

**The CONSTITUTION
OF THE
CALIFORNIA VALLEY MIWOK TRIBE
(ALSO KNOWN AS
SHEEP RANCH RANCHERIA OF ME-WUK INDIANS OF CALIFORNIA)**

PREAMBLE

We, the People of the California Valley Miwok Tribe (a.k.a. Sheep Ranch Rancheria of Me-Wuk Indians of California) do hereby establish this Constitution, in respect for our ancestors and future generations, in order to protect the rights of the Tribe and its members as a sovereign nation, to preserve and advance our cultural identity, to promote the general welfare of our people and descendants, and for the conduct of the affairs of our community within this legal structure.

HISTORY

The Act of April 30, 1908 (35 Stat. 70-76) authorized the purchase of land for homeless Indians. A federal census on August 13, 1915 identified twelve Me-Wuk Indians living near the town of Sheepranch (now Sheep Ranch), California, as "the remnant of once quite a large band of Indians in former years living in and near the old decaying mining town known and designated on the map as Sheepranch," and noted they were "to some extent. .. interchangeable in their relations" with the Indians of nearby Murphys, Six-Mile, Avery and Angels Camp. Their ancestors dated back several thousand years into pre-historic times.

The United States purchased land for the benefit of these Indians, which later became known as the Sheep Ranch Rancheria. In 1935, the Tribe voted to become organized under the Indian Reorganization Act of 1934. In 1965, the Federal government prepared a distribution plan for the assets of the Tribe for the purposes of the California Rancheria Act; however, unlike other rancheria tribes, this Tribe was never terminated.

The lineal descendants of (i) the Tribal members identified on the 1915 census, (ii) those who voted in the 1935 election, and (iii) those identified in the 1965 distribution plan became known, by the Bureau of Indian Affairs, as the Eligible Groups-those making up the Tribal community who had the right to participate in the organization of the Tribe. In addition, many other members came and went from the Sheep Ranch Rancheria over the decades after 1915; and the Tribe existed as a network of related families with regional ceremonies. These members of the tribal community were identified in the 1929 Federal Indian Census Roll for Calaveras County, and the Tribe included the Mewuks on that census as members.

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In 1979, the Federal government began publishing a list of federally recognized tribes in the Federal Register; and therein, the Tribe was identified as: "Sheep Ranch Rancheria of Me-Wuk Indians of California". Then, in 2002, the name was changed in the Federal Register to "California Valley Miwok Tribe (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)".

In 2006, the Tribe adopted a provisional constitution, and Tribal Council thereunder ("2006 Council"), for the purpose of establishing an interim Tribal government and completing the organization of the Tribe. In 2013, the Tribe voted to ratify a Tribal Constitution, and Tribal Council thereunder ("2013 Council"), which has governed the Tribe since that time. The Tribe intends that this Constitution shall replace and supersede any and all prior Tribal constitutions or other Tribal governing documents.

From its earliest inception, up to this Constitution, the Tribe remained governed by Me-Wuk tradition, which is centered around the values of a shared identity, mutual support, openness, consensus among the members and a "*toko hyapo*" or spokesperson. These customs continue to influence the conduct of the Tribe, as implemented by this Constitution.

ARTICLE I – TERRITORY & JURISDICTION

§ I(a) – TERRITORY. The territory of the Tribe shall include, to the fullest extent possible consistent with Federal law, all lands, water, property, airspace, surface and subsurface rights, and other natural resources (i) in which the Tribe now or in the future has any interest, (ii) which are owned now or in the future by the United States for the exclusive or non-exclusive benefit of the Tribe or for individual tribal members, or (iii) which are located within the boundaries of a reservation which may be established for the Tribe, notwithstanding the issuance of any right-of-way.

§ I(b) – JURISDICTION. Except as prohibited by Federal law or this Constitution, the Tribe shall have jurisdiction over all tribal members and over all persons, subjects, property and all activities occurring within its territory, as defined above in this Article. Nothing in this Article shall be construed to limit the ability of the Tribe to exercise its jurisdiction, based upon its inherent sovereignty as an Indian tribe.

§ I(c) – HEADQUARTERS LOCATION. The traditional and cultural headquarters of the Tribe is the site of the Tribe's historic Rancheria at Sheep Ranch, California. In addition, the Tribal Council may designate the Tribe's administrative headquarters and reservation property as being at another location owned by the Tribe in fee or owned by the United States in trust on behalf of the Tribe.

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ARTICLE II – MEMBERSHIP

§ II(a) – ELIGIBILITY FOR MEMBERSHIP. The following individuals are eligible for membership in the Tribe, provided they are not enrolled, or otherwise formally recognized, as a member of another Federally recognized Indian tribe.

§ II(a)1 – Eligible Groups. Any lineal descendant of one of the 13 historical members identified in the following documents:

(i) the Census of the Indians at and near Sheepranch in Calaveras County, California, by Special Indian Agent John Terrell, dated August 13, 1915. The 12 members identified in those documents are:

Peter Hodge	Tom Hodge	Mrs. Limpey (Rose Davis)
Annie Hodge	Andy Hodge	John Tecumchey
Malinda Hodge	Jeff Davis	Pinkey Tecumchey
Lena Hodge	Betsy Davis	Mamy Duncan

(ii) the Approved List of Voters for Indian Reorganization Act of Sheep Ranch Rancheria (Calaveras County) dated June 6, 1935 and approved by Sacramento Indian Agency Superintendent O.H. Lipps. The sole member identified in that document is:

Jeff Davis (also identified in Article II(a)(1)(i) above)

(iii) the Plan for Distribution of the Assets of the Sheep Ranch Rancheria, dated August 18, 1966 and approved by Commissioner of Indian Affairs Robert L. Bennett. The sole member identified in that document is:

Mabel Hodge Dixie

[Article II continues on next page]

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§ II(a)2 – Census of 1929. Any one of the persons identified as exclusively “Mewuk” (as opposed to “Mewuk-Tuolumne” or “Tuolumne-Mewuk”) in the Indian Census Roll for Calaveras County, dated June 30, 1929, taken by L.A. Dorrington, Superintendent, Bureau of Indian Affairs Sacramento jurisdiction, or any lineal descendant of such a person. The persons identified as exclusively “Mewuk” in the 1929 census are:

Barry, Lizzie	Eaph, Wilbur	Jack, Lyda	Shelton, John
Butler, Daisy	Fuchs, Elmira	Jeff, Hempie	Shelton, Lena J.
Butler, Earl	Fuchs, Paul F.	Jeff, John	Shelton, Stephen
Butler, Frank	Geto, Alice	Jeff, Lennie	Shrum, Emma
Butler, Gus	Geto, Florence	Jeff, Manuel	Shrum, Georgia
Carlton, Lucile	Geto, Frank	Jeff, Ray	Shrum, James E.
Carsoner, Dan	Geto, Jeanette	Jeff, Susner	Sissel, Abbie
Carsoner, Mary	Geto, Laura	Jeff, Tessie	Sissel, Jesse
Carsoner, Tom	Geto, Louis	Jeff, Tillie	Sissel, Mayme
Cartega, Billy	Geto, Mary	Jeff, Walter	Swanson, Adeline D.
Cartega, Mary	Gold, Bernal E.	Learned, Albert	Swanson Irene
Cassella, Charles	Gold, Sherwood D.	Learned, Oscar	T(F)ecumseh, John
Cassella, Ellwood	Hunter, Annie	Lincoln, Abraham	T(F)ecumseh, Pinky
Cassella, Eugene	Hunter, James	McBath, Thomas J.	Vallencia, Charles
Cassella, Lawrence	Hunter, Nettie	Mose, Alva	Vallencia, Gertrude
Crosby, Edith	Hern(m)andez, Hattie	Mose, Angie	Vallencia, Joseph
Crosby, Helen	Herzer, Andrew C.	Mose, Dewey	Vallencia, William
Crosby, Nora	Herzer, Clarence	Mose, Eva	Weirich, Clara
Crosby, Raymond	Herzer, Eleanor	Mose, Irene	Wilson, Charles
Crosby, Stanley	Herzer, Larence F.	Mose, Lester	Wilson, Ella
Davis, Betsy	Herzer, Louis F.	Mose, Lulu	Wilson, George
Davis, Jeff	Herzer, Lula	Mose, Violet	Wilson, George W.
Davis, Limpy	Herzer, Phillip	O’Cormor, Lillie	Wilson, Harry
Davis, Margaret	Herzer, Vernon G.	O’Cormor, Pedro	Wilson, Henry
Davis, May	Hodge, Mabel	Ross, Charlotte	Wilson, Lillie
Dixie, Joe	Hodge, Tex	Ross, Ida	Wilson, Luther
Dixie, Mary	Hodges, Andrew	Ross, Juanita	Wilson, Steve
Eaph, Andy	Hodges, Inez	Ross, Robert	Wilson, Viola
Eaph, Edna	Hodges, Patterson	Ross, Vincent	Yale, Alta C.
Eaph, John	Hodges, Thomas	Sawyer, Maggie	Yale, Edmund S.
Eaph, Lillie	Jack, Charles	Shelton, Charlie	Yale, Juline
Eaph, Mallinnie	Jack, Edna	Shelton, Charlotte	Yale, Tyler S.
Eaph, Rowena	Jack, James	Shelton, Dora	
Eaph, Virginia	Jack, Lavina	Shelton, Elsie	

§ II(a)3 – Other Me-Wuk Descendants. Any lineal descendant of any other Me-Wuk Indian, in addition to those named as Mewuk on the 1929 census and listed in Article II(a)(2), who was born in Calaveras County and lived in Calaveras County at the time of the 1929 census, as determined by the Tribal Council through a process adopted by Tribal Resolution.

§ II(a)4 – Lineal Descent From An Enrolled Tribal Member. Any person who is born to an existing Tribal member is, by lineal descent, eligible to be enrolled as a member of the Tribe.

§ II(b) – ACCEPTANCE OF MEMBERSHIP. Any individual eligible to become a Tribal member shall apply for enrollment as a Tribal member by submitting their genealogy and evidence in proof of the criteria cited in Article II(a)(1-4), to the Tribe’s Enrollment Committee or other authority as designated in the Enrollment By-Laws. The Tribal Council may specify, in

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By-Laws, requirements for evidence to be deemed acceptable in proof of the membership criteria in §§ II(a)(1-4), and other rules and procedures to govern the Tribe's enrollment process. Upon verification by the Enrollment Committee or other designated authority, the Secretary or its designee shall (i) add the new member's identification in the Tribal membership roll, (ii) issue the new member a tribal enrollment number, and (iii) induct the new member into the Tribe by ceremony as prescribed by the Tribal Council.

§ II(c) – RIGHTS OF MEMBERS.

There is only one class of membership; and any person who is a member under §§ II(a)-II(b) of this Article shall have full and equal rights as any other member under this Constitution, subject to sanctions and/or loss of membership as provided in Article II(d).

§ II(d) – LOSS OF MEMBERSHIP AND SANCTIONS.

§ II(d)1 – Loss Of Membership. A member of the Tribe may not lose one's membership involuntarily nor be dis-enrolled for any reason other than providing erroneous facts about the person's lineage during the Enrollment process or having membership in another Federally Recognized tribe.

§ II(d)2 – Sanctions Against Members. On a case-by-case basis, the Tribal Council may sanction a member for a justifiable cause by withdrawing or suspending tribal benefits and privileges. Such sanctioning shall be done in writing and in accordance with the procedures established in By-Laws. Such sanctions shall not include the loss of tribal membership. Regardless of the number of Tribal Council members present or voting, any sanction imposed against a Tribal member pursuant to this Article II(d)(2) shall require the affirmative vote of at least six (6) members of the Tribal Council.

§ II(d)3 – Reinstatement Of Tribal Benefits And Privileges. Any person who has been sanctioned pursuant to § II(d)2, as above, may have the benefits and privileges of Tribal membership restored in accordance with procedures established in By-Laws.

§ II(d)4 – Appeal Of Loss Of Membership Or Sanctions. Any person who has been dis-enrolled or sanctioned may appeal to the Tribal Court in accordance with the procedures established in By-Laws.

§ II(e) – MEMBERSHIP ROLL. The Enrollment Committee shall maintain the membership roll of all current and former tribal members.

§ II(f) – OATH OF MEMBERSHIP. A member, upon becoming 18 years of age and therefore qualified, shall read this Constitution and sign an oath to uphold the Constitution and to pledge one's allegiance to the Tribe; and this oath shall be prescribed in the By-Laws.

§ II(g) – MEMBERSHIP BY-LAWS. The Tribal Council shall enact By-Laws related to Tribal membership, defining the specific procedures which govern the enrollment and other conditions of membership.

ARTICLE III – GOVERNANCE

§ III(a) – **GOVERNING BODIES.** The governance of the Tribe shall be: the Tribal Electorate [Article IV], the Tribal Council [Articles V & VI], and the Tribal Court [Article VII].

ARTICLE IV – TRIBAL ELECTORATE

§ IV(a) – **THE TRIBAL ELECTORATE.** The Tribal Electorate shall be all adult members (18 years of age or older) of the Tribe. The Tribal Electorate is at-large and not segmented into geographical districts. The Tribal Electorate votes for and thereby establishes the Tribal Council (Article V). Also, the Tribal Electorate may remove a Tribal Council member(s) and fill Vacancies (Article IX & X); and make Initiatives and Referenda (Article XI) and make Amendments to the Constitution (Article XVI). The power of the Tribal Electorate shall be restricted exclusively to those functions.

ARTICLE V – TRIBAL COUNCIL

§ V(a) – **TRIBAL COUNCIL.** The representative governing body of the Tribe shall be the Tribal Council elected by the Tribal Electorate. The Tribal Council shall exercise the powers of the legislative branch of the Tribal government (e.g., by enacting the By-Laws and Administrative Codes) and the executive branch of the Tribal government (e.g., by ensuring that Tribal law is carried out) as provided in this Constitution. There shall be seven (7) members of the Tribal Council, which shall consist of a Chairperson, a Vice Chairperson, a Secretary, a Treasurer, and three (3) At-Large Members. All Tribal Council members shall be enrolled members of the Tribe, who are members of the Tribal Electorate and who have been elected in accordance with this Constitution by the procedures in Article IX.

§ V(b) – **CHAIRPERSON.** The Tribal Council shall have one position of Chairperson who shall be at least thirty-five (35) years of age. The Chairperson is a voting member of the Council.

§ V(b)1 – **Duties Of Chairperson.** The Chairperson is the presiding officer of the Tribal Council. The duties of the Chairperson shall include, but are not limited to, organizing the meetings and agenda for the deliberation and voting of the Tribal Council, presiding at all meetings of the Tribal Council and at General Meetings of the Tribal Electorate, administering the meetings and proceedings of the Tribal Council, over-sight of all administrative activities of the Tribe, certifying all Tribal enactments, and coordinating communication of the tribal activities to the membership. These functions may be delegated to others by the Chairperson but such delegation is subject to the over-sight of the Chairperson.

§ V(c) – **VICE CHAIRPERSON.** The Tribal Council shall have one position of Vice Chairperson who must be at least thirty-five (35) years of age.

§ V(c)1 – **Duties of Vice Chairperson.** The duties of the Vice Chairperson shall include, but are not limited to, assisting the Chairperson and substituting for the Chairperson in the absence of that official.

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§ V(d) – SECRETARY. The Tribal Council shall have one position of Secretary who must be at least thirty (30) years of age.

§ V(d)1 – Duties of Secretary. The duties of the Secretary shall include, but are not limited to: taking roll call at all meetings, maintaining the minutes of all meetings, providing agendas for all meetings, attesting all Tribal enactments, overseeing the maintenance of the Tribal membership roll by the Enrollment Committee or other designated authority, and maintaining all the correspondence for the Tribe.

§ V(e) – TREASURER. The Tribal Council shall have one (1) position of Treasurer who must be at least thirty (30) years of age.

§ V(e)1 - Duties of Treasurer. The duties of the Treasurer shall include, but are not limited to, overseeing the fiduciary affairs of the Tribe and making reports as needed to the Tribal Council.

§ V(f) – AT-LARGE MEMBERS. The Tribal Council shall have three (3) At-Large members, who must be at least thirty (30) years of age. The At-Large members shall perform functions as may be assigned by the Council. These are voting members of the Council.

§ V(g) – ADJUVANT COUNCILS. The Tribal Council shall establish a Council of Elders, a Council of Youth, or other *ad hoc* Councils as deemed appropriate, pursuant to By-Laws, to serve in an advisory capacity to the Tribal Council. Representatives of these Adjuvant Councils are elected by a majority of the Tribal Council, and they may attend Council meetings, and address, and advise the Council. However, these are non-voting positions with respect to the actions of the Tribal Council.

§ V(h) – TRIBAL COUNCIL TERMS OF OFFICE. The terms of office for all Tribal Council members including the Chairperson and Vice Chairperson shall be four (4) years except as provided for in Section IX(d) - The First Election. There shall be no limitations on serving consecutive terms on the Tribal Council.

§ V(i) – DUTIES OF THE TRIBAL COUNCIL. The duties of the Tribal Council members include, but are not limited to, those functions enumerated in this Constitution. Other functions and duties shall be defined by By-Laws pursuant to § V(1) of this Article.

§ V(j) – MEETINGS OF THE TRIBAL COUNCIL.

§ V(j)1 – Regular Monthly Meetings. The Tribal Council shall hold regular meetings, once per month. These meeting shall be open to the members, except closed-session meeting for personnel matters and other issues considered confidential under State or Federal law. The Tribal Council shall establish requirements for notice of regular meetings of the Tribal Council. The Tribal Council shall provide notice of such meetings to the Tribal Electorate by U.S. Mail, e-mail or other appropriate means of written communication.

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§ V(j)2 – Special Meetings. The Chairperson or any three (3) other members of the Tribal Council may call special meetings of the Tribal Council. Adequate notice of all special meetings (in terms of subject and timing) shall be given to all members of the Tribal Council as defined in By-Laws.

§ V(j)3 – Rules Of Order. The meetings of the Tribal Council shall be conducted according to rules-of-order as defined in By-Laws.

§ V(j)4 – Recording. At each regular or special meeting of the Tribal Council, a recording of the proceedings shall be made. The Secretary or other person appointed by the Tribal Council shall take minutes of the meeting. The minutes of each regular or special meeting of the Tribal Council shall be preserved by the Tribal Council and made available to tribal members in accordance with By-Laws.

§ V(j)5 – Quorum. A quorum is required at all regular or special Tribal Council meetings in order to conduct official business of the Tribal Council. In no case shall a quorum be fewer than four (4) members of the Tribal Council, regardless of the number of Tribal Council office holders.

§ V(j)6 – Voting. Except as otherwise provided in this Constitution, the Tribal Council shall make enactments by a majority vote of a quorum of the Tribal Council. All Tribal Council members, including the Chairperson and Vice Chairperson, shall have the power to vote. Proxy voting in the Tribal Council is prohibited. The Tribal Council may adopt Tribal By-Laws, consistent with this Constitution, to establish additional voting procedures for the Tribal Council.

§ V(k) – CODE OF ETHICS. The Tribal Council shall have the power to adopt a Code of Ethics by appropriate By-Law which governs the conduct of tribal officials - Council and Administrative. The Code of Ethics may include disciplinary procedures so long as the official in question is informed in writing of the charges and given an opportunity to respond to those charges, including the opportunity to present witnesses and other evidence in one's own defense.

§ V(l) – BY-LAWS OR ENACTMENTS. The Constitution shall not be changed except by the Amendment process as defined in Article XVI. All enactments of the Tribal Council under the authority of the Constitution shall be termed a By-Law to the Constitution as described below and shall be certified by the Tribal Chairperson and attested by the Secretary in all instances.

§ V(l)1 – Tribal Laws. A Tribal Law is a By-Law to the Constitution that is enacted and certified by the Tribal Council to regulate the conduct or actions of its members, the officers of its government, the administration of programs, and the governmental process.

§ V(l)2 – Tribal Resolutions. A Tribal Resolution is a By-Law to the Tribal Laws that represents a formal expression of position, opinion, will, or intent as voted by the Tribal Council. A Resolution may be an interpretation by the Tribal Council about the meaning of a particular segment of the Constitution, a Law, or an Administrative Regulation, prior to or other than a judicial interpretation by the Tribal Court. Tribal Resolutions shall be titled according to the date of enactment, the type of enactment, and a descriptor – e.g.,

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yyyy-mm-dd-Resolution-descriptor. Resolutions shall be journaled in chronologically ordered enactments.

§ V(l)3 – Tribal Proclamation Or Executive Order. A Tribal Proclamation or Executive Order is an expression of an intent of the Tribal Council and has no scope or duration except as specified within the Proclamation or Order. Tribal Proclamation or Executive Order shall be titled according to the date of enactment, the type of enactment, and a descriptor – e.g., *yyyy-mm-dd-Proclamation/Executive Order-descriptor*.

§ V(l)4 – Tribal Administrative Regulation. A Tribal Administrative Regulation is a By-Law which implements administrative procedures of a Tribal Law or Resolution as enacted by the Tribal Council. Tribal Administrative Regulations shall be titled according to the date of enactment, the type of statute, and a descriptor – e.g., *yyyy-mm-dd-Administrative-Regulation-descriptor*. And they shall be both journaled in chronologically ordered By-Laws and codified in a Code of Administrative Regulations.

ARTICLE VI – POWERS OF THE TRIBAL COUNCIL

§ VI(a) – PLENARY POWERS. Except for the power allocated to the Tribal Electorate in the holding of Elections (Article IX), Removal and Vacancy (Article X), Initiative and Referendum (Article IX), and Amendments to the Constitution (Article XVI), the Tribal Council is the sole authority to exercise all powers that are vested in the Tribe through its inherent sovereignty or through federal law. The Council shall execute these powers in accordance with this Constitution. These powers shall include, but are not limited to, the following:

§ VI(a)1 – Representations. To represent the Tribe and act in the name of the Tribe in all matters that concern the Tribe and to make decisions for the Tribe in a manner that is consistent with this Constitution;

§ VI(a)2 – Contracts. To negotiate and enter into contracts with the federal, state, and local governments and other tribal governments and with individuals, associations, corporations, enterprises, or organizations;

§ VI(a)3 – Business Entities. To create Tribal entities to operate businesses that are conducted by a wholly-owned, subordinate entity of the Tribe; and invest as majority or minority interest in a business entity other than one which is wholly-owned by the Tribe;

§ VI(a)4 – Property. To purchase or accept any land or property for the Tribe;

§ VI(a)5 – Inherited Property. To enact laws which regulate the use, disposition, and inheritance of all real property within the Territory of the Tribe, as defined in Article I;

§ VI(a)6 – Assets. To prevent, veto or approve the sale, disposition, lease, or encumbrance of tribal lands, interests in land, tribal funds or other tribal assets;

§ VI(a)7 – Legal Counsel. To employ attorneys and other legal counsel;

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§ VI(a)8 – Domestic Relations. Within the territorial jurisdiction of the Tribe and within the limitations of Article XIV – Civil Rights, to enact laws which regulate the domestic relations of persons;

§ VI(a)9 – Individual Conduct. Within the territorial jurisdiction of the Tribe and within the limitations of Article XIV – Civil Rights, to enact laws which regulate the conduct of individual persons;

§ VI(a)10 – Removal. To provide for the removal or exclusion of any member or non-member of the Tribe whose presence may be injurious to members of the Tribe and to prescribe conditions upon which any member or non-member may remain within the Territory of the Tribe;

§ VI(a)11 – Assessments. To levy and collect taxes, duties, fees, and assessments on individuals and entities;

§ VI(a)12 – Allocations of Money. To appropriate and regulate the use of tribal funds;

§ VI(a)13 – Business Activities. To regulate all business activities within the jurisdiction of the Tribe and to manage all tribal economic affairs and enterprises;

§ VI(a)14 – Health and Safety. To regulate all matters and to take all actions necessary to preserve and safeguard the health, safety, welfare, and political integrity of the Tribe;

§ VI(a)15 – Appointments. To appoint subordinate committees, commissions, boards, tribal officers, and employees and to set their compensation, tenure, and duties;

§ VI(a)16 – Legal Enactments. To enact Tribal Laws, Resolutions, and Proclamations and regulations that are necessary or incidental to the exercise of its legislative powers.

§ VI(b) – INITIAL TRIBAL COUNCIL. In order to maintain continuity of operations, after the adoption of this Constitution, the first Tribal Council shall consist of the following members:

Velma WhiteBear
Antonia Lopez
Michael Mendibles
Iva Sandoval
Antoinette Lopez
Gilbert Ramirez, Jr.

Any person appointed to the Tribal Council to fill the vacancy created by the death of former Tribal Council member Yakima Dixie on December 12, 2017.

That Tribal Council will stay in office until the Federal government has recognized the results of a Secretarial or Tribal election ratifying this Constitution, and thereafter until new Tribal Council members are elected as provided in Article IX(d). Prior to the first election held to elect new Tribal Council members as provided in Article IX(d), if any Tribal Council seat becomes vacant,

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the Tribal Council may make appointments to fill any vacant Tribal Council seats, without regard to the procedures for filling a vacancy provided in Article X(c)(1).

ARTICLE VII – TRIBAL COURT

§ VII(a) – **ESTABLISHMENT.** The Tribal Council shall establish the Tribal Court System by a By-Law entitled "Law for the Tribal Court System"; and the judicial power for the Tribe shall be vested in that Tribal Court. The Tribal Court System shall include the Tribal Court, itself, and such other lower courts of special jurisdiction, including forums for traditional dispute resolution, as the Tribal Council may deem necessary. There shall also be a Court of Appeals which shall be the court of last resort for all cases filed within the Tribal Court System.

§ VII(b) – **BY-LAWS.** The By-Laws for the Tribal Court System shall define such issues as: Jurisdiction; Appointment of Judges; Qualification of Judges; Compensation; Removal of Judges; and Court Procedures and Due Process.

§ VII(c) – **INITIAL COURT.** During the first five (5) years or sixty (60) months after the acceptance of this Constitution, the Tribal Council shall act as the Tribal Court and shall commission a local, qualified attorney with judicial experience as the Court of Appeals. The procedures for this intermediate, transitional Jurisdiction shall be defined in the By-Laws for the Tribal Court that shall be adopted within the first year after the ratification of this Constitution.

§ VII(d) – **INITIAL DETERMINATIONS.** The determinations of this Initial Court shall be treated as By-Laws, to which subsequent Court cases may refer as res judicata or as stare decisis.

ARTICLE VIII – TRIBAL ADMINISTRATION

§ VIII(a) – **ADMINISTRATIVE OFFICERS AND STAFF.** The Tribal Administration shall consist of officers and staff who are appointed by majority vote of the Tribal Council. The Tribal Administration shall oversee the implementation and management of the Tribe's business and programs and deal with the day-to-day, specific operations of the Tribe. The Tribal Administration shall be subordinate to the Tribal Council; and a Tribal member shall serve on all administrative entities. This Administration shall be regulated by the By-Laws for Tribal Administration practices and policy.

ARTICLE IX – ELECTIONS

§ IX(a) – **ELECTION PROCEDURES.** The elections shall be conducted according to the procedures as defined in Election By-Laws. The Tribal Council positions of Chairperson, Vice Chairperson, Secretary, and Treasurer are elected to those specific offices and the remaining three (3) Tribal Council positions are at-large and not by an election district.

§ IX(b) – **GENERAL ELECTIONS.** The Tribal Electorate (Article IV) shall vote on the election of Tribal Council positions (Article V) in the general elections. The Tribal Council shall establish a regular date for elections to the Tribal Council after the first election held in accordance with Article IX(d).

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§ IX(c) – SPECIAL ELECTIONS. The Tribal Electorate (Article IV) shall vote on the recall of Tribal Council members (Article X(b)), Initiatives and Referenda (Article XI), Amendments to the Constitution (Article XVI), and other special elections, when called for by the Tribal Council, by this Constitution, or by the Tribal Electorate as provided for in this Constitution or appropriate By-Laws.

§ IX(d) – THE FIRST ELECTION. Given the provisions in § VI(b) for the Initial Tribal Council to serve until the Federal government has recognized the results of an election ratifying this Constitution, the first General Election shall be held within two (2) years after that recognition. The Council positions shall have staggered terms of office for the first elected Tribal Council. The initial, elected Chairperson, Vice Chairperson, and Treasurer shall serve for a term of six (6) years. The Secretary and remaining three (3) At-Large Tribal Council members shall serve for a term of four (4) years. After this initial variation, all Tribal Council positions shall be for a term of four (4) years.

§ IX(e) – ELECTION BOARD. The Tribal Council shall appoint an Election Board to conduct all elections including all special elections. The Election Board shall consist of five (5) tribal members of which one (1) shall be age 55 or older, another between the ages of 35 and 54, and another between the ages of 18 to 34 – provided that all members of the Election Board shall be at least 18 years of age. An Election Board member shall not be a candidate for a position on the Tribal Council. All Election Board members shall serve for a specific term of office as established in the By-Laws for Tribal Elections. The Election Board may appoint clerks, poll-workers, and others to assist the Election Board in conducting the election. In the absence of a sufficient number of Tribal members to fill the Election Board, the Tribal Council may hire non-member professionals for necessary functions.

§ IX(f) – NOMINATIONS. For all elections of Tribal Council members, the Election Board shall conduct a Nomination Meeting among the Tribal Electorate to accept a nomination of the candidates for the available Tribal Council seats. Notice of the Nomination Meeting shall be mailed to the Tribal Electorate at least thirty (30) days prior to the Nomination Meeting. This Nomination Meeting shall be at least sixty (60) days prior to the election date. At the Nomination Meeting, members of the Tribal Electorate may submit nominations for any vacant seat. The Election Board shall mail a notice regarding the qualified candidates to all of the Tribal Electorate at least thirty (30) days prior to the election date. The particulars of the nomination process shall be defined in the By-Laws for Elections.

§ IX(g) – QUALIFICATIONS FOR TRIBAL COUNCIL. Persons who are nominated to run for the Tribal Council seats must be on the Tribal membership roll and meet the age requirements which are set forth in Article V on or before the date of the election.

§ IX(h) – ELIGIBLE VOTERS. All members of the Tribal Electorate, as defined in Article IV, shall be eligible to vote in any General Election or Special Election and are automatically registered as eligible voters for each such election.

§ IX(i) – BALLOTS. All voting at regular and special elections shall be done by secret written ballot.

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§ IX(j) – ABSENTEE BALLOTS. Absentee voting shall be permitted pursuant to provisions in a By-Law.

§ IX(k) – ELECTION RESULTS. The Election Board shall certify the results of an election within three (3) days after the election day. The candidates receiving the highest number of votes for each available position shall be declared members of the Tribal Council.

§IX(l) – TIE VOTES. Tie votes between two (2) or more candidates shall be decided in a run-off election of the Tribal Electorate. If a run-off election ends in another tie, the outcome shall be decided by the existing Tribal Council. The Election Board shall certify the results of any run-off election within three (3) days after the run-off election day.

§ IX(m) – CHALLENGES. Any member of the Tribal Electorate may challenge the results of that election by presenting his or her challenge, in writing, to the Tribal Court within five (5) days after the election results have been certified. Causes of action may be only for lack of notice of the election, a miscount of votes, or votes by a person who is not a member of the Tribal Electorate. The Tribal Court shall decide all election challenges within ten (10) days from the date the challenge is filed. Any appeals shall be filed with the Tribal Court of Appeals within five (5) days of the issuance of the Tribal Court decision, and the Court of Appeals shall decide the appeal within ten (10) days. If the Tribal Court or Court of Appeals invalidates the election results as to one or more positions, a new election shall be held for such position(s) within sixty (60) days of the original election—provided, however, that the only candidates in the new election shall be those who received votes for the position(s) as to which the results of the challenged election were invalidated, and no Nomination Meeting shall be held to select candidates for the new election.

§ IX(n) – OATH OF OFFICE. The oath of office for newly elected Tribal Council members shall be administered by the Election Board within thirty (30) days after the Election Board declares the winners of the election, unless a Challenge is filed and, in that case, within thirty (30) days after a final decision by the Tribal Court or Court of Appeals. If a challenge is filed but it does not relate to all of the elected seats, then the oath of office shall be administered to the newly elected Tribal Council members whose seats have not been challenged as above, within thirty (30) days after the Election Board declares the winners. Each incumbent Tribal Council member shall remain in office until the oath of office is administered to the newly elected Tribal Council member for one's seat.

§ IX(o) – TRANSFER OF RECORDS. Upon expiration of the incumbent's term of office, that incumbent shall transfer all tribal records within one's control to the newly elected office holder.

§ IX(p) – ELECTION BY-LAWS. The Tribal Council shall enact an election By-Law that is consistent with this Constitution and which covers all necessary procedures for all elections other than the procedures stated in this Constitution.

§ IX(q) – REFERENDA AND AMENDMENTS. Other than elected officials, the term "Election" shall also refer to the adoption of By-Laws by Initiative and Referendum under Article XI and to Amendments under Article XVI, both of which require a vote of the Tribal Electorate.

ARTICLE X – REMOVAL AND VACANCY

§ X(a) – REMOVAL OF COUNCIL MEMBER BY THE TRIBAL COUNCIL.

§ X(a)1 – Removal. The Tribal Council shall remove a Tribal Council member for a conviction of a felony by any tribal, federal, or state court while serving on the Tribal Council.

§ X(a)2 – Suspension. The Tribal Council may suspend a Tribal Council member charged with a felony pending the outcome of the trial and any appeal.

§ X(a)3 – Discipline. The Tribal Council may discipline or remove a Tribal Council member by a vote of at least five (5) members of the Tribal Council for converting tribal property or moneys for personal use or failing to attend four (4) regular or special meetings consecutively without good cause, or for the violation of the Tribal Code of Ethics.

§ X(a)4 – Due Process. In all proceedings under § X(a)1, -2, and -3, above, the Tribal Council member, who is subject to these proceedings, shall be afforded full due process rights including a written statement of the charges, the right to respond to those charges, the right to be represented by counsel, and the right to present witnesses and other evidence in his or her defense. The decision of the Tribal Council shall be final and shall be appealable to the Tribal Court only if a claim is made that there has been an error in a relevant fact(s) related to the removal, or the Tribal Constitution has been violated, or due process rights have not been afforded. A Tribal Council member, who is removed from office, must wait at least five (5) years from the official date of removal to run again for office.

§ X(b) – RECALL OF TRIBAL COUNCIL MEMBER BY TRIBAL ELECTORATE.

§ X(b)1 – Initiative by Tribal Member. Any member of the Tribal Electorate may initiate recall proceedings, for good cause, against any Tribal Council member by filing a written request with the Election Board, provided that a recall proceeding may not be initiated against any member of the Tribal Council whose term expires within six (6) months of the date the written request is received by the Election Board.

§ X(b)2 – Issuance of Petition. Upon receipt of the written request, the Election Board shall issue official petition forms to the member who initiated the recall. That member shall have sixty (60) days to collect the signatures from thirty percent (30%) of the Tribal Electorate. Upon receipt of a valid petition, the Tribal Council shall call a special election pursuant to Article IX and appropriate By-Laws.

§ X(b)3 – Number of Recalls. A recall petition shall be circulated for each Tribal Council member who is subject to recall. A maximum of three (3) Tribal Council members may be recalled at a time.

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§ X(b)4 – Recall Meeting. The Election Board shall verify the petition within ten (10) days of receipt of the signed petitions. Verification shall determine whether the recall petition has the required number of signatories. The Election Board, in its discretion, may seek written or other confirmation of the authenticity of the signatures, including, but not limited to, by comparison to prior signatures on record with the Election Board. If the member seeking recall has collected the required number of signatures in the allotted time, then the Election Board shall hold a recall meeting within sixty (60) days of the receipt of the signed petitions. Notice of the recall meeting shall be mailed to the Tribal Electorate at least thirty (30) days prior to the recall meeting. The member initiating the recall and the Tribal Council member subject to recall shall be given a reasonable opportunity to speak and present evidence at the recall meeting.

§ X(b)5 – Majority Vote. The recall petition is approved if a majority of those voting are in favor of the recall and at least thirty percent (30%) of the Tribal Electorate casts a vote in the recall vote.

§ X(b)6 – Voting Procedures. Recall procedures, which are not specified in the Constitution, shall be held in accordance with the provisions of the By-Laws for Tribal Elections, which shall include a section on recall procedures.

§ X(c) – VACANCIES.

§ X(c)1 – Filling a Vacancy. If a Tribal Council member should become deceased or incapacitated, resign, or be removed or recalled from office, then the Tribal Council shall declare the position vacant. The Tribal Council shall fill a vacancy by special election unless there are less than six (6) months remaining in the term, in which case the Tribal Council shall leave the position vacant. The elected person who fills a vacant position shall only serve out the term of the person whom he or she is replacing.

§ X(c)2 – Resignation. All resignations from the Tribal Council shall be done in writing and shall be notarized by a currently certified Notary Public or witnessed by at least two (2) other members of the Tribal Council. Following the Tribal Council's receipt of such resignation, the Tribal Council shall issue a Proclamation in accordance with this Constitution to give effect to such resignation.

ARTICLE XI – INITIATIVE AND REFERENDUM

§ XI(a) – INITIATIVE TO THE TRIBAL COUNCIL. Excluding issues that regard membership under Article II, land, or housing, any member of the Tribal Electorate may propose to the Tribal Council that a By-Law be adopted by the Tribal Council. Any such Initiative must be consistent with this Constitution and cannot be an Amendment to the Constitution, which is available elsewhere, under Article § XVI. Such an Initiative must be in the form of a petition, as defined under a By-Law, that has been signed by at least thirty percent (30%) of the Tribal Electorate. The Tribal Council must vote on said Initiative within sixty (60) days after receipt of the petition with its qualifying number of petition signatures. A majority vote of the Tribal Council shall decide whether the proposed By-Law is adopted and, thereafter, be in effect. If the

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Tribal Council denies the petition or does not act within the sixty (60) day enactment period, the petitioner of the Initiative may use the Referendum process, below.

§ XI(b) – REFERENDUM TO THE TRIBAL ELECTORATE. If the Tribal Council fails to vote on an Initiative, as above, or if the Tribal Council votes against said Initiative, then the Petitioners may seek a Referendum directly to the Tribal Electorate. Pursuant to By-Laws to this Article, the Petition shall be reconstructed as a Referendum, and that shall be sent by the Tribal Council to the Tribal Electorate. Thirty percent (30%) of the Tribal Electorate must have affirmed the Referendum before it is valid, and, if so, it shall be presented to the Tribal Council for the calling of a special election pursuant to an appropriate Election By-Law under Article IX.

§ XI(c) – PROCEDURES. Initiative and Referendum elections shall be conducted by the Election Board and shall be held in accordance with the provisions of a By-Law which deals specifically with Initiatives and Referenda procedures.

ARTICLE XII – LAND

§ XII(a) – LAND POLICY. The Tribal Council shall have the authority to establish land policies, to adopt land-use By-Laws, and to otherwise regulate land within the territory of the Tribe and in accordance with this Constitution and applicable State and Federal laws.

ARTICLE XIII – SOVEREIGN IMMUNITY

§ XIII(a) – WAIVER. The California Valley Miwok Tribe (also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California) shall be immune from suit except to the extent that the Tribal Council expressly waives the Tribe's sovereign immunity.

ARTICLE XIV – CIVIL RIGHTS

§ XIV(a) – INHERENT RIGHTS OF MEMBERS. The Tribe (its members and the elected and appointed officers) in exercising its powers of self-government shall not abrogate the following Civil Rights of individual members.

§ XIV(b) – SPEECH AND ASSEMBLY. The governance of the Tribe is secular and shall not make or enforce any law which prohibits the free exercise of religion, or abridges the freedoms of speech, communications, or the right of people to peaceably assembly and to petition for redress of grievances or initiate By-Laws.

§ XIV(c) – FURTHER PROSCRIPTIONS. The Tribe shall not violate the right of members to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, nor shall warrants be issued except on probable cause and supported by an oath or affirmation of an officer who is appointed for such actions and which describes the particular place to be searched and the person or thing to be seized.

§ XIV(d) – DOUBLE JEOPARDY. The Tribe shall not subject any person to prosecution more than once for the same offense and thereby place said person in double jeopardy for the same offense.

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§ XIV(e) – SELF-INCRIMINATION. The Tribe shall not compel any person in any criminal case to be a witness against oneself.

§ XIV(f) – CONDEMNATION OF PRIVATE PROPERTY. The Tribe shall not take any private property for a public use without just compensation.

§ XIV(g) – EXPEDITED JUDICIAL PROCEEDINGS. The Tribe shall not 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 the accused, to have compulsory process for obtaining witnesses in favor of the accused, and at one's own expense to have the assistance of counsel for defense of the accused, and to have these rights explained at the time of arrest.

§ XIV(h) – BAIL AND FINES. The Tribe shall not require excessive bail, impose excessive fines, or inflict cruel and unusual punishment.

§ XIV(i) – EQUAL PROTECTION. The Tribe shall not deny to any person (member or non-member) within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

§ XIV(j) – PROSCRIBED PROCEDURES. The Tribe shall not create any law of attainder which declares a person or group of persons guilty of some crime and punishes them without benefit of a trial; nor shall the Tribe find a person or group of persons guilty of a violation, ex post facto.

§ XIV(k) – TRIAL BY JURY. The Tribe shall not deny to any person, who is accused of an offense which is punishable by imprisonment, the right, upon request, to a trial by jury of not less than six persons.

ARTICLE XV – GENERAL MEETINGS

§ XV(a) – ANNUAL GENERAL MEETING. The Tribal Council shall call at least one (1) general meeting per year of all members of the Tribe to report, identify, and discuss important tribal matters. The procedures for calling and conducting such general meetings, including the required notice to the Tribal Electorate, shall be specified in Tribal By-Laws.

ARTICLE XVI – AMENDMENTS

§ XVI(a) – CONSTITUTIONAL PROVISIONS. This Constitution may be amended by a vote of sixty percent (60%) of the Tribal Electorate voting at an election called for that purpose in accordance with procedures in this Constitution and further defined in By-Laws.

ARTICLE XVII – SAVINGS AND SEVERABILITY

§ XVII(a) – PRIOR ENACTMENTS. All prior Enactments, agreements and commitments adopted or entered into by the 2006 Council or the 2013 Council on behalf of the Tribe shall

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continue in full force and effect and continue to bind the Tribe, unless subsequently modified, to the extent consistent with this Constitution.

§ XVII(b) – INVALIDATION OF SECTIONS. If any section or element of this Constitution be judged to be illegal by a competent authority, then that section or element shall become null and void without any of the other sections or elements of this Constitution becoming null and void nor there be a need to revise this Constitution by Amendment.

ARTICLE XVIII – ADOPTION OF CONSTITUTION

§ XVIII(a) – ADOPTION CLAUSE. This Constitution shall become the governing instrument for the Tribe when adopted through a Secretarial election called and conducted pursuant to Part 81 of Title 25 of the Code of Federal Regulations and approved by the Secretary of the United States Department of the Interior or his designee (“Secretary”) pursuant to the Indian Reorganization Act, 25 U.S.C. § 5123(d), and the regulations prescribed thereunder, including 25 C.F.R. § 81.45. Any subsequent amendment of this Constitution, including an amendment in the manner of a revocation of this Constitution and adoption of a substitute governing document for the Tribe, shall be conducted pursuant to applicable provisions of this Constitution and Tribal law and shall not require a Secretarial election or the approval of the Secretary in order to be effective.

FOR REFERENCE ONLY