

# CONSTITUTION OF THE KARUK TRIBE OF CALIFORNIA

## PREAMBLE

We the Karuk Tribe of California being a sovereign native people, do hereby establish and adopt this Constitution, in order to form a representative tribal government, to promote the general welfare of all Karuk people, to establish equality and justice for our tribe, to preserve and restore our common bonds, tribal traditions and ancestral rights, and to secure for ourselves and our descendants the power to exercise the inherent rights of self-government.

## ARTICLE I – ANCESTRAL LANDS, TERRITORY AND COUNCIL DISTRICTS

**Section 1. Ancestral Lands.** The Ancestral Lands of the Karuk Tribe of California shall include all lands in Siskiyou County, California, and that portion of Humboldt County, California from Aikens Creek to the Klamath River, to the County line. Our Ancestral Lands include all submerged lands, and the beds, banks and waters of all the waterways within the territory. Also included within the Ancestral lands is a shared interest with other tribes in ceremonial sites as known by the Tribe, as well as the Tribe's usual and customary hunting, fishing and gathering sites. The Ancestral Lands are depicted in the Map of Karuk Ancestral Lands on file in the Karuk Tribal offices.

**Section 2. Territory.** The Tribe's territory consists of all Ancestral Lands, in addition to all lands subsequently and hereafter acquired by and for the Tribe, whether within or outside of the Tribe's Ancestral Lands.

**Section 3. Council Districts.** In order to have a representative government, representatives shall be elected from geographic districts within the Tribe's territory, as more fully set forth in the Tribe's Election Ordinance and the Karuk Voting District Map. These Council districts are as follows:

1. The Orleans (Panámniik) District, which shall draw its membership from the towns and surrounding areas of Orleans, Weitchpec/Hoopa, Somes Bar and Forks of Salmon/Sawyers Bar.
2. The Happy Camp (Athithúfvuunupma) District, which shall draw its membership from the towns and surrounding areas of Happy Camp, Seiad Valley, Klamath River, Scott Bar, O'Brien and Cave Junction.
3. The Yreka (Kahtishraam) District, which shall draw its membership from the towns and surrounding areas of Yreka, Montague, Fort Jones, Etna and Hornbrook.

## ARTICLE II - JURISDICTION

The jurisdiction of the Karuk Tribe shall extend to:

1. All Tribal members and children who are eligible for membership in the Tribe, wherever located;
2. All persons throughout and within the Tribe's territory or service area who expressly or impliedly consent to the Tribe's jurisdiction;
3. All activities throughout and within the Tribe's territory, or outside of the Tribe's territory if the activities are causing an adverse impact within the Tribe's territory, that have a serious, direct or negative effect on the political integrity, economic security, resources or health and welfare of the Tribe and its members; and
4. All lands, waters, natural resources, cultural resources, air space, minerals, fish, forests, wildlife, and other resources, and any interest therein, now or in the future, throughout and within the Tribe's territory.

## ARTICLE III - MEMBERSHIP

**Section 1.** The membership of the Karuk Tribe of California shall consist of the following persons who are not enrolled as a member of any other tribe:

- (a) Any person of one-eighth (1/8) degree or more of Karuk Indian blood whose name appears on the roll prepared pursuant to the Act of May 18, 1928, as amended by the Act of May 24, 1958, and the Act of September 21, 1968, for the distribution of judgment funds to Indians of California.
- (b) Any person of one-eighth (1/8) degree or more Karuk Indian blood who meets the membership criteria set forth in the Karuk Tribe's Enrollment Ordinance.

**Section 2.** Nothing in this Article shall prevent a person who has inherited an allotment or land use assignment on another Indian reservation and who is otherwise eligible for enrollment under this Article from being enrolled as a member of the Karuk Tribe of California.

**Section 3.** The Tribal Council shall maintain a Tribal membership roll, along with an enrollment ordinance governing Karuk Tribal enrollment criteria, including future membership, loss of membership, and the adoption of members into the Tribe.

## ARTICLE IV - RIGHTS OF MEMBERS

**Section 1.** Subject to the limitations imposed by this Constitution and by other duly enacted Tribal laws and policies, all members of the Karuk Tribe shall enjoy equal political rights and opportunities to participate in the tribal government, its economic resources, assets and all the

rights that are conferred upon a Karuk Tribal citizen. No member shall be denied freedom of speech, religion or the right to peaceful assembly, or denied the right to petition the Tribal Council or the Tribal Court for redress of grievances against the Tribal government, or otherwise be deprived of life, liberty or property without due process, which is notice and an opportunity to be heard.

## **ARTICLE V - TRIBAL COUNCIL**

**Section 1.** The governing body of the Karuk Tribe of California shall be the Tribal Council, which shall consist of nine (9) members: a Tribal Chairperson, a Vice-Chairperson, and a Secretary/Treasurer, and six (6) Council Members.

**Section 2.** All eligible voters must register to vote pursuant to the Tribe's Election Ordinance. All registered voters are eligible to vote for all Council Member positions. Two (2) of the six (6) at large Council Member positions shall be elected by candidates running from each of the Three (3) Districts, described in Article I, Section 3 of this Constitution. Should fewer than two (2) eligible candidates run in any given District for any given election, a candidate from another District may be elected to fill the vacancies, pursuant to the Election Ordinance.

## **ARTICLE VI - DELEGATION OF AUTHORITY TO THE TRIBAL COUNCIL**

The members of the Karuk Tribe of California hereby delegate to the Tribal Council the authority and responsibility to exercise by resolution or enactment of tribal laws all the inherent sovereign powers vested in the Tribe as a Sovereign Aboriginal People. The Tribal Council shall exercise the following powers, subject to any limitations imposed by applicable federal law, and any express restrictions upon such powers contained in this Constitution.

1. To negotiate and contract with federal, state, Tribal and local governments, private agencies and consultants.
2. To purchase, lease or otherwise acquire land, and to receive gifts for the benefit of the Tribe.
3. To prevent the sale, disposition, lease, or encumbrance of Tribal lands, interest in lands, or other Tribal assets without the consent of the Tribe.
4. To establish and manage Tribal enterprises and the economic affairs of the Karuk Tribe, including but not limited to: establishing boards, commissions and other tribally chartered entities to regulate housing, employment, gaming and other economic enterprises; approval of planning, programming, and development projects of all Tribal lands and assets; and other necessary financial and business activities.
5. To establish and oversee Tribal committees which have authority delegated by the Tribal Council for specific Tribal functions.
6. To license and regulate, including assessing applicable taxes and fees, the conduct of all

business activities within Tribal jurisdiction.

7. To manage, develop, protect and regulate the use of Tribal land, wildlife, fish, plants, air, water, minerals, and all other natural and cultural resources within Tribal jurisdiction.
8. To provide for the preservation and unity of Karuk families, and the protection of Karuk Tribal children, while maintaining each child's cultural identity and relationship to the Tribe.
9. To enact laws and codes governing conduct of individuals and prescribe disciplinary action for offenses against the Tribe; to maintain order; to protect the safety and welfare of all persons within Tribal jurisdiction; and to provide for the enforcement of the laws and codes of the Tribe.
10. To establish Tribal courts and administrative bodies, and to provide for the courts' jurisdiction, procedures, separation of the judicial branch of government, and a method for selecting judges.
11. To take all actions that are necessary and proper for the exercise of the powers delegated to the Tribal Council or to any person or committee under the supervision of the Tribal Council.

## **ARTICLE VII - ELECTIONS AND NOMINATIONS**

**Section 1.** All members of the Tribe who are eighteen years of age and over and who meet the eligibility criteria and have registered to vote with the Tribe pursuant to the provisions set forth in the Tribe's Election Ordinance, shall have the right to vote.

**Section 2.** Any member of the Tribe who has, at least sixty days before the election, presented to the Election Committee a petition signed by a least twenty voting members of the Tribe and who has maintained a legal residence for a period of six consecutive months before the election within the territory of the Tribe as defined in a resolution adopted by the Tribal Council for that purpose, shall be declared by the Council to be nominated and to be a candidate for the office indicated in such petition. It shall be the duty of the Election Committee to post the names of all qualified candidates in a public place at least ten days prior to the election.

**Section 3.** The membership of the Tribal Council shall consist of three (3) officers (the Chairperson, Vice-Chairperson and Secretary/Treasurer), and six (6) Council Members, consisting of two (2) representatives from each of the three (3) Council Districts within the Tribe's territory. All terms of office shall be for four (4) years.

**Section 4.** In order to phase in the Council District voting system, the first few elections under this Constitution shall be staggered in an equitable manner that ensures consistent District representation. The implementation plan for phasing in this voting system, and procedures for elections when fewer than two (2) eligible candidates run for any given District, shall be more fully set forth in the Tribe's Election Ordinance.

**Section 5.** Elections shall be held on the first Tuesday in November. All tribal elections shall be by secret ballot. Elected Tribal council members and officers shall be sworn in and take office at the next regularly scheduled Tribal Council meeting following certification of the election results, no later than thirty (30) days after the election.

**Section 6.** The Tribal Council shall amend its Election Ordinance within 60 days following ratification of this Constitution to incorporate the changes to this Constitution.

## **ARTICLE VIII - DUTIES OF OFFICERS**

**Section 1.** Duties of Tribal Council Officers. Newly elected officers shall assume their respective offices and duties at the first meeting following their swearing-in. Council Members appointed to serve on a committee or board shall keep the Council informed of their activities.

**Section 2.** Chairperson. The Chairperson shall preside at all meetings of the Tribal Council. The Chairperson shall assume general supervision of all officers and employees and committees of the Tribal Council as directed by the Council.

The Chairperson, together with the Secretary of the Tribal Council, shall sign all official resolutions and other formal Tribal enactments and documents on behalf of the Tribe, as required.

**Section 3.** Vice-Chairperson. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson and when so presiding shall have all rights, privileges and responsibilities of the Chairperson.

The Vice-Chairperson, at the direction of the Tribal Council, is responsible for ensuring adequate Council representation is maintained on committees and boards created by the Tribal Council.

The Vice-Chairperson shall perform such other duties as the Tribal Council may direct.

**Section 4.** Secretary/Treasurer. The Secretary/Treasurer shall act as Chairperson pro-tempore in the absence or incapacity of the Chairperson and Vice-Chairperson for the meeting at which both the Chairperson and Vice-Chairperson are absent.

At the direction of the Tribal Council, the Secretary/Treasurer shall be responsible for assuring that all Council correspondence is properly written and mailed, all public notices are issued, the minutes of the Tribal Council meetings are properly recorded, published and distributed, and that all petitions, ordinances, applications and other papers are received and prepared for the Council's action. The Secretary/Treasurer shall affix his or her signature to official documents as required and shall certify the enactment of resolutions and ordinances. The Secretary/Treasurer shall maintain a roster of Council members and serve as the Registrar for registered voters.

At the direction of the Tribal Council, the Secretary/Treasurer shall be responsible for

safeguarding tribal assets, which includes ensuring adequate internal controls are in place, communicating with Fiscal staff to ensure that audits are completed annually, corrective action is taken on any audit findings, fiscal and personnel policies are maintained and kept current and financial reports are presented as needed and performing such other duties as may be assigned by the Tribal Council.

**Section 5.** As long as a Tribal Council meeting was duly noticed and a quorum is present, Council business may be conducted without the presence of an officer. The Council member who has served the longest (has seniority) on the Council shall preside over such meetings.

## **ARTICLE IX – VACANCIES, REMOVAL AND SUSPENSION FROM OFFICE**

**Section 1.** If a member of the Tribal Council shall die, resign, permanently leave the Tribe's territory or shall be found guilty of a serious felony (including murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, incest, assault resulting in serious bodily injury, theft, fraud, or embezzlement) during his or her term of office or within the ten (10) years prior to the election in any Tribal, State or Federal court, the Council shall declare the position vacant and fill the unexpired term pursuant to the Tribe's Election Ordinance. However, persons who have completed their sentence for such conviction at least ten (10) years before the date of the election in which they intend to run for office may file as candidates.

**Section 2.** The Council may by an affirmative vote of two-thirds of its numbers expel, or suspend pending investigation, any member for neglect of duty or gross misconduct, provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting, and provided further, that the accused member shall have been given a written notice of the charges against him/her at least five days before the meeting at which he or she is to appear.

**Section 3.** Upon a petition of at least fifty percent (50%) of the registered voters of the Tribe, it shall be the duty of the Tribal Council to call a special election for the recall of any member or members of the Council named in such petition. In the event that a majority of those voting in such election approve a council member's recall from office, the office shall be declared vacant and the Tribal Council shall direct the Election Committee to hold an election to fill said office, pursuant to the provisions of the Tribe's Election Ordinance.

## **ARTICLE X - REFERENDUM**

**Section 1.** Upon a petition of at least fifty percent (50%) of the registered voters of the Tribe or upon the request of a majority of the members of the Tribal Council any enacted or proposed ordinance or resolution shall be submitted to popular referendum and the vote of a majority of the qualified voters in such referendums shall be conclusive and binding on the Council, provided that at least 30 percent (30%) of the registered voters shall vote in such election.

**ARTICLE XI - PRIOR ENACTMENTS**

Upon approval of this Constitution, all prior actions of the Tribal Council are hereby ratified and confirmed as a valid exercise of the Tribes inherent Sovereign powers.

**ARTICLE XII - AMENDMENTS**

Amendments to this Constitution may be proposed by submitting either of the following documents to the Tribal Election Committee along with the proposed amendments:

1. A resolution in which a quorum of the Tribal Council members have voted in favor of the proposed Constitutional Amendment; or
2. A petition signed by at least thirty percent (30%) of the Tribe’s registered voters.

Upon receipt of either of these two documents, the Election Committee shall call and conduct a special election pursuant to the provisions set forth in the Election Ordinance. The specific language proposed as an amendment to the Constitution, along with language changes of any other parts of the Constitution that will be affected by the proposed modification and a brief explanation of the reason for the proposed changes, shall appear on the ballot.

The amendment(s) shall take effect if adopted by the majority of those voting in the election held for that purpose, provided that at least thirty percent (30%) of the registered voters voted in the election.

**CERTIFICATION**

I, the undersigned, as Chairman of the Tribal Council of the Karuk Tribe of California, do hereby certify that the Karuk Tribal Council is composed of nine (9) members of which \_\_\_\_\_ were present constituting a quorum at a Special meeting duly noticed and convened on \_\_\_\_\_, 2005, and that Resolution Number 05-R-\_\_\_\_ was duly adopted by a vote of \_\_\_\_\_ for, \_\_\_\_ against, and \_\_\_\_\_ abstaining, voting in favor of the proposed changes to the Constitution of the Karuk Tribe of California, and that said resolution has not been rescinded or amended or modified in any way; and that the Karuk Tribe of California held an election on the \_\_\_\_\_ day of \_\_\_\_\_, 2005; and that these Constitutional Amendments were adopted by a majority vote of those voting in the election and that at least thirty percent (30%) of the registered voters voted in said election.

Dated on this \_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Arch Super, Chairman  
Karuk Tribal Council

Attest: \_\_\_\_\_  
Florrine Super, Secretary  
Karuk Tribal Council