

Ione Band of Miwok Indians of California



Location: California

Population: 750

Date of Constitution: 1996

PREAMBLE

We, the members of the Ione Band of Miwok Indians historically located near Ione, California, a Federally Recognized tribe, reaffirmed by Assistant Secretary Ada Deer on March 22, 1994, in order to preserve and protect our tribal customs, to promote our social and economic welfare, to protect and conserve our tribal resources, to protect our rights and freedoms as individuals by administering justice and in an overall effort to govern the affairs of this tribe, do establish this Constitution to secure to ourselves and our descendants the rights, powers and privileges inherent in our sovereign status.

ARTICLE I - NAME

The name of this tribal entity shall be the Ione Band of Miwok Indians of California, hereafter, referred to as the "Tribe."

ARTICLE II - TERRITORY AND JURISDICTION

SECTION 1. Territory. The Territory of the Tribe consists of the following lands: a) all lands now held or previously held or hereafter acquired by the Tribe; b) all lands held in trust by the United States for the benefit of the Tribe; and c) upon the establishment of a reservation for the Tribe, all lands within the exterior boundaries of such reservation, whether or not owned by the Tribe, and notwithstanding the issuance of any patent in fee, right-of-way or easement.

SECTION 2. Jurisdiction. The jurisdiction of the Tribe extends to all of its members wherever located, to all persons throughout its territory, and within its territory over all lands, waters, river beds, submerged lands, properties, air space, minerals, fish, forests, wildlife, and other resources, and any interest therein now held or acquired in the future.

ARTICLE III - MEMBERSHIP

SECTION 1. Base Membership Roll. The Base Roll shall consist of all persons listed on the 1915 Census of Ione and Vicinity Indians and all of the individually-named plaintiffs identified in the October 31, 1972, Judgment entered in *Villa v. Moffat*, No. 8160 (California

Superior Court, Amador County) and those persons deemed eligible to vote in the election held on September 28, 1996, to elect the members of the Interim Council of the lone Band of Miwok Indians of California, whether living or deceased.

SECTION 2. lone Tribal Membership Roll. After adoption of the Constitution of the lone Band of Miwok Indians of California, a revised lone Tribal Membership Roll shall be prepared and periodically updated in accordance with the Enrollment Ordinance. The lone Tribal Membership Roll shall include all living persons on the Base Membership Roll and persons who apply for membership and meet the following criteria:

- a) is a lineal descendant from an individual listed on the 1915 Census of lone and Vicinity Indians or from one of the individually-named plaintiffs identified in the October 31, 1972, Judgment entered in Villa v. Moffat, No. 8160 (California Superior Court, Amador County) or from a person deemed eligible to vote in the election held on September 28, 1996, to elect the members of the Interim Council of the lone Band of Miwok Indians of California.

SECTION 3. Limitations on Membership. "Dual enrollment" is prohibited by the Tribe and no person who is or becomes enrolled as a member of another federally-recognized Indian tribe shall qualify for membership or remain in the Tribe, unless he or she has relinquished in writing his or her membership in such other tribe. Any enrolled member who refuses to relinquish his/her membership in such other tribe within sixty (60) days following notification of his/her dual enrollment status shall be removed from the lone Tribal Membership Roll. All persons whose membership has been terminated in this manner may reapply for membership following the relinquishment of membership in the other tribe.

SECTION 4. Enrollment Ordinance. Within one hundred twenty (120) days of the adoption of this Constitution, an Enrollment Ordinance shall be adopted by the General Council (as provided by Article VII, Section 2). The Enrollment Ordinance shall contain the membership criteria set forth in this Article and it shall contain provisions for enrollment applications; procedures for applying, approving or rejecting applications; procedures for appealing denials of membership applications; and other procedures for maintaining a current membership roll. The Tribal Council shall appoint from a list of volunteers an Enrollment Committee of five (5) members to administer and implement the Enrollment Ordinance. The members of the Enrollment Committee shall be subject to confidentiality requirements set by the Tribal Council.

SECTION 5. Membership Roll. The official membership roll shall be prepared and maintained in accordance with an ordinance adopted by the qualified voters of the Tribe.

ARTICLE IV - BILL OF RIGHTS

Except as otherwise provided by this Constitution, all members of the Tribe shall be accorded by the governing body equal rights, equal protection, and equal opportunity to participate in resources and activities of the Tribe. No person shall be denied any of the rights or guarantees set forth in the Indian Civil Rights

ARTICLE V - GOVERNING BODY

SECTION 1. Tribal Council. The governing body of the Tribe shall be a council known as the lone Band of Miwok Indians Tribal Council, hereafter, referred to as the "Tribal Council."

SECTION 2. Composition. The Tribal Council shall consist of a Chairperson, a Vice Chairperson, a Secretary, a Treasurer, and a member-at-large. The members of the Tribal Council shall be elected by the General Council.

SECTION 3. Term of Office.

- (a) At the first tribal election, and elections held thereafter under this Constitution, the Chairperson, Vice-Chairperson, Secretary, Treasurer and a Member-at-Large shall be elected every three (3) years.
- (b) The Interim Tribal Council shall remain in office until replaced through the proper election process.
- (c) The date, time, and place of elections shall be held in accordance with an approved Election Ordinance.

SECTION 4. Oath of Office. Each member of the Tribal Council, elected or appointed hereunder, shall take an oath of office immediately upon closing of the election administered by the past/current Chairperson of the Tribe:

I, _____, do solemnly swear that I will support and defend the Constitution of the lone Band of Miwok Indians of California; that I will faithfully and impartially carry out the duties of my office to the best of my ability; that I will cooperate, promote and protect the best interest of my people, in accordance with this Constitution.

SECTION 5. General Qualifications for Office.

- (a) No person who is a candidate for or elected to any Tribal office, or is to be or has been appointed by the Tribal Council to any position of trust shall have been, at the time of candidacy, election or appointment convicted of any violent felony or any crime involving violence, dishonesty or moral turpitude and every candidate for election or appointment to any Tribal office or position who ever has been convicted of any felony or crime involving violence, dishonesty or moral turpitude shall, upon announcement of his/her candidacy or application for appointment, fully disclose to the Tribal Council the fact and date of each such conviction, the court in which the conviction was entered, the offense for which convicted, the sentence imposed and the place and manner in which the sentence was served or otherwise discharged;
- (b) Any person who, upon or subsequent to announcing his/her candidacy for election to any Tribal office or applying for any appointed position of trust, is formally charged with, but not yet convicted of, any crime of violence, dishonesty or moral turpitude, shall disclose to the Tribal Council and/or the Election Committee the fact of such prosecution upon becoming aware of the pendency thereof;
- (c) Any person required to make disclosure of a criminal conviction or prosecution hereunder, who fails to do so within thirty (30) days may be barred or removed

- from the office/appointed position for which the person was a candidate when the required disclosure was not made;
- (d) Any elected Tribal officer or appointed Tribal official who is formally charged with a violent felony or crime of dishonesty or moral turpitude while in office shall be immediately suspended from office, effective with the date of initiation of such prosecution. If said officer or official is acquitted or the prosecution is terminated without a conviction, and provided that upon such termination of prosecution the term of office to which the officer or official was elected or appointed has not yet expired, the officer or official shall be reinstated to serve the remainder of his/her term of office or appointment.

ARTICLE VI - DUTIES OF TRIBAL OFFICERS

SECTION 1. Tribal Chairperson. The Chairperson shall be the chief executive officer of the Tribe, and in that capacity shall have the following authority and duties:

- (a) To preside over all meetings of the Tribal Council and General Council;
- (b) To call special meetings of the Tribal Council or the General Council as necessary or upon the request of the Tribal Council members or Tribal members as provided in this Constitution;
- (c) To faithfully implement and enforce the legislative enactments and policies of the Tribe;
- (d) To execute such contracts, agreements and other documents on behalf of the Tribe as have been duly authorized by the Tribal Council in the exercise of authority delegated by this Constitution, or by the General Council;
- (e) To act as the principal spokesperson and representative for the Tribe in its dealings with all other governmental and non-governmental entities, or to delegate such duties to other Tribal officers or officials as may be authorized by the Tribal Council;
- (f) To appoint persons to serve in unelected positions within the executive or judicial branches of the Tribal government, with the advice and consent of the Tribal Council;
- (g) To prepare and present to the Tribal Council for approval, no later than one hundred and twenty (120) days prior to the beginning of each fiscal year, a proposed annual financial plan that sets forth in detail the current assets of the Tribe, the sources and amounts of all anticipated Tribal revenues for the year, and a Tribal budget for said year;

SECTION 2. Tribal Vice-Chairperson. The Vice-Chairperson shall have the following authority and duties:

- (a) To preside over meetings of the Tribal Council or General Council in the absence of the Chairperson;
- (b) To act in place of the Chairperson as the spokesperson or representative of the Tribe upon written delegation by the Chairperson or the Tribal Council;
- (c) To assume the office and duties of the Chairperson upon the Chairperson's death, suspension, resignation or removal, or a determination by two-thirds (2/3) majority vote of a quorum of the Tribal Council that the Chairperson has become

permanently or indefinitely incapacitated to an extent that prevents the Chairperson from fulfilling the obligations and duties of office.

SECTION 3. Tribal Secretary. The Tribal Secretary shall have the following authority and duties:

- (a) To faithfully prepare and maintain the official minutes of the proceedings of all meetings of the Tribal Council and General Council in accordance with Article IX, Section 5 of this Constitution;
- (b) To receive, certify and maintain custody of all resolutions, legislative enactments, and other official actions of the Tribal Council and the General Council;
- (c) To receive, log, distribute, send, and maintain custody of all Official correspondence and documents of the Tribe.

SECTION 4. Tribal Treasurer. The Tribal Treasurer shall have the following authority and duties:

- (a) To set up and maintain bank accounts and other financial accounts as necessary for the Tribe.
- (b) To prepare and maintain records of all financial transactions of the Tribe;
- (c) To assist the Tribal Chairperson in preparing the annual financial plan and budget as required by this Constitution;
- (d) To provide Quarterly Fiscal Report on Financial Status of Tribe.

SECTION 5. Tribal Member-at-Large. The Tribal Member-at-Large shall have the following authority and duties:

- (a) Tribal member communications of concern;
- (b) Tribal member outreach;

ARTICLE VII - POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. The Tribal Council is authorized to exercise all of the powers possessed by the Tribe, now and in the future, subject to any limitations imposed by the Constitution and Laws of the Tribe, including but not limited to the following:

- (a) To negotiate, consult, and contract with the Federal, State, local and tribal governments, private enterprises, individuals, and other organizations for the benefit of the Tribe;
- (b) To regulate hunting, fishing, gathering, camping, and recreation within Tribal Territory;
- (c) To conduct and regulate trading and business activities within and outside Tribal Territory, and to enforce those regulations by appropriate ordinances;
- (d) To provide by resolution or ordinance the conditions upon which non-members may enter or remain within Tribal Territory, and for the removal or exclusion of non-members from such Territory whose presence may be injurious or detrimental to the Tribe, its members, or its lands;
- (e) To plan, approve, and charter all economic enterprises of the Tribe with prior authorization of ten percent (10%) of the General Council;

- (f) To create, regulate, appoint, and oversee independent organizations, subordinate organizations, and committees of the Tribe by ordinances as needed; and to review any action taken by virtue of such delegated powers or to delegate powers as appropriate, retaining the right to rescind delegated powers;
- (g) To promulgate and enforce ordinances and resolutions, not inconsistent with this Constitution, to promote and protect the peace, health, safety, and welfare of the Tribe, its members, and all other persons within its jurisdiction;
- (h) To promulgate and enforce civil and criminal ordinances governing the conduct, affairs, and transactions of members of the Tribe, and to the extent permitted by federal law, governing the conduct, affairs, and transactions of non-members of the Tribe;
- (i) To acquire, sell, dispose, lease, assign, encumber or manage all tribal property, now or hereafter held by the Tribe or held in trust for the Tribe by the United States, to the extent permitted by federal law; the Tribal Council shall not sell, lease, encumber or dispose of any tribal land unless approved by majority vote of the General Council;
- (j) To advise the Secretary of the Interior or his authorized representative, with regard to all appropriation estimated for Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Bureau of Indian Affairs (BIA) and to Congress;
- (k) To promulgate and enforce rules of conduct regulating the Tribal Council, and other tribal agencies and tribal officials within its jurisdiction, as approved by the General Council.
- (l) To appropriate and authorize the expenditure of tribal funds;
- (m) To establish tribal courts or other forums and procedures for dispute resolution;
- (n) To raise revenues by the imposition of taxes, fees and levies;
- (o) To manage and administer tribal lands and assets;

SECTION 2. General Council Approval. The General Council is composed of all tribal members eligible to vote in Tribal elections. In addition to the powers bestowed on the General Council by other sections of this Constitution, the General Council shall adopt and enact the following measures:

- (a) An election ordinance within one hundred and twenty (120) days of the adoption of this Constitution;
- (b) An enrollment ordinance within one hundred and twenty days (120) days of the adoption of this Constitution;
- (c) A land assignment ordinance;
- (d) Rules of conduct applicable to Tribal Council members, and other tribal agencies and tribal officials.

SECTION 3. Future Powers. The Tribal Council may exercise such further powers as may in the future be delegated to it by the General Council of the Tribe or the Federal Government.

SECTION 4. Reserved Powers. Any rights and powers heretofore vested in the Tribe, but not expressly referred to in this Constitution, shall not be abridged by this Article but may be exercised by the people of the Tribe through the adoption of appropriate Constitutional Amendments.

Article VIII - TRIBAL JUDICIAL SYSTEM

The judicial power of the Tribe shall be vested in the Tribal Council until such time as Tribal court(s) or other appropriate forums may from time to time be established by ordinance(s) for that purpose. Said ordinance(s) shall ensure the impartiality and independence of the judiciary by specifying causes and procedures for removal and prohibiting reductions in rates of compensation greater than those that may be applied to the Tribal Council and/or the Tribal Chairperson; define the jurisdiction of each court created there under; specify the manner of selection, term of office and qualifications of judges; and provide for the adoption of the procedures under which each court shall function. In special circumstances as defined by appropriate ordinance, the Tribal Council shall sit as a Tribal trial or appellate court. The Tribal judicial system, whenever possible, shall give full recognition and weight to Tribal customs, including traditional methods of mediation and dispute resolution.

ARTICLE IX - MEETINGS

The Tribal Council shall hold meetings and take action in accordance with the following procedures:

SECTION 1. Tribal Council Meetings. Regular meetings of the Tribal Council shall be held each month at a time designated in an ordinance enacted by the General Council. All regular meetings of the Tribal Council shall be open to the membership of the Tribe. The Tribal Council shall provide an opportunity for public comment by Tribal members at each Tribal Council meeting. Participation by tribal members in Council meetings shall be limited to those matters on the agenda as set by the Tribal Council. The Tribal Council may meet in executive session upon determination by an affirmative vote of a majority of the Council members present that protection of the Tribe's legal rights, commercial interests, and/or privileges against compelled disclosure or the privacy of specified persons requires that specific matters be discussed or voted upon in confidence. All votes, including votes on matters discussed in executive session and the subject of which must remain confidential, shall be by roll call in open session; and all votes shall be a matter of public record.

SECTION 2. General Council Meetings. The Tribal Council shall hold monthly General Council meetings of the Tribe. The time, place, and procedures for the General Council meetings shall be determined by the Tribal Council by ordinance; and timely notice of the meeting shall be made to the General Membership. The Chairperson shall preside over that meeting. No business of the General Council shall be conducted unless a quorum of the eligible voters is present and once established, such quorum shall not be lost through the duration of the meeting. A quorum shall consist of ten percent (10%) of the eligible voters and any forthcoming action shall require a majority vote of such voters. All regular meetings of the General Council shall be open to the membership of the Tribe for attendance.

SECTION 3. Special Meetings.

- (a) Special Meetings of the Tribal Council may be called at the discretion of the Chairperson. In addition, the Chairperson shall call a special meeting upon receipt of a written request by three (3) or more members of the Tribal Council or at least

- 25% of the General Council. No special meeting shall be called without written notice given to each member of the Tribal Council at least twenty-four (24) hours prior to special meetings, which may be waived by their presence at any meeting.
- (b) Special Meetings of the General Council may be called at the discretion of the Chairperson. In addition, the Chairperson shall call a special meeting upon receipt of a written request by three (3) or more members of the Tribal Council or at least twenty-five per cent (25%) of the General Council. No special meeting shall be called without written notice given to each member of the Tribal Council at least twenty-four (24) hours prior to special meetings, which may be waived by their presence at any meeting. Notice of the special meeting shall be provided by expedient means at least twenty-four (24) hours in advance of the meeting.

SECTION 4. Quorum.

- (a) No business shall be conducted without a quorum of three (3) members of the Tribal Council. Once a quorum is established then it shall remain in place for the duration of the meeting. Matters of business properly brought before the Tribal Council shall be decided by a majority vote of those present constituting a quorum.
- (b) A General Council quorum shall consist of ten percent (10 %) of the eligible voters. Unless otherwise provided in this Constitution, matters brought before the General Council shall be decided by majority vote of those present during a meeting in which a quorum was established.

SECTION 5. Minutes. Minutes of regular and special Tribal Council and General Council meetings shall be kept. The Minutes shall record the roll call votes showing how each member of the Tribal Council voted. Minutes shall be made available for inspection by members of the Tribe upon request during regular business hours.

SECTION 6. Order of Business. Meetings of the Tribal Council and General Council shall be conducted and include, but not be limited to, as follows:

- (a) Call to order by the Chairperson;
- (b) Roll Call of the Tribal Council and ascertainment of both the Tribal Council and General Council quorum;
- (c) Reading and approval of Minutes of last meeting;
- (d) Reports;
- (e) Financial Reports;
- (f) Unfinished Business;
- (g) New Business; and;
- (h) Adjournment.

SECTION 7. Enactments.

- (a) All duly-enacted decisions of the Tribal Council or the General Council of general and permanent interest to the members of the Tribe shall be embodied in ordinances. The ordinances shall be compiled and made available to tribal members and others affected upon reasonable request. Ordinances shall comply with this Constitution and applicable federal law. Ordinances shall have the force of law.

- (b) All duly-enacted decisions of the Tribal Council and General Council of temporary interest to the members of the Tribe shall be embodied in resolutions. The resolutions shall be compiled and made available to tribal members and affected persons upon reasonable request. Resolutions shall comply with this Constitution and applicable federal law. Resolutions shall have the force of law.
- (c) All ordinances and resolutions shall be dated and numbered and shall include the certification showing the presence of a quorum and number voting for, or against and shall be signed by the Chairperson and Secretary. If the Secretary is not present, the Tribal Council may designate another Council member.

SECTION 8. Compensation. The Tribal Council may prescribe compensation for officers or members of the Tribal Council, as is deemed advisable from such funds as may be available, subject to the approval of the General Council.

SECTION 9. Tribal Council Conduct. Members of the Tribal Council shall act in accordance with a Code of Conduct developed by the Tribal Council and approved by the General Council.

ARTICLE X- ELECTIONS

SECTION 1. Election Ordinance. Within one hundred twenty (120) days of the adoption of this Constitution, the General Council shall adopt an Election Ordinance, which shall contain provisions for election procedures; the establishment of an election committee; procedures for filling office vacancies; appeals of tribal election results; procedures for maintaining the list of current tribal voters; and related matters governing tribal elections.

Following the election of the first Tribal Council under this Constitution, the Tribal Council shall appoint the Election Committee authorized by the Election Ordinance. The members of the Election Committee shall be subject to confidentiality requirements established by the Tribal Council.

SECTION 2. Voters. All duly enrolled members of the Tribe who are eighteen (18) years of age or older are eligible to vote in all Tribal Elections.

SECTION 3. Eligible Voters List. The Tribal Election Committee shall obtain a current list of eligible voters from the Tribal Enrollment Committee. The Tribal Election Committee shall review list for validation of eligibility of voters. After validation, the Tribal Election Committee shall provide a list to the Tribal Council at least fifteen (15) days before any Tribal Election. The list shall be posted for inspection by all tribal members.

ARTICLE XI - VACANCIES, REMOVAL AND RECALL

SECTION 1. Vacancy of Office. If any position of the Tribal Council shall become vacant for any reason other than the expiration of the term of office, the Tribal Council shall leave the position vacant if there is less than six (6) months remaining on that term. If the remaining term is more than six (6) months, a special election shall be held in accordance with the Election Ordinance to fill the un-expired term.

SECTION 2. Removal. The Tribal Council shall, by an unanimous vote of all its remaining members of the Tribal Council and approval of the General Council, after due notice and an opportunity to be heard, remove any member of the Tribal Council who, during his/her term of office, is found guilty by a court of competent jurisdiction of a felony, gross neglect of duty, malfeasance in office, misconduct reflecting on the dignity and integrity of the Tribal Government, or any other misconduct listed in the Tribal Council Code of Conduct. Before any vote for removal is taken, the accused shall be given a written statement of the charges at least fifteen (15) days in advance of the hearing, and accused shall be provided the opportunity to address the charges. Voting shall be by secret ballot, and the Chairperson shall be entitled to vote. No officer or member whose removal is being considered shall preside over the meeting.

SECTION 3. Recall. Upon receipt of a valid petition signed by at least fifty-one percent (51%) of the General Council demanding the recall for reasons of being found guilty by a court of competent jurisdiction of a felony, gross neglect of duty, malfeasance in office, misconduct reflecting on the dignity and integrity of the Tribal Government, or any other misconduct listed in the Tribal Council Code of Conduct, a Tribal Council Officer/member shall be considered for recall from office. Before any vote for recall is taken, the accused shall be given a written statement of the charges at least fifteen (15) days in advance of the hearing where the accused shall be provided the opportunity to address the charges. Voting in all recall elections shall be by secret ballot and the Chairperson shall be entitled to vote. No officer or member whose removal is being considered shall preside over the meeting.

- (a) Within thirty (30) days from receipt of a valid petition, it shall be the duty of the Tribal Council to direct the Tribal Election Committee to call and conduct a recall election in accordance with the Election Ordinance. Should the Tribal Council fail to act, the office(s) shall be automatically considered vacant. Vacancies shall be filled in accordance with Article XI Section 1.
- (b) In the event the recall is defeated, no other petition may be filed for the recall of that member for the remainder of that member's term, for the same reason as the initial petition was filed. In the event the recall succeeds, the Tribal Council shall proceed in the manner prescribed in Section 1 of Article XI to fill the vacancy if the recall is successful.

ARTICLE XII - POPULAR PARTICIPATION IN GOVERNMENT

SECTION 1. Tribal Initiative. The eligible voters of the Tribe shall have the right to propose legislation by petition signed by at least fifty-one percent (51%) of the General Council. Voting shall be by secret ballot. If approved by a majority of those participating in the election, the legislation shall be in full force and effect immediately.

SECTION 2. Tribal Referendum. The Tribal Council by approval of at least three (3) members may refer any legislative measure to the General Council. Voting shall be by secret ballot. If approved by a majority of those participating in the election, the legislation shall be in full force and effect immediately.

ARTICLE XIII - LAND

All lands hereafter acquired by the Tribe or the United States in trust for the Tribe shall be held as tribal land. No part of such lands shall be mortgaged or sold except as provided by this Constitution. Tribal land may be assigned or leased to members of the Tribe in accordance with such ordinances and resolutions as adopted by the Tribe.

ARTICLE XIV- SOVEREIGN IMMUNITY

SECTION 1. When acting within the scope of their authority, the members of the Tribal Council; tribal employees; tribal agents; tribal departments and agencies; and tribal members acting in an official capacity are immune from unconsented suit. Such immunity shall extend beyond the term of office or employment for actions taken during said term or employment.

SECTION 2. The Tribe cannot waive its sovereign immunity from unconsented suit in any judicial or administrative proceeding without a resolution in writing approved by a majority of the sitting members of the Tribal Council.

ARTICLE XV - CONFLICT OF INTEREST

SECTION 1. Conflicting Personal Financial Interest Prohibited. In carrying out the duties of Tribal Office, no Tribal Official, elected or appointed, shall make or participate in making decisions, which involve balancing a substantial personal financial interest, other than interests held in common by all tribal members, against the best interests of the Tribe.

SECTION 2. Other Conflicts of Interest. The Tribal Council may by ordinance prohibit other kinds of conflicts of interest including but not limited to financial, program usage, neighboring tribes, and self-promotion.

ARTICLE XVI – SEVERABILITY

If any part of this Constitution is held by a court of competent jurisdiction to be invalid, the remainder of this document shall continue in full force and effect.

ARTICLE XVII – AMENDMENT

This Constitution may be amended by a majority vote of the qualified voters of the General Council voting in an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of the General Council 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 sixty percent (60%) of the General Council.

ARTICLE XVIII - ADOPTION OF CONSTITUTION & INITIAL ELECTION

SECTION 1. Adoption. This Constitution shall become effective when adopted by a majority vote of the individuals included on the September 24, 1996 Membership List who are

presently 18 years of age or older, provided that at least thirty (30) percent of the qualified voters cast ballots, and upon approval of the Secretary of Interior. The Special Election shall be called and conducted by the Constitution Committee of the Lone Band of Miwok Indians of California and/or the Secretary of the Interior. Voting shall be by secret ballot. The initial election for Tribal Chairperson, Tribal Vice-Chairperson, Tribal Secretary, Tribal Treasurer and Member-at-Large shall be held within 120 days of the adoption of the Enrollment Ordinance.

SECTION 2. Savings Clause. All ordinances, resolutions and other expressions of policy of the Tribe of whatever nature predating the effective date of this Constitution are ratified and continued in full force and effect if such are consistent with this Constitution.