



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:

MAR 16 2006

Troy Burdick, Superintendent
Bureau of Indian Affairs
Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814

Dear Mr. Burdick:

We have reviewed the formal results of the Secretarial Election held on March 4, 2006 involving the Round Valley Indian Tribes (Tribe). The election was conducted according to our authorization issued on November 4, 2005, for the purpose of voting on the proposed Amendment to the Tribe's Constitution.

As evidenced by the Certificate of Results of Election, signed by the Election Board Members, the proposed Amendment No. 1 to the Tribe's Constitution, by a vote of 65 "for" and 48 "against", was duly adopted by the qualified voters of the Tribe. Therefore, by my signature on the enclosed Certificate of Approval, the proposed Amendment No. 1 is approved pursuant to the authority redelegated to me by Memorandum of Agreement dated August 16, 1994.

By separate cover letter, please return the following to the Tribe; The original November 4, 2005, authorization letter, the proposed Amendment No. 1, the original of this approval letter, the original completed Certificate of Results of Election, the original Certificate of Approval and copies of any other documents that would be appropriate for the Tribe to retain that relate to this Secretarial election process, such as the Official of Registered Voters List, etc.

Returned herewith are the documents submitted with your March 9, 2006, memorandum. If you have any questions, please contact Fred Doka Jr., Regional Tribal Operations Officer, at (916) 978-6067.

Sincerely

Acting Regional Director

Enclosures

cc: Deputy Director Tribal Services
President, Round Valley Indian Tribes

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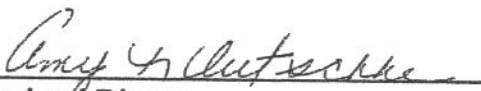
IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

CERTIFICATE OF APPROVAL

Amendment No. 1 of the Constitution of the Round Valley Indian Tribes, Round Valley Indian Reservation, California, which was adopted by the qualified voters of the Band on March 4, 2006, is hereby approved pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and delegated to the Deputy Commissioner of Indian Affairs by 230 D.M. 2.4 and redelegated to me by Memorandum of Agreement dated August 16, 1994. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.


Acting Regional Director

MAR 16 2006

Date

TAKE PRIDE
IN AMERICA 



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240



IN REPLY REFER TO:

TRIBAL GOVERNMENT SERVICES - TR
2611 MS/MIB

RECEIVED SEP 26 1994

THROUGH: SACRAMENTO AREA OFFICE

SEP 14 1994

Mr. Harold Brafford
Superintendent, Central California Agency
Bureau of Indian Affairs
1824 Tribute Road
Sacramento, California 95815

Dear Mr. Brafford:

We have received the results of the election held on August 3, 1994, by the qualified voters of the Covelo Indian Community of the Round Valley Reservation. The election was called in accordance with an order issued on April 22, 1994, which permitted the qualified voters of the Community to vote on the adoption or rejection of a proposed revised Constitution of the Round Valley Indian Tribes. Among other things, the proposed revised constitution changed the name of the tribal entity from the Covelo Indian Community of the Round Valley Reservation to the Round Valley Indian Tribes.

As evidenced by the completed Certificate of Results of Election, the proposed Constitution of the Round Valley Indian Tribes was duly adopted on August 3, 1994, by a vote of 98 for and 45 against in an election in which at least thirty percent (30%) of the 223 members registered and entitled to vote cast their ballots.

The Constitution of the Round Valley Indian Tribes, as adopted on August 3, 1994, is hereby approved pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4. Please deliver the enclosed approved original document to the Tribe.

Sincerely,

Patrick A. Hayes

Acting Deputy Commissioner of Indian Affairs

Enclosure



United States Department of the Interior



BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

IN REPLY REFER TO:

TRIBAL GOVERNMENT SERVICES - TR
2611 MS/MIB

THROUGH: SACRAMENTO AREA OFFICE

SEP 14 1994

Mr. Harold Brafford
Superintendent, Central California Agency
Bureau of Indian Affairs
1824 Tribute Road
Sacramento, California 95815

Dear Mr. Brafford:

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As evidenced by the completed Certificate of Results of Election, the proposed Constitution of the Round Valley Indian Tribes was duly adopted on August 3, 1994, by a vote of 98 for and 45 against in an election in which at least thirty percent (30%) of the 223 members registered and entitled to vote cast their ballots.

The Constitution of the Round Valley Indian Tribes, as adopted on August 3, 1994, is hereby approved pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4. Please deliver the enclosed approved original document to the Tribe.

Sincerely,

Acting Deputy Commissioner of Indian Affairs

Enclosure

PROPOSED AMENDMENT NO. 1

CONSTITUTION OF THE ROUND VALLEY INDIAN TRIBES

Article VIII - Elections, Section 6 - Voting Age, of the current Constitution, reads: "All tribal members who reside on the reservation for at least one (1) year or reside in the Round Valley area for at least one (a) year, and who are age eighteen (18) or older on the date of any tribal election shall be entitled to vote in the election."

Proposed Amendment No 1:

Shall Article VIII - Elections, Section 6 - Voting Age, be amended to read as follows: "**All tribal members who are age eighteen (18) or older on the date of any tribal election shall be entitled to vote in the election.**"



United States Department of the Interior

BUREAU INDIAN AFFAIRS

CENTRAL CALIFORNIA AGENCY
1824 TRIBUTE ROAD, SUITE J
SACRAMENTO, CA 95815-4308



IN REPLY REFER TO:

RECEIVED SEP 2

SEP 27 1994

Mr. Joseph A. Russ, Sr., President
Round Valley Indian Tribes
Round Valley Reservation
P. O. Box 448
Covelo, California 95428


Dear Mr. Russ:

This correspondence is to advise the Tribe that we have received the approved original Constitution of the Round Valley Indian Tribes, adopted on August 3, 1994, by a vote of 98 for and 45 against in a Secretarial election in which at least thirty percent (30%) of the 223 members registered and entitled to vote cast their ballots.

The Constitution was approved on September 14, 1994, pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to the Acting Deputy Commissioner of Indian Affairs by 230 D.M. 2.4., and is effective as of that date. We are, therefore, enclosing the original document for the Tribe's official record.

Should you require additional information pertaining to this matter, please contact Mr. Raymond D. Fry, Tribal Operations Officer, at (916) 978-4346. At this time, I wish to extend my congratulations to the members of the Election Board on a job well done in the conduct of the Secretarial election.

Sincerely,


Harold M. Brafford
Superintendent

Enclosure

cc:

Area Director, Sacramento
Superintendent, Central California Agency
President, Round Valley Indian Tribes
Assistant Solicitor, Tribal Government & Alaska, MIB-6456
Regional Solicitor, Sacramento
Branch of Tribal Enrollment

CONSTITUTION
OF THE
ROUND VALLEY INDIAN TRIBES

PREAMBLE

We the people of the Round Valley Indian Tribes of the Round Valley Reservation, a federally recognized sovereign Indian tribe, do hereby adopt this Constitution in order to:

- o promote the social and economic welfare of the members of the Tribe,
- o protect the rights of our members,
- o protect our land, timber, fish, wildlife, water and natural resources,
- o preserve and protect our heritage including our cultural values and traditions, build a stronger tribal government,
- o promote honor, dignity and respect among the Tribe,
- o acquire additional lands for the benefit of the Tribe and its members, promote tribal businesses and enterprises,
- o preserve, secure and exercise all the inherent sovereign rights and powers of an Indian tribe.

ARTICLE I - TERRITORY AND JURISDICTION

Section 1. Territory. The territory of the Tribe shall include all lands within the original boundaries of the Round Valley Reservation, and to any and all lands which the Tribe may acquire for itself or which the United States may acquire for the benefit of the Tribe or its members. The territory of the Tribe shall include all lands, property, airspace, surface rights, subsurface rights, other natural resources and any interest therein, tenements, hereditaments, all water rights and all accretions, which are either now or in the future owned by the Tribe or owned by the United States for the benefit of the Tribe or for individual tribal members, notwithstanding the issuance of any right-of-way.

Section 2. Jurisdiction. The Tribe shall have jurisdiction over all persons, subjects, property, and all activities occurring within the boundaries of the Reservation or on other lands within its territory as defined by this Article. Nothing in this Article shall be construed to limit the ability of the Tribe to exercise its jurisdiction to the fullest extent according to Federal law or based upon its inherent sovereignty as an Indian tribe.

ARTICLE II - MEMBERSHIP

Section 1. Requirements. The membership of the Tribe shall consist of:

- (a) All persons who were qualified for and have been accepted into membership in the Covelo Indian Community under the membership requirements contained in the Constitution and Bylaws approved December 16, 1936, as amended, now superseded by this Constitution.
- (b) Lineal descendants of members of the Tribe who are admitted into membership according to enrollment procedures established by ordinance, provided, that the person demonstrates a willingness to maintain tribal affiliations.

Section 2. No Dual Enrollment. Any member of the Tribe who is or becomes a member of any other federally recognized Indian tribe may be disenrolled by the Tribal Council.

Section 3. Membership Roll.

- (a) The Tribal Council shall maintain a current membership roll of tribal members.
- (b) The Tribal Council shall have the authority to make corrections to the membership roll by removing the names of persons who do not meet the requirements for membership and adding the names of persons who have been omitted through error or mistake, provided, that the Tribal Council shall provide any person subject to disenrollment full due process rights including adequate notice of all pending actions and a hearing before the Tribal Council with the right to present witnesses and other evidence.
- (c) Any adult person who has voluntarily requested to be removed from the membership roll cannot re-enroll with the Tribe. All relinquishments of membership in the Tribe shall be done in writing.

Section 4. Membership Ordinance. The Tribal Council shall have the power to adopt a membership ordinance not inconsistent with the terms of this Constitution covering all enrollment procedures.

Section 5. Appeal. Any person whose application for enrollment is rejected or who has been disenrolled from the Tribe shall have the right to appeal to the Tribal Court in accordance with the applicable procedures contained in the enrollment ordinance.

ARTICLE III - ORGANIZATION OF THE GOVERNMENT

The government of the Tribe shall be composed of the Legislative branch which shall be known as the Tribal Council, the Executive branch which shall be known as the Tribal Administration, and the Judicial branch which shall be known as the Tribal Court. The Tribal Council shall operate in accordance with Article IV. The Tribal Administration shall be subordinate to the Tribal Council and shall operate in accordance with Article VII. The Tribal Court shall operate in accordance with Article VI. No person or group of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except as this Constitution may otherwise expressly direct or permit.

ARTICLE IV - THE TRIBAL COUNCIL

Section 1. Tribal Council. The governing body of the Tribe shall be known as the Round Valley Tribal Council which shall consist of seven (7) members including the President and Vice President. All members of the Tribal Council shall have the right to vote on all matters.

Section 2. Terms of Office. The terms of office for all Tribal Council members including the President and Vice President shall be four (4) years or until a successor is chosen and seated. The terms of office shall be staggered in accordance with Article XVI.

Section 3. Selection of Officers. The Tribal Council shall select a President and a Vice President from within the Tribal Council membership who shall each serve a four (4) year term or until successors are chosen and seated. The Tribal Council shall select a secretary, a treasurer and a sergeant-at-arms from within the Tribal Council membership.

Section 4. Duties of the Officers. The duties of the President, Vice President, secretary, treasurer, and sergeant-at-arms, and any compensation, shall be established by ordinance.

Section 5. Tribal Council Compensation. Tribal Council members may receive reasonable compensation for attending Tribal Council meetings so long as the member stays for the entire meeting.

Section 6. Meetings of the Tribal Council.

- (a) The Tribal Council shall hold a regular meeting on the second Saturday of each month. All regular meetings of the Tribal Council shall be opened to tribal members. The Tribal Council may, upon motion duly passed, go into executive session.

- (b) The President or any three (3) members of the Tribal Council may call special meetings of the Tribal Council. Notice of all special meetings shall be provided to all members of the Tribal Council.

Section 7. Quorum. Four (4) or more members of the Tribal Council shall constitute a quorum at any regular or special meeting. A quorum is required at all meetings in order to conduct official business of the Tribal Council.

Section 8. Voting. All decisions of the Tribal Council shall be by majority vote unless otherwise indicated in this Constitution. Proxy voting shall be prohibited.

Section 9. Conflict of Interest. Any Tribal Council member who may have a direct personal or financial interest in any matter before the Tribal Council which is not similarly shared by all members of the Tribal Council shall not vote on such matter without the consent of the remaining members of the Tribal Council.

Section 10. Removal.

- (a) The Tribal Council shall remove a Council member for any of the following reasons so long as the actions in question take place during the Council member's term of office:
- (1) Failure to attend three (3) regular meetings consecutively absent good cause as defined by ordinance. The ordinance shall include provisions for leave for the following reasons: emergencies, illness, death in the immediate family, reasonable vacation, failure to receive adequate notice of a meeting, and circumstances beyond the Council member's control.
 - (2) Final conviction by any tribal, Federal or state court of any of the following offenses:
 - (i) a felony,
 - (ii) two (2) misdemeanors.
- (b) A Tribal Council member appealing a conviction of an offense listed in Section 10 (a) (2) of this Article shall be suspended pending the outcome of the final appeal.
- (c) Any Tribal Council member facing removal under this Section shall be afforded full due process rights including being given a written copy of the charges, being given an opportunity to present witnesses and other evidence and to otherwise respond to those charges at a hearing before the Tribal Council. The Tribal Court shall have jurisdiction to review removal actions and can overturn a removal if the Tribal Council's findings of fact have been arbitrary or capricious.

Section 11. Recall.

- (a) Any adult tribal member may initiate recall proceedings against any Tribal Council member by filing with the Election Board a written statement giving specific reasons why the Council member should be recalled.
- (b) After receipt of the written statement, the Election Board shall issue official petition forms to the tribal member who initiated the recall. The official petition forms shall include at the top of each page the list of allegations for recall. The tribal member shall have thirty (30) days to collect the signatures from thirty-three percent (33%) of the eligible voters of the Tribe. The Election Board shall inform the tribal member of the number of signatures required for a valid recall petition.
- (c) Once a tribal member has signed an official petition form his or her name shall not be removed from the form.
- (d) Individual petition forms shall be circulated for each Tribal Council member subject to recall. A maximum of three (3) Tribal Council members may be recalled at a time.
- (e) The Election Board shall verify the signatures on a recall petition in a timely manner. If a petition contains the required number of signatures and has been properly submitted then the Election Board shall call and hold a recall meeting within thirty (30) days of receipt of the petition before holding a special recall election.
- (f) The Election Board shall provide adequate notice of the recall meeting. The notice shall include a statement that the person(s) subject to recall shall be provided with an opportunity to respond to the charges at the meeting. The Election Board shall conduct all recall meetings in an orderly and fair manner.
- (g) The Election Board shall conduct a special recall election within thirty (30) days of the recall meeting. The ballots for the special recall election shall include a list of the charges and the response, if any, from the person(s) subject to recall.
- (h) A majority vote of the eligible voters shall determine the success or failure of the recall petition(s), provided, that at least thirty-three percent (33%) of the eligible voters actually vote in the special recall election.
- (i) If the special recall election fails, then the charges used to initiate the recall cannot be used to initiate another recall for the remainder of the Council member's term of office.

- (j) If the special recall election succeeds and the person(s) is successfully recalled, then he or she shall not be eligible to run for Tribal Council office until after his or her term would have ended.
- (k) A special election to fill a possible vacancy created by a recall election shall be conducted at the same time as such recall election.

Section 12. Code of Ethics. The Tribal Council shall have the power to adopt a Code of Ethics governing the conduct of tribal officials and employees. The Code of Ethics may include disciplinary provisions including removal so long as the person in question is afforded full due process rights including being informed of the charges and being given an opportunity to present witnesses and other evidence at a hearing before the Tribal Council.

ARTICLE V - POWERS OF THE TRIBAL COUNCIL

Section 1. Powers of the Tribal Council. The Tribal Council shall have all legislative powers vested in the Tribe through its inherent sovereignty and Federal law and shall, in accordance with established practices of the Tribe and subject to the express limitations contained in this Constitution and the applicable laws of the United States, have the following powers:

- (a) to represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this Constitution;
- (b) to negotiate and enter into contracts with Federal, state and local governments;
- (c) to regulate its own procedures;
- (d) to employ legal counsel in accordance with applicable law;
- (e) to advise the Secretary of Interior or his representative on all activities that may affect the Tribe, and on all appropriation estimates and Federal projects for the benefit of the Tribe before such estimates and projects are submitted to the Office of Management and Budget and to Congress;
- (f) to prevent or veto the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the formal consent of the Tribe;
- (g) to regulate the use and disposition of all lands within the jurisdiction of the Tribe, including but not limited to the enactment of ordinances providing for the manner of making, holding and revoking assignments of tribal lands and interests therein;

- (h) to condemn property for public purposes so long as just compensation is paid, provided, that all condemnation proceedings are conducted in accordance with applicable law;
- (i) to make rules and regulations governing trespass upon lands within the jurisdiction of the Tribe;
- (j) to regulate hunting, fishing, trapping, logging, mining, camping, hiking, recreation, gaming and all other related activities on lands within the jurisdiction of the Tribe;
- (k) to exercise control over assets within the control of the Tribe;
- (l) to appropriate and regulate the use of available funds;
- (m) to levy and collect taxes, duties, fees and assessments;
- (n) to charter tribal enterprises, tribal housing authorities, corporations and associations, and to manage and regulate all tribal economic affairs and enterprises;
- (o) to regulate domestic relations of persons within the jurisdiction of the Tribe through the adoption of an ordinance;
- (p) to enact an ordinance governing law enforcement on lands within the jurisdiction of the Tribe;
- (q) to appoint peace officers;
- (r) to appoint subordinate committees, commissions, boards, tribal officials and employees not otherwise provided for in this Constitution, and to prescribe their compensation, tenure, duties, policies and procedures;
- (s) to determine all terms and conditions of employment for all persons employed by the Tribe through the adoption of appropriate ordinances;
- (t) to requisition labor for public purposes in a state of emergency;
- (u) to issue and to regulate motor vehicle license plates;
- (v) to accept grants and donations from any person, organization, state or the United States;
- (w) to enact ordinances providing for the removal or exclusion of any non-member of the Tribe for cause, and to prescribe conditions upon which non-members may remain within the territory of the Tribe, provided, that all actions of exclusion or removal shall be done by filing an action in Tribal Court;

- (x) to exercise civil jurisdiction over any non-member of the Tribe to the extent permitted by Federal law;
- (y) to enact laws, ordinances, and resolutions necessary or incidental to the exercise of its legislative powers;
- (z) to take any and all actions necessary and proper for the exercise of the foregoing powers and duties, including those powers and duties not enumerated above, and all other powers and duties now or hereafter delegated to the Tribal Council, or vested in the Tribe by Federal law or through its inherent sovereignty.

ARTICLE VI - THE JUDICIARY

Section 1. The Judiciary. The judicial power of the Tribe shall be vested in the Judiciary which shall consist of a Tribal Court and a Tribal Court of Appeals and other lower courts as deemed necessary by the Tribal Council.

Section 2. Jurisdiction of the Courts. The Judiciary shall exercise jurisdiction over all cases and controversies within the jurisdiction of the Tribe, in law and equity, whether civil or criminal in nature, that arise under this Constitution, the laws and customs of the Tribe, by virtue of the Tribe's inherent sovereignty, or by authority vested in the Tribal Courts by Federal law.

Section 3. Power of the Courts. The Judiciary shall have the power to:

- (a) interpret, construe and apply the laws of, or applicable to, the Tribe;
- (b) declare the laws of the Tribe void if such laws are not in agreement with this Constitution;
- (c) issue injunctions, attachments, writs of mandamus, quo warranto, review, certiorari and prohibition, and to issue writs of habeas corpus to any part of the Tribe upon petition by, or on behalf of, any person held in actual custody;
- (d) establish court procedures for the tribal judiciary, except that the Tribal Council may by ordinance alter such procedures consistent with this Constitution.

Section 4. Composition of the Tribal Court. The Tribal Court shall be composed of one Chief Judge and such Associate Judges as may be determined necessary by the Tribal Council.

Section 5. Composition of the Tribal Court of Appeals. The Tribal Court of Appeals shall consist of one Chief Justice and two Associate Justices.

Section 6. Appointment of Judges.

- (a) The Tribal Council shall appoint one Chief Judge to the Tribal Court. The Chief Judge shall serve for a period of three (3) years. The Tribal Council may appoint Associate Judges to the Tribal Court who shall serve for periods of two (2) years.
- (b) The Tribal Council shall appoint one Chief Justice to the Tribal Court of Appeals who shall serve for a period of four (4) years. The Tribal Council shall appoint two Associate Justices to the Tribal Court of Appeals who shall serve for periods of three (3) years.
- (c) Should a vacancy occur through death, resignation or otherwise, for any of the judicial positions, the Tribal Council shall appoint a person or persons to fill such vacancy or vacancies for the remainder of the term. All Judges shall be eligible for reappointment.
- (d) All appointments of Judges and Justices shall be made within twelve (12) months after the adoption of this Constitution.

Section 7. Court of Appeals. The Tribal Court of Appeals shall consist of one or more Justices selected in sequential order from a list of available Tribal Court of Appeals Justices. The Tribal Court of Appeals shall always consist of an odd number of Justices. No Justice shall hear a case before the Tribal Court of Appeals if he or she presided over the original proceedings or if disqualified under Section 10 of this Article.

Section 8. Qualifications of Judges. The qualifications for Chief Judge and any Associate Judges of the Tribal Court shall be established by ordinance enacted by the Tribal Council. The Chief Justice of the Tribal Court of Appeals and at least one other Associate Justice of the Tribal Court of Appeals shall be graduates of an accredited law school. No additional requirements may be added during the tenure of any of the Judges or Justices already in office, unless the additions exempt the present Judges and Justices during their term.

Section 9. Compensation. All Judge(s) and Justices shall receive for their services reasonable compensation. The Tribal Council shall not diminish the compensation of any Judge or Justice during his or her term of office.

Section 10. Disqualification to Act. No Judge or Justice shall be qualified to act in any case wherein he or she has any direct interest or wherein any relatives by marriage or blood in the first degree is a party.

Section 11. Removal of Judges and Justices.

(a) The Tribal Council may suspend, dismiss or remove any Judge or Justice for any of the following reasons:

- (1) conviction of a felony,
- (2) failure to disqualify himself or herself in accordance with Section 10 of this Article,
- (3) unnecessary and repeated lengthy delays in hearing and adjudicating matters filed in Tribal Court,
- (4) gross neglect of duty or other good cause.

(b) The Tribal Council may suspend, dismiss or remove a Judge or Justice only by a vote of at least six (6) members of the Tribal Council.

(c) A Judge or Justice shall be given full due process rights including a full and fair opportunity to reply to any and all charges for which he may be suspended, dismissed or removed from judicial office.

Section 12. Right to Appeal. Any party to a civil action, or a defendant in a criminal action, who is dissatisfied with the judgment or verdict may appeal therefrom to the Tribal Court of Appeals. All matters of law and procedure may be decided by the Court of Appeals. Findings of fact shall be made by the Tribal Court and shall be reviewable only when arbitrary or capricious.

Section 13. Court Rules. The duties and procedures of the Judiciary, and all other court matters not enumerated in this section of the Constitution, shall be established by the Tribal Court of Appeals consistent with the terms of this Constitution.

ARTICLE VII - THE EXECUTIVE DEPARTMENT

Section 1. Executive. The Executive Department shall consist of the President, Vice President, secretary and treasurer of the Tribal Council and such other persons as the Tribal Council or their designee may find necessary for the administration of tribal business. The President shall be in charge of the Executive Department in accordance with Section 2 of this Article.

Section 2. Duties. The Executive Department shall oversee the administration of tribal business and shall exercise authority delegated by the Tribal Council.

ARTICLE VIII - ELECTIONS

Section 1. General Elections. General elections to vote for upcoming vacancies on the Tribal Council shall be held on the first Tuesday of November in even numbered years.

Section 2. Special Elections. Special elections shall be held when called for by the Tribal Council, by this Constitution, or by the voters as provided in this Constitution or appropriate ordinances. In all special elections, adequate notice shall be given to the voters.

Section 3. Election Board. The Tribal Council shall appoint an Election Board consisting of at least four (4) tribal members to conduct all elections including all special elections. Election Board members shall serve for two (2) year terms. The Tribal Council may remove an Election Board member for good cause as defined by ordinance. Election Board members shall receive reasonable compensation for their services.

Section 4. Nominations. Any qualified tribal member may nominate himself or herself as a candidate for Tribal Council by submitting his or her name along with ten (10) signatures from tribal members to the Election Board. All other procedures of nomination including timeframes, official nomination forms, and verification of signatures, shall be conducted in accordance with an election ordinance adopted by the Tribal Council.

Section 5. Qualifications for Office.

- (a) Any member of the Tribe shall be eligible as a candidate for tribal office if he or she:
- (1) is at least twenty-one (21) years of age; and,
 - (2) is a resident of the reservation for at least one (1) year or has resided in the Round Valley area for at least one (1) year; and,
 - (3) has no felony convictions within the last eight (8) years; and,
 - (4) has a high school degree or its equivalent, or has sufficient experience for a position on the Tribal Council.
- (b) The requirement of sufficient experience shall be demonstrated to the Election Board. The Election Board shall base its decision on the experience of the prospective candidate relevant to the duties of the Tribal Council.

- (c) If the Election Board decides that a prospective candidate does not have sufficient experience it shall do so in writing giving specific reasons for its decision. An adverse decision by the Election Board may be appealed to the Tribal Council.

(1) Section 6. Voting Age. "All tribal members who are age eighteen (18) or older on the date of any tribal election shall be entitled to vote in the election."

Section 7. Secret Ballot. All voting at regular and special elections shall be done by secret written ballot.

Section 8. Absentee Ballots. Absentee voting may be permitted for all eligible voters through an ordinance enacted by the Tribal Council.

Section 9. Hours of Voting. The polls shall be open from 8:00 am. to 8:00 pm.

Section 10. Voting Procedures. The Election Board shall select one of its members to serve as the Inspector who shall oversee the election. The Election Board shall select a clerk #1 who shall check the names of the voters as they arrive on election day on an official roster. The Election Board shall select a clerk #2 who shall keep a sign-in sheet and who shall distribute ballots to the eligible voters. The Election Board shall select one of its members to serve as Judge who shall cross-check names of the voters and who shall keep a separate roster. The Election Board may appoint other persons to assist with the election process but they shall not be members of the Board.

Section 11. Election Notices. All election notices shall be posted at least thirty (30) days before the election, except in the case of tie votes, in at least four (4) public locations.

Section 12. Election Results. The candidates receiving the highest number of votes for the available positions shall be declared the winners for those positions. The Election Board shall certify all election results within three (3) days of the date of the election. The Tribal Council shall confirm the election results within three (3) days after the Election Board certifies the election results.

Section 13. Tie Votes. In case of a tie between one or more candidates, a run-off election shall be held within thirty (30) days until the tie is broken.

Section 14. Oath of Office. The oath of office for newly elected Tribal Council members shall be administered not less than sixty (60) but not more than ninety (90) days after the Election Board certifies the general election results.

Section 15. Challenges to Election Results. Any member of the Tribe may challenge the election results by filing a suit in Tribal Court within ten (10) days after the Election Board certifies the election results. The Tribal Court shall hear and decide election cases within thirty (30) days after the Election Board certifies the election results, except where the party challenging the results requests additional time which may be granted at the discretion of the Tribal Court, provided, that only one thirty-day extension of time may be granted. If the Tribal Court invalidates the election results, the Court shall order that a new election be held as soon as possible.

Section 16. Vacancies. The Tribal Council shall call a special election to fill a vacancy on the Tribal Council unless six (6) months or less remain in the term of office for the vacant position, in which case the Tribal Council shall appoint a person to fill the position. All persons appointed or elected to fill a vacant position shall fill out the term of the person whom he or she is replacing.

Section 17. Election Ordinance. The Tribal Council shall have the power to adopt an election ordinance covering all necessary procedures for both general and special elections.

ARTICLE IX - POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The Tribal Council shall submit any proposed ordinance or resolution to popular initiative upon petition of at least thirty-three percent (33%) of the eligible voters of the Tribe, or upon the request of the majority of the members of the Tribal Council. The vote of the majority of the eligible voters in such initiative shall decide whether the proposed ordinance or resolution shall thereafter be in effect, provided, that at least thirty-three percent (33%) of the eligible voters shall vote in such initiative.

Section 2. Referendum. The Tribal Council shall submit any enacted ordinance, resolution or other official action of the Tribal Council to popular referendum upon petition of at least thirty-three percent (33%) of the eligible voters of the Tribe or upon the request of the majority of the members of the Tribal Council. The vote of the majority of the eligible voters in such referendum shall decide whether the enacted ordinance, resolution or other official action shall thereafter be in effect, provided, that at least thirty-three percent (33%) of the eligible voters shall vote in such referendum.

Section 3. Official Petition Forms. Official petition forms shall be issued by the Tribal Council secretary and shall be circulated and completed within ninety (90) days of the date of issuance. The secretary shall notify the petitioners in writing of the number of required signatures for a valid petition. The Tribal Council shall schedule an election on the proposed petition within thirty (30) days of receipt of a valid petition.

Section 4. Community Meetings. There shall be two meetings annually of the Tribal Council with tribal members for the purpose of reviewing the acts of the Tribal Council for the preceding six (6) months.

ARTICLE X - LAND

Section 1. Equitable Title. Equitable title to existing tribal land or land which may be acquired in the future shall be vested in the Tribe.

Section 2. Assignments. The Tribal Council shall make all assignments of land. Any member of the Tribe who has received a standard assignment may hold, use and enjoy life tenure, provided, that land must be used in an intelligent and husband-like manner. Any attempt by the assignee to lease the land on either a cash or share-crop basis shall be sufficient cause for cancellation of standard assignments. It shall be the duty of the Tribal Council to revoke standard assignments, (1) for nonuse after a period of two years, and (2) for any attempt of assignee to lease same. In case of physical disability of assignee, the Tribal Council, by a two-thirds (2/3) majority, may grant the assignee permission to lease his assignment, provided, that such permission shall in no event extend beyond a total period of two years during the life of the assignment, except upon special dispensation of the Tribal Council.

Section 3. Assignments to Heirs. At the death of a standard assignee, his or her heirs shall be given preference in the re-assignment of the land, provided, that such persons are members of the Tribe who would be eligible to receive a standard assignment.

Section 4. Inheritance of Lands. The Tribal Council shall have the authority to regulate the inheritance of all lands within the jurisdiction of the Tribe.

Section 5. Trust Deeds for Assignments. Any head of a family shall be entitled to a standard assignment of land provided he deeds to the Tribe any land held in trust, or interest in land held in trust, which he or she may own at the time of such assignment. The amount of such assignment shall be based upon a calculation of the amount and quality of the land available for assignment, the number of applicants and the dependents in each family, and the expectancy of inheriting land.

Section 6. Allotments Exchanged to Assignments. The Tribal Council may make assignments in exchange for allotments in accordance with the terms of a land ordinance.

Section 7. Leases. Unassigned tribal land may be leased to individual members or associations of members of the Tribe for personal, agricultural, business and other related uses to be at a price per acre to be determined by the Tribal Council in accordance with a tribal land ordinance and for a period not exceeding fifteen (15) years. All leases shall be formalized in a written lease agreement between the Tribe and the lessee/tribal member. The proceeds from such leases shall be deposited in the treasury of the Tribe and used for the benefit of the Tribe.

Section 8. Leases for Housing. Unassigned tribal land may be leased to individual members or associations of members of the Tribe for housing purposes at a price per acre to be determined by the Tribal Council in accordance with a tribal land ordinance and for a period not to exceed up to twenty-five (25) years with an option for another twenty-five (25) years. All leases shall be formalized in a written lease agreement between the Tribe and the lessee/tribal member. A lessee/tribal member shall have two (2) years to improve and occupy such leased land. The proceeds from such leases shall be deposited in the treasury of the Tribe and used for the benefit of the Tribe.

Section 9. Appeals. Appeals from the acts of the Tribal Council in land matters, and any other land disputes, may be taken to Tribal Court whose decision shall be final and binding upon all parties concerned.

Section 10. Land Ordinance. The Tribal Council shall have power to promulgate ordinances regulating the use, assignment, and inheritance of lands, the ownership and disposition of improvements thereon, and all other land matters, on all lands within the jurisdiction of the Tribe.

ARTICLE XI - BILL OF RIGHTS

The Tribe, in exercising its powers of self-government shall not:

- (1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- (2) violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, nor issue warrants but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (3) subject any person for the same offense to be twice put in jeopardy;
- (4) compel any person in any criminal case to be a witness against himself;

- (5) take any private property for public use without just compensation;
- (6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;
- (7) require excessive bail, impose excessive fines, or inflict cruel and unusual punishment;
- (8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- (9) pass any bill of attainder or ex post facto laws; and
- (10) deny any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than twelve (12) persons.

ARTICLE XII - HUMAN RIGHTS

The Tribe shall provide food, shelter, clothing, and other basic human necessities to needy resident tribal members to the fullest extent financially feasible.

ARTICLE XIII - SOVEREIGN IMMUNITY

Section 1. Immunity of Tribe from Suit. The Tribe hereby declares that, in exercising self-determination and its sovereign powers to the fullest extent, the Tribe is immune from suit except to the extent that the Tribal Council expressly waives sovereign immunity, or as provided by this Constitution.

Section 2. Immunity of Tribal Officials and Employees. No tribal employee or Tribal Council member acting within the scope of his or her duties or authority is subject to suit.

Section 3. Suit Against the Tribe in Tribal Court. The Tribe, tribal officials and employees shall be subject to suit for declaratory and injunctive relief in the Tribal Court by persons subject to tribal jurisdiction for the purposes of enforcing the rights and duties established by this Constitution or other applicable laws.

ARTICLE XIV - ORDINANCES AND RESOLUTIONS

Section 1. Ordinances. All final decisions on matters of permanent interest shall be embodied in ordinances. Such enactments shall be available for inspection by members of the Tribe during normal business hours.

Section 2. Resolutions. All final decisions on matters of temporary interest where a formal expression is needed shall be embodied in a resolution, noted in the minutes, and shall be available for inspection by members of the Tribe during normal business hours.

Section 3. Form. All ordinances and resolutions shall be dated and numbered, shall cite the appropriate constitutional authority and shall include a certificate showing the presence of a quorum and the number of members voting in favor of the proposed enactment.

Section 4. Review. The Tribal Council shall submit Tribal laws and enactments to the Secretary of the Interior for his review, comment and approval only when required to do so by Federal law.

ARTICLE XV - AMENDMENTS

Section 1. Requirements. This Constitution may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided, that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until approved by the Secretary of the Interior or until deemed approved by the Secretary by operation of law. If the voters adopt the amendment(s), the Secretary of the Interior shall approve such amendment(s) within forty-five (45) days after the election unless the amendment(s) are contrary to applicable law; if the Secretary of the Interior takes no action within forty-five days, his approval shall be considered as given.

Section 2. Requests for a Secretarial Election. It shall be the duty of the Secretary of the Interior to call and hold an election on any proposed amendment at the request of the Tribal Council, or upon presentation of a petition signed by thirty percent (30%) of the qualified voters of the Tribe.

ARTICLE XVI - SAVINGS CLAUSE

All enactments of the Tribe adopted before the effective date of this Constitution shall continue in full force and effect to the extent that they are consistent with this Constitution.

ARTICLE XVII - SEVERABILITY

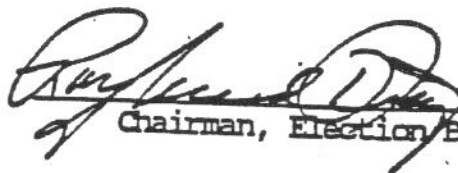
If any provision of this Constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XVIII - ADOPTION OF CONSTITUTION

This Constitution, when adopted by a majority vote of the registered voters of the Tribe of the Round Valley Indian Reservation, California, voting at a special election authorized by the Secretary of the Interior in which at least thirty percent (30%) of those registered in accordance with Secretarial regulations to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and, if approved by the Secretary of the Interior or by operation of law, shall be effective from the date of such approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs on April 22, 1994, the Constitution of the Round Valley Indian Tribes of California was submitted to the qualified voters of the Covelo Indian Community of the Round Valley Reservation, and on 8-3-94, was duly adopted ~~rejected~~ by a vote of 98 (number) for, and 45 (number) against, and 2 (number) cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 223 (number) entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

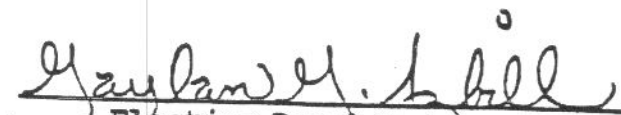

Chairman, Election Board


Election Board Member


Election Board Member


Election Board Member


Election Board Member


Election Board Member

Election Board Member

Date:

CERTIFICATE OF APPROVAL

I, Patrick A. Hayes, Deputy Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), and delegated to me by 230 D.M. 2.4, do hereby approve the Constitution of the Round Valley Indian Tribes. This Constitution is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Patrick A. Hayes

Acting Deputy Commissioner of Indian Affairs

Washington, D. C.

Date: SEP 7 4 1994