

CONSTITUTION AND BYLAWS
FOR THE
ELEM INDIAN COLONY
of Pomo Indians
CLEARLAKE OAKS, CALIFORNIA

PREAMBLE

We, the Elem Indian Colony of Pomo Indians, to secure greater autonomy, and to promote our common welfare, do hereby adopt the following constitution and bylaws for the Elem Indian Colony of Pomo Indians of Clearlake Oaks, California

ARTICLE I - TERRITORY

The jurisdiction of the Elem Indian Colony of Pomo Indians shall extend to the territory within the present confines of the Elem Indian Colony and to such other lands as may hereafter be added thereto.

ARTICLE II - MEMBERSHIP

The membership of the Elem Indian Colony of Pomo Indians shall consist of:

Section 1. Persons listed on the basic membership roll established pursuant to the enrollment ordinance adopted by the general council on January 29, 1972.

Section 2. Descendants of persons on the basic membership roll, provided such descendants possess at least 1/8 degree Indian blood, and have at least one parent who is an enrolled member of the colony.

Section 3. Persons who otherwise meet the requirements for membership as established by the above mentioned enrollment ordinance shall be ineligible for membership if they:

- (a) are enrolled as members of another tribe or band;
- (b) have received an allotment or formal assignment of land with another tribe or band;
- (c) appear on a distribution plan of another tribe or band, prepared pursuant to the Amended Rancheria Act.
- (c) have relinquished, in writing, their membership in the Elem Indian Colony of Pomo Indians.

Section 4. The council shall have power to prescribe rules and regulations, subject to the approval of the Secretary of the Interior, covering future membership including adoption and loss of membership.

ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Elem Indian Colony of Pomo Indians shall be the general council, which shall be composed of all qualified voters of the band.

Section 2. All members of the Elem Indian Colony of Pomo Indians who are 18 years of age or older are qualified voters.

Section 3. The general council shall elect from its members by secret ballot an executive committee consisting of a chairman, vice-chairman, secretary-treasurer, and two committee members, who shall hold office for two years, or until their successors are duly elected, as well as such other committees as may be deemed necessary. Duties of the two committee members will be as assigned by the general council and the chairman.

ARTICLE IV - MEETINGS

Section 1. The general council shall regularly convene at times and places as are prescribed by the executive committee.

Section 2. The executive committee shall call special meetings promptly upon receipt of petitions signed by at least thirty percent (30%) of the qualified voters requesting such meetings. forty-five percent of the qualified voters of the band constitutes a quorum at meetings of the general council. Notices of all general council meetings shall be given in writing at least fifteen (15) days in advance of the meetings.

Section 3. Special meetings of the executive committee may be called by the chairman or the secretary-treasurer when deemed necessary. Three members of the executive committee shall constitute a quorum for the conduct of its business.

ARTICLE V - ELECTIONS

Section 1. First Election: Within 60 days following the effective date of this constitution and bylaws, the chairman of the general council shall call and hold a meeting of the general council for the purpose of electing the following officers who shall constitute the executive committee: chairman, vice-chairman, secretary-treasurer, and two committee members.

Section 2. Regular Elections: Beginning in 1974, the election of officers shall be conducted during November of each even numbered year and all officers shall be elected for two (2) year terms, or until their successors are duly elected and installed.

Section 3. Nominations of candidates shall occur at the November meeting of the general council as provided in Section 2, Article V. Nominations shall be from the floor. Any member, who is at least 18 years of age or older, may be a candidate for office.

ARTICLE VI - VACANCIES, REMOVAL AND RECALL

Section 1. Vacancies. If any elective official shall die, resign, or shall be found guilty while in office of a felony in any State, or Federal court, the executive committee shall declare the position vacant and call a special election to fill such vacancy. The candidate receiving the highest number of votes shall be elected and shall serve out the unexpired term.

Section 2. Recall. Upon receipt by the executive committee of a valid petition, signed by at least thirty percent (30%) of the qualified voters calling for the recall of an elected officer, the executive committee shall call and conduct within thirty (30) days a recall election. A majority of those who participate in such election must favor recall in order for it to become effective, provided those who vote constitute at least fifty-one percent (51%) of the qualified voters.

Should the recall be successful, the vacancy shall be filled as provided in Section 1 of this article. Further details needed to carry out the intent of this article may be set forth in the band's election ordinance.

ARTICLE VII - POWERS OF THE GOVERNING BODY

Section 1. The general council of the Elem Indian Colony of Pomo shall exercise the following powers, subject to any limitations imposed by the statutes and Constitution of the United States:

- (a) To negotiate with Federal, state and local governments.
- (b) To retain legal counsel, the choice of a fee-charging attorney being subject to approval of the Secretary of the Interior or his authorized representative.
- (c) To veto any proposed sale, disposition, lease or encumbrance of tribal lands, interest in lands, or other tribal assets of the band.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates for federal projects for the benefit of the Elem Indian Colony of Pomo Indians prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage, lease, contract, or otherwise deal with tribally owned assets.

(f) To establish fees, receive funds, and expend any such funds which may come into the exclusive control of the Elem Indian Colony of Pomo Indians for the payment of its expenses or to finance any project which is for the benefit of the band as a whole.

(g) To promulgate and enforce ordinances, consistent with this constitution and bylaws and federal law, governing initial and future enrollment for membership, loss of membership, adoption of members; the use of tribal land and assets; the conduct of elections; the manner of making, holding and revoking assignments of tribal land or interests therein; the licensing of non-members coming on the rancheria for purposes of hunting, fishing, trading or other business; and all other necessary ordinances.

(h) To establish its own rules of procedure for the conduct of its affairs, and to delegate to the executive committee, or other representatives, any of the foregoing powers.

(i) To take such actions as are necessary to carry into effect any of the foregoing powers.

(j) To establish such housing and other authorities as are necessary to promote the welfare of the band.

Section 2. The executive committee shall have the following powers, but shall not commit the Elem Indian Colony to any contract, lease, or other transaction unless it is so authorized in advance by a duly enacted ordinance or resolution of the general council.

(a) Carry out all ordinances, resolutions, or other enactments of the general council

(b) Represent the Elem Indian Colony in all negotiations with federal, state and local governments, their agencies and officers, and advise the general council of the results of all such negotiations.

Section 3. Any rights or powers heretofore vested in the Elem Indian Colony of Pomo Indians, but not expressly referred to in this constitution, shall not be abridged by this article.

ARTICLE VIII - BILL OF RIGHTS

The protections guaranteed to persons by Title II of the Civil Rights Act of 1968 (82 Stat. 77), against actions of a tribe in exercising its powers of self-government, shall apply to the Elem Indian Colony of Pomo Indians.

ARTICLE IX - AMENDMENTS

Section 1. This constitution and bylaws may be amended by a majority vote of the qualified voters who are eighteen (18) years of age or over at an election authorized for that purpose by the Secretary of the Interior, provided at least thirty percent (30%) of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

Section 2. Amendments may be proposed by the executive committee or by a petition signed by at least thirty percent (30%) of the qualified voters of the Elem Indian Colony of Pomo Indians. An amendment will be submitted to the Secretary of the Interior, who shall thereupon call an election upon the proposed language, only after the amendment has been discussed and approved at a meeting of the general council.

BYLAWS FOR THE ELEM INDIAN COLONY OF POMO INDIANS
CLEARLAKE OAKS, CALIFORNIA

ARTICLE I - DUTIES OF THE CHAIRMAN

It shall be the duty of the chairman to preside at all meetings of the general council and the executive committee; to execute on behalf of the Elem Indian Colony all contracts, leases, or other documents when authorized to do so by the general council, and to certify the enactment of all written resolutions and ordinances. He shall have the general supervision of all other officers, committees, and employees, and shall see that their duties are properly performed. When neither the general council nor the executive committee are in session, he shall be the official representative of the Elem Indian Colony. The chairman may vote in elections for officers and elections called by the Secretary of the Interior, but he shall not vote when presiding at meetings, except to break a tie vote.

ARTICLE II - DUTIES OF THE VICE-CHAIRMAN

It shall be the duty of the vice-chairman to assist the chairman in the performance of his duties and in the absence of the chairman to perform the duties of the chairman.

ARTICLE III - DUTIES OF THE SECRETARY-TREASURER

It shall be the duty of the secretary-treasurer to keep the minutes of the general council meetings and a record of the executive committee meetings; to attest to the enactment of all written resolutions and ordinances; to send out all required notices; and to receive on behalf of the executive committee all petitions. The secretary-treasurer shall have the care and custody of all the funds, liquid assets or other valuables of the Elem Indian Colony; shall deposit all funds in a depository which has been approved by the general council; shall disburse funds only as authorized by resolution of the general council by checks which are co-signed by the chairman; and shall maintain financial accounts, receipts and records. The financial records of the Elem Indian Colony shall be subject to inspection or audit at the direction of the general council or the Bureau of Indian Affairs. The secretary-treasurer shall report all receipts and disbursements at each regular meeting of the general council. Whenever the general council deems it necessary, the secretary-treasurer shall be bonded to the Elem Indian Colony, with bond premiums payable from the tribal funds. The secretary-treasurer will send copies of all minutes of meetings, ordinances and written resolutions to the Superintendent, Central California Agency, Bureau of Indian Affairs, after approval by the general council.

ARTICLE IV - EFFECTIVE DATE

This constitution and bylaws, when adopted by a majority vote of the qualified voters, voting at an election authorized 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, shall be submitted to the Secretary of the Interior for approval, and, if approved, shall be effective from the date of such approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Deputy Commissioner of Indian Affairs on October 19, 1972, under delegated authority, the attached constitution and bylaws for the Elmer Indian Colony of Pomo Indians, Clearlake Oaks, California, was submitted to the qualified voters of the colony, and was on October 10, 1973, duly adopted ~~rejected~~ by a vote of 14 for, and 1 against, in an election in which at least 30 percent of the 15 entitled to vote cast their (number) ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Frank Haggerty, Jr.
Chairman, Election Board

Margaret Chalman
Election Board Member

Raymond Brown
Election Board Member

APPROVAL

I, _____, _____ Secretary of the

Interior of the United States of America, by virtue of the

authority granted to me by the Act of June 18, 1934 (48 Stat. 984),
as amended, do hereby approve the attached Constitution and Bylaws
for the Elean Indian Colony of Pomo Indians of Clearlake Oaks,
California.

Approval Recommended:

[Signature]
Acting Director, Office of
Community Services

[Signature]
Deputy Assistant

Secretary of the Interior

Washington, D. C.

Date: APR - 2 1973

