

CONSTITUTION
OF THE
MOORETOWN RANCHERIA

SUPERSEDED

by Amendments of
01/02/1999

PREAMBLE

We, the members of the Mooretown Rancheria, being of the Maidu/Concow 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.

ARTICLE II - TERRITORY

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

ARTICLE III - MEMBERSHIP

SECTION 1. Membership in the Mooretown Rancheria shall consist of all persons living on the effective date of this Constitution who were listed as distributees and dependent members of their immediate families in the Plan for Distribution of the Assets of the Mooretown Rancheria as

approved. Additionally, membership shall include:

- (a) Persons who are lineal descendants of the individuals eligible for membership under Section 1 above, regardless whether the ancestor through whom eligibility is claimed is living or deceased.
- (b) Any other person of Indian descent determined by the membership as per enrollment ordinance to be eligible for adoption into the tribe.

SECTION 2. A person who has been allotted lands on another reservation or is officially enrolled with or is a recognized member of some other tribe or band shall not be enrolled, unless he/she relinquishes membership with that band or tribe. A "recognized member of another tribe or rancheria" is a person whose name is listed on the membership roll of another tribe, rancheria or has received a land use assignment on another reservation. Inherited interests in trust allotments shall not disqualify a person from membership, however.

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

ARTICLE IV - GOVERNING BODY

SECTION 1. The governing body of the Mooretown Rancheria shall be the Tribal Council of the Mooretown Rancheria. The Tribal

Council shall consist of seven (7) members elected at-large from the Mooretown Rancheria, including four officers, a Chairperson, Vice-Chairperson, Secretary and Treasurer and three (3) members. For the initial election and each succeeding election the officers and members shall be those candidates for each vacant office who received the highest number of votes cast by plurality of the qualified voters in the election. Other committees may be appointed or elected when deemed necessary.

SECTION 2. General Membership. The General Membership consists of all members of the Mooretown Rancheria, twenty-one (21) years of age or older. The General Membership exercises it's power through referendum and amendment and such other powers delegated to it by this Constitution.

ARTICLE V - ELECTIONS

SECTION 1. Voter Qualification. All enrolled members of Mooretown Rancheria twenty-one (21) years of age or older, other than members adopted into the Tribe, regardless of residence, are qualified voters. 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 within three (3) years preceding the election shall be eligible to hold office on the Mooretown Rancheria Tribal Council.

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 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 two (2) years. The remaining members shall be 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.

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: 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 XVII of this Constitution.

ARTICLE VI - 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 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 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 VII 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.

ARTICLE VII - VACANCIES

SECTION 1. Any office which has been vacated, whether it be by removal, recall or forfeiture, shall be filled by appointment of the Tribal Council at it's next meeting and such replacement shall serve the unexpired term of office unless the unexpired term is for nine (9) months or more, in which case it shall be filled by special election.

ARTICLE VIII - 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, the choice of counsel and fixing of fees, to be subject to the approval of the Secretary of the Interior or his authorized representative.
- (c) To receive advice from and make recommendations to the Secretary of the Interior with regard to all appropriation estimates for all projects which are for the benefit of members of the Mooretown Rancheria prior to the submission of such estimates to the

Office of Management and Budget and Congress.

- (d) To manage, lease or otherwise operate all unassigned tribal property and to oversee the use of, and development on assigned tribal lands.
- (e) To acquire property and to accept gifts for the tribe.
- (f) To join and/or charter tribal housing authorities.
- (g) To charter tribal enterprises, corporations and associations.
- (h) To prescribe rules and regulations governing future membership, loss of membership and adoption of members.
- (i) 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.
- (j) 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.
- (k) 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).
- (l) 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.

- (m) To establish reasonable and fair rules or procedures for the conduct of its affairs.
- (n) To set compensation for travel and per diem of Council members, officers, and committee members as it believes is advisable.
- (o) To participate in educational programs and activities for the benefit and welfare of the Tribe.
- (p) 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 IX - POWERS OF THE GENERAL MEMBERSHIP

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 General Membership or delegated by it to the Tribal Council or other officers and agencies of the tribe without amendment of this Constitution.

ARTICLE X - 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 General Membership of 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.

SECTION 5. Approval of Tribal Enactments. Any resolution or ordinance which by the terms of this Constitution or federal laws requires the approval of the Secretary of the Interior must be received by the local Bureau Superintendent no later than thirty (30) days following its enactment in order to be considered for approval. It shall be the duty of the Secretary's local representative to issue acknowledgment of

receipt of such enactment within five (5) working days of the receipt thereof. If timely filed, that enactment shall not become effective until it is approved by the Secretary's authorized representative, provided that if such enactment is not disapproved within ninety (90) days from the date it is timely received by the Secretary's local representative, it shall on the ninety-first (91st) day automatically become effective.

ARTICLE XI - REFERENDUM

SECTION 1. Upon presentation to the Tribal Council of a petition signed by twenty-five percent (25%) 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 sixty (60) days, by secret ballot, at a regular or special election. The Mooretown Rancheria shall abide by the vote of the majority of the voters in any such election, provided that at least twenty-five percent (25%) of those eligible to vote have voted.

ARTICLE XII - 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 XIII - MEETINGS

SECTION 1. Regular meetings of the Tribal Council shall be held on the second Saturday of each month 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 three (3) 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. 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 unanimous consent.

SECTION 2. A quorum for the purpose of convening a meeting of Tribal Council shall be four (4) 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.

SECTION 3. Regular meetings of the General Membership shall be held annually on the Saturday before Easter in March or April whichever month Easter falls in. 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 members of the General Membership.

SECTION 4. A quorum of the General Membership shall consist of twenty-five percent (25%) of the General Membership, except at the initial tribal election. Action may be taken by the

concurrence of a majority of the members present at any duly called meeting providing that a quorum was established at the beginning of the meeting.

SECTION 5. The Governing Council shall establish rules of procedure governing the conduct of meetings and accounting procedures that comply with generally accepted accounting standards.

ARTICLE XIV -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 officer, employees 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

meetings and shall attest to the enactment of all resolutions and ordinances. Copies of all Minutes, resolutions and ordinances shall be submitted by him/her to the Bureau of Indian Affairs as soon after enactment as possible. The Secretary shall issue notices of all meetings and elections and conduct all general correspondence as directed by the Tribal Council.

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.

SECTION 6. Nepotism. (a) "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, granddaughter.

(b) No two immediate family members may serve as officers at the same time.

(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 XV - 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 XVI - AMENDMENTS

SECTION 1. This Constitution may be amended in the same manner as provided for adoption in Article XVII. 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 twenty-five percent (25%) of the eligible voters.

ARTICLE XVII - ADOPTION

This Constitution shall be effective when adopted by a majority vote of the qualified voters of the Mooretown Rancheria voting at an election called for that purpose.

CONSTITUTION
OF THE
MOORETOWN RANCHERIA

FINAL DRAFT
APPROVED BY THE BODY
NOVEMBER 21, 1987

DATE: 12-2-87

Carlene Cummings
Chairperson

DATE: 12-2-87

Palmas Archuleta
Vice Chairperson

DATE: 12-2-87

Louaine E. Rondell
Secretary

DATE: 12. 9. 87

Carol Osborn
Treasurer

DATE: 12-2-87

Melvin L Jackson
Board Member

DATE: 12-2-87

Sharon L. Arnold
Board Member

DATE: 12-15-87

Cecilia M. King
Board Member