person who is now, or later becomes a member of the Mooretown Rancheria shall be personally liable for any debts incurred by the Mooretown Rancheria.

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ARTICLE III
TRIBAL COUNCIL

Section 1. Tribal Council

1. The governing board of the Mooretown Rancheria shall be the Tribal Council.
2. Qualifications of Council Members: 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 within three (3) years preceding the election shall be eligible to hold office on the Mooretown Rancheria Tribal Council.
3. Number of Members: The Tribal Council shall consist of four officers, and three other members. In addition, there shall be three alternate members.

Section 2. Powers of the Tribal Council

1. The Tribal Council shall hire an Administrator responsible for the operation except as otherwise specified in these Bylaws.
2. The Tribal Council shall have the power to hire and dismiss the Administrator. The Administrator serves at the pleasure of the Council. An Administrator must reside in Butte County.
3. The Tribal Council retains full authority to uphold or reverse decisions of any Committee of the Council.
4. Any action taken by simple majority of the Council at a meeting shall be the action of the Council.
5. All powers shall be exercised by or under the authority of the Tribal Council subject to the limitations of these Bylaws and applicable law.
6. No salary is given to the Tribal Council, but per diem and/or travel for corporate business is given upon adequate documentation, i.e., receipts, etc.
7. Alternate Council Members shall attend Council meetings to substitute for an absent member when a quorum is needed.

Section 5. Removal of a Member of the Tribal Council

1. A Council Member who is absent without a valid excuse from three consecutive Tribal Council meetings may be removed from office by a majority of the Tribal Council.
2. A Council Member may be removed from the Council for cause by four (4) members of the Council.
3. Tribal Council Members serve at the pleasure of the membership and may be removed by a twenty-five percent (25%) vote of the qualified voters of the Mooretown Rancheria. 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 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 6. Conflict of Interest

1. On any motion before the Tribal Council to approve, review or comment on a proposal for funds for the benefit of any institution or agency a Council Member shall abstain from voting if such Council Member
 - a. has a financial interest in the institution or agency, or
 - b. has a financial interest in the proposal, or
 - c. is employed by a firm or company which has financial interest in the proposal, or regularly provides professional service to the institution or agency.

Such individual will be permitted to discuss the matter before the Council

if the conflict of interest is revealed by the individual prior to the discussion.

Section 7. Acceptance of Gifts and Gratuities

1. It shall be the policy of this Rancheria to prohibit the acceptance of gifts, money, and gratuities by Board Members, policymaking bodies, employees, contracting agencies and members of their immediate family from
 - a. any persons or agency performing services under contract,
or
 - b. persons who are otherwise in a position to benefit from the actions of any employee or Council Member.

Section 8. Vacancies

In the event of a vacancy, a majority of the Council Members shall appoint a member of the Mooretown Rancheria to fill that position at its next meeting.

Section 9. Records

At the expiration of his/her term of office, the Council Member shall turn over all records and papers in his/her possession to the Tribal Council.

ARTICLE IV
OFFICERS

Section 1. Officers

1. The Officers of the Tribal Council shall be: Chairman, Vice-Chairman, Secretary and Treasurer.
2. Officers shall serve terms of two (2) calendar years.
3. All Officers shall be members of the Tribal Council.
4. Officers shall be voting members of the Tribal Council.

Duties of Officers:

1. The Chairperson shall be the principal Executive Officer of the Mooretown Rancheria and shall be, in general, subject to the control of the Tribal Council, supervise and control the affairs of the Rancheria. The Chairperson

shall be the principal liaison between the Tribal Council and governmental agencies, the general public, and the Administration of the Staff, and shall supervise and direct the activities of the Administrator in accordance with such policies, resolutions and directives as the Tribal Council may adopt from time to time.

2. The Chairperson shall preside at the membership and Council's meetings and have such other powers and duties, as may be prescribed from time to time by the Tribal Council.
3. The Vice-Chairperson shall perform all the duties of the Chairperson in his absence and other duties as shall be prescribed from time to time by the Chairperson or the Tribal Council, by these Bylaws or by applicable law.
4. In the absence of the Chairperson, or in the event of the Chairperson's inability or refusal to act, the Vice-Chairperson shall perform all the duties of the Chairperson, and when so acting, shall have all the powers of and be subject to all the restrictions of the Chairperson.
5. The Secretary or his/her designee shall keep a record of the proceedings of all meetings and perform such other duties as may be prescribed by the Tribal Council or Chairperson.
6. The Treasurer or his/her designee shall collect and receive all monies and funds for the Mooretown Rancheria and deposit them in the bank designated by the Tribal Council. The Treasurer or his/her designee shall present financial statements to the Tribal Council when requested or as required by the Bylaws; exhibit at all reasonable times the books of accounts and financial records to any Tribal Member of the Mooretown Rancheria, or to his/her attorneys on request thereof and render to the Chairperson and Council Members, whenever he/she requests it, an account of any or all transactions of his office as Treasurer and of the financial condition of the Mooretown Rancheria.

Section 2. Election of Officers

1. Each Tribal Council Member shall be elected for a term of two (2) years. Terms of office for the seven (7) Council Members shall be staggered. The initial election shall be conducted so that the Chairperson, Secretary and Treasurer are elected for a term of one (1) year. 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 for their respective offices. Elected officials shall hold and remain in office until their successors are duly elected and installed.

Installation shall be made at the next duly called regular Tribal Council meeting following their election.

a. Appointment of Officers:

The Tribal Council, at their discretion, may appoint such other Officers as the business of the Rancheria may require.

Section 3. Removal of Officers

1. An Officer may be removed from office for cause by a twenty-five percent (25%) vote of the general membership. 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 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.

a. Vacancies:

In the event of a vacancy, a majority of the Council shall appoint a Council member of the Mooretown Rancheria, to serve the remainder of the unexpired term.

ARTICLE V
STANDING COMMITTEES

The Chairperson shall have the power to form Standing Committees comprised of three (3) Board Members to a Committee for purpose of carrying out the duties of the Committees.

1. Personnel and Grievance Committee
2. Bylaws and Policy Committee
3. Budget and Finance Committee

4. Enrollment Committee

Section 1. Personnel and Grievance Committee

The Personnel and Grievance Committee shall have authority to review all matters related to Personnel Policies and Procedures of the Mooretown Rancheria and submit their findings and recommendations to the Tribal Council. The Committees shall be responsible for handling all grievances arising.

Section 2. Bylaws and Policy Committee

The Committee shall be responsible for and whose duties shall consist of screening, reviewing and making recommendations to amend the Bylaws and Policies that affect Mooretown Rancheria. Recommendations shall be taken before the Tribal Council for proper action.

Section 3. Budget and Finance Committee

The Committee shall be responsible for the establishment, review and amendment of the fiscal policies and procedures. The Committee shall establish and review the annual operating budget of the Mooretown Rancheria. The Committee shall review all financial reports, vouchers and other fiscal matters and present their findings to the Council.

Section 4. Enrollment Committee

The Enrollment Committee shall be directly responsible to the Tribal Council which may remove any member of the Committee at such time that it is clearly evident such member has neglected his or her duties. Among other duties which may be assigned, the Enrollment Committee shall dispense information regarding the membership requirements, distribute and receive applications and related forms, and review and recommend approval/ disapproval of membership applications.

Section 5. Committee Members

The Chairperson shall also have the power to appoint members to serve on any committee deemed necessary for purposes of carrying out the wishes of the Tribal Council.

- a. All lineal and adopted members 18 years or older shall be eligible for appointment to committees.
- b. Only an elected Council Member may serve as Chairperson of any committee.
- c. Adoptees serving on committees may vote only on committee matters.

ARTICLE VI
INSPECTION OF RECORDS

Section 1. Inspection of Records

The book of accounts and the minutes of all meetings of the Tribal Council and Committee meetings shall be kept open for inspection by Tribal members on written demand and at any reasonable time for a purpose reasonably relating to a specific issue. The inspection shall be made in person. The rights of inspection, including the right to make extractions from the records, shall also be made in person.

Demands for inspection must be in writing and must be made to the Chairperson, Secretary or Administrator. The following records are not open for inspection, except to the Contracting Officer or the Governmental Audit Office: Personnel and Client records.

ARTICLE VII
NEPOTISM

Section 1. Nepotism

1. "Immediate family member" as used in this section means husband, wife, brother, sister, son, daughter, father, mother, brother-in-law, sister-in-law, mother-in-law, father-in-law, stepchild, stepparent, grandmother, grandfather, grandson, or granddaughter.
2. No two immediate family members may serve as officers at the same time.
3. 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 VIII
AMENDMENTS TO BYLAWS

Section 1. Amendment

These Bylaws may be amended, repealed, added to or new Bylaws adopted by a majority vote of the Tribal Council.

Section 2. Inspection of Bylaws

The original or copy of these Bylaws, as amended or otherwise altered to date, shall at all times be kept in the principal office of the Mooretown Rancheria for the transaction

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Members when elected to the Tribal Council and thereafter upon written request. The Bylaws are to be reviewed on an annual basis by the Tribal Council.

Section 3. Dissolution of the Rancheria

- A. Upon the dissolution of the Mooretown Rancheria, its assets, after payment of provision for payment of all debts and liabilities, shall be distributed to a non-profit fund, foundation or corporation which is organized and operated exclusively for education, charitable and/or scientific purposes and which has established its tax exempt status under Section 501 (C) (3) of the United States Internal Revenue Code.
- B. No part of the net earnings of this association shall ever insure to or for the benefit of or be distributable to its members, trustees, officers, or other private persons, except that the association shall be empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the exempt purposes for which it was formed.
- C. Notwithstanding any other provisions of these Articles, the association shall not carry on any other activities not permitted to be carried on by an association exempt from Federal Income Tax under Section 501 (C) (3) of the Internal Revenue Code of 1954.

ARTICLE IX
AMENDMENT TO THE BYLAWS
JULY 12, 1990

Section 1. Tribal Elders

At a duly called and convened Tribal Council Meeting at which a quorum was noted, a motion was made, seconded and passed, by a vote of 6 for, 0 opposed and 1 abstained to add to the Bylaws of the Mooretown Rancheria:

Article IX: Section 1. Tribal Elders:

1. Tribal Elders of the Mooretown Rancheria will be recognized as Elders of the Tribe at fifty (50) years of age.

ARTICLE X
AMENDMENT TO THE BYLAWS
December 8, 1991

The Tribal Council hereby amends these Bylaws as follows:

At a duly called and convened meeting of the Tribal Council at which a quorum was present a motion was made, seconded and passed by a vote of 6 for, 0 opposed and 0 abstained to add to the Bylaws of the Mooretown Rancheria:

Article X: Section 1. Alternates:

1. The Tribal Council shall also consist of no more than seven (7) Council Members and three (3) Alternate Council who shall act on the Council in the absence of one of the original seven members, as referred to in Election Ordinance No. 90-03, Article IV, Section 1. The term of office for each Alternate Council Member shall be for a period of one (1) year.

Donald Archuleta made a motion to add three alternate council members to the to the Council Members. Seconded by Melvin Jackson. All in favor: 6 yes, 0 against and 0 abstaining. **Motion carried**

(Amended-December 8,1991)

Article X: Section 2. Adoption:

1. The adoption policies of the Mooretown Rancheria shall be amended to read as follows:

Any descendant of a "Recognized California Indian Tribe" who has applied for adoption and who will help to promote and develop the Rancheria for all members may be adopted into membership by a vote of the Enrollment Committee using written ballots that guarantee the anonymity of voters (secret ballot). The names of the applicants for adoption shall be posted by the Enrollment Committee. Individuals duly adopted under the provisions of this section shall not become a voting member of the General Council.

The decision of the Tribal Council shall be final.

Donald Archuleta made a motion to limit future adoptees to recognized California Indian Tribes only. Melvin Jackson seconded the motion. All in favor: 6 for, 0 against and 0 abstaining. **Motion carried.**

(Amended - December 8, 1991)