

CONSTITUTION
OF THE U TU UTU GWAITU PAIUTE TRIBE
BENTON PAIUTE RESERVATION
BENTON, CALIFORNIA

PREAMBLE

We, the Indians of the Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, in or to establish our tribal organization, to conserve our tribal property, to develop our community resource and to promote the welfare of ourselves and our descendants, propose this constitution for ratification and approval pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

ARTICLE I - NAME

The name of this organization shall be the Utu Utu Gwaitu Paiute Tribe hereinafter referred to as the tribe.

ARTICLE II - TERRITORY

The jurisdiction of the tribe shall extend to the territory included in the present reservation and to such lands as may be legally added thereto.

ARTICLE III - MEMBERSHIP

Section 1. The following persons are eligible for enrollment:

- (a) All Paiutes whose names appear on the official roll of California Indians prepared pursuant to the Act of May 18, 1928 (45 Stat. 502), as approved by the Secretary of the Interior on May 16, 1933, and who were then living in the Benton area.
- (b) All 1/4 degree descendants of those individuals referred to in Section 1 (a) regardless of whether the ancestor through whom eligibility is claimed is living or deceased.
- (c) A Paiute having been adopted by the tribe in accordance with an adoption ordinance approved by the Secretary of the Interior or his authorized representative.

Section 2. No person who is otherwise qualified, shall be enrolled if, by reason of membership in another tribe or band he has received benefits or shared in the assets of such tribe or band, except through inheritance.

Section 3. The official membership roll shall be prepared in accordance with an ordinance adopted by members of the tribe and approved by the Secretary of the Interior or his authorized representative. Such ordinance shall provide for an enrollment committee and set forth the procedures to be used in effecting enrollment and keeping the roll current.

Section 4. Any person who wishes to withdraw from membership in the tribe must submit his withdrawal in writing to the tribal council chairperson who shall direct the enrollment committee to adjust its records accordingly.

ARTICLE IV - GOVERNING BODY

The governing body of the tribe is the tribal council composed of the following five (5) officers of the tribe: Chairperson, Vice-Chairperson, Secretary, and two (2) councilpersons. Except for the first election as provided for in ARTICLE VI, Section 1, all members of the tribal council shall be elected for two (2) years or until their successors are duly elected and installed. The tribal council shall determine its own procedures and shall be authorized to act on all matters in which the tribe is empowered to act, except as otherwise provided in this constitution.

ARTICLE V - DUTIES OF OFFICERS

Section 1. Chairperson:

- (a) The chairperson shall preside at all meetings of the general council and the tribal council. The general council shall consist of the eligible voters of the tribe.
- (b) He shall execute on behalf of the tribe all contracts, and other documents approved by the tribal council or the general council.
- (c) He shall have general supervision of all other officers, employees and committees of the tribe and see that their duties are properly performed.
- (d) When neither the general nor tribal council are in session, he shall be the official representative of the tribe.

- (e) The chairperson shall vote only in case of a tie vote at the general and tribal council meetings.

Section 2. Vice-Chairperson: The vice-chairperson, in the absence of the chairperson, shall have the power and authority of the chairperson and may, if authorized by the chairperson, assist the chairperson in the performance of his duties.

Section 3. Secretary-Treasurer:

- (a) The secretary-treasurer shall keep the minutes of all general and tribal council meetings.
- (b) Shall certify the enactment of all notices required by the constitution.
- (c) Shall receive all petitions provided for in the constitution of the tribe on behalf of the general council.
- (d) Shall attend to the giving of all notices required by the constitution.
- (e) Copies of all minutes, resolutions or other enactments shall be submitted to the Bureau of Indian Affairs as soon after enactment as possible.
- (f) Shall have care and custody of all tribally owned valuables of the reservation.
- (g) Shall carry out the financial directives of the tribal council or the general council, receive local monies of the tribe and keep an accurate account of receipts and disbursements.
- (h) Shall deposit funds in a tribal account, in a local bank selected by the general council, where depositor's funds are insured by the Federal Deposit Insurance Corporation.
- (i) Shall give a financial report at all general council meetings and all financial records shall be available for inspection by officers of the tribal council, members of the tribe and representatives of the Bureau of Indian Affairs.

ARTICLE VI - ELECTIONS

Section 1. The first election of officers under this constitution shall be held within sixty (60) days following its effective date. At that election, the chairperson and the secretary shall be elected to two(2) year terms while the vice-chairperson and two (2) council-persons shall be elected to one (1) year terms, or until their successors are duly elected and installed. Thereafter, beginning in 1977, there shall be annual elections on the last Saturday in May, and all terms of office shall be for two (2) years on a staggered basis.

Section 2. All elections of the tribe shall be conducted in accordance with an election ordinance which shall be proposed by the tribal council and approved by the general council. The election ordinance shall provide for fair elections, secret balloting, absentee ballots, and a method for settling election disputes shall be included among its provisions.

Section 3. All enrolled members of the tribe who are at least eighteen (18) years of age on election day are qualified voters.

Section 4. To serve as an officer, a person must be an enrolled member of the tribe and be at least twenty-five years of age.

ARTICLE VII - POWERS

Except as otherwise provided in this constitution, the powers of the tribe, including those powers specifically mentioned in this constitution, shall be exercised by the tribal council.

Section 1. The tribal council shall have such powers as may be authorized by the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), and such powers and responsibilities hereinafter provided, subject to any limitation imposed by the statutes or the Constitution of the United States:

- (a) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets.
- (b) To manage, lease, contract or otherwise deal with tribal assets and community resources. Toward this end a land assignment ordinance shall be submitted to the general council for adoption.
- (c) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, or his duly authorized representative.

- (d) To enact ordinances, consistent with this constitution governing future membership, loss of membership and the adoption of members.
- (e) To assess fees for the payment of expenses of the tribe or to finance any project which in its opinion is for the benefit of the tribe as a whole.
- (f) To establish or join an established housing authority.
- (g) To take such actions as are necessary to carry into effect any of the foregoing powers and to notify the members of the tribe of the actions taken.

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 U tu Utu Gwaitu Tribe.

Section 1. An arbitration council shall be established in accordance with an ordinance prepared by the tribal council and adopted by members of the tribe.

ARTICLE IX - MEETINGS

Section 1. Tribal council meetings shall be held monthly on dates to be established by the tribal council. Special meetings may be called by the chairperson at the request of any three members of the tribal council.

Section 2. General Council meetings shall be held annually on the last Saturday in May. Special meetings of the general council may be called at the discretion of the chairperson and shall be called and conducted by him at the written request of 30 percent of the eligible voters.

ARTICLE X - REFERENDUM, REMOVAL AND RECALL

Section 1. Upon presentation to the tribal council of a petition signed by 30 percent (30%) of the eligible voters, the tribal council shall either: (1) adopt the provisions of the petition by ordinance, resolution, or other appropriate action; or (2) provide that the issue presented by the petition be voted on within sixty (60) days, by secret ballot, at a regular or special election. The tribal council shall abide by the vote of the majority of voters voting in any such election, provided that fifty (50 %) percent of the eligible voters have voted.

Section 2. The tribal council shall have the power to remove for cause any member of the tribal council by an affirmative vote of three council members. The council shall enact an ordinance which shall set forth the procedures for removal and specify the causes for removal. The removal ordinance shall not become effective until approved by an affirmative vote of the majority of the general council.

Section 3. The members of the tribe shall have the power to recall or reinstate any member of the tribal council. The tribal chairperson or in his absence, or in the case of his involvement, the vice-chairperson, shall call a special election of the qualified voters of the tribe for the purposes of considering the recall or reinstatement of a council member or members upon filing a petition with the tribal chairperson, containing the signatures of at least thirty (30%) percent of the qualified voters of the tribe. It will be the duty of the tribal council to call the special election within thirty (30) days after a petition is received by the chairperson.

ARTICLE XI - VACANCIES

Vacancies on the tribal council created by death, resignation, removal, or recall shall be filled for the unexpired term, with thirty (30) days by appointment through a majority vote of the tribal council.

ARTICLE XII - 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 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. It shall be the duty of the Secretary of the Interior to call such an election at the request of the tribal council or upon presentation of a petition signed by at least thirty percent (30%) of the qualified voters.

ARTICLE XIII - RATIFICATION

This constitution, when legally ratified by a majority of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, wherein at least thirty percent (30%) of those entitled to vote shall vote, and when approved by the Secretary of the Interior, shall be effective from date of such approval.

**AMENDMENT
TO THE
CONSTITUTION
OF THE
Utu Utu Gwaitu Paiute Tribe
Benton Paiute Reservation
Benton, California**

AMENDMENT I

Section 1, Article VII - Powers, shall be amended by adding the following powers to the tribal council:

- (h) To incorporate or charter association(s) or organization(s) both profit and non-profit in scope.