CONSTITUTION OF THE NORTH FORK MONO TRIBE

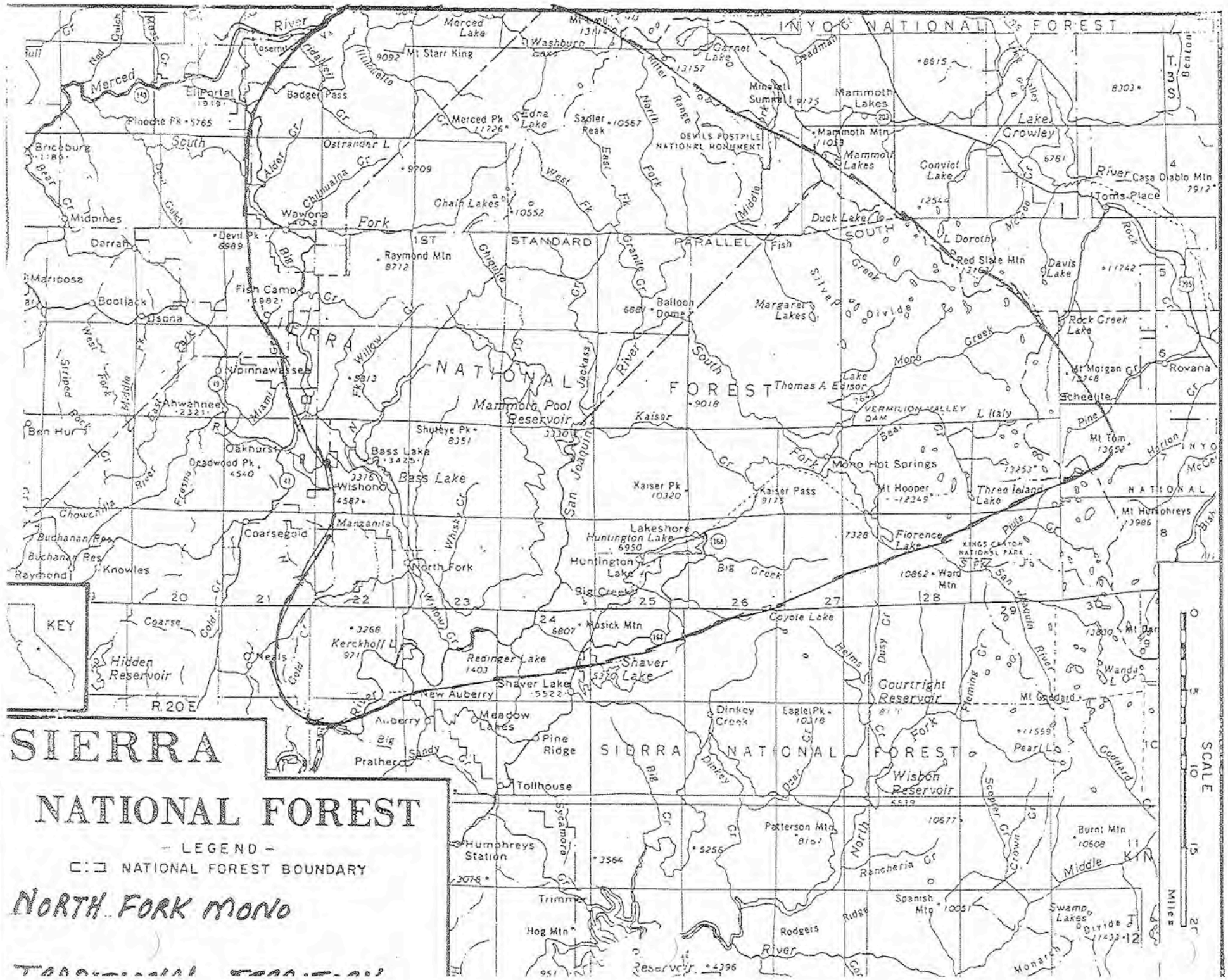
PREAMBLE

We, the people of the North Fork Tribe of Mono Indians, hereinafter referred to as the "Tribe", in order to establish a Tribal governing body through which we may effectively exercise our inherent sovereign governmental powers and privileges and preserve and maintain our unique cultural and ethnic heritage, do hereby ordain and establish this Constitution persuant to the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, as amended.

ARTICLE I: TERRITORY

The territorial jurisdiction of the Tribe shall extend to all lands within the counties of Madera and Fresno, State of California, in the vicinity of the North Fork Rancheria which are part of the traditional territory of the Tribe. The central location of where the majority of members of the North Fork Mono Tribe reside is within a 10 mile radius in all directions from the North Fork Mono Indian Rancheria, and the Sierra Mono Museum in North Fork, California. The traditional geographical territorial boundary of the North Fork Mono has been for hundreds of years and still is as follows: Starting at the SW corner, where Fowler Mt. and the San Joaquin River join. Following the San Joaquin River east from Kerckhoff Lake around Long Ridge to Redinger Lake. Heading in an eastern direction including Kinsman Flats, Chawanakee Flats, northern section of Jose

Basin, proceeding along Stevenson Creek to the northwest edge of Shaver Lake. Proceeding east including the northern section of Shaver Lake to Tunnel Creek. From Tunnel Creek east to the crest of the Sierra Nevada Mountains in the vicinity of Mt. Darwin, including Coyote Lake, northern parts of Dinkey Creek, Helms and Dusty Creek, North Fork of the Kings River, Fleming Creek, and the South Fork of the San Joaquin River. From Mt. Darwin proceeding north along the crest of the Sierras as the eastern boundary of the North Fork Mono. The eastern traditional line includes Mt. Humphreys, Mt. Tom, Mt. Morgan, turning northwest to Mammoth Mt. and the Minaret summit to the north edge of Ritter Range. This area includes the South and Middle forks of the San Joaquin River, Vermillion Valley and the sacred grounds of Mono Indian Hot Springs. In the northeast area it includes Reds Meadow and Devils Postpile. The northern line turns west from the Ritter Range to the Merced River in the Yosemite Valley where Chief Teniya lived with his band of Ahwahnachees. This area includes the North Fork of the San Joaquin River. The territorial boundary turns from the Merced River at the west end of the Yosemite Valley angling south to Crane Valley (currently Bass Lake). This area includes Wawona and Fish Camp. The traditional boundary turns and angles southwest from the western point of Bass Lake to the O'Neals area. The area includes Manzanita Lake and the current town of North Fork in Madera County. The traditional territorial boundary is then completed by turning southeast from O'Neals across the table mountains to Fowler Mt. and the San Joaquin River. This area includes Fish Creek Mt. And the territory shall include such other lands as the Tribe hereafter may acquire legal or beneficial title to.


SIERRA
NATIONAL FOREST
- LEGEND -
NATIONAL FOREST BOUNDARY
NORTH FORK MONO
INYO NATIONAL FOREST
SIERRA NATIONAL FOREST
1ST STANDARD PARALLEL SOUTH
DEVILS POSTPILE NATIONAL MONUMENT
KINGS CANYON NATIONAL PARK
VERMILION VALLEY DAM
Merced
El Portal
Badger Pass
Merced Lake
Washburn Lake
Mt Starr King
Merced Pk
Edna Lake
Sadler Peak
Carnet Lake
Mammoth Lakes
Mammoth Mtn
Convict Lake
Crowley Lake
Casa Diablo Mtn
Tom's Place
Bridgeport
Midpines
Darrah
Mariposa
Bootjack
Usona
Fish Camp
Raymond Mtn
Devil Pk
Ostrander L
Chain Lakes
Wawona
Duck Lake
L Dorothy
Red Slate Mtn
Davis Lake
Rock Creek Lake
Balloon Dome
Margaret Lakes
Mono Lake
Thomas A. Edison
Mt Morgan
Rovana
Scheelite
Mt Tom
L Italy
Nipinnawasee
Ahwahnee
Ben Hur
Oakhurst
Deadwood Pk
Shuteye Pk
Bass Lake
Wishon
Mammoth Pool Reservoir
Kaiser
Mono Hot Springs
Mt Hooper
Three Island Lake
Mt Humphreys
Kaiser Pk
Kaiser Pass
Chowchilla
Buchanan Res
Raymond
Knowles
Coarsegold
Manzanita L
North Fork
Lakeshore
Huntington Lake
Big Creek
Ward Mtn
Fiorence Lake
Coyote Lake
Mosick Mtn
Kerckhoff L
Hidden Reservoir
O'Neals
Redinger Lake
Shaver Lake
New Auberry
Auberry
Meadow Lakes
Pine Ridge
Pratherc
Tollhouse
Dinkey Creek
Eagle Pk
Courtright Reservoir
Wanda L
Mt Goddard
Pearl L
Wishon Reservoir
Humphreys Station
Trimmer
Hog Mtn
Patterson Mtn
Rancheria
Spanish Mtn
Rodgers
Swamp Lakes
Burnt Mtn
Reservoir
SCALE
Miles

ARTICLE II: MEMBERSHIP

Section 1.

The Membership of the Tribe shall consist of the following:

(a) All persons of North Fork Mono Indian descendancy whose name appears on the plan for distribution of the assets of the North Fork Rancheria of the North Fork Tribe of Mono Indians, dated 1909 , together with such other persons who can prove North Fork Mono Indians descendancy and who apply for and are accepted into membership pursuant to section 3 of this Article; provided, the Tribe's Tribal Council shall have the authority to make additions, elimination and corrections to the above said roll.

Section 2.

Any person who has been allotted on another Reservation or Rancheria, or who is officially enrolled with or is a recognized member of another Tribe shall not be eligible for membership in the North Fork Tribe of Mono Indians. A recognized member of another Tribe is any person who has received benefits from such Tribe in the form of payments or other distribution of Tribal property; provided, that interest in Tribal or individual allotment property acquired by inheritance shall not be grounds for ineligibility.

Section 3.

The Tribal Council with the approval of the Secretary of the Interior or his authorized representative, shall have the power to adopt ordinances, consistent with this Constitution, containing provisions for enrollment procedures, enrollment

committees, application forms, approval or disapproval of applications, rejection notice, appeals, corrections, and provisions for keeping the roll on a current basis.

ARTICLE III: GOVERNING BODY

Section 1. Tribal Council.

(1) The governing body of the Tribe shall be the Tribal Council, which shall exercise all of the powers enumerated in Article IV, sections 2, 3, 4, and 5, and Article V of this Constitution.

(2) The Administrative Tribal Council shall consist of the Tribal Chairperson, Tribal Vice-Chairperson, Tribal Secretary, Tribal Treasurer, and nine Council members all of whom shall be of North Fork Mono Tribe descendency and have at least one-quarter ($\frac{1}{4}$) North Fork Mono blood quantum.

(3) Two (2) of the nine Council members must be Elders over the age of sixty (60) years. One each of the two (2) elders, must be from the Eagle and Coyote moiety clan, respectively.

(4) A quorum for the conduct of Tribal business shall be five (5) members of the nine (9) member Council in office.

Section 2: Tribal Chairperson.

The Tribal Chairperson shall be elected to a four (4) year term by a majority of the Tribal Body, by secret ballot. The Tribal Chairperson shall have reached the age of thirty (30) years by the time s/he assumes her/his Tribal duties. After the first four (4) year term under this Constitution, the Tribal Chairperson shall have previously held office as a North Fork Mono Tribal Council member, Tribal Staff Administrator, or Tribal Office Administrator. There shall be no limit on the number of terms Tribal Chairperson may serve

Section 3. Tribal Vice-Chairperson.

The Tribal Vice-Chairperson shall be elected to a four (4) year term by a majority of the Tribal Body, by secret ballot. The Tribal Vice-Chairperson shall have reached the age of thirty (30) years by the time s/he assumes her/his Tribal duties. After the first four (4) year term under this Constitution, the Tribal Vice-Chairperson shall have previously held office as a North Fork Mono Tribal Council member, Tribal staff Administrator, or Tribal office Administrator. There shall be no limit on the number of terms a Tribal Vice-Chairperson may serve.

Section 4: Tribal Secretary.

The Tribal Secretary shall be elected to a four (4) year term by a majority of the Tribal Body, by secret ballot. The Tribal Secretary shall have reached the age of twenty-one (21) years by the time s/he assumes her/his Tribal duties. Tribal Secretary shall serve a four (4) year term under this Constitution. There shall be no limit on the number of terms a Tribal Secretary may serve.

Section 5: Tribal Treasurer.

The Tribal Treasurer shall be elected to a four (4) year term by a majority of the Tribal Body, by secret ballot. The Tribal Treasurer shall have reached the age of twenty-one (21) years by the time s/he assumes her/his Tribal duties. The Tribal Treasurer shall serve a four (4) year term under this Constitution. There shall be no limit on the number of terms a Tribal Treasurer may serve.

Section 6: Board Chairperson.

The Tribal Council shall elect a Council Board Chairperson. The Council Board Chairperson shall, after the Tribal Chairperson and Tribal Vice-Chairperson, be third in command of the Tribal

Section 7: Tribal Council Members.

There shall be nine (9) Tribal Council Members. The Tribal Council Members shall have reached the age of twenty-five (25) by the time they assume their Tribal duties. Four of the Council Members elected for the first term under this Constitution shall serve for a period of two years. All other Council Members, and all subsequently elected Council Members, shall serve for a term of four (4) years. There shall be no limit on the number of terms a Council Member may serve.

Section 8: Tribal Staff Administrator.

The Tribal Body may select from within its membership a Tribal Staff Administrator, who shall not vote as a member of the Tribal Council. The Tribal Staff Administrator shall be of North Fork Mono Tribe descendancy and be of one-quarter ($\frac{1}{4}$) North Fork Mono blood quantum. The Tribal Staff Administrator shall serve a term of two (2) years.

ARTICLE IV: DUTIES OF OFFICERS

Section 1.

Newly elected officials shall assume their respective office immediately upon being elected.

Section 2.

The Tribal Chairperson shall preside at all meetings of the Tribal Body and the Tribal Council, and shall execute on behalf of the Tribal Body. The Tribal Chairperson shall have general supervision of all other officers, employees and committees of the Tribal Body, and see that their duties are properly performed. When neither the Tribal Council nor the Tribal Body is in session, the Chairperson shall be the official representative of the Tribe.

Section 3.

The Tribal Vice-Chairperson shall assist the Chairperson when called upon to do so, and in her/his absence shall exercise the powers and duties of the Chairperson.

Section 4.

The Tribal Secretary shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. Copies of all minutes, resolutions and ordinances shall be submitted by her/him to the Bureau of Indian Affairs as soon after enactment as possible.

Section 5.

The Tribal Treasurer shall carry out the financial directives of the Tribal Council, receive all local monies, and keep an accurate account of all receipts and disbursements. Funds shall be deposited in the Tribe's account in a local bank selected by the Tribal Council where depositors' funds are insured by the Federal Deposit Insurance Corporation. All disbursement shall be made by check in accordance with resolutions of the Tribal Body and shall be signed by the Treasurer and the Tribal Chairperson, or by the Tribal Vice-Chairperson in the absence of the Tribal chairperson. The Treasurer shall give a financial report to the Tribal Council and the Tribal Body at each regularly called meeting, or when requested by an Administrative Tribal Council member, and all financial records shall be available for inspection by any member of the Tribe and by the Secretary of the Interior or his authorized agent for purposes of audit.

The Treasurer shall file a bond satisfactory to the Tribal Body and the Area Director of the Sacramento Office of the Bureau of Indian Affairs. The Tribal Body shall authorize payment of the

annual bond premiums for local funds.

At the expirations of her/his term of office, the Treasurer shall turn over all records and papers in her/his possession to her/his successor or to the Tribal Council.

ARTICLE V: POWERS OF THE TRIBAL COUNCIL

The Tribal Council shall have the powers and duties hereinafter provided:

(a) To negotiate with Federsl, State, local, and Tribal governments on any matters pertaining to the welfare of the North Fork Mono Tribe.

(b) To employ legal counsel of its choice and to fix fees for such counsel.

(c) To receive advice from and make recommendations to the Secretary of the Interior with regard to all appropriation estimates for all projects which are for the benefit of members of the North Fork Mono Tribe prior to the submission of such estimates to the Office of Management and Budget, and Congress.

(d) To acquire property and to accept gifts.

(e) To charter and regulate corporations, cooperatives, associations, special districts, housing authorities, educational and charitable institutions, political subdivisions and other entities.

(f) To prescribe rules and regulations governing future membership, loss of membership and the adoption of members.

(g) To exercise such functions as may be necessary to protect and promote the interest of the North Fork Tribe, including the establishment of rules of procedures for the conduct of its affairs, including but not limited to ordinances, resolutions, or enactments on land, utilities, election, non-members, and other activity of the Tribe requiring regulation or legislation

(h) To promote the peace, safety, health and general welfare of the members of the Tribe.

(i) 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 Tribe and its members.

ARTICLE VI: ELECTIONS

Section 1.

Any enrolled member of the Tribe who is at least eighteen (18) years of age at the time of the election shall be entitled to vote in Tribal elections.

Section 2.

Any qualified voter of the Tribal Body shall announce his/her candidacy for Tribal office or membership on the Tribal Council, by application to the Tribal Council no earlier than six (6) months and no later than thirty (30) days before an election. Applications not submitted within this time period shall automatically render the candidate ineligible to seek Tribal office in that election. The list of candidates shall be announced publicly in the regular Tribal Body meeting preceding the election and shall further be posted that same day at the Tribal office and on the Rancheria. In the event that no candidate is nominated for a particular office, the incumbent shall continue to serve therein. If there is no incumbent, the Tribal Chairperson shall have the power to appoint a Tribal member to such vacant office,

consistent with Article III of this Constitution. If the vacant office is that of Tribal Chairperson, the Vice-Chairperson shall serve as Chairperson until the election of a successor.

Section 3.

The candidate receiving the highest number of votes for a particular office shall be elected to that office.

Section 4.

The officers of the North Fork Mono Indian Tribal Council in office at the time of approval of this Constitution by the Secretary of the Interior or his authorized representative shall hold office until their successors are duly elected and seated. The first regular election of officials under this Constitution shall be held two years after the approval of this Constitution.

ARTICLE VII: VACANCIES, REMOVAL AND RECALL

Section 1.

If a member of the Tribal Council shall die or resign or be absent from regular Tribal Council meetings three (3) in-excused times in any twelve (12) month period, the Tribal Council shall declare the position vacant. Such Tribal Council Member shall have the right to appeal this decision as set out in Article VII, section 3 of this Constitution. If a member of the Tribal Council shall be convicted by a court of competent jurisdiction of a crime of moral turpitude while in office, the Tribal Council may declare the position vacant by a majority vote. Any office of the Tribal Council which is vacated shall be filled

within ninety (90) days of the date it becomes vacant by a special election of a Tribal Body meeting called by the Tribal Council for that purpose. If such vacancy occurs within six (6) months of a Tribal General Election, the Tribal Council shall, by a majority vote, fill the vacancy by appointment from among qualified Tribal members. Any Tribal Council member elected or appointed to fill a Tribal Council vacancy shall serve for the unexpired term of the vacated office.

Section 2.

Upon receipt of a petition signed by at least thirty-three percent (33%) of the qualified voters of the Tribe demanding the recall of any member(s) of the Tribal Council, the Tribal Chairperson shall call a special election on the question of the recall within fourteen (14) days from the date of filing of the valid petition. The election shall be held in the manner prescribed in the Tribe's election ordinance in accordance with Article IV, section 3 of this Constitution. Should the Tribal Chairperson not call an election within fourteen (14) days, the position shall be declared vacant and filled in accordance with Article V, section 1 of this Constitution. The decision of a majority of the voters in the recall election shall be final, provided that at least thirty-three percent (33%) of the qualified electors voted in the election.

Section 3.

No more than twenty (20) days after receipt of a petition requesting the removal from office of an elected official, which shall set forth the specific reasons for which removal is sought and shall be signed by not less than thirty-three percent (33%) of

the eligible voters, the Tribal Council shall call a Tribal meeting to hear the charges against the official. It may at the same time serve charges against the official, and notice in writing of the charges against her/him, the date, hours and place of the Tribal Council meeting at which time s/he may appear and answer the charge, said notice to be served not less than twenty (20) days prior to any such meeting. After the accused official has had an opportunity to be heard by the Tribal Council, a secret ballot shall be taken on the question of removal. The decision of a majority of those voting shall govern, providing at least thirty-three percent (33%) of those qualified to vote shall vote. If the vote is to remove the official, her/his office shall be automatically vacated and a replacement selected in the manner set forth in Article V, section 1 of the Constitution.

ARTICLE VIII: MEETING

Section 1.

Regular meetings of the Tribal Body shall be held every third month. Special Tribal Body meetings may be called by the Tribal Council, the Tribal Chairperson, or by a petition signed by at least thirty-three percent (33%) of the eligible voters. No Tribal business shall be conducted in the absence of a quorum, as defined in Article III, section 1(3) of the Constitution. Members shall be notified at least three (3) days in advance of all special Tribal meetings.

Section 2.

The Tribal Council shall meet as needed. Meeting shall be held on call of the Tribal Chairperson, Council Chairperson, or a majority of the Tribal Council members.

ARTICLE IX: RIGHTS OF TRIBAL MEMBERS

Section 1.

All members of the Tribal Body shall enjoy without hindrance freedom of worship, conscience, speech, press, assembly and association.

Section 2.

This Constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of the Tribe as citizens of the State of California or the United States of America.

Section 3.

Tribal members shall have the right to review all Tribal records, including financial records, at any reasonable time, in accordance with procedures established by the Tribal Body, except for personal history files of other members so pursuant to the Privacy Act.

Section 4.

In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the North Fork Tribal Body of Mono Indians, in exercising its powers of self-government shall not:

(a) Make or enforce any law prohibiting the full exercise

of religion, or abridging the freedom of speech, or the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(b) Violate the right of the people to be secure in their persons, houses, papers and effects against reasonable search and seizure, nor issue warrants except upon probable cause and particularly describing the place to be search and the person or thing to be seized;

(c) Subject any person for the same offense to be twice put in jeopardy;

(d) Compel any person in a criminal case to be a witness against her/him self;

(e) Take any private property for a public use without just compensation;

(f) Deny to any person in a criminal proceeding the right to a speedy trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense, to have the assistance of counsel for his defense;

(g) Require excessive bail, impose excessive fine, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six (6) months or a fine of five-hundred dollars ($500) or both;

(h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or

property without due process of law;

(i) Pass any bill attainder or ex post facto law;

(j) Deny to any person accused of criminal charges the right, upon request, to a trial by jury of not less than twelve (12) persons.

ARTICLE X: REFERENDUM

Upon presentation to the Tribal Body of a petition signed by thirty-three percent (33%) of the qualified voters, the Tribal Body 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 twenty (20) days, by secret ballot, at a regular or special election. The Tribal Body shall abide by the vote of two-thirds (2/3) of the voters in any such election, provided that at least thirty-three percent (33%) of qualified voters have voted.

ARTICLE XI: AMENDMENT

This Constitution may be amended by a vote of two-thirds (2/3) of the enrolled members of the Tribe voting at any regular or special meeting, provided that the contents of each proposed amendment to be voted upon at such meeting has been mailed or otherwise provided to the eligible voters at least fourteen (14) days before such meeting.

ARTICLE XII: SEVERABILITY

If any provision(s) of this Constitution shall 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 XIII: RATIFICATION

This Constitution shall be effective when ratified by a vote of two-thirds (2/3) of the persons who meet the eligibility criteria set forth herein for membership in the North Fork Tribe of Mono Indians, voting in an election called for that purpose under the supervision of the Secretary of the Interior.