CONSTITUTION AND BYLAWS
OF THE
FORT MOJAVE INDIAN TRIBE

PREAMBLE

We, the members of the Fort Mojave Tribe, in order to establish a more effective form of tribal government and better exercise the privileges and powers of self-government, in order to use and restore our ancient home in the Mojave Valley of the Colorado River, and rehabilitate ourselves and fortune after being dislocated by the changed conditions resulting from the construction of Hoover Dam and by the overflows and backwater from Parker Dam and Lake Havasu and in general to improve our welfare, and enjoy and maintain our rights and privileges as citizens under the Constitution and laws of the United States of America, do establish this Constitution and Bylaws for the members of the Fort Mojave Indian Tribe.

ARTICLE I - TERRITORY

Section 1. The authority and jurisdiction of the Fort Mojave Tribe shall extend to the following land areas: The so-called "Military Reserve" set aside by General Order No. 19 of the War Department of August 4, 1870, containing approximately 5,582 acres, more or less; the so-called "Hay and Wood Reserve" also defined in said General Orders, containing approximately 9,114 acres, more or less; the so-called "School Reserve" set aside by Executive Order of March 18, 1903, containing approximately 7,000 acres, more or less; those lands set aside pursuant to Executive Order of February 2, 1911, containing 17,315 acres, more or less; the lands totalling approximately 16 acres, more or less, comprising the Fort Mojave Indian Village, adjacent to the City of Needles, California, which land was purchased with our tribal funds, and finally to such other lands as the United States may acquire for the benefit of the Tribe or the Tribe may subsequently acquire for itself or lands which are subsequently recognized as being lands of the Fort Mojave Tribe where title thereto is held in trust by the United States and it has been made a part of the reservation.

Sec. 2. The above lands constitute our place of origin and our continued habitation and occupancy, which is capable of proof at all times and has been so recognized by governmental action and court decisions over the years. It is hereby declared that the title to these lands includes, but is not limited to, all the surface rights, subsurface rights, tenements, hereditaments, all water rights and all accretions and that such lands are held by the United States of America in trust for the Fort Mojave Tribe of Indians.
the highest number of votes held office for three (3) years and the candidates who received the next highest number of votes held for two (2) years, and the two (2) candidates who received the next highest number of votes held office for a period of one (1) year. In each regular election thereafter, candidates held office for three (3) years. Following the adoption of this Constitution and Bylaws and in each regular election thereafter, candidates shall be elected and shall hold office for a term of four (4) years.

Sec. 3. Immediately after the regular election for Councilmen, there shall be an election for Chairman and Vice-Chairman by the registered voters, if either term of office has expired. The officers so elected shall hold such office for a term consistent with his tenure as a Councilman. The person(s) receiving the highest number of votes shall be elected to the respective vacant office. Both the Chairman and Vice-Chairman may be reelected to successive terms provided they are elected Councilmen.

Sec. 4. The Council shall choose a secretary and a treasurer from within or outside the Council membership. The Council shall also choose such committees from within or without its membership as may be deemed necessary as further provided for under Article IV - Powers of the Council.

Sec. 5. Any registered voter of the Fort Mojave Tribe shall be eligible to be a candidate for election to the Tribal Council if he has reached the age of eighteen (18) years and has been a resident of the Fort Mojave Reservation for the twelve (12) months past. The term "resident" shall be defined in an election ordinance.

Sec. 6. Members of the Council shall take office at a meeting of the Tribal Council which shall take place the first Saturday after an election at which time they shall take an oath administered either by the Chairman of the Tribal Council, Vice-Chairman or Chairman Pro Tem elected by a majority of the Councilmen in office, whichever official is available.

ARTICLE IV - POWERS OF THE COUNCIL

Section 1. The Fort Mojave Tribal Council shall have the following powers:

(A) To represent the Tribe and act in all matters that concern the general welfare of the Tribe, and to make decisions not inconsistent with or contrary to this Constitution and Bylaws or the
Constitution and laws of the United States.

(B) To negotiate and make contracts with Federal, State and local Governments and with any individual, firm, or company subject to the approval of the Secretary of the Interior or his authorized representative where such approval is required by this Constitution and Bylaws.

(C) To advise and consult with the Secretary of the interior or his representative on all activities that may affect the Fort Mojave Reservation and to make appropriation requests to the Bureau of Indian Affairs on any project beneficial to the Fort Mojave Tribe.

(D) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative, so long as such approval is required by Federal law.

(E) To veto the sale, disposition, lease or encumbrance of tribal lands or interest in tribal lands, tribal funds or other tribal assets which may be authorized by any agency or employee of the Government.

(F) To protect and preserve the wildlife and natural resources of the Tribe; to regulate hunting, fishing or trapping on the reservation.

(G) To cultivate Indian Arts, Crafts and Cultures.

(H) To administer charity.

(I) To negotiate permits and leases, subject to approval of the Secretary of the Interior, for business, homesite and other purposes, and generally to provide for proper use and development of all tribal lands, natural resources and other tribal property.

(J) To appropriate tribal funds for tribal purposes.

(K) To mortgage or otherwise encumber tribal trust land and to borrow money from any source and pledge or assign chattels or future tribal income as security therefor with the approval of the Secretary of the Interior or his authorized representative.

(L) Enact ordinances to regulate the use of all reservation lands
through zoning, taxation and otherwise.

(M) To manage and control community property, community enterprises and other economic projects and programs of the Fort Mojave Tribe including, but not limited to, the establishment of housing and rental authorities, loan programs, and appointment of planning, programing, and development committees, and the development and approval of impact and environmental statements.

(N) To authorize, charter, and regulate associations and corporations formed by members of the Fort Mojave Tribe for business or charitable purposes and to authorize formation of corporations under State or Federal law for economic, charitable or public purposes.

(O) To provide by resolution or ordinance, the conditions upon which non-members may enter or remain on the reservation and provide for the removal or exclusion from the reservation of any non-members whose presence may be injurious to the tribal members or to the interests of the Tribe.

(P) To regulate its own procedures, to appoint subordinate committees, commissions, boards, tribal officials and employees not otherwise provided for in this Constitution and Bylaws, to prescribe their salaries, tenure and duties. Appointees may or may not be tribal members.

(Q) The authority to establish and prescribe rules for governing tribal courts and tribal law enforcement agencies and to provide for the maintenance of law and order on the reservation.

(R) The Council may exercise such further powers as may be delegated for the Fort Mojave Tribe by the Secretary of the Interior or his authorized representative.

Sec. 2. The foregoing enumeration of powers shall not be construed to limit the powers of the Fort Mojave Tribe and in no way shall be deemed an abdication or forfeiture of the Tribe's inherent attributes of sovereignty, and such powers may be exercised through the adoption of appropriate bylaws or constitutional amendments.

ARTICLE V - RIGHTS OF MEMBERS

Section 1. The relevant protections guaranteed by Title II of the Civil
Rights Act of 1968 (82 Stat. 77) against actions of a Tribe in exercising its powers of self-government shall apply to the Fort Mojave Tribe of Indians.

Sec. 2. The members of the Fort Mojave Tribe shall continue undisturbed in their customs, culture, and their religious beliefs including but not limited to, the customs of cremation, ceremonial dancing and singing, and no one shall interfere with these practices, recognizing that we have been a people and shall continue to be a people whose way of life has been different.

ARTICLE VI - ELECTIONS

Section 1. General elections to vote for councilmen shall be held every year on the first Saturday in June. The voting place shall be as designated in an election ordinance.

Sec. 2. Special elections for councilmen shall be held upon call by the Tribal Council as provided in Article VII and IX, and notice of them shall be given as in the case of general or regular elections.

Sec. 3. All elections shall be announced by special notice posted at least thirty (30) days before the election at the voting places and other public places.

Sec. 4. Nominations shall be made at a general meeting of the Fort Mojave Tribe called for that purpose. Procedures for the nomination process shall be spelled out in an election ordinance.

Sec. 5. (A) All elections shall be by secret written ballot. All tribal members, eighteen (18) years of age or older who are registered to vote, can vote in any election. The Council shall have the power to prescribe ordinances, governing the conduct of elections for councilmen and officers of the Council and referendums.

(B) If the Tribal Council shall fail to give the appropriate notice of the election, or in case a regular election has not been held, the Secretary of the Interior, upon the receipt of a petition signed by at least thirty percent (30%) of the registered voters of the Tribe, shall call such election and shall give thirty (30) days notice, setting the time and place of the election. The calling of an election shall take place no later than one-hundred-eighty (180) days from the date of the petition, according to rules and regulations prescribed by the Secretary of the Interior but such rules and regulations
shall not differ substantially from tribal rules and procedures in effect and shall attempt to follow the tribal rules and procedures as closely as possible.

(C) In any election wherein a procedural problem or conflict develops between tribal custom and the Constitution and Bylaws, this Constitution and Bylaws shall prevail.

ARTICLE VII - REMOVAL, RESIGNATION AND RECALL FROM OFFICE

Section 1. If a member of the Council is convicted of a felony or crime which involves dishonesty his office shall be considered forfeited upon passage of a resolution by the Tribal Council.

Sec. 2. If the Council decides by a 2/3 vote that a member of the Council has failed in the performance of the duties assigned him, he may be subject to removal. After such a decision, the Council shall advise the accused in writing of his failure and give him an opportunity to be heard in his own defense at a meeting of the Council within thirty (30) days after the Council made its decision. If the Council decides against the accused councilman, by 2/3 majority, it shall require such member to stand for reelection. A special election shall be immediately called pursuant to Article VI hereof. At least thirty percent (30%) of the registered voters must vote in such an election and a simple majority shall prevail. If the vote is against removal (NO vote), the Councilman shall reassume his office in good standing. If the vote is for removal (YES vote), his office shall be considered vacant. If less than thirty percent (30%) of the registered voters vote in such an election the council member in question shall reassume his office.

Sec. 3. Upon death or resignation of a councilman, the seat shall be declared vacant.

Sec. 4. Recall. (A) The registered voters of the Fort Mojave Tribe shall have the right to recall any member or members of the Fort Mojave Tribal Council by filing a petition with the Tribal Council Secretary signed by at least thirty percent (30%) of the registered voters. The Tribal Council Secretary shall provide a list of registered voters. Before signatures are obtained, the petitioners must file a copy of the petition with the Tribal Council Secretary. If not filed, the petition will be considered invalid.

(B) Within ten (10) days after receipt of the valid petition, the Tribal Council shall notify the accused councilman by registered mail, return receipt requested and request his presence at a meeting
with the Council in writing of the charges against him and further advise him of his right to present his defense at a general meeting of the Tribe. The Tribal Council shall also set the date for said general meeting and schedule the recall election.

(C) Voting shall be by secret ballot and at least thirty percent (30%) of the registered voters must vote in such an election. A simple majority shall prevail. If the vote is against recall (NO vote), the councilman shall reassume his office in good standing. If the vote is for recall (YES vote), his office shall be considered vacant.

(D) If the councilman who is the subject of the recall or removal election is an officer, then a successful recall terminates his status as councilman and officer.

ARTICLE VIII - VACANCY

Any vacancies which occur on the Tribal Council as a result of recall, removal, death or resignation shall be filled in the following manner:

(A) If the vacancy occurs within one-hundred-eighty (180) days of the next regular tribal election, the Tribal Council shall appoint, by majority vote, a qualified tribal member to fill the vacancy for the unexpired term, except that such appointed member shall not serve in the capacity of an officer of the Council.

(B) If the position which becomes vacant is not one which is ordinarily filled at the next election, the vacancy will be filled at the election, but for only the unexpired portion of the term.

(C) If the vacancy occurs more than one-hundred-eighty (180) days before the next regular tribal election, the Tribal Council shall call a special election to fill the vacancy for the unexpired term within ten (10) days after the vacancy occurs. Such election shall be held as soon as possible but within forty-five (45) days after the vacancy occurs.

ARTICLE IX - REFERENDUM

Upon a petition of at least thirty percent (30%) of the registered voters of the Tribe, any enacted or proposed resolution or ordinance of the Tribal Council shall be submitted to popular referendum and the vote shall decide whether the ordinance or resolution shall thereafter continue to be in effect. At least fifty-one percent (51%) of the registered voters
BYLAWS OF THE FORT MOJAVE TRIBE

ARTICLE I - DUTIES OF OFFICERS

Section 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a Chairman and exercise any authority given him specifically by the Council or by a general meeting of the Tribe. The Chairman shall have the power to vote.

Sec. 2. The Vice-Chairman, in the absence of the regular Chairman, shall preside and shall have all powers, privileges and duties of the Chairman. He shall have power to vote at any meeting.

Sec. 3. The Tribal Council Secretary shall have charge of all tribal correspondence and it shall be his duty to submit promptly to the Superintendent of the jurisdiction and other appropriate offices of the Bureau of Indian Affairs, copies of all minutes of regular and special meetings of the Council as well as copies of all resolutions and ordinances adopted by the Council. If a member of the Council, he shall have power to vote at any meeting.

Sec. 4. The duties of the Treasurer shall be as follows:

(A) He shall accept, receipt for, keep and safeguard all funds in the custody of the Council. He shall deposit all such funds as directed by the Fort Mojave Council and shall keep accurate records of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his custody to the Council at regular meetings and at such other times as requested by the Council. He shall not pay or otherwise disburse any funds in custody of the Council except when properly authorized to do so by the Council.

(B) The books and records of the Treasurer shall be audited at least once a year by a competent auditor employed by the Council, and at such other times as the Council may direct.

(C) The Treasurer shall be required to give a surety bond satisfactory to the Council and the Commissioner of Indian Affairs or his authorized representative.

(D) All checks shall be signed by the Treasurer and shall be counter-signed by the Chairman of the Council or by some other officer designated by the Council.
(E) If the Treasurer is a member of the Council, he shall have the power to vote at any meeting.

ARTICLE II - MEETINGS OF THE COUNCIL

Section 1. At the first meeting of the Council after a regular election, which shall be the first Saturday after election, new members of the Council will be inaugurated and take office, and the Council shall see that all council members have a correct and clear understanding of the Constitution and Bylaws and the management of tribal and reservation affairs, as well as the rules for conduct of their own body.

Sec. 2. Regular meetings of the Council shall be held as designated in a resolution by the Tribal Council. Such designation shall follow as close as possible to the dates and times being followed prior to the adoption of this Constitution.

Sec. 3. Special meetings of the Council may be called by the Chairman or special meetings may be called by the Chairman upon the written request of three or more members of the Council. Written notice shall be given to each council member at least five (5) days prior to special meetings.

Sec. 4. (a) In the conduct of business, Roberts Rules of Order shall apply except when they are inconsistent with the express provisions of this Constitution and Bylaws. All regular meetings shall be open to all members of the Tribe. Tribal members may participate in the discussion with the consent of the Chairman.

(b) The order of business at any regular or special meetings of the Tribal Council shall be as follows:

(1) Call to Order by the Chairman
(2) Roll Call
(3) Reading of Minutes of last Meeting
(4) Unfinished Business
(5) Reports
(6) New Business
(7) Adjournment
(c) Voting at the council meetings may be by voice, but at the discretion of the Chairman, or upon the request of any two members of the Council, a secret vote may be taken.

Sec. 5. Matters of business for the Council shall be decided by a majority vote. A quorum (a number competent to transact business) of the Council shall be four (4) or more members, which may include the Chairman or Vice-Chairman.

Sec. 6. No council member shall vote on any matter coming before the Council in which he has a personal interest or in which he or she would be personally enriched by the outcome of the vote, unless special consent is given by a majority vote of the remaining council members.

Sec. 7. Each official, elected or appointed shall take an oath of office prior to assuming his duties, which shall be: "I (Name) 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 this Constitution and Bylaws."

ARTICLE III - MEETINGS OF THE TRIBE

The Council may from time to time call meetings of all voters of the Tribe for the purpose of receiving reports. A general tribal meeting shall be held at least once a year at the time of the nomination of councilmen.
CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by Morris Thompson, Commissioner of Indian Affairs, on July 26, 1976, the attached Constitution and Bylaws of the Fort Mojave Tribe was submitted to the qualified voters of the Tribe and was on November 13, 1976 duly adopted by a vote of 60 for and 23 against, in an election in which at least thirty percent (30%) of the 133 members entitled to vote cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378).

William J. Sauvage
Chairman, Election Board

Claude Lewis
Member, Election Board

Rios Ramos
Member, Election Board
APPROVAL

I, ____________________________, Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 DM 1.1, do hereby approve the foregoing Constitution and Bylaws of the Fort Mojave Indian Tribe.

[Signature]

Commissioner of Indian Affairs

Washington, D.C.

Date: ____________________