

THE
DOCUMENT EMBODYING
THE LAWS, CUSTOMS AND TRADITIONS
OF THE
COYOTE VALLEY BAND OF POMO INDIANS

PREAMBLE

We, the Coyote Valley Band of Pomo Indians, being a sovereign native people, in order to organize for our common good, to maintain and foster our tribal culture, to protect and conserve our land and natural resources, to promote the social, economical and general welfare of our people, to maintain peace and order, and secure the rights and powers inherent in our sovereign status, guaranteed to us by the laws of the United States, do hereby establish and adopt this Document which from this time forward shall govern the Coyote Valley Band of Pomo Indians.

ARTICLE I - PURPOSE

The Coyote Valley Band of Pomo Indians hereinafter referred to as the Band, pursuant to the Act of June 18, 1934 (48 Stat. 934), adopts this Document which shall henceforth constitute the governing document of the Band, for the purposes of governing ourselves, under our own

laws, customs, and traditions, free from state regulation: and control; and for the purpose of establishing a legally recognized tribal government.

ARTICLE II - TERRITORY AND JURISDICTION

Section 1. Territory and Jurisdiction.

The jurisdiction of the Band, its General Council, its Tribal Council and its tribal courts shall extend to the following:

a. All lands, water and other resources within the exterior boundaries of what now comprises the Coyote Valley Indian Reservation, as described in the deed recorded in Book 1230, Page 339, Official Records of the County of Mendocino;

b. All other lands, water and resources as may be hereafter acquired by the Band, whether within or without said boundary lines, under any grant; transfer, purchase adjudicatory treaty, Executive Order, Act of Congress or other acquisition;

c. All persons within any territory under the jurisdiction of the Band; and

d. All Band members exercising hunting and fishing rights within the exterior boundaries of the Coyote Valley Rancheria as established by the Acts of June 21, 1906 (34 Stat. 325, 333) and April 30, 1908 (35 Stat. 70, 76).

ARTICLE III - MEMBERSHIP

Section 1. Members

The following persons shall be members of the Tribe, provided that such persons shall first have made application for membership according to the Tribe's enrollment code and provided further that no person who is a member of any other Indian nation, tribe, band, community, village or colony shall at the same time be a member of the Tribe:

a. All persons whose names appear on the Coyote Valley Band of Pomo Indians Membership Register of September 12, 2012 (hereinafter referred to as the "Tribal Base Roll").

b. All persons who are lineal descendants of any persons designated in subsection (a).

Section 2. Enrollment Procedures

The Tribal Council shall have the power to regulate the enrollment of tribal members as follows:

a. The Tribal Council shall enact statutes governing enrollment and disenrollment procedures and corrections of the tribal roll .

b. The Tribal Council shall have the power to correct the original or current tribal roll at any time by adding the names of the persons who should have been included or deleting the names of person who have relinquished their tribal membership or who were incorrectly included in the roll.

c. Any person subject to removal from the tribal roll shall be provided with reasonable notice of the proposed action and an opportunity to present evidence on his or her behalf.

ARTICLE IV - GOVERNING BODY

Section 1. Organization

The powers of the government of the Band shall be divided into three distinct branches, the General Council, the Tribal Council, and Tribal Judiciary, and no branch, group or person charged with the exercise of powers properly belonging to one of these branches shall exercise any powers properly belonging to one of the other branches, except as otherwise specified in this Document.

Section 2. Name

The governing body of the Band shall be the General Council. In addition, there shall be elected from the General Council a Tribal Council.

Section 3. Powers

The General Council shall exercise all powers of self-government through the initiative, referendum, repeal and recall procedures specified in Articles XI, XII, and XIII, of this Document. The Tribal Council shall exercise, concurrently with the General Council, all powers delegated to it by the General Council, and otherwise vested in the Tribal Council by this Document. The Tribal government shall exercise its powers of self-government pursuant to its own inherent sovereignty and pursuant to those powers which have been delegated to it by the United States of America.

ARTICLE V - GENERAL COUNCIL

Section 1. Electorate

All tribal members eighteen (18) years of age

or older shall be members of the General Council of the Coyote Valley Band and shall be eligible to vote in all tribal elections, referenda, recalls, repeals and at all meetings of the General Council.

Section 2. Meetings of the General Council

a. All meetings of the General Council shall be open to all tribal members, and shall be held in accordance with the following provisions:

1. Frequency. The General Council shall meet at least four (4) times each year, on the first Saturday of March, June, September and December. When the regularly scheduled General Council meeting falls on a holiday, it shall be held on the following work day.
2. Notice. Written notice shall be mailed to each member at the beginning of each year setting forth the dates on which General Council meetings will be held.
3. Quorum. At all meetings of the General Council a quorum shall be present constituting (twenty)(20%) of the total voting membership of the Band. In the event a quorum is not present no further business will be conducted and the meeting will be adjourned.
4. Voting. Each voting member of the General

Council has one vote on all matters, and all matters to be acted on at a General Council meeting shall be approved or disapproved by a majority vote of those present and voting unless otherwise specified in this Document .

Section 3. Officers of the General Council

At the regularly scheduled annual election of tribal council persons, the General Council shall elect a (President, Chief, etc.) who shall preside at the meetings of the General Council.

Section 4. Duties of the (President, Chief)

The (President, Chief, etc.) of the General Council shall exercise the following powers:

- a. To preside over the meetings of the General Council and vote on all issues before the General Council;
- b. To call special meetings of the General Council;
- c. To veto enactments of the Tribal Council as provided in Article XIII of this Docuemnt; and
- d. To prepare and cause to be published at least five days before the meeting, an agenda for each General Council meeting. The agenda shall include but not be limited t
(1) a report by the tribal treasurer of the finances of the tribal Government during the quarter immediately preceding the meeting and (2) a list of all the laws enacted by the Tribal Council, during the quarter immediately preceding the

meeting, with a short summary explaining each law. During the meeting the (President) will ensure that this agenda, including the financial report, will be available for inspection by any member of the General Council upon request. All items on the agenda will be considered by the General Council before considering matters ~~form~~ from the floor.

Section 5. Special Meetings

Special meetings of the General Council may be called by the (President), the Tribal Council or by (ten) members of the General Council. The notice in regards to any special meeting shall be the same as that specified for regular meetings of the General Council.

Section 6. Powers of the General Council

a. All powers of the Band shall be vested in the General Council, including those powers delegated to the Tribal Council and any other such powers as may in the future be granted or delegated to the Band by federal law.

b. The General Council shall exercise its powers of self-government through the initiative, referendum, repeal and recall powers as set forth in Articles XI, XII and XIII, of this Document.

c. The following powers shall be exclusively reserved to the General Council. No exercise of these powers by the Tribal Council or by any other agency or officer of the Band shall be effective unless the General Council has given its consent to such action in accordance with Article VII of this Document:

1. The powers to sell or relinquish land owned by the Band or land held in trust for the Band by the United States of America;
2. The power to sell or relinquish any tribal hunting or fishing rights;
3. The power to terminate the Coyote Valley Rancheria or Coyote Valley Reservation;
4. The power to grant or relinquish any tribal jurisdiction to any other government, political subdivision of a government, agency, organization, association, or person;
5. The power to revoke, terminate or diminish a right reserved or delegated to the Band by federal law;
6. The power to waive the Band's immunity from suit; and
7. The power to adopt persons of Indian blood into the membership of the Band.

All powers that are not expressly mentioned in this Document or which are not expressly delegated in this Document by the General Council to the Tribal Council or any other officer or agency of the Band, shall not be abridged but shall be reserved to the General Council.

ARTICLE VI - TRIBAL COUNCIL

Section 1. Governing Body

In addition to the General Council, there shall be elected from the General Council a Tribal Council. The Tribal Council shall be composed of seven persons elected by the General Council. The Tribal Council shall exercise, concurrently with the General Council, all powers delegated to it by the General Council in Article XII of this Document and otherwise vested in the Tribal Council by this Document.

Section 2. Qualifications.

All members of the General Council who are residents of Lake, Mendocino, Humboldt or Sonoma Counties, California and who are (18) years of age or older shall be eligible to serve as members of the Tribal Council, provided however that no more than one "immediate family member" of any person already on the Tribal Council may serve on the Tribal Council. For the purposes of this section "immediate family member" shall mean mother, father, brother, sister, spouse or child.

Section 3. Election and Terms of Officers.

a. Statement of Intent. Any qualified member of the Band who desires that his or her name be placed on the ballot as a candidate for the office of (President, Principle Chief, Captian), chairman, v chairman, secretary, treasurer, historial or council member in the primary or general election shall file with the tribal secretary a statement of intent stating his or her name, address and the office which he or she desires to become a candidate. Such statement shall be filed not less than sixty (60) days prior to the next general or special election; provided however, if only one qualified member files a

statement of intent for a tribal office a special meeting of the general council shall be convened for the purpose of taking nominations from the floor for a candidate or candidates for that office; provided further however that not more than the first three (3) nominations will be accepted from the floor for any one office.

b. Primary Election. Where three or more persons have filed a statement of intent with the tribal secretary, pursuant to Section 4(a) above, a primary election for that office shall be held at least thirty (30) days before the general election of the Band. The two nominees receiving the highest number of votes for a particular office shall be the only candidates for that office at the next general election.

c. Election Dates. General elections to vote for tribal council members and all elected officers of the Band shall be held annually on the first Saturday of December. Notice of both the primary and general elections shall be posted at least thirty (30) days before each such election at the Band's business office, the voting place and in three (3) or more additional public places. Such notice shall be posted by the secretary of the tribal council. In case the time of the general election should conflict with a holiday the election shall be held on the following work day.

d. Elections. The first election of tribal officers under this Document shall be held on the first general election date following its adoption and ratification. The tribal secretary shall post the names of all candidates for tribal office at the Band's business office, the voting place and at three or more additional public places at least (ten) (10) days before the primary and general election. The candidate receiving the high-

est number of votes for a particular office shall hold that office.

e. Terms of Office. At the first election held pursuant to this Document the candidate receiving the highest number of votes for the office of:

1. (President) of the General Council shall hold that office for a period of four (4) years;
2. Chairman of the Tribal Council shall hold that office for a period of four (4) years;
3. Vice Chairman of the Tribal Council shall hold that office for a period of three (3) years;
4. Secretary of the Tribal Council shall hold that office for a period of three (3) years;
5. Treasurer of the Tribal Council shall hold that office for a period of two (2) years;
6. Historian of the Tribal Council shall hold that office for a period of one (1) year.

For all subsequent elections held pursuant to this Document the candidates receiving the highest number of votes for a particular tribal office shall hold that office for the follow term: (1) President of the General Council four (4) years; (2) Chairman of the Tribal Council four (4) years; (3) Vice-

Chairman of the Tribal Council four (4) years; (4) Secretary of the Tribal Council four (4) years; (5) Treasurer of the Tribal Council four (4) years; (6) Historian of the Tribal Council four (4) years and (7) Council Person of the Tribal Council four (4) years.

f. Candidacy. No person shall be a candidate for more than one office in any primary or general election.

g. Tie Vote. A tie vote shall be decided only by holding a general election within 30 days from the date of the previous general election that resulted in a tie. The person receiving the highest number of votes for the particular office shall hold that office.

Section 4. Duties of Officers.

a. Chairperson. The chairperson shall exercise the following powers as the chief executive officer of the Band:

1. To preside over and vote at all meetings of the Tribal Council;
2. Subject to the approval of the Tribal Council, to appoint all non-elected officials and employees of the tribal government and direct them in their work, subject only to applicable restrictions embodied in this Document or in enactments of the Tribal Council establishing personnel policies or government personnel management;
3. Subject to the approval of the Tribal

Council, to establish such boards, committees, or sub-committees as the business of the tribal council may require, and to serve as an ex-officio member of all such committees and boards;

4. Subject to the approval of all contracts by the Tribal Council, to serve as a contracting officer or agent for the Band including the authority to retain legal counsel;
5. Subject to such regulations and procedures as may be prescribed by statute, enacted by the Tribal Council and subject to approval by the Tribal Council, to grant pardons or restore Tribal members to eligibility for office in the tribal government;
7. Subject to the approval of the Tribal Council, to appoint tribal judges, tribal law enforcement officials as are from time to time required to assure the administration and enforcement of tribal laws; a
8. The chairperson shall hold no other tribal office or engage in private remunerative employment which may pose a conflict of interest with the Bands enterprises or business activities during his term of office.

b. Vice Chairman. The vice-chairperson shall, with th

consent of the Tribal Council, in the absence of the chairperson, perform all duties and assume all the responsibilities vested in the chairperson. The vice-chairperson shall, upon the request of the chairperson, assist in carrying out the duties of the chairperson. The vice-chairperson shall perform such other duties as the chairperson may direct.

c. Secretary. The secretary shall call the roll, handle all official correspondence of the Tribal Council, keep the minutes of all regular and special meetings of the Tribal and General Council and certify to the Superintendent of the Bureau of Indian Affairs, Central California Agency, the duly elected officers of the tribal and general council within fifteen (15) days from the date of any election. In the absence of the chairperson and vice-chairperson, with the consent of the Tribal Council the Secretary shall carry on the duties of the chairperson, subject to all restrictions embodied in this Document.

d. Treasurer. The treasurer shall have the following powers and duties:

1. To accept, receipt for, keep and safeguard all funds under the exclusive control of the Band by depositing them in a bank insured by an agency of the Federal Government, or in an I.I.M. 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 his or her custody to the Tribal and General Councils at regular meetings and at such other times as requested by either Council. The treasurer shall not pay or otherwise disburse any funds in the custody of the Tribal Council except when properly authorized to do so by the Tribal Council;

2. The books and records of the treasurer shall be audited at least once a year by a competent independent auditor employed by the Tribal Council, and at such other times as the Tribal Council or General Council may direct;
3. The treasurer may be required to give a surety bond satisfactory to the Tribal Council
4. The treasurer shall be present at all meetings of the Tribal and General Councils unless prevented by illness or circumstances beyond his / her control
5. All checks drawn on tribal funds shall be signed and all vouchers shall be approved for payment by the treasurer and at least one officer or

designated check signer of the Band in accordance with the written procedure approved and adopted by the Tribal Council by resolution; and

6. In the absence of the chairperson, vice-chairperson and the Secretary, with the approval of the Tribal Council, the Treasurer shall carry out the duties of the Chairperson.

e. Historian. The Historian shall be responsible for compiling a permanent written or taped account of the history of the Band . Specifically, the historian shall record the historical spiritual and social traditions of the Band by interviewing Band elders, members and others, and by seeking out any and all sources of information pertaining to the Band. The historian shall make a quarterly report to the Tribal Council on the progress of his or her duties and at the end of the term of his or her office, shall submit a final report to the Tribal Council for their approval.

Section 5. Bonding.

The Tribal Council may require all responsible tribal officials and employees to be bonded. The person responsible for the cost of such bonding to be determined by the Tribal Council.

Section 6. Tribal Council Meetings.

All meetings of the Tribal Council shall be opened to all tribal members, except in those cases where the matter under discussion would invade the privacy of an individual Band member. Meetings shall be held in accordance with the following provisions:

a. Frequency. Meetings of the Tribal Council shall be held on the Coyote Valley Indian Reservation or at the

Band's administrative offices in Ukiah at least once a month or as may be fixed by resolution of the Tribal Council. The Council may set more frequent regular meetings as necessary, provided that it shall cause to be published the schedule of all such meetings.

b. Quorum. A majority of the voting members of the Tribal Council shall constitute a quorum at all Council meetings.

c. Proxy Votes. A proxy vote maybe approved by the Tribal Council for absences caused only by illness, military service, hospitalization or approved Tribal business. Requests to the Tribal Council to vote by proxy shall be in writing and signed by the requesting council person.

d. Meeting Notice. At least ten (10) days notice shall given by the Chairperson, unless a regular time is specified by co resolution.

e. Absences. Absences from regular meetings must be excused by a majority vote of the council members present. As pr in Article X Section 1 unexcused absences not approved by majority of the Tribal Council shall be cause for removal of a council membe from office.

f. Special Meetings. Special meetings of the council ma be called by the Chairperson or by any four (4) members of the Council . The notice in regard to any special meeting shall be given at leas (7) days prior to the meeting and shall specify the purpose of the meeting. Emergency meetings may be provided for in a Tribal Council resolution.

g. Voting. Each member of the Tribal Council shall have one vote on all matters, and all matters to be acted on at a Tribal

Council meeting shall be approved or disapproved by a majority vote of those present and voting, unless provided to the contrary in this Document.

h. Statutes, Codes and Resolutions. Copies of all statute codes, resolutions or ordinances adopted by the Tribal Council, its committees and sub-committees shall be maintained at the tribal office and shall be available for inspection, upon reasonable notice, to all enrolled members of the Band.

Section 7. Procedures and Compensation. Except as provided in this Document, the Tribal Council shall establish its own rules of procedure. The General Council may set compensation for Tribal Council members, officers and committee members as it believes is advisable.

ARTICLE VII - POWERS OF THE TRIBAL COUNCIL

Section 1. Enumerated Powers. The General Council hereby delegates to the Tribal Council the following enumerated powers subject only to those limitations imposed by this Document.

a. Conduct Governmental Relations. On behalf of the Band, to consult, negotiate, contract, or conclude agreements with federal, state, local and tribal governments and with private persons and organizations;

b. Employ Consultants. To employ legal counsel of its choice on behalf of the Band or for the benefit of Band members and to fix the fees for such counsel in accordance with federal law.

c. Consult Department of the Interior. 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 members of the Band, prior to the submission of such estimates to the office of Management and Budget and Congress, or to the State of California;

d. Manage Tribal Business Affairs. To borrow money from public and private sources and to pledge, mortgage or assign tribal assets except as provided in Sections 2, 3, 4, 5, of this Article;

e. Administer Tribal Funds. To set aside and to spend tribal funds for tribal purposes;

f. Levy Taxes and Fees. To impose taxes on all persons, property and business activities located or conducted within tribal jurisdiction; provided no tax shall be imposed on real property held in trust by the United States of America;

g. Manage Tribal Lands. To regulate the use and development of all tribal lands, whether assigned, or unassigned, and to manage, lease, or otherwise use all unassigned tribal lands. Toward this end, the Tribal Council shall, within one year of the effective date of this Document, submit for approval to the General Council a land assignment and a land use law;

h. Establish Corporations and Businesses. To charter and regulate corporations, cooperatives, associations, special districts, housing authorities, educational and charitable institutions, political subdivisions and other entities;

i. Regulate Businesses. To license and regulate

the conduct of all business activities within tribal jurisdiction;

j. Promote Economic Development. To establish business 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 Band and its members;

k. Purchase Lands. To purchase and to acquire in other ways land and other property;

l. Condemnation. To condemn for tribal purposes real property or interest in real property within tribal jurisdiction; provided that the owners of assignments or property condemned by the Tribal council shall be paid fair market value for the assignment or property, and all improvements made thereon by the assignee or owner, and provided further that an assignee of condemned tribal lands shall be assigned alternative tribal lands of comparable condition and value; and provided further that no assignments shall be condemned without the approval of the General Council;

m. Conserve Natural Resources. To manage, develop, protect and regulate the use of water, minerals, and all other natural resources within Tribal jurisdiction;

n. Promote the General Welfare: Enact Tribal Laws, Statutes and Codes. To enact laws, statutes and codes governing conduct of individuals and proscribing offenses against the Band; 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 Band;

o. Judicial System. To establish tribal courts or courts of Indian offenses, from time to time as may be required, and to provide for the court or courts jurisdiction, procedures and a method for the selection of judges;

p. Trespass. To prescribe conditions under which non-members may enter and remain on the reservation and to establish procedures for the exclusion of non-members from any land within the Band's jurisdiction;

q. Defend Against Lawsuits. To assert as a defense to lawsuits against the Band the sovereign immunity of the Band; except that no waiver of sovereign immunity can be made by the Tribal Council without prior approval of the General Council;

r. Regulate Domestic Affairs. To regulate the domestic relations of members of the Band; 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;

s. Probate Power. To regulate the inheritance of all lands within tribal jurisdiction and all property owned by persons within tribal jurisdiction and to provide for escheat of property to the Band; provided that no law, statute, code or ordinance governing the inheritance of property owned by tribal members shall be in violation of federal law;

t. Election of Officers. To enact ordinances consistant with this Document establishing procedures for the nomination and election of tribal officers;

u. Tribal Business Administrator. To appoint, direct and set the compensation of a Tribal Business Administrator or Manager; and to establish policies and procedures for the employment of tribal personnel;

v. Delegate Authority. Subject to any limitations contained in this Document to delegate any powers vested in the Tribal Council to subordinate tribal officers, tribal employees or other appropriate persons; and

w. Reserve Power. To take all actions which are necessary and proper for the exercise of the powers enumerated in this Document and which are otherwise consistent with, and in furtherance of, tribal customs, traditions, and beliefs, and any other powers, which may hereafter be vested in the Tribal Council

Section 2. Reserve Powers of General Council.

The Tribal Council shall have all the appropriate powers necessary to implement specific provisions of this Document and to effectively govern tribal affairs. All powers heretofore vested in the Band, but not specifically referred to in this Document, shall not be abridged, but shall be reserved to the General Council.

Section 3. Limited Power to Transfer Tribal Land Out Of Tribal Ownership.

The Tribal Council shall not transfer land or interests therein out of tribal ownership by any means unless, prior to any such proposed transfer taking effect, such proposed transfer is approved by a vote of two-thirds (2/3) of the General Council provided that at least one hundred (100) person who are entitled

to vote are present and by the Secretary of Interior; Provided
However, the Tribal Council may exchange, prior to becoming tribal
lands, provided however, effectice, such exchanges shall be approved
by a vote of two-thirds (2/3) of the General Council.

Section 4. Limited Power To Encumber Tribal Land.

a. Except as permitted by Subsection (b) of this
section, the Tribal Council shall not pledge, mortgage, lease,
grant licenses to use land (whether revocable or irrevocable)
or otherwise encumber tribal land or interests therein, unless
it is approved by the Secretary of Interior, and by a vote of a
majority of the General Council voting on the question, Provided
That at least fifty (50) persons who are entitled to vote are
present.

b. The Tribal Council may authorize the following
encumberances by a vote of a majority of the entire Tribal
Council:

1. Grants of permission to members of
the Band and qualified non-members
in accordance with provisions of
this Document, to use specified
portions of tribal land for
residential, agricultural, commercial
or industrial purposes.
2. Grants of rights-of-way over tribal
land or interests therein; for the
purposes of providing municipal
services, such as water, sewer

disposal, electricity, telephone
and roads, to and for the benefit of
tribal members, or the heirs and
descendants of tribal members who
hold a land use assignment or lease.

Section 5. Limited Power to Develop Natural Resources.

The Tribal Council shall not develop on a commercial or industrial basis any natural resources of the Band without the consent of a majority vote of the General Council, provided that at least fifty (50) persons who are entitled to vote are present.

Section 6. Principle of Construction.

Section 5, 6, and 7 of this Article shall not be construed to deny to the Tribal Council its governmental power and authority to regulate activities of tribal land for the Band's general welfare, including but not limited to zoning, the regulation of commercial ventures, fishing, hunting and other sports activities, and for the purpose of promoting the health, safety, and welfare of Band members and the conservation and protection of tribal resources.

ARTICLE VIII - REVIEW AND APPROVAL OF ENACTMENTS

Section 1. Approval by (President).

Any and every law passed by the Tribal Council shall, before it becomes effective, be presented to the (President) of the General Council for his or her approval within five (5) days following the date of its passage by the Tribal Council. If the (President, Principle Chief) approves of the law he or

she will sign it and deposit it with the Tribal Secretary within ten (10) days following its receipt from the Tribal Council. All tribal laws shall become effective on the date they are signed by the (President) of the General Council or as otherwise specified in this Document.

Section 2. Veto of (President) and Overriding Veto.

If the (President) does not sign an enactment of the Tribal Council, he or she shall within ten (10) days from the date it was submitted to the (President) by the Tribal Council for his or her signature, return it to the Tribal Council, by depositing it, with a statement as to why he or she is vetoing the enactment, with the Tribal Secretary. The enactment thereafter shall not become effective unless within ten (10) days from receipt from the (President) the Tribal Council overrides the veto of the (President) by a unanimous vote of the entire Tribal Council. Any and every law so passed by the Tribal Council pursuant to this section shall be presented to the General council, at a duly convened special meeting, for approval within fifteen (15) days following the date that the Tribal Council overrides the veto of the (President). If the General Council approves the enactment by a majority vote, providing a quorum is present, the law will immediately become effective. If the General Council does not approve the enactment or a sufficient quorum is not present then the enactment shall immediately be considered repealed and void. It shall thereafter not become effective unless it is approved by the General Council at a duly convened meeting of the General Council.

Section 3. Approval by the Secretary of the Interior.

The Tribal Council may as it deems appropriate submit a tribal law to the Secretary of the Interior for his review, correct and or approval. However, the failure of the Tribal Council to submit any tribal law to the Secretary of the Interior or the failure of the Secretary to approve any tribal law so submit, shall in no way effect the legal validity of any tribal law duly enacted pursuant to this Document.

ARTICLE IX - ELECTIONS

Section 1. Election Board.

An election board, appointed by the chairperson and approved by the Tribal Council, shall supervise and administer all elections in accordance with a tribal law enacted by the Tribal Council in accordance with this Constitution; Provided That no member of the election board shall be at the same time a member of the Tribal Council or a candidate for tribal office.

Section 2. Eligible Voters.

Any member of the Coyote Valley General Council shall have the right to vote in any tribal election.

Section 3. Ballot and Absentee Voting.

Members of the Tribal Council, and all other elective officials of the Band, shall be chosen by secret ballot, the form of which shall be established by tribal law enacted by the Tribal Council. The Tribal Council shall also provide by tribal law, provisions for absentee voting, including the use of a secret ballot for this purpose.

Section 4. Election Date.

General elections to vote for tribal council members and all elected officers of the Band shall be held annually on the (1st) (Saturday) of December. Notice of any primary and general elections shall be posted at least (thirty) (30) days before each such election at the voting place, tribal office and in (three) (3) or more additional public places. Such notice shall be posted by the Secretary of the Tribal Council. In case the time of the general election should conflict with a holiday the election shall be held on the following work day.

Section 5. First Elections.

The first tribal election to adopt this Document shall be held pursuant to federal law as defined in 25 C.F.R. §52 et seq. The first election of Tribal Council members and officers of the Band under this Document shall be held on the first general election date following its adoption and ratification. Thereafter, all elections shall be conducted in accordance with this Document and tribal law.

ARTICLE X - VACANCIES

Section 1. Vacancy on Council.

If any member of the tribal council or any elected officer of the Band during the term of this office, shall die, resign or be absent from regular Tribal or General Council meetings two (2) successive unexcused times, or three (3) unexcused times in any twelve (12) month period, the Tribal Council or the General Council shall declare the position vacant. If a member of the Tribal Council or any elected officer of the Band, during

the term of his office, is convicted of any felony or found guilty of any crime involving moral turpitude, or commits any act which will reflect on the dignity and integrity of the tribal government, the Tribal or General Council may declare the position vacant by a majority vote. If less than twelve (12) months of the term remains, the Tribal Council shall fill the vacancy by appointment of a tribal member who qualifies for candidacy to the vacant position. If more than twelve (12) months remain in the unexpired term, a special election shall be called to fill the vacant position.

ARTICLE XI - REMOVAL AND RECALL

Section 1. Removal.

Any member of the Tribal Council charged during his or her term of office with neglect of duty, misconduct in office, or any offense involving dishonesty, may be removed from office as follows:

a. Written Charges. Any member of the Tribal Council can request removal of any Tribal Council member by submitting a written statement of charges to the Chairperson of the Tribal Council or, in the case of a request for removal of the Chairperson, to the Vice Chairperson of the Council. Such written statement must be received by the accused council member no later than twenty (20) days before the next regular council meeting at which he or she is to appear.

b. Evidence. At the next regular council meeting following the submission of such written statement, the charging party shall present his or her allegations and proof against the accused member of the Tribal Council, and the accused member shall

be given an opportunity to reply to all charges by presenting his or her allegations and proof to the Tribal Council.

c. Vote. After hearing all the charges and proof presented by both sides, the Tribal Council shall take a vote on whether the accused member shall be removed from office. If a majority of the Tribal Council vote to remove the accused council member, his or her seat shall be declared vacant.

Section 2. Recall.

Every person elected to a position on the Tribal Council who is an elected officer of the Band shall be subject to recall from such office by the General Council as follows:

a. Recall Petition. Any voting member of the Band may circulate one or more petitions among the eligible voters of the Band requesting a special recall election, which petition(s) shall contain the name(s) of the person(s) whose recall is sought and shall state the charges being preferred against such person(s) in 25 words or less. If (one-third) (1/3) of the General Council shall sign the petition(s), such petition(s) shall be presented to the (~~President~~) of the General Council or, if charges are being preferred against the (~~President~~) Chief, to the Chairperson of the Tribal Council.

b. Calling the Election. The (~~President~~) or if charges are being preferred against the (~~President~~) the Chairperson shall then certify the validity of such signatures of eligible voters maintained by the Band. If the required number of valid signatures appear on the recall petition, the Tribal Council shall call a special recall election within sixty (60) days from receipt of the petition(s)

c. Voting. The ballot used for a recall election shall contain the question: "Shall" (name of member (s)) be recalled from office on the Coyote Valley (Tribal) Council?" The ballot shall contain a space opposite such question in which the words "Yes - No" shall be printed, so that the voter may indicate with a mark whether he or she wishes to vote for or against the recall of member(s) so named. In the case of a recall of two (2) or more council members, there shall be a separate ballot for each member being recalled.

d. Recall. If a majority of the General Council members voting in a special recall election vote to recall the council member or any other officer of the Band named in the ballot, and provided that (two-thirds) (2/3) of the General Council vote in said election, the Tribal Council shall immediately declare the council member or officer to be recalled from office and his or her seat shall be declared vacant.

Section 3. Vacancies.

All vacancies effected by this Article shall be filled in accordance with Article X of this Document.

ARTICLE XII – REFERENDUM AND REPEAL

Section 1. Petition.

Upon receipt of a petition signed by at least (one-third) (1/3) of the members of the General Council and filed with the Secretary of the Tribal Council demanding a referendum or a repeal, any proposed or enacted tribal law or any action undertaken by the Tribal Council shall be either modified ,

repealed or sustained by the General Council in a general or special election to be held within (twenty) (20) days after receipt of the petition by the Tribal Secretary. The election shall be called by the (President) of the General Council and the vote of a majority of the members of the General Council voting in such referendum or repeal shall be conclusive and binding on the Tribal Council provided that at least (fifty) (50) members of the General Council are present and cast their ballots therein.

Section 2. Vote of Confidence.

Any three members of the Tribal Council may request a referendum or repeal on any proposal or enacted tribal law or any action undertaken by the Tribal Council, by calling a special meeting of the General Council within (thirty) (30) days thereafter at which time the General Council shall approve or disapprove, by a majority vote, the tribal law or action in question.

Section 3. Subsequent Contracts or Agreements.

No referendum or repeal conducted pursuant to the provisions of Section 1 above shall serve to abrogate, modify, or amend any properly executed contract or agreement approved by the Tribal Council and entered into with third parties not members of the Band, prior to the enactment of this Document.

ARTICLE XIII – INITIATIVE

Section 1. Initiative.

Any matter of concern to the Band not previously or previously considered or acted upon by the Tribal Council may be presented to the Tribal Council for action or to the General Council, for a vote, provided a petition signed by at least

twenty percent (20%) of the members of the General Council, setting forth the matter to be considered, is filed with the Secretary of the Tribal council. The Tribal Council shall consider the matter presented in the petition at its next regular or special meeting. If the Tribal Council fails to act upon or disapproves the matter within thirty (30) days after filing of a proper petition with the Secretary the Tribal Council shall file the petition with the (President) of the General Council who shall place it on the agenda and put it to a vote at the next meeting of General Council or place it on the ballot for the next general election, whichever occurs first. The vote of a majority of the members of the General Council voting on the issue shall be conclusive and binding upon the Tribal Council.

ARTICLE XIV – JUDICIARY

Section 1. Jurisdiction

The judicial power of the Tribe may be vested in a Tribal court or courts, as the Tribal Council may from time to time establish, or it may delegate its judicial power to tribal courts located outside the reservation (all such courts are hereinafter collectively referred to as the "Tribal Courts"). The Tribal Courts shall exercise jurisdiction over all cases and controversies within the Tribe's jurisdiction, in law and equity, whether civil or criminal in nature, that arise under this Constitution, from the laws of the Tribe or which is otherwise inherent to the Tribal Courts' sovereignty to hear such cases or controversies.

Section 2. Composition

The Tribal Courts may consist of a Chief Judge and any number of associate judges.

Section 3. Duties and Procedures

The duties and procedures of the Tribal Courts shall be set forth in a Tribal Council resolution adopted pursuant to Tribal law.

Section 4. Judges

The tenure and compensation of Tribal judges shall be established by the Tribal Council. No person shall be hired or contracted for in the position of Tribal judge unless he or she is more than thirty (30) years of age, possesses the qualifications established by the Tribal Council and has never been convicted of a felony or, within one year preceding his or her appointment, of a misdemeanor.

ARTICLE XV - BILL OF RIGHTS.

Section 1. Individual Rights.

Subject to the limitations imposed by this Document, all members of the Band shall enjoy equal political rights and opportunities to participate in the tribal government, tribal economic resources, tribal assets and all the rights that are conferred upon a tribal citizen, and no member shall be denied freedom of speech, religion or the right to peacefull assembly, nor shall any member be denied the right to petition the Tribal Council, General Council or the tribal courts for redress of grievances against the Band, or otherwise be deprived of life, liberty or property without notice and an opportunity to be heard.

ARTICLE XVI - RATIFICATION

This Constitution was adopted by Resolution CV-80-7 and has been the governing document of the Tribe since October 4, 1980, with or without the approval of the Secretary of the Interior.

ARTICLE XVII - AMENDMENTS

This Constitution may be amended by a majority vote of the eligible voters of the Tribe in an election called for that purpose by the Tribe, pursuant to this Constitution, provided that at least fifty percent (50%) of those entitled to vote shall vote in such election. Amendments adopted in this way shall be submitted for approval to the Secretary of the Tribal Council. The Secretary of the Tribal Council shall call an election on a proposed amendment to the Constitution upon receipt of a petition signed by at least one third of the eligible voters of the Tribe or upon receipt of a resolution of the Tribal Council.

ARTICLE XVIII - NON-IMPAIRMENT OF CONTRACTS

The Tribe shall not, in exercising its powers of self-government, apply any law to any contract to which the Tribe or any corporation or instrumentality of the Tribe is a party, which was passed through an act of the General Council, Tribal Council or other tribal entity by any constitutional means, a subsequently enacted tribal law that materially impairs the obligations of such contract, unless the passage of such law was a legitimate good faith effort to protect the environment, public health or public safety or was necessary to comply with applicable federal or state law.