

CONSTITUTION OF THE COCOPAH TRIBE

SOMERTON, ARIZONA

PREAMBLE

We, the Cocopah Indians, all of whom are members of the Cocopah Tribe and whose names appear on the Cocopah Rolls, June 10, 1958, and approved by the Commissioner of Indian Affairs on July 30th, 1959, do hereby voluntarily join together in order to establish a legal Tribal Organization for exercising certain powers which will promote the common welfare of our membership, and do hereby adopt this Constitution.

ARTICLE I -- TERRITORY

The territory to be administered by the Cocopah Tribe shall consist of all the land specified in Executive Order 2711, dated September 27, 1917, and Public Law 85 – 150 of August 17, 1961, and any other land in which by virtue of purchase, gift, Act of Congress, or otherwise, the Cocopah Tribe acquires an ownership, management, use or occupancy interest.

ARTICLE II -- NAME OF ORGANIZATION

The name of the organization shall be the Cocopah Tribe.

ARTICLE III -- MEMBERSHIP

SECTION 1. The membership of the Cocopah tribe shall consist of:

- (a) All Cocopah Indians whose names appear on the official census roll of June 10, 1958, and approved by the Commissioner of Indian Affairs on July 30, 1959, provided such persons are not enrolled as members of some other tribe, band, or community of Indians; and provided further, that within five years from the adoption of this Constitution, corrections may be made in the roll by the governing body, subject to the approval of the Secretary of the Interior or his authorized representative.
- (b) Any child of one fourth degree or more of Cocopah Indian blood who was born to a member of the Cocopah Tribe, provided that a certified copy of the child's birth certificate or other satisfactory evidence of birth or parentage is forwarded to the Secretary – Treasurer of the Cocopah Tribe within one year from the date of the child's birth or the approval date of this Constitution, whichever is later.

SECTION 2. The Tribal Council of the Cocopah Tribe shall have the power to adopt resolutions covering the adoption of new members subject to the approval of a majority of eligible voters, voting a regularly called tribal meeting, and subject further to the approval of the Secretary of the Interior or his authorized representative; except that no person shall be adopted into the Cocopah Tribe who is not a citizen of the United States or who is a member of some other tribe, band, or community of Indians unless that person relinquish that membership and all such persons desiring tribal membership must have had on file, with the Cocopah Tribe, an application for membership for at least one year.

ARTICLE IV -- GOVERNING BODY

SECTION 1. The governing body of the Cocopah Tribe shall be the Tribal Council composed of five members, consisting of the Chairman, Vice-Chairman, and three other members. Three of such members shall constitute a quorum.

SECTION 2. The membership of the Cocopah Tribe shall elect from its own membership, at a meeting call for this purpose, by secret ballot a Chairman, and Vice-Chairman and three Council members to serve on the Tribal Council. First election under this Constitution shall be held within 60 days following approval of this Constitution, and election shall be held thereafter at two-year intervals on the month and day as set forth in Article V. Members of the Tribal Council may succeed themselves.

SECTION 3. The Chairman or a majority of the Tribal Council, or 25% of the qualified voters may, by written notice, call tribal meetings of the Cocopah Tribe. 25% of the qualified voters of the tribe shall constitute a quorum at any tribal meeting.

SECTION 4. All members of the Cocopah Tribe who have reached the age of 21 years shall be qualified voters at any meeting of election.

ARTICLE V -- ELECTIONS

SECTION 1. The General Meeting of the Cocopah Tribe or the purpose of electing the Tribal Council in all subsequent elections shall be held in even numbered years on the second Friday in July. The meeting and voting place shall be on the Cocopah Reservation as designated by the Tribal Council. The Tribal Council shall cause notice to be posted of such meeting and election in at least two places on the Cocopah Reservation 15 days prior to the meetings and election.

SECTION 2. Special meetings and elections may be called by the Tribal Council for electing a Tribal Council member to fill the unexpired term of a deceased member, a member who has resigned, or been removed for other cause, provided that notice of such meeting and election shall be given as in the case of regular election meetings.

SECTION 3. Nominations for the Chairman, Vice Chairman, and three other members of the Tribal Council shall be made from the floor at the General or Special Meeting of the Cocopah Tribe.

SECTION 4. The election shall be by secret ballot. The Tribal Council shall prescribe rules for the casting and canvassing of ballots, including the procedures for handling absentee ballots. They will also prescribe the necessary details of election procedures covering the election of tribal Council members and referendum elections.

ARTICLE VI -- POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. The Tribal Council representing the Cocopah Tribe shall exercise the following powers, subject to any limitations imposed by the Constitution or the Statutes of the United States applicable to Indians, and subject further to all expressed restrictions upon such powers contained in this Constitution. The Chairman of the Tribal Council

may veto resolutions or ordinances of the Tribal Council, within three days of date of passage, however, upon reconsideration by the Tribal Council, a majority vote of those present at a duly constituted meeting will override the Chairman's veto.

A. Powers not subject to approval of the Sec. of the Interior or his authorized representative.

- (1) To represent the Cocopah Tribe and act in all matters that concern the welfare of the Cocopah Tribe and to make any and all decisions which are consistent with this Constitution and statutes of the United States.
- (2) To veto a sale, disposition, lease, or encumbrance of tribal lands, interests in land or other tribal assets.
- (3) To advise the Secretary of the Interior or his authorized representative with regard to all appropriate estimates or Federal projects for the benefit of the tribe prior to submission of such estimates to the Bureau of the Budget and to Congress.
- (4) To regulate and license and/or issue peddlers' permits to members or nonmembers to do business on the reservation in a manner not inconsistent with traders' licenses issued by the Commission of Indian Affairs.
- (5) To engage in any business that will further the economic well-being of the members of the tribe or to undertake any activity of any nature whatever not inconsistent with law or with any provisions of this Constitution.
- (6) To make and perform contracts including loan contracts and agreements of every description not inconsistent with law or with any provision of this Constitution with any person, association, corporation, municipality, county, state or with the United States.
- (7) To pledge or assigned chattel and crop mortgages as security for loans, or approve individual agreements.
- (8) To regulate its own procedures; to appoint subordinate committees, commissions, and boards; and to create and regulate subordinate organizations for economic and other purposes.
- (9) To negotiate with Federal Government, State, City and County officials.
- (10) The Tribal Council may exercise such additional powers as may be delegated to it by the members of the tribe and take such actions as are necessary to carry into effect any of its powers and duties.

B. Powers subject to the approval of the Secretary of the Interior or his authorized representative:

- (1) To acquire, manage, lease, use, contract, assign, encumber, or disposed of any or all tribal assets, subject to approval one required by law and regulations.
- (2) To employ legal counsel, the contract, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative.
- (3) With the approval of the Secretary of the Interior, or his authorized representative, assign future tribal income from trust property.
- (4) To budget tribal funds and managed economic affairs and enterprises in accordance with the terms of the budget and this Constitution.
- (5) To promulgate and enforce ordinances providing for the levying of taxes; dealing with Law and Order, domestic relations, and welfare; providing for the licensing of members and nonmembers for purposes of hunting and fishing on the reservation, and for exclusion from the territory of the community of all persons not so licensed and establishing proper agencies for the enforcement of such ordinances upon the reservation.

- (6) The Tribal Council may elect to designate a commercial bank as the Cocopah Tribe's depository.

ARTICLE VII -- BILL OF RIGHTS

All members of the 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 due process of law, or the right to petition for the redress of grievances. The members of the tribes shall continue undisturbed in their religious beliefs and nothing in this Constitution will authorize the Tribal Council to interfere with religious practices.

ARTICLE VIII -- 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, or his authorized representative shall be presented to the Superintendent in Charge of the Reservation who shall within 10 days of receipt approve or disapprove same. If the Superintendent in Charge of the Reservation shall approve any ordinance or resolution, and shall thereupon become effective, but he shall submit a copy of the same bearing his endorsement, to the Secretary of the Interior, or his authorized representative, who may, within 90 days from the date of the superintendent's approval, rescind the ordinance or resolution for any cause by notifying the Tribal Council of such rescission. If the Secretary of the Interior 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 in Charge of the Reservation shall refuse to approve any resolution or ordinance submitted to him within 10 days after receipt by him, he shall advise the Tribal Council of his reasons therefor in writing. If those reasons appear insufficient to the Tribal Council, they may by majority vote, refer the ordinance or resolution to the Secretary of the Interior, or his authorized representative, who may, within 90 days from the date of its submission to him, approve same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE IX -- REMOVAL AND RESIGNATION FROM OFFICE

SECTION 1. If a member of the Tribal Council fails or refuses to attend to regular meetings, unless excused due to illness or other causes for which he cannot be held responsible, or shall be convicted of the felony, or of a misdemeanor resulting in a jail sentence, his office may be declared forfeited by a resolution of the Tribal Council.

SECTION 2. Any Tribal Council member resigning or taken by death out of office or removed for other cause may be replaced by appointment of the Tribal Council pending an election in accordance with Article V, Section 2.

ARTICLE X -- AMENDMENTS

SECTION 1. This Constitution may be amended by a majority vote of qualified voters of the tribe voting in an election call for that purpose by the Secretary of the Interior, or his authorized representative 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 or his authorized representative.

SECTION 2. It shall be the duty of the Secretary. Of the Interior, or his authorized representative, to call an election on any proposed amendment at the request of the Tribal Council, or upon presentation of petitions signed by 30% of the qualified voters of the tribe.

ARTICLE XI -- ORGANIZATION OF THE TRIBAL COUNCIL AND DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council, and perform all duties of a Chairman and exercise any authority given him the physically by the Tribal Council or by a general meeting of the Cocopah Tribe. He shall vote only in case of a tie.

SECTION 2. The Vice – Chairman, in absence of the Chairman, shall preside, and went so presiding, shall have all powers, privileges, duties and responsibilities of the Chairman. He shall have the power to vote in all meetings except those under his direction. In this case he shall vote only when there is a tie vote.

SECTION 3. In the absence of both the Chairman and the Vice – Chairman, the Tribal Council members shall elect a temporary Chairman who shall perform the duties and responsibilities of the Chairman.

SECTION 4. The Tribal Council at its first regular meeting following election shall elect from within or without its own membership a Secretary – Treasurer. The Secretary – Treasurer shall conduct Tribal Council correspondence at the direction of the Chairman, and it shall be his duty to submit promptly to the Officer in Charge of the Reservation or other appropriate officers of the Bureau of Indian Affairs, with copies of all minutes of regular and special meetings of the Tribal Council as well as copies of all resolutions and ordinances adopted by the Tribal Council.

The Secretary – Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Tribal Council and forward all funds to the appropriate Individual Indian Money Account or other designated depository. He shall make and preserve a faithful record of such funds and shall report all receipts and expenditures and the amount and nature of all funds in his custody. Such report being made in writing to the Tribal Council at regular meetings and at such other times as requested by the Tribal Council. He shall not disburse any tribal funds in his custody or custody of the Tribal Council except when properly authorized to do so by a resolution duly passed by the Tribal Council and/or in accordance with the approved tribal budget.

The books and records of the Secretary – Treasurer shall be audited at least once each year by a competent auditors secured by the Tribal Council and at such other times as the Tribal Council may direct. A copy of all audit reports shall be filed with the Tribal Council and Superintendent.

The Secretary – Treasurer shall be required to give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs, the expense of which shall be accepted by the tribe. Until the Secretary – Treasurer is bonded, the Tribal Council with the approval of the Superintendent shall make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE XII -- QUALIFICATIONS OF TRIBAL COUNCIL MEMBERS

Any member of the Cocopah Tribe shall be qualified to be a candidate for election to the Tribal Council who has reached the age of 21 years and who resides within a radius of 50 miles from the present reservation land and within the United States.

ARTICLE IX -- TRIBAL COUNCIL MEETINGS

SECTION 1. At the first meeting of the Tribal Council following a regular election, the Tribal Council members shall see that members have a correct and clear understanding of this Constitution, management of tribal affairs, and rules of conducting their meetings.

SECTION 2. Regular meetings of the Tribal Council shall be held on the second Friday of each month at a place and time specified by the Chairman at the previous meeting. In case the regular meeting date falls on a State or National Holiday, the Tribal Council may postpone such regular meeting not to exceed 10 days.

SECTION 3. Special meetings of the Tribal Council shall be called by the Chairman, or the Chairman shall call a special meeting when presented a written request signed by three or more Tribal Council members.

SECTION 4. Robert's Rules of Order shall apply in conducting business at all meetings. The Tribal Council may vote by voice, but at the discretion of the Chairman, or upon request by one or more members, a secret vote shall be taken.

SECTION 5. The Tribal Council shall decide all business matters by a majority vote of those present at a duly constituted meeting.

ARTICLE XIV -- ADOPTION

This Constitution, when adopted by a majority vote of the qualified voters of the Cocopah Tribe of the Cocopah Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30% of those entitled to vote shall vote, shall be submitted to the Secretary the Interior, for approval, and shall be effective from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order approved July 24, 1964, by the Assistant Secretary of the Interior, the attached Constitution of the Cocopah Tribe was submitted for ratification to the qualified voters of the reservation and was on October 8, 1964, duly adopted by a vote of 16 for, and zero against, in an election in which over 30% of those entitled to vote cast their ballots, 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).

LOUIS S. SAN DIEGO
Chairman, Cocopah Tribal Council

HOMER M. GILLILAND
Superintendent, Colorado River Agency

I, JOHN A. CARVER, JR., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 98), as amended, do hereby approve the attached Constitution of the Cocopah Tribe, Somerton, Arizona.

Approval recommended:

JAMES E. OFICER
October 29, 1964
Associate Commissioner of
Bureau of Indian Affairs

JOHN A. CARVER, JR.
Assistant Secretary of the Interior

[SEAL]

Washington, D.C.
Date: November 16, 1964.