

CONSTITUTION AND BYLAWS
OF THE
WINNEMUCCA INDIAN COLONY
NEVADA

PREAMBLE

We, the Indians of the Winnemucca Indian Colony of Humboldt County, Nevada, having voted not to reject the Indian Reorganization Act of 1934 (48 Stat. 984), do hereby establish this constitution and bylaws pursuant to Section 16 of that act and do affirm it as the foundation of our local colony government.

ARTICLE I - TERRITORIAL JURISDICTION

Section 1. The territorial jurisdiction of the Winnemucca Indian Colony, hereinafter referred to as the "colony," shall include the following lands:

- (a) That 160 acres set aside by Executive Order of June 18, 1917, described as the NE1/4 of Section 32, Township 36 N., Range 38 E., M.D.M.
- (b) That 160 acres withdrawn by Executive Order of February 8, 1918, described as the SE1/4 of Section 32, Township 36 N., Range 38 E., M.D.M.
- (c) That 20 acres acquired by the Acts of May 21, 1928 (45 Stat. 618) and May 29, 1928 (45 Stat. 899) and described as NE1/2, NE1/4, SW1/4, Section 29, Township 36 N., Range 38 E., M.D.M.

Sec. 2. In addition, the territorial jurisdiction shall be extended to any lands hereafter acquired by or for the colony.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the colony shall include all persons of at least one-fourth (1/4) degree Paiute and/or Shoshone Indian blood who meet the following requirement:

Their names appear, or they are descendants of persons whose names appear, on the December 9, 1916, census of the Winnemucca Shoshone Indians. The degree of Indian blood of all persons listed on the 1916 roll will be determined from information contained in the records of the Nevada Agency.

Sec. 2. No person shall be eligible for membership in the Winnemucca Indian Colony who has received land or money as a result of having been enrolled as a member of some other tribe, band or community of Indians.

Sec. 3. The Winnemucca Colony Council shall have the power to enact ordinances subject to the approval of the Secretary of the Interior or his authorized representative governing the procedures to be followed when a member becomes ineligible for continued membership, when a person wishes to be adopted into membership, and when an eligible member requests to be officially enrolled.

ARTICLE III - GOVERNING BODY

Section 1. Composition. The governing body of the colony shall consist of a council known as the Winnemucca Colony Council, hereinafter referred to as the "council." The council shall be composed of five (5) members including a chairman and a vice chairman selected by the council from within its own members. A secretary-treasurer may be selected by the council from within or without its own membership.

Sec. 2. Eligibility. All members of the colony, twenty-one (21) years of age or older, shall be eligible to serve on the council.

Sec. 3. Length of term. All council members shall serve a term of two (2) years or until their successors are duly elected and seated.

ARTICLE IV - NOMINATIONS AND ELECTIONS

Section 1. The first election of the council shall be held within sixty (60) days from the date of this constitution's approval. The election shall be conducted in accordance with rules prescribed by the existing tribal council. Those elected shall serve until the installation of council members following the 1972 election.

Sec. 2. All ensuing elections shall be held every two (2) years starting in 1972 during the month of October and shall be conducted in accordance with an election ordinance established by an election board appointed by the council. Such procedures shall include provisions for resolving election disputes.

Sec. 3. Entitlement to vote. All members of the colony, twenty-one (21) years of age or older, shall be qualified to vote.

Sec. 4. Voting shall be by secret ballot.

ARTICLE V - VACANCIES, REMOVAL AND RECALL

Section 1. Filling vacancies. If a council member or other colony officer shall resign, be removed from office by the council or be recalled, or otherwise vacate his seat, the council shall declare the office vacant and appoint a successor to fill the unexpired term. Vacancies shall be filled within thirty (30) days from the date of occurrence.

Sec. 2. Removal. A council member or other colony officer may be removed from office by a majority vote of the council members if, in their opinion, he is guilty of improper conduct or gross neglect of duty, provided that the accused shall be given full opportunity to reply to any and all charges at a designated meeting, and provided further that the accused be given a written statement of the charges against him at least ten (10) days before a meeting set for his hearing.

Sec. 3. Recall. A council member or other colony officer may be recalled from office by the eligible voters of the colony. The council shall call a recall election upon being presented with a petition requesting such election signed by at least one-third (1/3) of the qualified voters. The recall election shall be called and held within thirty (30) days from the date of the validation of the petition. The decision of the majority of the voters who vote in such election shall be final, provided that at least thirty (30) percent of those entitled to vote shall vote.

ARTICLE VI - POWERS OF THE COUNCIL

Section 1. The Winnemucca Colony Council shall exercise the following powers, subject to any limitations imposed by the laws or the Constitution of the United States.

(a) To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(b) To prevent the sale, disposition, lease or encumbrance of any colony lands, interests in land, or other colony assets without the consent of the council.

- (c) To lease, exchange, convey, encumber and consent to rights-of-way grants for any colony lands, interests in land, or other colony assets.
- (d) To negotiate with Federal, State and local governments on behalf of the colony.
- (e) To manage all economic affairs and enterprises of the colony, including acceptance of gifts, grants and donations, and to cause an annual audit to be made of all colony funds and operations, including receipts and expenditures.
- (f) To permit the borrowing of money for economic development and the obligations of future income as security for repayment of the loan with the approval of the Secretary of the Interior.
- (g) To enact ordinances, which shall be subject to approval by the Secretary of the Interior, dealing with the following: such law and order matters as have not been assumed by the State pursuant to Public Law 280, 83rd Congress, as modified by Public Law 90-284, 90th Congress (the Act of April 11, 1968; 82 Stat. 77); domestic relations and welfare; providing for the manner of making, holding and revoking assignments of colony land; providing for the levying of taxes, fees, and other assessments; and governing the exclusion of nonmembers from colony lands.
- (h) To enact ordinances to protect the health, welfare, and property of the members of the colony and for other purposes considered in the best interests of the colony.
- (i) To create and maintain a colony fund for the deposit of any income from gifts, grants and donations, or other sources through community or colony enterprises, assessments or otherwise, and to make expenditures therefrom.
- (j) To establish subordinate organizations and to vest in these organizations all necessary powers, reserving the right to review any action taken by virtue of such delegated power.

Sec. 2. The council shall exercise such further powers as may in the future be delegated to it by the government of the United States or the State of Nevada.

Sec. 3. Any council legislation which is subject to Secretarial approval shall be forwarded to the Superintendent of the Nevada Agency as soon as possible for necessary action and shall become effective upon approval or, if no action is taken, within ninety (90) days after being received by the Superintendent.

ARTICLE VII - POWERS OF THE PEOPLE

Section 1. The power of the colony lies with its members. Any action taken by the council pursuant to constitutional delegation shall be subject to revocation or change at the will of a majority of the colony members through the adoption of appropriate amendments.

Sec. 2. The will of the members of the colony shall be imposed through referendum, initiative, and recall, the procedures to be used in accomplishing this shall be specified in an ordinance which shall be enacted by the council within one (1) year following the effective date of this document.

ARTICLE VIII - RIGHTS OF MEMBERS

All members of the Winnemucca Indian Colony shall be accorded equal rights. No member shall be denied any of the rights or guarantees enjoyed by non-Indian citizens under the Constitution of the United States, including but not limited to freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action, or the redress of grievances, and for due process of law. No person shall be denied any of the applicable rights or guarantees as provided in Title II of the Civil Rights Act of 1968 (82 Stat. 77).

ARTICLE IX - AMENDMENTS

Section 1. Amendments to this constitution and bylaws may be ratified and approved in the same manner as the constitution was originally ratified and approved. The qualified voters of the colony shall vote on any proposed amendment in an election which shall be authorized by the Secretary of the Interior when requested by a petition containing the signatures of twenty-five (25) percent or more of the qualified voters or by a majority of the council. No amendment shall be effective until approved by the Secretary of the Interior.