

# CONSTITUTION

OF

**SHEEP RANCH (RANCHERIA) MIWOK INDIAN TRIBE OF CALIFORNIA**

## PREAMBLE

WE THE PEOPLE OF THE SHEEP RANCH (RANCHERIA) MIWOK INDIAN TRIBE ,  
HEREIN REFERRED TO AS THE "SHEEP RANCH (RANCHERIA) BAND OF MIWOK  
INDIANS OF CALIFORNIA. IN ORDER TO ESTABLISH TRIBAL GOVERNMENTAL  
POWERS AND PRIVILEGES, AND TO PROMOTE THE HEALTH, EDUCATION, AND  
GENERAL WELFARE OF THE MEMBERS OF THE "TRIBE" , AND TO ADMINISTER  
CHARITY AS WELL AS OTHER SERVICES, AS MAY CONTRIBUTE TO THE SOCIAL  
AND ECONOMIC ADVANCEMENT OF THE "TRIBE", AND ITS MEMBERS, DO HEREBY  
ORDAIN AND ESTABLISH THIS CONSTITUTION.

## ARTICLE I - TERRITORY

THE TERRITORIAL JURISDICTION OF THE "BAND" SHALL INCLUDE ALL OF THAT  
LAND KNOWN AND DESIGNATED AS BEING, "THE SHEEP RANCH (RANCHERIA) OF  
THE MIWOK INDIAN TRIBE OF CALIFORNIA, RECORDED IN THE RECORDERS  
OFFICE OF CALAVERAS COUNTY, CALIFORNIA. IT IS THE ONLY FEDERALLY  
RECOGNIZED (RANCHERIA) IN CALAVERAS COUNTY, CALIFORNIA. A COPY  
OF THE ENGINEER'S MAP OF THE (RANCHERIA) IS ATTACHED.

## ARTICLE II - MEMBERSHIP

To obtain membership in the Sheep Ranch (Rancheria) Miwok Indian Tribe  
of California, the following conditions must be met;

- (a) All persons listed as distributees and the dependent members of  
of their immediate families, as listed in the Plan indicating the  
Distribution of those Assets of the Sheep Ranch (Rancheria), that  
was approved by the Associate Commissioner of Indian Affairs on  
October 12, 1966.
- (b) All persons that are lineal descendants of those who qualify  
under paragraph (a) as shown above

- (c) All persons that were Enrolled into the "Tribe" by a majority of votes of the General Council. Note: At the current time there are three (3) known "last living distributees of the original Band of Sheep Ranch (Rancheria) Miwok Indian Tribe of California". In order to have a majority, at this time, it will be necessary that at least one other member, sign the papers for Enrollment, along with the Chairperson, Yakima K. Dixie. The Failure to obtain the signature of at least another member will serve to cancel the application for Enrollment.
- (d) All lineal descendants, born after the effective date of this Constitution, of individuals who qualify under paragraph (a) shown above, provided that such descendants possess at least one-fourth degree of California Indian blood.
- (d) All persons that provided outstanding service and benefits to the "Tribe", shall upon approval of the Chairperson and a majority vote of the General Council, be given Honorary Membership, and while in this capacity, they shall enjoy all of the benefits and services conferred upon all other members of the "Tribe", by the General Council, as well as the Bureau of Indian Affairs, with the only limitation being, that such members shall not, be permitted to cast a vote ~~a vote~~ at the Tribal Meetings on Tribal matters.

### ARTICLE III -- NOMINATION

- (a) Any member of the Tribe who is eighteen (18) years of age, at the time of the election shall be entitled to vote. All members who are potential candidates must reside in the State of California, if they wish to hold an elective office.
- (b) If any member of the Tribal Council shall be convicted of a felony, while in office, the Council may by a majority vote, declare the position vacant. If less than twelve (12) months of the term remains, the Council shall fill the vacancy by appointment of a Tribal member who qualifies for candidacy. A special election shall be called to fill vacated positions when more than twelve (12) months remain in the unexpired term.
- (c) The Tribal Council may, by a majority affirmative vote, expel any Officer, or Tribal Council member who is proven guilty of improper conduct or of gross neglect of duty, provided, the accused official is given written notification of charges, at least ten (10) days prior to the designated Tribal Council Meeting.
- (c) Before any vote for expulsion is taken in the matter, such officer or member shall be given an opportunity to answer all written charges at a designated Tribal Council Meeting called for that purpose. The decision of the Tribal Council shall be final. Voting must be by secret ballot and the Chairperson is eligible to vote on the matter.

#### ELECTION -- IV

- (a) The Tribal Council Officers shall be elected at the Annual Meeting, held for the election purposes, by the Tribal Council and the General Council members. Except as provided by (b) Article III, for the filling of vacancies which may occur during the year, the Tribal Council Officers shall hold office until the next Annual meeting, until their successors are elected. Elections shall be held on the 3rd Saturday of January, each year.

#### MEETING -- V

- (a) Regular meetings of the Tribal Council Officers shall be held without call at 12 Noon, on the third Saturday of each month at 11178 School Drive, Sheep Ranch (Rancheria) California 95250, or at any place which shall be designated from time to time by resolution of the Tribal Council, or by a written consent of all members of the Tribal Council. Notice of such meeting is hereby dispensed with.

#### QUORUM VI

- (a) Three (3) of the authorized number of Tribal Council Officers shall be necessary to constitute a quorum for the transaction of business.

#### ARTICLE VII

##### Officers

- (a) The Officers of this Tribe shall be a Chairperson, Vice-Chairperson, a Secretary, and a Treasurer, who shall be chosen by the members of the General Council. Each of said officers shall serve until he or she shall resign, or be removed or become disqualified, or until his or her successor shall be elected.

### Chairperson

Subject to such powers, if any, as may be delegated by the Tribal Council, to the Chairperson Committee, the Chairperson shall be the Chief Tribal Officer, and, subject to the control of the Tribal Governing Board, shall have general supervision and direction of the business and general affairs of the Tribe. He shall;

1. Preside at all meetings of the Tribal Council and all meetings of the General Council membership;
2. Call all meetings of the Tribal Council;
3. Employ and discharge, subject to the approval of the Tribal Council, such agents and employees as the business of Tribe shall from time to time require, and prescribe their duties, terms of employment, and compensation;
4. Exercise such other powers and perform such other duties as may be prescribed by the Tribal Council and these By-Laws.

### Vice - Chairperson

In the absence or incapacity of the Chairperson, the Vice-Chairperson, shall perform the duties as may be prescribed for him by the Governing Body of the Tribal Council. When presiding he/she shall have all the rights, privileges, and duties as well as responsibilities of the Chairperson.

### Secretary

The Secretary shall;

- (1) Keep a Book of Minutes at the Tribes principal office or such other places as the Tribal Council Officers shall order, of all meetings of the Tribal Council and the General Council in the form and manner required by law;
- (2) Keep at the Tribes principal office open to inspection by Tribal members at all reasonable times, the original or a Certified copy of the By-Laws of the Tribe as amended or otherwise altered to date;
- (3) Keep the Corporate Seal and affix it to all papers and documents requiring a Seal;
- (4) Attend to the giving and serving of all notices of the Tribe required by law, or these By-Laws to be given;
- (5) Attend to such correspondence as may be assigned to this office and perform all other duties incidental to this office or prescribed by the Tribal Council or by law.

### Treasurer

The Treasurer shall;

- (1) Keep and maintain open to inspection by any member of the Tribal Council at all reasonable times, adequate and correct accounts of the properties and business transactions of the Tribe, which shall include all matters required by law and be in form as required by law;
- (2) Have the care and custody of the funds and valuables of the Tribe and deposit same in the name of and to the credit of the Tribe with such depositaries as the Tribal Council may designate;
- (3) Disburse the funds of the Tribe as he or she may be ordered by the General Council, taking proper vouchers for such disbursement;
- (4) Render to the Chairperson, the Vice-Chairperson, or to Secretary to the Tribal Council whenever they may require it, an account of all of his transactions as Treasurer, and a financial statement in form satisfactory to them, showing the condition of the Tribes finances;
- (5) Have such other powers and perform such other duties as may be prescribed by the Tribal Council.

### Special

Special meetings of members for any purpose whatsoever may be called at anytime by the Chairperson, or others of the Tribal Council, or by one-fourth or more members of the Tribe. Such meetings may be held at the principal office of the Tribe or at any place within the State designated by written consent of the members entitled to vote thereat, or by the Tribal Council pursuant to authority granted to the Tribal Council in and by these By-Laws.

### Amendments

These By-Laws, or any particular one of these By-Laws, may be amended or repealed or new By-Laws may be adopted by the vote of members entitled to exercise their voting right. as the qualified voters of Sheep Ranch (Rancheria)

This Constitution may be amended by a majority vote of the qualified voters of Sheep Ranch (Rancheria), voting in an election called for that purpose by the Secretary of the Interior or his authorized representative, provided that at least 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 his duly authorized representative.

Treasurer

The Treasurer shall;

- (1) Keep and maintain open to inspection by any member of the Tribal Council at all reasonable times, adequate and correct accounts of the properties and business transactions of the Tribe, which shall include all matters required by law and be in form as required by law;



Rules of Duplicate Membership

Any person who is eligible for membership, by enrollment in the Sheep Ranch (Rancheria) Miwok Band of Indians and who is a member of another Tribe, must relinquish membership in the other Tribe on the effective date of his or her enrollment as a member of the Sheep Camp (Rancheria) Miwok Indian Tribe. Provided, nothing in this provision shall be construed in any way to require the relinquishment of any property acquired by purchase, allotment, bequest, inheritance, assignment, or other manner of acquisition.

Any person who wishes to withdraw from membership in the Tribe must submit a written withdrawal notice to the Tribal Council Chairperson who shall direct the enrollment committee to adjust the enrollment records accordingly. Withdrawal is final. No re-applications are permitted.

The General Council shall have the power to adopt ordinances consistent with this Constitution governing future membership, loss of membership and the adoption of members into the Tribe.

Article VII --ENUMERATED POWERS OF THE TRIBAL COUNCIL

- (1) Powers and responsibilities;  
To administer any funds or property within the control of the Tribe for the benefit of the Tribe and its members, officers, or employees; and to allocate tribal funds as loans or grants and to transfer tribal property and other assets to tribal organizations for such use as the Tribal Council may determine.
- (2) To employ legal counsel on behalf of the Tribe, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative.
- (3) To sue on behalf of the Tribe and be sued provided such suit is consented to by waiver of sovereign immunity; provided no waiver of sovereign immunity shall be made by the Tribal Council without the express prior approval by a majority of the General Council, voting thereon at a meeting duly called and noticed for that express purpose, or at a regularly scheduled meeting.

- (4) Employ consultants for the protection and advancement of the interest of the Tribe and its members.
- (5) To form or join existing Tribal Courts, consortiums, or Indian organizations dealing with the "INDIAN CHILD WELFARE ACT OF 1978 (25 U.S.C. 1901 et. seq. and to reassume jurisdiction over Indian child custody proceedings as authorized by the Indian Child Welfare Act (25 U.S.C. 1918).
- (6) To form or join a Tribal Judicial System or Regulatory agency and promulgate tribal Court Rules.
- (7) To create and regulate subordinate organization; and to delegate to such organizations, or to any subordinate boards or officials of the Tribe, any of the foregoing powers, reserving the right to review and rescind any action taken by virtue of such delegated powers.
- (8) To form or join an existing Housing Authority.

The Tribal Council shall have all of the appropriate powers necessary to implement specific provisions of this Constitution and to effectively govern.

OTHER DUTIES OF THE GENERAL COUNCIL GOVERNING BODY

- (1) The only limitation on their duties are those limitation imposed by this Constitution and By-Laws and the laws of of the United States:
  - (a) To negotiate with Federal , State, local and Tribal governments on behalf of the Tribe; to consult with the U.S. Department of Interior which may affect the Tribe; and to advise the Secretary of the Interior on all Federal projects for the benefit of the Sheep Ranch (Rancheria) Miwok Indian Tribe.
  - (b) To encourage and foster arts, crafts, traditions, and culture and ancient lore of the Tribe.



- (c) To promulgate and enforce resolutions or ordinances, providing for the manner of making, holding, and revoking assignments of the Sheep Ranch (Rancheria) land; providing for the levying of taxes and the appropriation of available Tribal funds for public purposes; and for the exclusion of undesirable persons.
- (d) To promulgate and enforce ordinances on such subjects as the activity of the Tribe may require as are not inconsistent with this Constitution.
- (e) To borrow money and provide for the repayment thereof, manage all economic affairs and enterprises, negotiate and contract on behalf of the Tribe, and create Tribal owned corporations.
- (f) To initiate, approve, grant or reject any acquisition, disposition lease, or encumbrance of Tribal land or or property; to manage, protect, and preserve all lands, minerals, wildlife, and other natural resources of the Sheep Ranch (Rancheria); to initiate and administer land development projects for the entire (Rancheria).
- (g) To create and maintain a reasonable Tribal fund for administrative expenses of the Tribe and to provide for remuneration of Tribal Council members and Tribal officials as may be required.

#### ARTICLE VIII -- ORDINANCES AND RESOLUTIONS

THE TRIBE IN EXERCISING ITS POWERS OF SELF-GOVERNMENT SHALL NOT:

- (a) Make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble and to petition for redress of grievances;
- (b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, 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;
- (c) Subject any person for the same offense to be twice put into jeopardy;

- (d) Compel any person in any criminal case to be a witness against himself;
- (e) Take any private property for a public use without just and fair compensation;
- (f) Deny to any person in a criminal proceeding the right to a speedy 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 defence;
- (g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six (6) months or a fine of \$500.00 or both;
- (h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of their legal rights without due process of laws;
- (i) Pass any bill of attainder or ex post facto law;
- (j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

#### ARTICLE IX-- SEVERABILITY

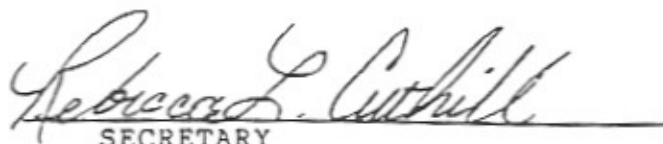
If any provision of This Constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

KNOW ALL PERSONS BY THESE PRESENT:

I, THE UNDERSIGNED AND DULY ELECTED AND ACTING SECRETARY OF  
SHEEP RANCH (RANCHERIA) MIWOK INDIAN TRIBE OF CALIFORNIA,  
DO CERTIFY:

THAT THE WITHIN AND FOREGOING CONSTITUTION AND BY-LAWS WERE  
ADOPTED AS THE CONSTITUTION AND BY-LAWS OF THE SAID INDIAN  
TRIBE ON THE 11 DAY OF DECEMBER, IN THE  
YEAR, NINETEEN HUNDRED AND NINETY NINE , AT SHEEP RANCH  
(RANCHERIA) , CALIFORNIA, AND THAT THE SAME DO NOW CONSTITUTE  
THE CONSTITUTION AND BY-LAWS OF SAID "SHEEP RANCH (RANCHERIA) MIWOK  
INDIAN TRIBE, OF CALIFORNIA.

I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED THE SEAL OF  
SAID TRIBE ON THIS 11 DAY OF DECEMBER, 1999.

  
SECRETARY