CONSTITUTION AND BYLAWS
OF THE
WASHOE TRIBE OF NEVADA AND CALIFORNIA

PREAMBLE

We, the members of the Washoe Tribe of Nevada and California, in order to establish our tribal organization, to develop our community resources, to administer justice, and to promote the economic and social welfare of ourselves and our descendants, do hereby ordain and establish this constitution and bylaws pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as a guide for the deliberations of our council in its administration of tribal affairs, which shall supersede the Amended Constitution and Bylaws of the Washoe Tribe of Nevada and California adopted by the tribe on May 14, 1966, and approved by the Secretary of the Interior on June 20, 1966.

ARTICLE I - JURISDICTION

Section 1. The Washoe Tribe takes jurisdiction over all Washoe Indian country, which shall extend to all tribal lands, including the the Dresslerville Indian Colony, the Carson Indian Colony, the Woodfords Indian Community, the Stewart Indian Community, the Washoe Ranches, and the Washoe Pine Nut Allotments, held in trust by the United States, but on the Pine Nut Allotments, for hunting and fishing regulation purposes only. Territorial jurisdiction shall also extend to all lands hereafter acquired by or for the Washoe Tribe.

(a) The Dresslerville Indian Colony encompasses that 40 acres described as the SE1/4, SE1/4, Sec. 15, T. 12N., R. 20E., MDM, Douglas County, Nevada; and in addition, that portion of the NW1/4, NW1/4, Sec. 23, T. 12N., R. 20E., MDM, Douglas County, Nevada, lying westerly and southerly of the east fork of the Carson River and embracing a portion of the Heidtman Purchase.

(b) The Carson Indian Colony encompasses those tracts of land in Ormsby County which, when purchased, were known as the Blackie Ranch and the Little Ranch.

(c) The Washoe Ranches consist of those lands included in the Faletti Purchase, the Judd Purchase, and the Heidtman Purchase, excluding any portion specifically cited in (a) above.

(d) The land acquired under the Act of July 31, 1970 (P.L. 91-362, 84 Stat. 687) which is known as the Woodfords Indian Community.

(e) The land acquired under the Act of October 6, 1982 (P.L. 97-288, 96 Stat. 1227) which is known as the Stewart Indian Community, Stewart Ranches, Clear Creek and Silverado properties.

Section 2. No territorial jurisdiction shall be exercised by the Washoe Tribe over the Washoe tribal land interests within the Reno-Sparks Indian Colony.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Washoe Tribe shall consist of all persons of at least one-fourth (1/4) degree Washoe Indian blood.

Section 2. The Washoe Tribal Council shall have the power, by an affirmative vote of two-thirds (2/3), to adopt any person as an honorary member of the tribe, Provided: That such honorary membership shall not entitle any such person to share in the distribution of any assets derived from tribal resources; hold an elective office with the tribe; or have tribal voting privileges.

Section 3. The Washoe Tribal Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing enrollment procedures, loss of membership, and the adoption of honorary members.

Section 4. Members of the Washoe Tribe who reside in or on any of the recognized Washoe Communities or colonies represented on the Washoe Tribal Council shall be permitted to be enrolled as residents of these communities or colonies. As enrollees they may receive the benefits and privileges that accompany such enrollment without losing their membership eligibility with the Washoe Tribe or forfeiting any rights they may be entitled to as members of the Washoe Tribe.

Section 5. No person enrolled with, affiliated with, or recognized as a member of another tribe or group (with the exception of the groups represented on the Washoe Tribal Council) shall be eligible for membership in the Washoe Tribe.

ARTICLE III - GOVERNING BODY

Section 1. The supreme governing body of the Washoe Tribe shall consist of a council known as the Washoe Tribal Council. The Washoe Tribal Council shall be composed of twelve (12) council members, which includes a Chairman elected by the eligible voters of the tribe. The Vice-Chairman shall be elected by the council members from within the council membership, and a Secretary-Treasurer shall be chosen from within or outside the council but within the tribal membership. All twelve (12) Washoe Tribal Council members shall be enrolled members of the Washoe Tribe, twenty-one (21) years of age or older.

Section 2. The Washoe communities of Carson Colony, Dresslerville Colony, Woodfords and Stewart Communities shall elect local governing bodies which shall be known as community councils. The community councils shall be composed of a maximum of five (5) persons. Community council members shall be elected from and by enrolled members of the Washoe Tribe who are at least twenty-one (21) years of age and are residents of the community or colony where they vote or where they serve.

Section 3. Within thirty (30) days after the election of community councils, two (2) members of the Dresslerville Community Council, two (2) members of the Carson Community Council, two (2) members of the Woodfords Community Council, and two (2) members of the Stewart Community Council shall be selected by their respective local councils to serve on the Washoe Tribal Council. The Washoe tribal members residing on the Reno-Sparks Indian Colony shall elect one (1) person from among their adult residents to serve on the Washoe Tribal Council. The tenth (10th) and eleventh (11th) members of the Washoe Tribal Council shall be adult members of the Washoe Tribe who are not residents of one (1) of the communities or colonies. They shall be elected by all members of the Washoe Tribe voting in the elections.

Section 4. All Washoe Tribal Council members, as well as all community council members, shall hold office for a term of four (4) years or until their successors have been elected or seated.

ARTICLE IV - NOMINATIONS AND ELECTIONS

Section 1. The first general election of all council members under this constitution shall be held on the regular election date, which is the third Saturday in October. All twelve (12) Washoe Tribal Council members shall be enrolled registered voters of the Washoe Tribe, twenty-one (21) years of age or older. The election shall be called, conducted and certified in accordance with an election ordinance enacted by the Washoe Tribal Council. All ensuing elections shall be held on this same election date every fourth year.

Section 2. All members of the Washoe Tribe, twenty-one (21) years of age or older, shall be eligible to vote.

Section 3. Voting shall be by secret ballot.

ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE

Section 1. If a Washoe tribal councilman or tribal officer shall die, resign from the Washoe Tribal Council or tribal membership, be removed from office by the Washoe Tribal Council, or be recalled as provided in Article IX, the Washoe Tribal Council shall declare the office vacant. If the office is vacated by a representative of one of the community councils, that community council shall appoint a successor to fill the expired term. If the Reno-Sparks Colony representative's seat shall become vacated, the Washoe residents of that colony shall appoint a new representative to fill the

unexpired term. In the case of the non-reservation representative, or a tribal officer not in one of the above categories, the Washoe Tribal Council shall appoint the successor. All vacancies shall be filled within thirty (30) days from the date they are vacated.

Section 2. Any Washoe Tribal Council member or tribal officer may be expelled from office by a two-thirds (2/3) vote of the Washoe Tribal Council members if in their opinion he is guilty of improper conduct or gross neglect of duty; Provided, That the accused is given full opportunity to reply to any and all charges at a designated Washoe Tribal Council meeting, and Provided, Further, That the accused shall have been given a written statement of the charges against him at least five (5) days before the meeting set for his hearing.

ARTICLE VI - POWERS AND DUTIES OF THE WASHOE TRIBAL COUNCIL

Section 1. Enumerated Powers. The Washoe Tribal Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States.

(a) To negotiate with the Federal, State, and local governments, and to execute contracts and agreements with these and other associations, corporations, or individuals.

(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 approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.

(d) To consult with the Secretary of the Interior with regard to all appropriate estimates or Federal projects for the benefit of the Washoe Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Washoe Tribe.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Washoe Tribe; providing for the manner of making, holding, and revoking assignments of tribal land or interests therein; governing enrollment procedures, loss of membership, and the adoption of members; providing for the levying of taxes and fees; providing for the licensing of non-members coming upon tribal land for the purpose of hunting, fishing, trading, or other business; and for the exclusion from tribal lands of persons not so licensed; and establishing proper agencies for law enforcement on tribal lands.

(g) To create and regulate subordinate organizations for economic and public purposes and to delegate to such organizations, or to any subordinate boards, officials of the tribe, or to the community councils, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this constitution and bylaws, regulating the procedures of the Washoe Tribal Council itself and of other tribal agencies, tribal officers, or tribal organizations of the Washoe Tribe of Indians, and exercising such duties as are conferred upon the Washoe Tribal Council by the attached bylaws.

(i) To prepare an annual budget and appropriate available tribal funds for public purposes, subject to the approval of the Secretary of the Interior. Thirty (30) days prior to the Washoe Tribal Council's submission of the tribe's annual budget, the community councils shall submit their proposed budgets to the Washoe Tribal Council for review.

Section 2. Future Powers. The Washoe Tribal Council may exercise such further powers as may in the future be delegated to the Washoe Tribal Council by members of the tribe or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

Section 3. Reserved Powers. Any rights and powers heretofore vested in the Washoe Tribe but not expressly referred to in this constitution shall not be abridged, but may be exercised by the people of the Washoe Tribe through the adoption of appropriate constitutional amendments.

Section 4. Manner of Review. Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of its receipt, rescind the said ordinance or resolution for any cause by notifying the Washoe Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him he shall advise the Washoe Tribal Council of his reasons therefore. If these reasons appear to the Washoe Tribal Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its receipt by him, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII - POWERS OF THE COMMUNITY COUNCILS

Section 1. Through the adoption of articles of association approved by the Washoe Tribal Council, the community councils established at Woodfords, the Dresslerville Colony, the Carson Colony, and Stewart shall make every effort to improve the welfare and protect the interests of the residents of their respective communities.

Section 2. All powers not now or in the future expressly reserved for or delegated to the Washoe Tribal Council may be exercised by the community councils in accordance with their articles of association and this constitution, and subject to all limitations imposed by the statutes and Constitution of the United States; Provided, That the Washoe Tribal Council reserves the right to veto an action of the community councils which, in the opinion of the Washoe Tribal Council, is not in the best interest of the local residents or the Washoe tribal membership as a whole, and Provided, Further, That such veto action must be taken within sixty (60) days from the date of the community council's action.

ARTICLE VIII - TRIBAL LANDS

Section 1. Allotted lands, including heirship lands, held in trust by the United States for members of the Washoe Tribe, shall continue to be held as heretofore by their present owners. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may with approval of the Secretary of the Interior, voluntarily convey his land to the Washoe Tribe, either in exchange for a money payment or in exchange for standard assignment covering the same or other land, as hereinafter provided.

Section 2. The unallotted lands of the Washoe Tribe of Indians and lands which may hereafter be acquired by the Washoe Tribe of Indians or by the United States in trust for the Washoe Tribe of Indians shall be held as tribal lands. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Washoe Tribe, or leased, exchanged for other lands of equal value, or otherwise used by the tribe, as hereinafter provided.

Section 3. Tribal lands may be leased by the Washoe Tribal Council with the approval of the Secretary of the Interior, for such periods of time as permitted by law. The following provisions shall govern:

(a) In leasing of tribal lands, preference shall be given first to Indian cooperative associations, and secondly, to individual Indians who are members of the Washoe Tribe.

(b) Non-members enjoying tenure on Washoe tribal lands on the date of approval of this constitution shall be given the opportunity to lease the land they presently occupy and use, in accordance with the regulations established by the Secretary of the Interior; Provided, That these provisions shall not affect existing approved lease contracts.

Persons in this category who do not choose to lease the tribal land will be given one hundred twenty (120) days from the date of notification by the Washoe Tribal Council to remove all improvements. At the end of the one hundred twenty (120) day period any improvements not removed will become tribal property.

(c) With the exception of those persons provided for in (b) above, no lease of tribal land to non-members shall be made by the Washoe Tribal Council unless it shall appear that no Indian cooperative association or individual member of the tribe is able to use the land and to pay a reasonable fee for such use. The Washoe Tribal Council, in considering any such lease of tribal land upon a Washoe Colony, shall consider the recommendations of the respective community councils.

(d) Grazing permits covering tribal land may be issued by the Washoe Tribal Council, with the approval of the Secretary of the Interior, in accordance with the Secretary's Rules and Regulations.

Section 4. In any assignment of tribal lands preference shall be given first to members of the tribe who are heads of families and are entirely landless, and, secondly, to heads of families who have received assignments consisting of less than an economic or unusable unit.

Assignments made under this section shall be for the primary purpose for establishing homes for landless Washoe Indians and shall be known as standard assignments.

Section 5. If any member of the tribe holding a standard assignment of land shall, for a period of one (1) year, fail to use the land so assigned, the assignment may be cancelled by the Washoe Tribal Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him, by will or by written request, shall have preference in the reassignment of the land, Provided such persons are members of the Washoe Tribe who would be eligible to receive a standard assignment, except that where the heirs include minors who are eligible for membership in the Washoe Tribe, a surviving parent or guardian, regardless of whether or not they themselves are eligible for membership, may receive the assignment on behalf of the minors.

Section 6. All applications for assignment of tribal land shall be filed with the Secretary of the Washoe Tribal Council. Applications from residents of Woodfords, the Dresslerville Colony, the Carson Colony, and Stewart shall be accompanied by a written recommendation from the respective community council. All applications shall be filed and processed in accordance with an assignment ordinance enacted by the Washoe Tribal Council and reviewed by the Secretary of the Interior.

ARTICLE IX - REFERENDUM, INITIATIVE AND RECALL

Section 1. Referendum. The Washoe Tribal Council shall, upon receipt of a petition signed by at least one hundred fifty (150) eligible voters of the Washoe Tribe submit any enacted or proposed ordinance or resolution to a referendum of the eligible voters. The decision of a majority of the voters voting in the referendum shall be binding on the Washoe Tribal Council; Provided, That at least thirty percent (30%) of those entitled to vote shall vote in the referendum. The Washoe Tribal Council shall call and hold the referendum within thirty (30) days from the date of receipt of a valid petition and shall prescribe the manner in which it is to be conducted.

Section 2. Initiative. The members of the Washoe Tribe reserve the power to propose tribal legislation. Any proposed initiative measure shall be presented to the Washoe Tribal Council accompanied by a petition signed by not less than one hundred fifty (150) eligible voters of the Washoe Tribe. Upon receipt of such a petition, the Washoe Tribal Council shall within thirty (30) days thereafter call and hold a special election for the purpose of allowing the members of the tribe to vote on the initiative measure. The decision of a majority of the voters voting in such election shall be binding on the Washoe Tribal Council, Provided, That at least thirty (30%) of those entitled to vote shall vote in the referendum.

Section 3. Recall. (a) A member of the Washoe Tribal Council who is representing Woodfords, the Dresslerville Colony, the Carson Colony, or Stewart, may be recalled from the Washoe Tribal Council by the residents of his or her respective colony or community, or by a majority vote of the members of his community council. The residents of those communities or colonies may recall one or all of their Washoe Tribal Council representatives by presenting a petition, signed by a majority of the eligible voters of the colony or community, to the community council. This petition shall state the complaint against their representative and shall ask for his or her recall from office. Upon receipt of a valid petition, the community council shall act to recall the accused. A person recalled from the Washoe Tribal Council is not by this action automatically recalled from his seat on the community council.

(b) The Washoe Tribal Council member representing the Reno-Sparks Colony may be recalled by the eligible voters of the tribe who are residents of the Reno-Sparks Colony. They may accomplish a recall by requesting recall action from the Washoe Tribal Council in a petition signed by a majority of the eligible Washoe voting residents.

(c) The "non-reservation" representative on the Washoe Tribal Council may be recalled from office by a majority of the eligible voters of the Washoe Tribe who vote in a special election called for this purpose by the Washoe Tribal Council. The Washoe Tribal Council shall call this election upon receipt of a petition, signed by one hundred fifty eligible voters of the Washoe Tribe, stating the complaint against this representative and requesting the special election.

ARTICLE X - AMENDMENTS

Section 1. This constitution and bylaws may be amended by a majority of the qualified voters of the Washoe Tribe voting in 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 it shall have been approved by the Secretary of the Interior.

Section 2. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by at least twenty-five percent (25%) of the eligible voters of the Washoe Tribe or upon receipt of a request for an election signed by two-thirds (2/3) of the Washoe Tribal Council.

ARTICLE XI - BILL OF RIGHTS

All members of the Washoe Tribe shall have equal rights, equal protection and equal opportunity to participate in the economic resources, tribal assets and activities of the Washoe Tribe. No member of the Washoe Tribe shall be denied any of the constitutional rights or guarantees enjoyed by other citizens of the United States, including but not limited to freedom of religion, speech and conscience, and the right to orderly association or assembly, the right to petition for action on the redress of grievances, and due process of law.

BYLAWS

ARTICLE I - DUTIES OF OFFICERS

Section 1. The Chairman of the Washoe Tribal Council shall preside over all meetings of the Washoe Tribal Council, perform all duties of the Chairman, and exercise any authority delegated to him.

Section 2. The Vice-Chairman shall assist the Chairman when called on to do so, and in the absence of the Chairman shall preside, and when so presiding shall have all the privileges, duties and responsibilities of the Chairman.

Section 3. As Washoe Tribal Council Secretary the Secretary-Treasurer shall forward a copy of the minutes of all meetings to the Superintendent in charge of the Western Nevada Agency. As Treasurer of the Washoe Tribal Council, the duties of the Secretary-Treasurer shall be as follows: He shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Washoe Tribal Council whether same be tribal funds or special funds for which the Washoe Tribal Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed by the Washoe Tribal Council, and he shall keep an accurate record, filing same in the Washoe Tribal Council's office, and he shall report all receipts and expenditures and accounts and the nature of all funds in his possession or custody once every six months to the Washoe Tribal Council in writing or at any time he is requested to do so by the Washoe Tribal Council. He shall be appropriately bonded at tribal expense.

ARTICLE II - SEATING OF COUNCIL MEMBERS

Section 1. Those persons selected pursuant to Article III of the constitution to serve on the Washoe Tribal Council shall be installed at the first regular meeting of the Washoe Tribal Council following their election.

Section 2. Each member of the Washoe Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and the Constitution and Bylaws of the Washoe Tribe of Nevada and California.

> Oath: "I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my tribe in accordance with the Constitution and Bylaws of the Washoe Tribe of Nevada and California."

ARTICLE III - MEETINGS

Section 1. Regular meetings of the Washoe Tribal Council shall be held on the second Friday, or, in case of a holiday, on the third Friday of every month.

Section 2. Special meetings may be called by a written notice signed by the Chairman or a majority of the Washoe Tribal Council, and when so called the Washoe Tribal Council shall have power to transact business as in the regular meetings.

ARTICLE IV - QUORUM

Section 1. No business shall be transacted by the Washoe Tribal Council unless a quorum of seven (7) council members is present. Should both the Chairman and Vice-Chairman be absent, a temporary chairman shall be appointed from among the councilmen present.

ARTICLE V - ORDER OF BUSINESS

Section 1. Order of Business.

(a) Call to order.
(b) Roll call.
(c) Reading the minutes of last meeting.
(d) Unfinished business.
(e) Reports.
(f) New business.
(g) Adjournment.

ARTICLE VI - SALARIES AND EXPENSES

Section 1. The Washoe Tribal Council may prescribe such salaries and expenses for officers or members of the Washoe Tribal Council as it deems advisable from such funds as may be available.

ARTICLE VII - ORDINANCES AND RESOLUTIONS

Section 1. All final decisions of the Washoe Tribal Council on matters of general and permanent interest to the members of the tribe shall be embodied in ordinances.

Section 2. All final decisions of the Washoe Tribal Council on matters of temporary interest or relating especially to particular individuals or officials shall be embodied in resolutions. All Washoe Tribal Council legislation, minutes of Washoe Tribal Council meetings, and tribal financial records shall be open to inspection by any member of the Washoe Tribe at such times as found convenient to the council.

Section 3. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by action of the Washoe Tribal Council or by the ruling of the Chairman if no objection is heard. In all ordinances, resolutions, or motions, the Washoe Tribal Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

Section 4. Every resolution shall begin with the words: "Be it resolved by the Washoe Tribal Council."

Section 5. Every ordinance or resolution shall contain the authority (statute, tribal constitution, etc.) for the Washoe Tribal Council's legislative action.

ARTICLE VIII - ADOPTION

This constitution and bylaws shall be in full force and effect whenever a majority of the adult voters of the Washoe Tribe of Indians voting in an election called by the Secretary of the Interior, in which at least thirty percent (30%) of the eligible voters shall vote, shall have adopted such constitution and bylaws, and the Secretary of the Interior shall have approved same as provided in the Act of June 18, 1934 (48 Stat. 984), as amended.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order issued by Ronal Eden acting, Deputy to the Assistant Secretary - Indian Affairs (Tribal Services), on March 29, 1990, the foregoing Constitution and Bylaws of the Washoe Tribe of Nevada and California was submitted to the qualified voters of the Washoe Tribe of Nevada and California and on June 23, 1990, was duly adopted ~~rejected~~ by a vote of 73 for, and 15 against, and 1 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 161 (number) members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, as amended.

Dee C. Wilcox
Chairman, Election Board

Shirley J. Bear
Election Board Member

Virginia Kizer
Election Board Member

Date: JUN 2 3 1990

Robert Wyatt
Election Board Member

A. J. Meulers
Election Board Member

CERTIFICATE OF APPROVAL

I, Ronal Eden, Deputy to the Assistant Secretary - Indian Affairs (Tribal Services), by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (49 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve the Constitution of the Washoe Tribe of Nevada and California, Provided, That nothing contained in this approval shall be construed as authorizing any action under this constitution that would be contrary to Federal law.

Ronal Eden

Deputy to the Assistant Secretary -
Indian Affairs (Tribal Services)

Washington, D. C.

Date: 7/20/90