

CONSTITUTION AND BYLAWS
OF THE
BIG PINE BAND OF THE
OWENS VALLEY PAIUTE/SHOSHONE INDIANS

NOT B.I.A. APPROVED

Received
Central California Agency
1990 APR 12 PM 1:27

CONSTITUTION AND BYLAWS
OF THE
BIG PINE BAND OF THE
OWENS VALLEY PAIUTE/SHOSHONE INDIANS

PREAMBLE

We the members of the Big Pine Band of Owens Valley Paiute/Shoshone Indians of California, hereinafter referred to as the Band, in order to establish a formal Tribal organization and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution and Bylaws.

The present land assignment ordinance, adopted April 5, 1962, shall remain in effect with this exception: The Big Pine General Council shall be substituted for the Owens Valley Board of Trustees as the governing body over the assignment ordinance. The use of the existing assignment ordinance is to be for an interim period until the General Council adopts a new land assignment and land use ordinance as provided herein.

This Constitution and Bylaws shall in no way affect or disturb, and in fact shall be independent and, in event of any conflict, shall be subordinate to the Land Exchange Agreement of May 18, 1938, between the Department of Water and Power, City of Los Angeles, and the City of Los Angeles, California, and the U.S. of America, providing for exchange of land and transfer of places of use of Indian water rights.

LAND DESCRIPTION

The east half (E1/2) of the southwest quarter (SW1/4) and east half (E1/2) of the west half (W1/2) of the southwest quarter (SW1/4) of section seventeen (17), Township nine (9) south, Range 34 east, M.D.B. & M. Accepting therefrom the following parcel of land, the same being a portion of the east side of that parcel commonly known as the Big Pine Union High School lot, said portion being bounded and described as follows, to wit:

Commencing at a point 777 feet north and 740 feet east of the southwest corner of said Section 17; thence north 500 feet along the western boundary of a sixty foot street; thence west 80 feet, more or less, along the southern boundary of a sixty foot street to the west line of the east half (E1/2) of the west half (W1/2) of the southwest quarter (SW1/4) of said Section 17; thence east 80 feet, more or less, along the northern boundary of a sixty foot street to the place of beginning, containing 0.92 acres, more or less.

The northeast quarter (NE1/4) of the northeast quarter (NE1/4) of Section 19, Township Nine (9) south, Range thirty-four (34) east, M.D.B. & M.

The east half (E1/2) of the northeast quarter (NE1/4), and the northwest quarter (NW1/4) of the Northwest quarter (NW1/4) of Section 20, Township Nine (9) south, Range thirty-four (34) east, M.D.B. & M., containing 279.08 acres.

ARTICLE I - NAME

The name of this organization is the Big Pine Band of the Owens Valley Paiute/Shoshone Indians.

ARTICLE II - AREA

The jurisdiction of the Big Pine Band shall be as follows:

All lands now within the Big Pine Reservation, Inyo County, California, as described by the deed dated June 26, 1939, made pursuant to the Act of April 20, 1937 (50 Stat. 70), a proportionate share of the water rights appurtenant to the lands patented to the City of Los Angeles, July 9, 1941, which patent excepted and reserved to the United States any and all water rights, which shall be transferred along with a proportionate share of the water salvaged and conserved when said water rights was transferred and became appurtenant to the lands hereafter described in accordance with the Land Exchange Agreement of May 18, 1938, and to such other lands and properties as may hereafter be acquired or added thereto. The Act of April 20, 1937 (50 Stat. 70), provides that the Secretary of the Interior shall hold the lands acquired pursuant to this Act, in trust, for the Indian Band concerned. The Lands described below and water rights which were transferred to and became appurtenant to these lands in accordance with the Land Exchange Agreement of May 18, 1938, but accepting therefrom any and all water rights in any way pertaining thereto which were reserved by the City of Los Angeles in the Land Exchange Agreement of May 18, 1938, are held in trust for the Big Pine Band of Owens Valley Paiute-Shoshone Indians.

ARTICLE III - MEMBERSHIP

SECTION 1 - The membership of the band shall consist of those living persons in the following categories:

- (a) Persons who hold standard assignments on the Big Pine Reservation as of the effective date of this Constitution and Bylaws, May 23, 1980, (hereafter assignees).
- (b) Persons who are lineal descendants of assignees.
- (c) Persons who are one-fourth (1/4) degree Big Pine Paiute/Shoshone Indian.

SECTION 2 - Persons who meet the requirements of Section 1 (a) or 1 (b) of this article, but have received a Public Domain Allotment or an allotment on another reservation, or are officially enrolled with or are recognized members of some other tribe or band shall not be eligible for membership with the Big Pine Band. A "recognized member of another tribe or band" is a person who has received a land-use assignment or has otherwise received benefits on another reservation or rancheria, except through inheritance.

SECTION 3 - Admission to membership through adoption shall be governed in accordance with an ordinance enacted by the General Council, such ordinance to become effective upon approval by the General Council.

SECTION 4 - The official membership roll shall be prepared in accordance with an ordinance adopted by the General Council. Such Ordinance shall contain provisions for enrollment procedures, enrollment committees, application forms, approval or disapproval of applications, rejection notices, appeals,

corrections, and provisions for keeping the roll on a current basis.

ARTICLE IV - GOVERNING BOARD

SECTION 1 - The governing body of the Band shall be the Tribal Council which shall be composed of five (5) qualified voters duly elected by the General Council which is composed of all the qualified voters of the Band.

SECTION 2 - All enrolled members of the Big Pine Band who are eighteen (18) years of age or older and who have maintained thirty (30) days residence on the Big Pine Reservation prior to an election are qualified voters.

SECTION 3 - The General Council shall, by secret ballot, elect a Tribal Council consisting of a Chairperson, Vice-Chairperson, a Secretary, Treasurer and one Member-At-Large.

SECTION 4 - The General Council or the Tribal Council may appoint or elect such other committees as are deemed necessary.

ARTICLE V - ELECTIONS

SECTION 1 - All elections shall be conducted in accordance with an election ordinance adopted by the General Council.

SECTION 2 - Any voter of the General Council, twenty-one (21) years of age or older, if duly nominated and elected, has the right to hold office. Nominations for the Tribal Council shall be made from the floor at a General Council meeting. Any member of the Band has the right to declare his/her intent to run for office and shall be included on the ballot.

SECTION 3 - The first election of officers shall be held on the first (1st) Tuesday in June following approval of this

organizational document. At this election the Vice-Chairperson and the Secretary shall be elected for the period of one (1) year and the other three (3) members of the Tribal Council shall be elected for two (2) years, or until a successor is elected and installed. Elections shall be held each year on the first (1st) Tuesday in June. Following approval of this organizational document, the individuals now holding office shall serve as the Tribal Council under this Constitution until the first regular election is held as provided herein.

SECTION 4 - The candidate receiving the highest number of votes for the respective offices shall be declared elected. In case an election results in a tie vote, the Chairperson shall order a new election for the office or offices in question, which shall be held within thirty (30) days. The same candidates shall be voted upon in the second election.

SECTION 5 - All elections of officers shall be conducted by an Election Committee, composed of four (4) General Council members, appointed by the Tribal Council. Nominee(s) for the Tribal Council shall not be appointed to the Election Committee. Voting will be by secret ballot, with the name of each candidate and the office he/she seeks shown thereon. Absentee ballots shall be furnished upon request to qualified voters who will be unable to attend the regular annual election meeting, or the subsequent election meeting following a tie vote cast at the annual election. Absentee ballots must be requested 10 days prior to the election and must be returned by the day of the election so that they can be included in the tally of ballots cast at the election meeting.

ARTICLE VI - VANCANCIES AND REMOVAL

SECTION 1 - If an officer shall die, resign or be convicted of a felony in any County, State or Federal Court, the office shall be automatically vacated. Any office which is vacated shall be filled within thirty (30) days of the date it becomes vacant by a special election at a General Council meeting called for this purpose by the Tribal Council, unless such vacancy occurs within sixty (60) days of the regular annual election. The office shall then remain vacant until such election.

SECTION 2 - Not more than ten (10) days after receipt of a petition requesting the removal from office of an elected official, which petition shall set forth the specific reasons for which removal is sought and shall be signed by not less than fifty-one percent (51%) of the voters, the Tribal Council shall call a General Council meeting to hear the charges against the official. It shall at the same time notify the accused in writing of the charges against him and of the date, hour and place of the General Council meeting, at which time he may appear and answer those charges. After the accused has had an opportunity to be heard by the General Council, a secret ballot shall be taken on the question of removal. The decision of a majority of those present and voting shall govern, providing at least fifty-one percent (51%) of those eligible to vote shall vote. If the vote is to remove the official, his office shall be automatically vacated and the General Council shall proceed to moninate candidates and elect a replacement official who shall

serve the unexpired term of office. Such General Council meetings shall be held within thirty (30) days of the date that a valid petition for removal action is filed with the Tribal Council.

SECTION 3 - No absentee ballots shall be cast in either of the elections provided for in this article.

ARTICLE VII - POWERS OF THE TRIBAL COUNCIL

Section 1 - The Tribal Council shall have the power and the responsibilities hereinafter provided, subject to any limitation imposed upon such powers by the statutes or the Constitution of the United States.

- A. To negotiate with the Federal, State and Local government on any matters pertaining to the welfare of the Big Pine Band of Indians.
- B. To employ legal counsel of its choice and to fix fees for such counsel.
- C. To manage, lease or otherwise operate all unassigned tribal lands, houses constructed under the Trust Agreement, funds accrued from operation and maintenance of improvements under the Trust Agreements, community enterprises, economic affairs of the Big Pine Indians in conformity with the applicable laws, including but not limited to the establishment of housing or rental authorities, loan programs, and approval of planning, programming and development projects for all tribal lands and assets, and submitting applications for Federal and State grants and assistance and loans.

- D. To exercise such functions as may be necessary to protect and promote the interest of the Big Pine Indians Band, including the establishment of rules of procedure for the conduct of its affairs, including but not limited to: Ordinances and resolutions or enactments concerning land, utilities, elections, non-members, licencing of businesses, taxation or the Tribe requiring regulations or legislation.
- E. To borrow money from an Indian Credit Fund, or from any other Federal or State Agency or other reputable lending agency, and to pledge or assign future tribal income as security for such loans.
- F. To purchase in the Big Pine Paiute/Shoshone Indian Band name, land or other property the Tribal Council may deem beneficial to the members.
- G. To appropriate and use community funds of deposit in the local treasury, U.S. Treasury, or other depository for the benefit of the community members.
- H. To assess fees for payment of expenses or to finance any project which is for the benefit of Band members.
- I. To lease, rent or dispose of unassigned tribal property.
- J. To make assignments of land in accordance with a land assignment and land use ordinance.
- K. Authority to create corporation and other subordinate bodies.

Any rights and powers heretofore vested in the Big Pine Paiute/Shoshone Indian Band, but not expressly referred to in this Constitution shall not be abridged, but may be exercised by the members of the General Council through the adoption of appropriate bylaws, constitutional amendments, ordinances, resolutions, or other legislative enactments.

The Tribal Council may also exercise such future powers as may be delegated to it by the Secretary of the Interior or by any other authorized agencies of the Federal, State or Local governments, or by the General Council.

ARTICLE VIII - MEETINGS

Section 1 - Regular meetings of the Tribal Council shall be held on the first (1st) Wednesday of the month. Special meetings of the Tribal Council may be called by the Chairperson and shall be called by him upon receipt of a petition signed by at least three (3) Council members, and when so called, the Tribal Council shall have the power to transact business as in regular meetings. Members will be notified at least three (3) days in advance of all special tribal meetings.

Section 2 - A quorum shall consist of any ~~three (3)~~ ^{four (4) Amended June 7, 1984 by General Council} of the five (5) Tribal Council members. No business shall be transacted unless a quorum is present.

Section 3 - The General Council shall meet quarterly on dates on call of the Chairperson or by a majority vote of the Tribal Council.

ARTICLE IX - BILL OF RIGHTS

Section 1 - The protection guaranteed to persons by Title II of the Civil Rights Act of 1968 (92 Stat. 73), against actions of a

tribe in the exercise of its powers of self-government shall apply to the Big Pine Indian Reservation, its officers and all persons within its jurisdiction.

ARTICLE X - AMENDMENT

Section 1 - This Constitution and Bylaws may be amended by thirty percent (30%) of the General Council at a meeting duly called for that purpose, and such amendments shall be effective upon approval by the General Council.

ARTICLE XI - REFERENDUM

Section 1 - Upon presentation to the Big Pine Tribal Council of a petition signed by thirty percent (30%) of the eligible 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 Big Pine Tribal Council shall abide by the vote of the majority of the voters at any such election, provided at least fifty-one percent (51%) of those eligible to vote have voted.

BYLAWS OF THE BIG PINE BAND

ARTICLE I - DUTIES OF OFFICERS

Section 1 - On July of each year, newly elected officers shall assume their respective offices and duties.

Section 2 - The Chairperson of the Tribal Council shall preside at all meetings of the General Council and of the Tribal Council and shall execute on behalf of the Band all contracts, leases or

other documents approved by the General Council or the Tribal Council. He/she will have general supervision of all other officers, employees and committees of the Band and see that their duties are properly performed. When neither the General Council nor the Tribal Council is in session, he/she shall be the official representative of the Band.

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

Section 4 - The Secretary shall keep the minutes of all meetings and shall attest to the enactments of all resolutions and ordinances. Copies of all minutes, resolutions and ordinances shall be kept in the Tribal Office at all times.

Section 5 - The Treasurer shall carry out the financial directives of the General Council, receive all local monies of the Reservation and keep an accurate account of the receipts and disbursements. Funds shall be deposited in the Reservation account in a local bank selected by the Tribal Council where depositors' funds are insured by the Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with resolutions of the Tribal Council and shall be co-signed by the Chairperson or the Vice-Chairperson in the absence of the Chairperson.

The Treasurer shall file a bond satisfactory to the Tribal Council upon request by the Tribal Council. The Tribal Council may authorize payment of the annual bond premium from the local

Reservation funds. The Treasurer shall give written financial report to the General Council at each meeting, and all financial records shall be available for inspection by any member of the Big Pine Band, and such other persons as are authorized by the Tribal Council.

ARTICLE II - ADOPTION

Section 1 - This Constitution and Bylaws shall be effective when adopted by a majority vote of the qualified voters of the Big Pine Band.

C E R T I F I C A T I O N

We, the undersigned, duly elected officials of the Big Pine Tribal Council, do hereby certify that the foregoing Constitution and Bylaws were adopted by the voters of the Big Pine Band at a duly called special election held on May 23, 1980, by a vote of 34 "for", "18 against", and 0 "abstain".

/S/ Cheryl Coleman
Cheryl Coleman, Chairman

/S/ Carl Hernandez
Carl R. Hernandez, Secretary

ATTACHMENT # 1

CONSTITUTION AND BYLAWS
AMENDMENTS

On the following dates, this Constitution and Bylaws was amended and those amendments are incorporated into this document.

Amendment #1: June 4, 1985, Article VIII - MEETINGS Section 2
Tribal Council quorum changed to three (3).
VOTE: 30 FOR, 19 AGAINST AND 0 ABSTAINING.

Amendment #2: July 11, 1989, Article II - MEMBERSHIP Section 1
addition of one category for Lineal descendants.
VOTE : 45 FOR, 29 AGAINST AND 0 ABSTAINING.

