

**CONSTITUTION
OF THE
GREENVILLE RANCHERIA**

We, the Indians of the Greenville Rancheria, originated near the town of Greenville, Plumas County, California, in order to form a recognized representative organization to manage all tribal affairs; to preserve and make secure our tribal heritage and identity; to safeguard our interests and general welfare; to improve the economic conditions of ourselves and our Tribe; do hereby approve and adopt this Constitution pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

ARTICLE I - NAME

The name of this Tribe shall be the Greenville Rancheria (hereafter, "the Tribe").

ARTICLE II - PURPOSE

Pursuant to the Act of June 18, 1934, and the judgment entered in Tillie Hardwick v. United States of America, U.S. District Court for the Northern District of California, No. C-79-1710-SW, the members of the Greenville Rancheria do hereby adopt this Constitution which shall henceforth constitute the governing document of the Tribe, for the purpose of governing ourselves, to promote and protect the interests of the Tribe, and to enhance peaceful and cooperative relations with other tribal, Federal, State, and local government(s) and other entities.

ARTICLE III - TERRITORY

The jurisdiction of the Tribe shall extend to the territory within the boundaries of the Greenville Rancheria, as established in the judgment entered in Tillie Hardwick v. United States of America, U.S. District Court for the Northern District of California, No. C-79-1710-SW, and to such other lands as may be hereafter acquired by the Rancheria, whether within or without said boundary lines, under any grant, transfer, purchase, adjudication, treaty, Executive Order, Act of Congress, or other acquisition, subject to Federal law. The jurisdiction of the Greenville Rancheria shall also extend to affiliated Indian country which is located contiguous to the Greenville Rancheria or contiguous to other lands acquired by or for the Tribe.

ARTICLE IV - MEMBERSHIP

Section 1. Membership. The membership of the Tribe shall consist of the following:

- (a) All persons whose names are listed on the Plan for the Distribution of Assets of the Greenville Rancheria approved by the Secretary of the Interior on March 25, 1960, pursuant to the California Rancheria Act of August 18, 1958, as amended. The Distribution Plan shall constitute the base membership roll of the Rancheria.
- (b) Lineal Descendants of persons whose names are listed on the base membership roll, PROVIDED, That he/she possesses at least one eighth (1/8) degree or more California Indian Blood.
- (c) All children born after the adoption of this Constitution to any member who are one eighth (1/8) degree or more Indian blood.

Section 2. Dual Membership Prohibition. No person shall be eligible to be a member of the Greenville Rancheria if that person is enrolled in another federally recognized Indian tribe. Any member of the Greenville Rancheria who applies to be and is accepted as a member of another federally recognized tribe shall be subject to disenrollment and the forfeiture of all rights and benefits to which tribal members are entitled by virtue of their membership; PROVIDED, However, That if a parent or guardian of a minor has enrolled the minor in another federally recognized Indian tribe, the minor, after reaching the age of majority, may apply for enrollment in the Greenville Rancheria.

Section 3. Regulation of Membership. The Tribal Council shall have the power to enact ordinances, consistent with this Constitution and subject to approval by the Secretary of the Interior, governing future membership, including application and appeal procedures, and loss of membership.

Section 4. Relinquishment of Membership. Any person who wishes to relinquish membership in the Tribe must submit such relinquishment in writing to the Tribal Council Chairperson who shall direct the enrollment committee to adjust its records accordingly. However, any member who voluntarily relinquishes membership shall not again be eligible to enroll as a member of the Greenville Rancheria.

ARTICLE V - RIGHTS OF MEMBERS

Except as otherwise provided by this Constitution, all members of the Tribe shall be accorded by the governing body equal rights, equal protection, and equal opportunities to participate in the economic resources and activities of the Tribe, and no member shall be denied any of the rights or guarantees set forth in the Indian Civil Rights Act of April 1, 1968 (82 Stat. 77) including but not limited to freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances, and due process of law.

ARTICLE VI - GOVERNING BODY

Section 1. Tribal Council. The governing body of the Greenville Rancheria shall be the Tribal Council. It shall be the duty of the Tribal Council to govern all the people, resources, land, and water reserved to the Tribe in accordance with this Constitution, and under such laws as may hereinafter be adopted by the Tribal Council.

Section 2. Composition. The Tribal Council shall consist of a Chairperson, a Vice Chairperson, a Secretary/Treasurer and two (2) Members, all elected at-large from the tribal membership, by a majority of the votes cast by eligible voters in an election. Except as provided in Article IX herein, each Tribal Council member shall serve for a term of four (4) years.

ARTICLE VII - POWERS OF THE TRIBAL COUNCIL

Section 1. Enumerated Powers. The Tribal Council shall exercise all the powers and responsibilities provided under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, and such powers and responsibilities hereinafter provided subject to any limitations imposed by Federal law and this Constitution.

- (a) To consult, negotiate, contract, or conclude agreements with Federal, State, local and tribal governments and with private persons and organizations;
- (b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law;
- (c) To make recommendations to the Secretary of the Interior, or to his authorized representative, with regard to all appropriation estimates for all projects which are for the benefit of the members of the Tribe, prior to the submission of such estimates to the Office Management and Budget and Congress;

- (d) To borrow money from public and private sources and to pledge, mortgage or assign Rancheria assets other than real property and tribal assets from which income is derived and which is held in trust by the United States of America;
- (e) To set aside and to expend tribal funds for tribal purposes;
- (f) To impose fees and assessments for community purposes on members and those doing business within tribal territory; PROVIDED, That no fees or assessments shall be imposed on real property held in trust by the United States of America;
- (h) To charter and regulate corporations, cooperatives, associations, special districts, educational and charitable institutions, political subdivisions and other entities;
- (i) To license and regulate the conduct of all business activities within tribal jurisdiction;
- (j) To establish enterprises as branches or agencies of the tribal government, and otherwise to engage in business activities and projects which promote the economic well-being of the Tribe and its members;
- (k) To purchase and to acquire in other ways land and other property;
- (l) To manage, develop, protect and regulate the use of water, minerals, and all other natural resources within the jurisdiction of the Tribe;
- (m) To enact laws and codes governing the conduct of individuals and prescribing disciplinary action for offenses against the Tribe; to maintain order; to protect the safety and welfare of all persons within tribal jurisdiction; and to provide for the enforcement of the laws and codes of the Tribe;
- (n) To establish courts and administrative bodies, and to provide for the courts' jurisdiction, procedures, and a method for the selection of judges;
- (o) To assert as a defense to lawsuits against the Tribe the sovereign immunity of the Tribe, except that no waiver of sovereign immunity can be made by the Tribal Council without prior approval of the general membership;

- (p) To provide for the guardianship of minors and incompetent persons within tribal jurisdiction; to provide services for the health, education and welfare of all persons within tribal jurisdiction; to reassume jurisdiction and regulate child dependency proceedings as provided in the Indian Child Welfare Act of 1978 (P.L. 95-608).
- (q) To appoint, direct and set the compensation of all Tribal Business Administrators or Managers and other tribal employees and to establish policies and procedures for the employment of tribal employees.
- (r) Subject to any limitations contained in this Constitution, to delegate any of the foregoing powers vested in the Tribal Council to subordinate boards or committees, tribal officials, employees, or other appropriate persons; and
- (s) To take all actions which are necessary and proper for the exercise of the powers delegated to the Tribal Council or to any person or committee under the supervision of the Tribal Council.

Section 2. Reserved Powers. All rights, powers and authorities expressed, implied, or otherwise vested in the Tribe, not expressly referred to in these articles, shall not be hereby abridged but shall be exercised by the Tribal Council through the adoption of appropriate amendments to this Constitution.

ARTICLE VIII - MEETINGS

Section 1. Tribal Council Meetings. All meetings of the Tribal Council shall be open to all tribal members, PROVIDED, However, That the Council may recess to discuss any matter involving litigation or the privacy of an individual member in a closed executive session if the general subject matter to be discussed is expressed in the motion calling for such session and no final action is taken in the closed or executive session. Except as provided by this Constitution or other laws of the Tribe, all meetings of the Tribal Council shall be conducted in accordance with Robert's Rules of Order. Meetings shall be held in accordance with the following provisions:

- (a) Frequency. Regular monthly meetings of the Tribal Council shall be held no less frequently than once each month, as designated by an ordinance. The Tribal Council may set more frequent regular meetings as are necessary.

- (b) Quorum. The Tribal Council quorum is hereby established as three (3) Council members. No business shall be conducted unless a quorum is present during voting.
- (c) Voting. Each member of the Tribal Council, including officers, shall have one (1) vote.
- (d) Special Meetings. Special meetings of the Tribal Council may be called when requested by a majority of the Tribal Council, and shall be called when requested by thirty percent (30%) of the eligible voting members of the Tribe. Reasonable notice shall be given in regard to any special meetings, and shall specify the purpose of the meeting.
- (e) Regulation of Meetings. Within one hundred eighty (180) days of the effective date of this Constitution, the Tribal Council shall enact an ordinance, consistent with this Constitution, governing Tribal Council meetings, including frequency of meetings, what constitutes reasonable notice for special meetings, the manner of giving notice, as well as providing for emergency meetings.
- (f) Misconduct. Any Tribal Council member or persons of the General Council displaying actions of misconduct at any meetings shall be asked to vacate the premises.

Section 2. Annual General Membership Meeting. The general membership of the Tribe shall meet at least once every year at a place, time and date to be established by the Tribal Council.

- (a) Notice: At least thirty (30) days prior to the date of the annual meeting, written notice of the meeting and the agenda for the meeting shall be mailed to each member eighteen (18) years of age or older setting forth the date, time, and place that the annual meeting will be held.
- (b) Quorum. Each voting member shall have one vote on all matters considered at any meeting of the general membership. A voting member must be present to vote. All matters to be voted on at a general membership meeting shall be approved or disapproved by a majority vote of those present and voting. There shall be no quorum requirement for a general membership meeting, PROVIDED, However, That votes of the general membership shall be advisory only unless a minimum of thirty percent (30%) of the eligible voting members are in attendance.

- (c) Tribal Council Attendance. All members of the Tribal Council shall attend all general membership meetings and report on those items on the agenda. Failure of any council member to attend a general membership meeting, Except for illness, the death or illness of a member of the Council's immediate family, shall be grounds for removal. (Immediate family shall mean father, mother, brother, sister, spouse, child or grandparent.) The removal of a Council member under this section shall be decided by a vote of the general membership.
- (d) Duties of the Tribal Council. The Chairperson shall preside over the meeting of the general membership. The Council shall prepare at least thirty (30) days before the general membership meeting an agenda for the meeting. The items on the agenda shall include but not be limited to a written report by the Treasurer on the finances of the tribal government; the names of persons enrolled, disenrolled or who relinquished membership during the fiscal year immediately preceding the meeting; a written report by the Chairperson on all enactments of the Tribal Council during the year immediately preceding the meeting with a short summary explaining each law.

ARTICLE IX - ELECTIONS

Section 1. Tribal Council Election. The first election under this Constitution shall be held within ninety (90) days of the effective date of this Constitution at which time a system of staggered terms shall be established pursuant to the requirements of this Constitution. Elections shall be held by secret ballot. The three (3) members receiving the highest number of votes in the first election shall hold office for a period of four (4) years and the two (2) remaining members shall hold office for a period of two (2) years. Thereafter, all the terms of office shall be for a period of four (4) years. Council members shall hold office until their successors are duly elected and installed. Newly elected officers shall assume their respective office and duties immediately upon being elected.

Section 2. Qualifications. Any enrolled member eighteen (18) years of age or more shall be eligible to vote in tribal elections. Any enrolled member eighteen (18) years of age or more and who has never been convicted of a felony or misdemeanor involving moral turpitude such as, but not limited to, fraud, embezzlement, or theft, shall be eligible for election to the Tribal Council, PROVIDED That, this provision shall not render a candidate ineligible if the candidate successfully completed any sentence/probation or parole imposed for commission of any such conviction at least ten years prior to the date of the election in which the candidate is seeking office.

Section 3. Vacancies and Removal From Office. If a Council member or official shall die, resign, be removed or recalled from office, or be found guilty of a felony or a misdemeanor involving dishonesty, the Tribal Council shall declare the position vacant and shall appoint a qualified member of the Tribe to fill the unexpired term.

The Tribal Council may by a vote of three (3) expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken, such member or official shall be given a written statement of the charges against him or her at least five (5) days before the meeting of the Tribal Council at which the matter of expulsion is to be decided, and the accused shall be given an opportunity to answer any and all charges at the Tribal council meeting.

Section 4. Election Day. Elections shall be held as designated by an election ordinance as provided in Section 5 of this Article.

Section 5. Election Ordinance. The Tribal Council shall adopt an election ordinance consistent with this Constitution within six (6) months of the effective date of this Constitution which shall set forth the procedures to be followed in conducting elections called for in this Constitution. The ordinance shall include provisions for conducting all tribal elections by secret ballot, rules for calling elections, absentee balloting procedures, procedures for nominations, voter registration, maintenance of an eligible voter's list, the form of ballot, establishment of polling places, selection of election officials, validation of petitions and the resolution of election disputes.

ARTICLE X - POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Referendum. The Tribal Council shall, upon receipt of a petition signed by thirty percent (30%) of the qualified voters, submit any enacted or proposed tribal legislation to a referendum of the eligible voters. The decision of a majority (51%) of the voters voting in the referendum shall be final, PROVIDED, That thirty percent (30%) of the qualified voters voted. The Tribal Council shall call the referendum within thirty (30) days from the date of the receipt of a valid petition.

Section 2. Initiative. The qualified voters of the Tribe reserve the power to independently propose tribal legislation. Any proposed initiative measure shall be presented to the Tribal Council accompanied by a petition signed by not less than thirty percent (30%) of the qualified voters. Upon receipt of such a petition, the Tribal Council shall call a special election for the purpose of allowing the members of the Tribe to vote on the initiative measure. The election shall be held within thirty (30) days from the date a valid petition is presented. The decision of a majority (51%) of the voters voting in the initiative shall be final, PROVIDED, That thirty percent (30%) of the qualified voters voted.

Section 3. Binding Effect. The decision of the voters in both initiative and referendum elections shall be binding on the Tribal Council and the Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

Section 4. Recall. Upon receipt of a petition signed by at least thirty percent (30%) of the qualified voters of the Tribe demanding a recall of any member of the Tribal Council, it shall be the duty of the Tribal Council to call a special election on the question of the recall. The election shall be held in a manner prescribed in a duly adopted election ordinance. The decision of a majority (51%) of the voters voting in the recall shall be final, PROVIDED, That at least thirty (30%) of the qualified voters voted.

ARTICLE XI - DUTIES OF OFFICERS

Section 1. Chairperson. The Chairperson shall exercise the following powers as the chief executive officer of the Tribe:

- (a) To preside over all meetings of the Tribal Council and General Council.
- (b) Subject to the approval of the Tribal Council, to establish such boards, committees, or subcommittees as the business of the Tribal Council may require, and to serve as an ex-officio member of all such committees and boards;
- (c) Subject to the approval of all contracts by the Tribal Council, to serve as a contracting officer or agent for the Tribe including authority to retain legal counsel;
- (d) Subject to such regulations and procedures as may be prescribed by ordinance enacted by the Tribal Council, and subject to approval by the Tribal Council, to grant pardons or restore tribal members to eligibility for elective office in tribal government;
- (e) The Chairperson shall not hold other tribal offices or engage in private remunerative employment which may pose a conflict of interest with the Tribe's enterprises or business activities during his/her term of office.

Section 2. Vice Chairperson. The Vice-Chairperson shall, in the absence or incapacity of the Chairperson, perform all duties and assume all the responsibilities vested in the Chairperson. The Vice Chairperson shall, on request of the Council, assist in carrying out the duties of the Chairperson. The Vice Chairperson shall perform any other duties as the Council may direct.

Section 3. Secretary/Treasurer. The Secretary/Treasurer shall perform the following duties:

- (a) Call the roll; handle all official correspondence of the Tribal Council; keep the minutes of all regular and special meetings of the Tribal Council and General Council; certify to the Superintendent of the Bureau of Indian Affairs the duly elected officers of the Tribal Council within fifteen (15) days from the date of any election; and attest to all resolutions and ordinances.
- (b) Accept, receipt for, keep and safeguard all funds under the exclusive control of the Tribe by depositing them in a bank insured by an agency of the Federal Government, or an appropriate account or tribal trust account with the Bureau of Indian Affairs, as directed by the Tribal Council, and shall keep or cause to be kept an accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in the custody of the Tribal Council except as otherwise directed by the Tribal Council.
- (c) The Secretary/Treasurer shall be required to give a surety bond satisfactory to the Tribal Council, and the Tribal Council shall be responsible for the costs.
- (d) All checks drawn on rancheria funds shall be signed and all vouchers shall be approved for payment by the Treasurer, or at least one officer, or the designated check signers of the Tribe, in accordance with a written fiscal manual setting forth a procedure approved and adopted by the Tribal Council by resolution.

Section 4. Bonding. The Tribal Council shall require all fiscally responsible tribal officials and employees to be bonded.

Section 5. Records. At the expiration of a tribal officer's term, he/she shall turn over all the records and papers in his or her possession to his successor or to the Tribal Council.

ARTICLE XII - TRIBAL ENACTMENTS

Section 1. Statutes or Ordinances. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in statutes or ordinances. Such statutes or ordinances shall be collected and made available for inspection and copying by an enrolled tribal member.

Section 2. Resolutions. All final decisions of the Tribal Council on matters of temporary interest, such as the establishment of a committee, action taken on the tribal budget for a single year, or rules of order, shall be embodied in resolutions which shall be duly executed and recorded in a special book which shall be open to inspection by tribal members during regular business hours.

Section 3. Certification. All statutes, ordinances and resolutions shall be dated and numbered and shall include a certificate showing the presence of a quorum, the number of members voting for and against the proposed enactment and the constitutional authority for such action.

Section 4. Retention of Statutes, Codes, Ordinances and Resolutions. Copies of all statutes, codes, resolutions and ordinances adopted by the Tribal Council, its committees and subcommittees shall be maintained at the tribal office, and shall be available for inspection upon reasonable notice during regular business hours to all enrolled members of the Tribe.

ARTICLE XIII - SEVERABILITY

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

ARTICLE XIV - INITIAL TRIBAL COUNCIL

Section 1. Council Operation. Until such time as this Constitution is approved by the Secretary as set forth in Article XVI, the incumbent Tribal Council elected by the qualified voters of the Tribe voting at an election called for that purpose shall govern in accordance with provisions of this Constitution.

Section 2. Savings Clause. All enactments of the initial tribal council made prior to approval of this Constitution by the Secretary of the Interior, and not inconsistent with this Constitution or Federal law, are hereby ratified upon adoption of this Constitution.

ARTICLE XV - AMENDMENTS

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. No amendment shall become effective until approved by the Secretary of the Interior or his authorized representative.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of a majority of the Tribal Council, or upon presentation of a petition signed by at least thirty percent (30%) of the qualified voters of the Greenville Rancheria.

ARTICLE XVI - ADOPTION

This Constitution, when adopted by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of Interior in which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of his or her approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs on February 16, 1995, the Constitution of the Greenville Rancheria of California was submitted to the qualified voters of the Greenville Rancheria and was on May 20, 1995, adopted/rejected by a vote of 15 for, and 2 against, and 0 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 27 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.

Carl B. Gogus Davis
Chairman, Election Board

Mayorie Simmons
Election Board Member

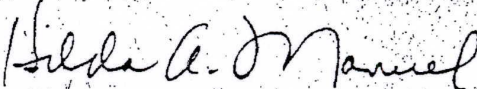
Richard Jeff
Election Board Member

Archie Simmons
Election Board Member

Date: MAY 20 1995

CERTIFICATE OF APPROVAL

I, Hilda A. Manuel, 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), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve the Constitution of the Greenville Rancheria. 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.


Deputy Commissioner of Indian Affairs

Washington, D. C.

Date: JUN 23 1995