

CONSTITUTION AND BY-LAWS OF THE FORT MOJAVE TRIBE
OF THE FORT MOJAVE RESERVATION OF ARIZONA, NEVADA, AND CALIFORNIA

Approved May 6, 1957

PREAMBLE

We, the Fort Mojave Tribe having tribal lands in Arizona, California, and Nevada, in order to establish a legal Tribal Council 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 to rehabilitate ourselves and fortune after being dislocated by the changed conditions resulting from the construction of Hoover Dam and by overflows and backwater from Parker Dam and Lake Havasu, and in general to improve our welfare, and to 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 By – laws for the Indians of the Fort Mojave Indian Reservation.

ARTICLE I – – STATEMENT OF PURPOSE

In our relation to the United States Government, a relation similar to that which a town or a county has to state and federal government, our own internal affairs shall be managed, insofar as such management does not conflict with the laws of the United States, by a governing body which shall be known as the Fort Mojave Tribal Council.

ARTICLE II – – TERRITORY

The authority of the Fort Mojave Tribes shall extend to the following land areas: the so-called "Military Reserve" set aside by General Orders No. 19 of the War Department of August 4, 1870, containing approximately 5582 acres, more or less, and the so-called "Hay and Wood Reserve" also defined and said General Orders, containing approximately 9114 acres, more or less, and the so-called "School Reserve" set aside by Executive Order of March 18, 1903, containing approximately 7000 acres, more or less, and those lands set aside pursuant to Executive Order of February 2, 1911, containing 17,315 acres, more or less, except the acreage subsequently sold to the Metropolitan Water District which became inundated after the construction of Parker Dam, and further the land totaling 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.

ARTICLE III – – MEMBERSHIP

SECTION 1. The membership of the Fort Mojave Tribe shall consist of:

- (a) All persons of Indian blood whose names appear on the official census roll of the Fort Mojave Indians as of November 1, 1956; provided that within seven years after the adoption and approval of this Constitution, corrections may be made in said roll by the Tribal Council, subject to the approval of the Secretary of the Interior.

(b) All children of one fourth degree or more Fort Mojave Indian blood who are born to resident members, and all children of one fourth degree or more Fort Mojave Indian blood and nonresident members, provided that declaration of intention to maintain membership of such nonresident children is submitted to the Fort Mojave Tribal Council within one year from the date of birth of such children. The method of declaring intention of membership shall be determined by ordinance of the Council.

SECTION 2. The Council shall have the power to pass ordinances, subject to review by the Secretary of the Interior or his authorized representative, governing future membership, loss of membership, and the adoption of members by the Fort Mojave Tribe.

ARTICLE IV -- GOVERNING BODY

SECTION 1. The governing body of the Fort Mojave Tribe shall be known as the Fort Mojave Tribal Council and shall consist of seven members.

SECTION 2. The first election of Councilmen under the Constitution shall be held within 30 days following the adoption and ratification of this Constitution and Bylaws. The three candidates receiving the highest number of votes shall hold office for three years, and two candidates receiving the next highest number of votes shall hold office for two years, and the two candidates to receive the next highest number of votes shall hold office for a period of one year. In each regular election thereafter, candidates shall be elected and shall hold office for a term of three years.

SECTION 3. A Council Chairman and Vice Chairman shall be elected immediately from the Council membership by the qualified voters of the Tribe at the regular election meeting. The officers selected shall hold office for a term of two years, except when term of Council member is less than two years then the term of the elected officer shall not exceed that of the term as Council member. When the term of one of the officers is terminated before he has served two years due to termination of Council membership, or for other reasons, his successor will be chosen at the next regular meeting by the voters, the person receiving the highest number of votes will fill the vacant position for the full term of two years. Either the Chairman or Vice Chairman may be reelected two successive terms.

SECTION 4. The Council shall choose a secretary and a treasurer from within or outside the Council membership. The Council may also choose such committees from within or without its membership as may be deemed necessary.

SECTION 5. The members of the Council shall be qualified voters, 21 years of age, or over, and members of the Fort Mojave Tribe, and residents of the community.

SECTION 6. Members of the Council shall take office on the first day of the first month after their election.

ARTICLE V -- POWERS OF THE COUNCIL

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

- (a) To represent the Tribe and acting all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this Constitution and Bylaws or the Constitution and statutes of the United States.
- (b) To negotiate and make contracts with the Federal, State and local Governments.
- (c) To advise the Secretary of the Interior or his representatives on all activities that may affect the Fort Mojave Reservation and on all appropriation estimates and Federal projects for the benefit of the Drive before such specimens and projects are submitted to the Bureau of the Budget and to Congress.
- (d) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary the Interior, or his designated representative so long as such approval is required by Federal Law.
- (e) To veto the sale, disposition, lease or encumbrance of tribal lands, tribal funds, or other tribal assets that may be authorized by any agency or audio the government.
- (f) To protect and preserve the wildlife and natural resources the Tribe; to regulate hunting and fishing on the Reservation.
- (g) To cultivate Indian arts, crafts and cultures.
- (h) To administer charity.
- (i) To regulate the uses and disposition of Tribal property and funds.
- (j) To negotiate an issue leases, subject to government approval and form, for business and home site purposes.
- (k) To manage all tribal economic affairs.
- (l) To appropriate tribal funds for public purposes, and borrow money from any source and pledge or assign chattels or future tribal income as security therefor; provided, that the total amount of indebtedness to which the Tribe may subject itself to shall not exceed \$1000 except with the express approval the Secretary the Interior.
- (m) To enact ordinances, subject to review by the Secretary of the Interior governing the granting of grazing leases, business leases and improvement leases.
- (n) To provide for the removal or exclusion from the reservation of any nonmember of the Tribe's presence may be injurious to the people of the Reservation.
- (o) To enact ordinances governing the activities of voluntary associations consisting of members of the Tribe organized for purposes of cooperation or other purposes.
- (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, answer prescribed their salaries, tenure and duties; to charter and regulate subordinate organization for economic and other purposes.
- (q) The Council may exercise such further powers as may be delegated to the Fort Mojave tribe by the Secretary of the Interior or by any other qualified official or agency of the Government.

SECTION 2. The foregoing enumeration of powers shall not be construed to limit the powers of the Fort Mojave tribe, and such powers may be exercised through the adoption of appropriate bylaws or constitutional amendments.

ARTICLE VI -- REVIEW BY THE SECRETARY

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 20 days of the enactment thereof, approve or disapprove the same.

If the Superintendent shall approve any ordinances or resolution, it shall thereupon become effective, but the Superintendent shall submit a copy of the same, bearing his endorsement and the date of signature was affixed thereon, the Secretary the Interior who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Council of such rescission. If the Sec. shall fail to act within the 90 day period, the ordinance or resolution shall remain in effect as of the date of the Superintendent's approval.

If the Superintendent shall refuse or fail to approve any resolution or ordinance submitted to him within 20 days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear insufficient the Council, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior who may, within 90 days from the enactment date approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII -- RIGHTS OF MEMBERS

All members of the Fort Mojave Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the Tribe and no person shall be denied freedom of conscience, speech, association or assembly, or the right to petition for the redress of grievances.

ARTICLE VIII -- ELECTIONS

SECTION 1. General elections to vote for Councilman shall be held every year on the first Saturday in June. The voting place shall be at the Needles Tribal Village.

SECTION 2. Special election shall be held upon call by the Tribal Council as provided in article IX, a notice of them shall be given as in the case of general or regular elections.

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

SECTION 4. Nominations shall be made at a general meeting of the Fort Mojave Tribe called for that purpose.

SECTION 5. (a) All elections shall be by secret written ballot. All tribal members, male or female, 21 years of age or older, shall be entitled to vote in any elections. Council shall have power to prescribe ordinances governing the conduct of referendums and elections for councilmen. Such ordinances shall prescribe the duties of the election board, procedures for casting in canvassing resident and nonresident ballots, method for challenging right to vote, conduct, and results of elections; and settlement of any election disputes.

(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 Sec. the Interior, upon the receipt of a petition signed by at least 30% of the adult members of the Tribe, shall call such election and shall give 30 days' notice, setting the time and place of the election.

ARTICLE IX -- REMOVAL AND RESIGNATION FROM OFFICE

SECTION 1. If a member of the Council fails or refuses to attend to regular meetings in succession, unless excused due to illness or other causes for which he cannot be held responsible, or shall be convicted of a felony or of a misdemeanor involving moral integrity, his office shall be forfeited, and a special election called by the Council shall be held to replace him.

SECTION 2. If a member of the Council shall fail in the performance of the duties assigned him, he may be subject to recall. The Council may by a two thirds vote, after affording the accused member a fair opportunity to be heard in his own defense, require such member to stand for reelection in a special election called for that purpose.

SECTION 3. Any Councilman resigning or taken by death out of office shall be replaced at the next General Election of Councilmen. If so desired, the Council may still such position by a majority vote until the time of the said election.

SECTION 4. The members of the Tribe shall have the power to remove or reinstate any member of the Fort Mojave Tribal Council by filing a petition with the Secretariat of the Tribal Council, signed by at least 30% of the qualified voters, asking for the removal or reinstatement of said member of the Tribal Council, Provided, that no such person may be removed or reinstated except as a special election which shall be held within 30 days after the filing of the petition.

ARTICLE X -- REFERENDUM

Upon the petition of at least 30% of the eligible voters of the Tribe, or upon the request of the majority of the members of the Trouble Council, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted to popular referendum in the vote of the majority of the qualified voters in such referendums shall decide whether the ordinance or resolution shall thereafter be in effect, provided, that 30% or more of the eligible voters shall vote in such referendum.

ARTICLE XI -- AMENDMENTS

SECTION 1. This Constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided, that at least 30% of those entitled to vote 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 an election on any proposed amendment the request of the Council, or upon receipt of a petition signed by one third of the qualified voters of the Tribe.

BY LAWS OF THE FORT MOJAVE TRIBE OF ARIZONA, NEVADA, AND CALIFORNIA

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.

SECTION 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.

SECTION 3. The Secretary shall conduct 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 the Secretary is a member of the Council he shall have power to vote at any meeting.

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

- (a) He shall accept, receipt for, and keep in 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 in 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 Treas. 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 Treas. 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 countersigned by the Chairman of the Council or by some other officer designated by the Council.
- (e) If the Treas. is a member of the Council he shall have the power to vote at any meeting.

ARTICLE II – – QUALIFICATIONS OF COUNCILMEN

Any member of the Tribe shall be qualified to be a candidate for election to the Council who has reached the age of 21 years and has been a resident of Needles, California, for the past year.

No person who has been convicted of a felony, or who within the past year preceding the election has been convicted of crime involving moral integrity shall be eligible to hold office in the Council. The following crimes and no other shall be considered crimes involving moral integrity: bribery, embezzlement, extortion, fraud, forgery, perjury, and theft.

ARTICLE III – – MEETING OF THE COUNCIL

SECTION 1. At the first meeting of the Council after a regular election, the Council shall see that all members have a correct and clear understanding of the Constitution and bylaws and the management of the tribal and reservation affairs, as well the rules for conduct of their own body.

SECTION 2. Regular meetings of the Council shall be held on the second Saturday of each month. In case the time of the regular Council meetings on the second Saturday of each month to conflict with the national, state or tribal election, or shall fall on a holiday, the meeting shall be held on the following Saturday.

SECTION 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.

SECTION 4. In the conduct of business, recognize rules of order shall apply. 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.

SECTION 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 if four or more members are present, including the Chairman or Vice Chairman.

SECTION 6. In any matter coming before the Council which involves the Indian Bureau or any person or Company, no member of the Council that may be permanently connected with the party still involve shall be permitted to vote without a special consent of the remaining members of the Council.

ARTICLE IV -- MEETING OF THE TRIBE

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

ARTICLE V -- ADOPTION

This Constitution and Bylaws, when adopted by majority vote of the qualified voters of Fort Mojave Tribe of the Fort Mojave Reservation voting at an election called for that purpose by the Secretary the Interior, provided at least 30% of those entitled to vote shall vote in such election, shall be submitted to the Secretary the Interior, and, if approved, shall be effective from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order approved August 13, 1956, by the Assistant Secretary of the Interior, the attached Constitution and Bylaws was submitted for adoption to the members of the Fort Mojave Tribe of the Fort Mojave Reservation, Arizona, Nevada, and California, and was on March 16, 1957, duly adopted by a vote of 121 four, and 13 against, in an election in which at least 30% of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, as amended by the act of June 15, 1935.

O. GARCIA
Chairman of the Election Board

ROBERT JENKINS
Secretary of the Election Board

O. GARCIA
Acting Supt., Colorado River Agency

APPROVAL

I, Hatfield Chilson, Under Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934, as amended, is hereby approve the attached Constitution and Bylaws of the Fort Mojave Tribe of the Fort Mojave Reservation in Arizona, Nevada, and California.

All rules and regulations heretofore promulgated by the Interior Department or by the Zero of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws, are hereby declared inapplicable to the Fort Mojave Tribe of the Fort Mojave Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution Bylaws.

Approval recommended: April 8, 1957.

GLENN L. EMMONS
Commissioner of Indian Affairs

HATFIELD CHILSON
Under Secretary of the Interior

[SEAL]

Washington, D.C. May 6, 1957

AMENDMENT TO THE CONSTITUTION AND BY LAWS OF THE FORT MOJAVE TRIBE

AMENDMENT I

SECTION 4 of ARTICLE III of the Bylaws of the Constitution of the Fort Mojave tribe of the Fort Mojave Reservation in Arizona, Nevada, and California shall be amended in its entirety to read as follows:

ARTICLE III, SECTION 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 meeting shall be open to all members of the Tribe. Tribal members may participate in the discussion with the consent of the Chairman.

SECTION 4(b). The order of business at any regular or special meetings of the Tribal Council shall be as follows.

- (1) Called to order by the Chairman
- (2) roll call
- (3) reading of minutes last meeting
- (4) unfinished business
- (5) reports
- (6) new business
- (7) adjournment

SECTION 4(c). Voting at the council meetings may be by voice, but at the discretion of the Chairman, or upon request of any two members of Council, a secret vote may be taken.

ORDINANCE NO. 1

Leasing and Permitting Tribal Lands Fort Mojave Reservation, in Arizona, California, and Nevada

BE IT ENACTED BY THE Tribal Council of the Fort Mojave tribe of the Fort Mojave Reservation of Arizona, Nevada, and California, that

1. Tribal lands in the Fort Mojave Reservation in Arizona, California, and Nevada maybe we store permitted for business, grazing and agricultural purposes by the Tribal Council, with the approval of the Sec. of the Interior or his duly authorized representative, for such periods of time as or permitted by law.
2. In the leasing of tribal lands, preference shall be given, first to Indian Cooperative Associations, and second, to individual Indians who are members of the Tribe.
3. Applications or bids for lease or permits on tribal lands, whether to members of the Tribe or to nonmembers, must be in writing and be approved by the Tribal Council prior to the execution of the lease contract. All such leases or permits shall be at not less than the appraisal fair rental value.
4. All leases and permits issued shall be prepared on forms approved by the Sec. the Interior or his duly authorized representative.

5. The payment of rentals on tribal lands shall be handled in accordance with leasing regulations governing organize tribes.
6. Grazing lands may be leased and permits issued only in accordance with the general grazing regulations.

CERTIFICATE OF ADOPTION

The foregoing ordinance was duly adopted on this 12th day of October, 1957, by the Fort Mojave tribal Council by the affirmative vote of four members, pursuant to authority vested in the said governing body of the Fort Mojave tribe of the Fort Mojave reservation by Article V, section 1 (n) of the Constitution and Bylaws of the Fort Mojave tribe. Said Ordinance is effective as of the date of approval by the Superintendent of the Colorado River Indian Agency.

FORT MOJAVE TRIBAL COUNCIL
By: FRANCIS STILLMAN
Chairman

By: J. DAVIDSON
Secretary

Approved:

JOHN C. DIBBERN
Superintendent

Date: 10/22/57.