United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:

Tribal Government

JAN 14 2013

CERTIFIED MAIL NO. 7009 2820 0003 3004 1285
RETURN RECEIPT REQUESTED

Honorable Greg Sarris, Chairman
Federated Indians of Graton Rancheria
Post Office Box 14428
Santa Rosa, California 95402

Dear Chairman Sarris:

This is in your response to your request to approve the amended Constitution of the Federated Indians of Graton Rancheria.

This office has reviewed the results of the special election held to amend the Constitution of the Federated Indians of Graton Rancheria. According to the election results the Tribe's amended Constitution was adopted by the qualified voters on July 21, 2012. Enclosed, for the Tribe's records, is the Certification of Approval for the amended Constitution.

If you have any questions regarding this matter please contact Viola Brooks, Tribal Operations Specialist, at (916) 978-6073, Harley Long, Tribal Government Officer, at (916) 978-6067, or you may contact this office at the above address.

Sincerely,

Amy L. Dutschke

Regional Director

Enclosure

cc: Superintendent, Central California Agency

TAKE PRIDE IN AMERICA

United States Department of the Interior

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Sacramento, California 95825

CERTIFICATION OF APPROVAL

The amended Constitution of the Federated Indians of Graton Rancheria, California, adopted by the qualified voters of the Tribe on July 21, 2012, is hereby approved pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and redelegated to me by the Director, Bureau of Indian Affairs, on October 11, 2006. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

Amy L. Dutschke
Regional Director

1/14/13
Date

TAKE PRIDE IN AMERICA

CONSTITUTION

of

FEDERATED INDIANS OF GRATON RANCHERIA

PREAMBLE

We, Federated Indians of Graton Rancheria, whose ancestral territories include all of Marin and Southern Sonoma Counties of California, adopt this Constitution to establish a government for the exercise of our inherent sovereign powers, customs, and traditions; to preserve, continue, perpetuate our unique native heritage; to preserve and protect the rights, privileges, values and culture of our Tribe; to establish justice in the conduct of tribal affairs; to work for the social and economic betterment of all citizens; and to foster the value of education.

ARTICLE I: JURISDICTION

The territory of the Tribe shall extend to all lands, water, and resources in possession of or acquired by the Tribe whether inside or outside the exterior boundaries of the Tribe's Reservation that are subject to the Tribe's jurisdiction, including but not limited to, lands acquired by the United States in trust for the Tribe or as Indian trust allotments for its citizens. Jurisdiction of the Tribe shall also extend to all persons within any territory under the Tribe's jurisdiction and to all citizens of the Tribe and their minor children enrolled as tribal citizens or eligible for citizenship in the Tribe, wherever located.

ARTICLE II: CITIZENSHIP

Citizenship is limited to the persons described in the following Sections under this Article II:

Section 1. Tribal Base Roll Citizens

The Tribe hereby establishes a Tribal Base Roll of Citizens ("Tribal Base Roll") that forevermore will determine who is and who can be citizens of our Tribe, and that honors our original citizens.

(A) The Tribal Base Roll shall include the names of the following persons:

(1) All persons, whether living or dead, whose names are listed on the roll prepared by the Bureau of Indian Affairs ("BIA") dated July 17, 2002 and

who were not otherwise disqualified in accordance with the provisions of this Article.

(2) All other persons, living or dead, who were enrolled as citizens of the Tribe and were not subsequently disenrolled prior to the effective date of this section upon amendment of the Constitution.

Section 2. Lineal Citizens

Except as provided in Section 4 of this Article, no person may be enrolled as a tribal citizen unless they meet the criteria established under this Section.

(A) They are the biological child of a tribal citizen, whether living or dead, for whom an enrollment application is submitted within six months of the child's birth, or within six months of their parent being enrolled as a citizen; provided that neither the child nor the parent is otherwise disqualified pursuant to Section 3 of this Article.

(B) Those persons claiming biological lineage through the father shall be required to submit to blood or DNA testing pursuant to policies established by the Tribe. The Tribe may also require blood or DNA testing where there are no medical records or other clear and convincing evidence that a child is a biological child of a mother through whom tribal lineage is claimed.

Section 3. Individuals Ineligible for Enrollment as Lineal Citizens.

The following persons shall be ineligible to enroll as Lineal Citizens:

(A) Any person who has been enrolled with another federally recognized Indian tribe after August 20,2003 forfeits his or her right to enroll as a tribal citizen; or

(B) Any person who has voluntarily relinquished their citizenship in the Tribe or whose citizenship was relinquished as a minor shall not be eligible to re-enroll as a citizen.

Section 4. Citizenship Eligibility for Prior Applicants

The Tribe may, but is not obligated to, enroll as tribal lineal citizens, pursuant to policies and procedures established by the Citizenship Committee and approved by a majority vote of the General Council, those persons who can demonstrate that they would have met the criteria for enrollment that were in effect in 2002, including having been alive at that time, and who are not otherwise disqualified in accordance with the provisions of this Article. If any such individuals are ever enrolled, then their living lineal descendants

shall have three months from the date they receive notice of the enrollment to submit their application for enrollment as lineal citizens, regardless of their age at the time they submit an application.

Section 5. Suspension of Citizenship

The Tribal Council, pursuant to the Citizenship Statute of the Tribe, has the authority to suspend the tribal citizenship of persons who are found to have violated tribal law. Suspension of citizenship shall not bar enrollment of children born to the suspended citizen.

Section 6. Loss of Citizenship

Without exception, no Base Roll or Lineal Citizen may lose their citizenship or be disenrollled except as set forth herein:

(A) Fraud or Mistake. Any person who was enrolled as a Lineal Citizen may lose their citizenship for fraud or any mistake within three (3) years after they were enrolled.

(B) Dual Enrollment. Any citizen who is enrolled as a member or citizen in any other federally recognized Indian tribe shall be deemed to have relinquished his or her citizenship.

(C) Relinquishment. By voluntary relinquishment of citizenship including relinquishment of citizenship of minor children by their parent(s).

(D) Effect of Loss of Citizenship. Loss of citizenship by any person whose name appears on the Base Roll shall not affect the eligibility of or citizenship status of their descendants except in accordance with subsection (C) of this Section 6. Loss of citizenship is applicable only to the person in question, and his or her descendants remain as citizens or remain eligible if they would otherwise meet the criteria for citizenship.

Section 7. Citizenship Statute

Administration of tribal citizenship matters contained under Article II of the Constitution, which governs citizenship, shall be conducted in accordance with a Citizenship Statute that must be approved or adopted by the General Council and that may only be amended by a majority vote of the General Council at a duly called meeting and provided there is a quorum. Any provisions of that statute that conflict with the Constitution are null and void.

Section 8. Amendment of this Article

Notwithstanding any other provision of this Constitution, this Article may not be further amended except when approved by two-thirds of the General Council in a duly-conducted tribal special election.

ARTICLE III: GOVERNING BODIES -- THE TRIBAL AND GENERAL COUNCILS

Section 1. The Tribal Council

(A) General. The governing body of the Tribe shall be the Tribal Council, which shall consist of seven (7) tribal citizens elected from the General Council. The Tribal Council shall consist of a Tribal Chair, Vice-Chair, Secretary, Treasurer, and three (3) members, each elected under this Constitution.

(B) Powers. The Tribal Council shall exercise the following powers and responsibilities to further the best interests of the Tribe subject only to those limitations imposed by this Constitution and applicable law:

(1) To negotiate contracts, conclude agreements or consult with federal, state, local and tribal governments, private entities and individuals on behalf of the Tribe.

(2) To promote the health, education and general welfare of the members of the Tribe and to administer charitable and such other services as may contribute to the social and economic advancement of the Tribe and its members.

(3) To promulgate and enforce tribal resolutions, statutes, and laws as needed and in a manner consistent with the Constitution, that include, but are not limited to; statutes governing tribal lands, housing, tribal services, per capita payments, record access, environmental protection, and economic development; providing for the levying of taxes and fees and the appropriation of available tribal funds for public and other lawful purposes; providing for the licensing of business and other activities by any and all persons subject to the Tribe's jurisdiction; and for the exclusion of persons from tribal territory.

(4) To initiate, approve or reject any gift, donation, acquisition, devise, disposition, lease, encumbrance or condemnation of tribal lands or property; to pledge newly-purchased land and water as security for loans on such lands; to manage, protect and preserve all lands, minerals, wildlife and other natural resources of the Tribe; and to initiate and administer land development projects for the Tribe on tribal lands. Notwithstanding the foregoing, the Tribal Council, shall not have the power

to sell, lease or otherwise encumber tribal lands or property where the sale or encumbrance is not for tribal purposes.

(5) To manage the economic affairs of the Tribe including the power to: borrow money and provide for the repayment thereof, manage all economic affairs and enterprises, create tribally-owned and/or chartered corporations, create or license tribal not-for-profit, or other business entities, charter and license tribal or citizen-owned corporations organized under any relevant provision of Title 25 of the United States Code, employ and discharge tribal employees, budget and set aside reasonable funds for the governance and administrative expenses of the Tribe, administer any funds or property within the control of the Tribe for the benefit of the Tribe and its citizens, officers or employees, allocate tribal funds as loans or grants, transfer tribal property and other assets to tribal organizations for such use as the Tribal Council may determine to be appropriate, invest tribal funds, and exercise such other reasonable and prudent economic powers as are routinely exercised by sovereign governing bodies, except as may be limited by this Constitution.

(6) To provide for reimbursement of incurred expenses of the Tribal Council and other tribal officials; and to propose and establish reasonable compensation for the Tribal Council and other tribal officials, effective after prior publication to the General Council of the Tribe. The General Council shall retain the right to reject or modify the proposed compensation in accordance with this Constitution and the General Council Meeting Statute.

(7) To choose and employ legal counsel and/or other consultants and to fix their fees.

(8) To initiate such administrative proceedings or legal actions on behalf of the Tribe as may be necessary to further the interests of the Tribe and its citizens.

(9) To regulate the domestic relations of citizens of the Tribe; to provide for the guardianship of minors and incompetent persons within tribal jurisdiction; to provide services for the health, education, and welfare of all persons within tribal jurisdiction.

(10) To create and regulate subordinate organizations, committees, departments, or other entities of the Tribe; and to delegate to such organizations, committees, departments or other entities or to any subordinate tribal official or employee the authority to perform such delegated duties.

(11) To preserve, protect and uphold the Constitution of the Tribe.

(12) To establish interim adjudicatory bodies or systems as it deems fit until such time as the General Council approves a Dispute Resolution Statute.

(13) To promote and protect language, culture, and traditions of the Tribe.

(14) To preserve, protect, and maintain tribal ancestral burial grounds, cultural sites, and associated grave goods and cultural artifacts.

(C) Duties of the Tribal Council

(1) To uphold the Oath of Office and this Constitution;

(2) To administer the powers granted to them in an honorable, respectful and dedicated manner that promotes the collective best interest of the Tribe;

(3) To act honorably and avoid conflict of interest and other ethical breaches;

(4) To be informed of and comply with the requirements of the Constitution and all other tribal laws;

(5) To be present and prepared at all meetings of the Tribal Council and of the General Council, unless prevented from doing so by illness or circumstances beyond his/her control;

(6) To understand and fulfill the duties of their office.

Section 2. Tribal Officers

The General Council shall elect officers who have the following responsibilities and duties that they may discharge directly or through delegation and oversight.

(A) Duties and Responsibilities of the Tribal Chair

The Tribal Chair is the elected Head of State of the Tribe and is responsible for the effective administration of tribal governmental operations and presides over the legislative affairs of the Tribal Council. The specific constitutional duties of the Tribal Chair are:

(1) The Tribal Chair shall preside at all meetings of the Tribal Council and General Council unless prevented from doing so by illness or

circumstances beyond his/her control.

(2) The Tribal Chair shall execute on behalf of the Tribe all contracts, leases and other documents approved by the Tribal Council or the General Council.

(3) The Tribal Chair shall have general executive supervision of tribal affairs and is responsible for the effective administration and governance of the Tribe.

(4) The Tribal Chair shall serve as the official Head of State of the Tribe.

(5) The Tribal Chair is responsible for there being published an agenda specifying items for discussion for each General and Tribal Council meeting, in accordance with tribal law and policy.

(B) Duties of the Tribal Vice-Chair

The primary duties of the Vice Chair are to be prepared to replace the Chair should the need arise, and to assist the Chair in overseeing the Executive and Administrative Branches of tribal government.

(1) The Tribal Vice-Chair shall assist the Tribal Chair when called upon to do so;

(2) In the absence or incapacity of the Tribal Chair, the Tribal Vice-Chair shall exercise all of the powers and be obligated to discharge all of the responsibilities of the Tribal Chair.

(C) Duties of the Tribal Secretary

The Tribal Secretary is generally responsible for overseeing the preparation of written materials pertaining to the operation of the Tribal Council and for maintaining the official governmental records and archives of the Tribe, as more fully set forth below.

(1) Call the roll; and,

(2) Oversee, keep and organize all official correspondence and records of the Tribal Council; and,

(3) Oversee, keep, organize and certify the minutes of all regular and special meetings of the Tribal Council and General Council; and,

(4) Oversee, keep, organize and certify the amendments to this Constitution and all other enacted tribal laws and resolutions; and,

(5) Ensure that the official tribal records under their control or responsibility are maintained in a fashion that ensures their survival in the event of fire, flood or other natural or man-made disasters, and that archival copies are stored in a secure location separate from the originals; and,

(6) In the absence of the Tribal Chair and Tribal Vice-Chair, the Tribal Secretary shall perform all duties and assume the responsibilities vested in the Tribal Chair.

(D) Duties of the Tribal Treasurer

The Tribal Treasurer is generally responsible for overseeing the financial affairs of the Tribe, and shall serve as Chair of the Tribal Council Finance and Audit Committee, and is generally responsible for the Tribe adopting and maintaining sound fiscal and accounting policies, systems and procedures that will:

(1) Maintain and safeguard funds and assets of the Tribe by depositing or investing them in either federally insured accounts or in accounts that a prudent investor would select and where such deposits or investments conform with written tribal investment policies and procedures.

(2) Ensure that disbursement, expenditures, or payments of all funds in the custody of the Tribal Council are made in compliance with applicable laws, as well as procedures authorized by the Tribal Council.

(3) Keep and report timely and accurate records of tribal assets, revenues and expenditures.

(4) Ensure the annual audit of the books and records of the Tribe by a certified, licensed and independent auditor approved by the Tribal Council.

(5) Prepare or cause to be prepared any required tax returns and reports.

(6) Secure appropriate liability, fidelity and other insurance necessary to protect the Tribe and its assets.

(7) Ensure that the Tribe has appropriate internal controls over tribal expenditures, revenues, and investments.

(8) Exercise oversight to ensure all checks, vouchers, and purchases drawn on tribal funds are signed and approved by at least two officers or designated check-signers of the Tribe under a written procedure approved and adopted by the Tribal Council.

(9) Prepare or cause to be prepared on a monthly basis a written financial status report covering all receipts and expenditures, and certify said report.

(E) Appointment of Officers and Committees

(1) When creating tribal committees and boards pursuant to its powers under the Constitution, the Tribal Council shall set forth the duties and responsibilities of committees/boards and their members.

(2) In general, tribal committees and boards shall be required to act under the direction of the Tribal Council and to report on their activities, decisions, and recommendations to the Tribal Council. Actions and decisions by committees and boards shall be subject to review and approval by the Tribal Council.

Section 3. The General Council

(A) Eligibility. The General Council shall consist of all citizens of the Tribe who are eighteen (18) years of age or older.

(B) Powers. The General Council shall exercise powers associated with the electorate in democratic governance. The General Council shall have all powers necessary to implement specific provisions of this Constitution and to effectively elect and oversee the Tribal Council, subject only to those limitations imposed under the Constitution, or applicable tribal law and not otherwise reserved to the Tribal Council. Only the General Council may exercise the following powers:

(1) To elect and recall Tribal Council Members;

(2) To place any matter that it deems important as an agenda topic for a Tribal or General Council meeting pursuant to the Constitution and General Council Meeting Statute;

(3) To amend the Constitution;

(4) To adopt and amend the Election Statute;

(5) To adopt and amend the Citizenship Statute;

(6) To approve amendments of the Tribal Council Meeting Statute;

(7) To adopt and amend the General Council Meeting Statute;

(8) To adopt or repeal other tribal statutes or laws through the initiative process;

(9) To resolve conflicts or disputes when provided for by tribal law;

(10) To waive the Tribe's sovereign immunity from unconsented suit when necessary to further the interests of the Tribe, or to delegate this power to the Tribal Council as the General Council deems necessary;

(11) To approve or reject the salaries or other remuneration of any elected or appointed tribal official; and

(12) To exercise any other powers specified or authorized under the Constitution or tribal law.

ARTICLE IV: ELECTIONS

Section 1. Voter and Tribal Council Eligibility

(A) Any member of the General Council shall be eligible to vote in elections of the Tribe, provided the member:

(1) Is eligible to vote consistent with the Tribe's Election Statute; and

(2) Has not had his or her rights and privileges of citizenship in the Tribe suspended within ten (10) years of the scheduled election.

(B) Any member of the General Council who resides in California shall be eligible for Tribal Council office, provided such member meets applicable tribal and federal background check requirements and:

(1) Has not been convicted of a felony;

(2) Has not been convicted of a misdemeanor related to a crime of dishonesty or moral turpitude (such as bribery, fraud, embezzlement).

(3) Has not been removed from an elected tribal office within ten (10) years of the scheduled election; and

(4) Has not had his/her rights and privileges of citizenship in the Tribe suspended within ten (10) years of the scheduled election.

Section 2. Tribal Council Elections

(A) Secret Balloting. Tribal Council elections shall be conducted by secret ballot.

(B) Nomination and Election Process. The nomination and election process shall be specified in the Election Statute described in Section 3 of this Article.

(C) Persons who are members of the Tribal Council at the time this Constitution is adopted, approved, or amended shall continue to serve on the Tribal Council until the next annual election for their respective offices.

(D) Sitting Tribal Council members shall hold and remain in office until their successors are elected and installed pursuant to a duly held tribal council election.

(E) No absentee ballots shall be allowed for Tribal Council elections unless provided for by Statute.

(F) Oath of Office. Each Tribal Council member elected or appointed under this Constitution or any legislative enactment shall take an oath of office to support and defend the Constitution of the Tribe. The Chair of the Election Board or other Election Board official will administer the oath. The oath shall be:

"I, _____, will support and defend the Constitution of the Federated Indians of the Graton Rancheria; I will impartially carry out the duties of my office to the best of my abilities; I will promote and protect the best interests of the Tribe and its citizens under this Constitution."

Section 3. Election Statute and Election Board

(A) The General Council shall adopt an Election Statute proposed by an interim Election Board in consultation with the Tribal Council.

(B) The Election Statute shall create an Election Board composed of at least three (3) General Council members who reside within California, and who shall supervise and conduct all tribal elections.

(C) No member of the Election Board shall be a member of the Tribal Council or a candidate for Tribal Council.

(D) The Election Statute shall specify:

(1) The date, time, place and manner of elections;
(2) The nomination process for tribal council members;
(3) The manner in which Election Board members are appointed or elected;
(4) The process to remove Election Board members; and
(5) The procedures and rules for elections.

Section 4. Previous Legislation and Constitutional Standards

(A) All legislation ratified prior to the adoption of this Constitution, as amended, shall continue to have the force of law unless the legislation is inconsistent with this Constitution.

(B) All elections shall be governed under this Constitution and the applicable Election Statute.

ARTICLE V: TRIBAL COUNCIL VACANCIES, REMOVAL AND RECALL

Section 1. Vacancies and Removal

(A) The Tribal Council shall declare a Tribal Council position vacant if a member of the Tribal Council:

(1) Dies;
(2) Resigns; or
(3) Is recalled or removed from office pursuant to this Constitution.

(B) The Tribal Council shall remove a member of the Tribal Council and declare the Tribal Council position vacant if:

(1) The member of the Tribal Council is convicted by a court of competent jurisdiction of a felony or any crime involving dishonesty or moral turpitude while in office.

(2) It is discovered that a member of the Tribal Council was, prior to their being seated on the Council, convicted by a court of competent jurisdiction of a felony or any crime involving dishonesty or moral turpitude.

(3) A member of the Tribal Council is absent from:

(a) More than two (2) regular Tribal Council meetings within a twelve (12) month period; or
(b) More than one (1) General Council meetings within a twelve (12) month period.

(4) A majority of the Tribal Council then in office determines that a member of the Tribal Council has abused the powers or privileges of his/her office by engaging in conduct involving dishonesty or moral turpitude, provided that:

(a) The member so accused shall be given a fair and reasonable opportunity to be heard, at a duly noticed meeting of the Tribal Council, before the vote is taken;
(b) The member who is the subject of the vote shall be excluded from voting;
(c) The weight of the evidence must support the Tribal Council's decision; and

(C) Any decision of the Tribal Council to remove a member of the Tribal Council pursuant to Subsection (B) of this Section 1 shall be final.

(D) The Tribal Council shall fill the vacated position in the following manner:

(1) If fewer than twelve (12) months remain of a vacated term of office, the vacancy shall be filled by appointing a General Council member who is eighteen (18) years of age or older, who is eligible to serve, and agrees to serve the remainder of the term.

(2) If more than twelve (12) months remain of the vacated position's term of office, a special vacancy election shall be called to fill the vacated position.

Section 2. Recall

(A) The General Council reserves the power to recall one (1) or more Tribal Council member(s).

(B) To invoke the recall power, a recall petition signed by at least thirty percent (30%) of the General Council must be presented to the Election Board.

(C) A recall petition must:

(1) State the reason(s) for recall;

(2) Demand the recall of one or more member(s) of the Tribal Council;

(3) Be signed by each petitioner; and

(4) Be presented to the Election Board by any reasonable means.

(D) The Election Board, upon receipt of the petition, shall within thirty (30) days verify whether the required number of General Council members signed and submitted a valid petition for recall.

(E) The Election Board, upon validation of the recall petition, shall call and conduct a special recall election within sixty (60) days of validation.

(F) The decision of a majority of the voters voting in a recall election shall be determinative, provided at least thirty percent (30%) of the General Council vote in an election held pursuant to the Election Statute.

(G) If the Election Board fails to carry out its responsibilities under this Section, the General Council may call and conduct an election in the following manner:

(1) The General Council may petition the Tribal Chair for a Special General Council meeting pursuant to the General Council Meeting Statute for the purpose of voting on recall.

(2) The decision of a majority of the voters voting for recall at the Special General Council meeting shall be determinative, provided that at least thirty percent (30%) of the General Council voted.

(H) No election shall be held to recall any member of the Tribal Council for the same reasons that were rejected by the voters within twelve (12) months preceding the submission of the recall petition.

(I) The Election Statute adopted under this Constitution shall define the rules of procedure regarding recall petitions and the rules for conducting recall elections.

ARTICLE VI: MEETINGS

Section 1. Tribal Council Meetings

(A) Regular Meetings: Regular meetings of the Tribal Council shall be held each month at a place and time designated by the Tribal Council or at such other times as the Tribal Council shall designate by resolution, provided however, that once the Tribe acquires tribal trust land and a building on the land suitable to hold Tribal Council meetings, all the regular Tribal Council meetings shall be held on tribal trust land.

(B) Tribal Council Meeting Statute: The Tribal Council shall enact a statute establishing rules of procedure for conducting Tribal Council meetings. The Tribal Council Meeting Statute shall:

(1) Require that minutes be taken and maintained by the Secretary of the Tribal Council.

(2) Provide that all Tribal Council meetings shall be open to tribal citizens, except when an agenda item is presented that has been designated by the Tribal Council through the Meeting Statute to be appropriate for a closed session of the Tribal Council.

(3) Specify when a Tribal Council member is disqualified from participating in or voting on issues because of a conflict of interest.

(4) State the order of business that must be followed at a meeting.

(C) Special Tribal Council Meetings: Special meetings of the Tribal Council are conducted for the purpose of bringing special business or issues to the Tribal Council for discussion or enactment. A special meeting:

(1) May be called by the Tribal Chair.

(2) Shall be called by the Tribal Chair upon receipt of a Petition signed by four (4) Tribal Council members, provided the reason for the meeting is stated.

(D) Quorum: No business shall be transacted at any meeting of the Tribal Council unless a quorum is present at the time the meeting is called to order. A quorum of the Tribal Council shall consist of four (4) Tribal Council members.

Section 2. General Council Meetings.

(A) Regular Meetings. Regular meetings of the General Council shall be held every other month at a place and time designated by the Tribal Council.

General Council Meeting Statute. The General Council shall enact a statute establishing rules of procedure for conducting General Council meetings.

(B) Special General Council Meetings. Special meetings of the General Council are conducted for the purpose of bringing special business or issues to the General Council for discussion or enactment.

(1) A special meeting of the General Council may be called by the Tribal Chair.

(2) A special meeting shall be called by the Tribal Chair in accordance

with the General Council Meeting Statute upon receipt of a valid petition signed by at least twenty-five percent (25%) of the General Council, provided that the reason for the meeting is stated.

(3) If the Tribal Chair does not call and give notice of the special meeting in accordance with the General Council Meeting Statute, the next highest ranking member of the Tribal Council shall exercise such authority.

(4) Upon failure of any of the Tribal Council to call and give notice of the Special Meeting of the General Council, the petitioner shall call, give notice of, and conduct the Special Meeting in accordance with the General Council Meeting Statute.

(C) Quorum. No business shall be transacted at any meeting of the General Council unless a quorum is present at the time the meeting is called to order. A quorum of the General Council shall consist of seventy (70) General Council members provided that once a quorum has been established, the General Council can continue to conduct business so long as at least seventy (70) General Council members remain in attendance.

ARTICLE VII: REFERENDUM AND INITIATIVE

Section 1. Referendum

The General Council reserves the power independently to modify, confirm, or reject any legislation, resolution, policy or rule of the Tribe by referendum subject to the limitations of Section 3 of this Article. Legislation means any tribal law, policy or procedure and includes tribal laws, ordinances, resolutions, policies and statutes.

(A) To invoke the referendum power:

(1) A Petition signed by at least thirty percent (30%) of the General Council must accompany a referendum measure and be presented to the Election Board; or,

(2) The Tribal Council may submit a proposed referendum measure to the Election Board by resolution.

(B) A referendum petition must:

(1) Include the specific language of the proposed legislation, resolution, policy or rule;

(2) Be signed by each petitioner; and,

(3) Be presented to the Election Board by any reasonable means.

(C) The Election Board, upon receipt of the petition, shall within thirty (30) days verify whether the required number of General Council members signed and submitted a valid referendum petition.

(D) The Election Board, upon validation of the referendum measure and petition, shall call and conduct a Special Election on the referendum measure within sixty (60) days.

(E) The Special Election on the referendum measure shall be conducted in the manner prescribed in the Tribe's Election Statute adopted under this Constitution.

(F) The decision of a majority of the voters voting in the Special Election on the referendum measure shall be determinative, provided that at least thirty percent (30%) of the General Council voted.

(G) If the Election Board fails to carry out its responsibilities under this Section, the General Council may call and conduct an election in the following manner:

(1) The General Council may petition the Tribal Chair for a Special General Council Meeting pursuant to the General Council Meeting Statute for the purpose of voting on the referendum.

(2) The decision of a majority of the voters voting on the referendum measure at the Special General Council meeting shall be determinative, provided that at least thirty percent (30%) of the General Council attended the meeting and voted on the measure.

(H) The Election Statute adopted under this Constitution shall define the rules of procedure regarding referendum petitions and the rules for conducting Special Elections on referendum measures.

Section 2. Initiative

(A) The General Council reserves the power to independently propose legislation by initiative, subject to the limitations of Section 3 of this Article. Legislation means any tribal law, policy or procedure and includes tribal laws, ordinances, resolutions, policies and statutes.

(B) To invoke the initiative power a petition signed by at least thirty percent (30%) of the General Council must accompany an initiative and be presented to the Election Board.

(C) The Initiative and accompanying petition must:

(1) State the complete text of the legislative proposal

(2) Be signed by each petitioner; and,

(3) Be presented to the Election Board by any reasonable means.

(D) The Election Board, upon receipt of the initiative petition, shall within thirty (30) days verify whether the required number of General Council members signed and submitted a valid initiative.

(E) The Election Board, upon validation of the initiative measure and petitions, shall call and conduct a Special Election on the initiative within sixty (60) days of validation.

(F) The Special Election on the initiative measure shall be conducted in the manner prescribed in the Tribe's Election Statute adopted under this Constitution.

(G) The decision of a majority of the voters voting in the Special Election on the initiative measure shall be determinative, provided that at least thirty percent (30%) of the General Council voted.

(H) If the Election Board fails to carry out its responsibilities under this Section, the General Council may call and conduct a Special Election on the initiative measure in the following manner:

(1) The General Council may petition the Tribal Chair for a Special General Council meeting pursuant to the General Council Meeting Statute for the purpose of voting on the initiative.

(2) The decision of a majority of the voters voting on the initiative at the Special General Council meeting shall be determinative, provided that at least thirty percent (30%) of the General Council attended the meeting and voted on the measure.

(I) The Election Statute adopted under this Constitution shall define the rules of procedure regarding initiative petitions and the rules for conducting Special Elections on initiatives.

Section 3. Limitations on Initiative and Referendum

(A) No special election shall be called on an initiative or referendum measure that was rejected by the voters within the twelve (12) month period preceding the submission of the initiative or referendum petition.

(B) No initiative or referendum shall be set for election which would improperly void, cancel, abrogate, modify or amend any approved contract, agreement or compact to which the Tribe is a party.

ARTICLE VIII: BILL OF RIGHTS

Neither the Tribal Council nor the General Council shall exercise power to deprive any person of rights secured by this Constitution or applicable laws of the United States, including the Indian Civil Rights Act. 25 U.S.C. Sections 1301-1303. An individual that is aggrieved by a decision or action of the Tribal or General Councils shall have the right to appeal such decisions or actions and due process shall be provided under applicable tribal law.

ARTICLE IX: DISPUTE RESOLUTION

The General Council reserves the power to adopt, modify, or confirm legislation that creates a court or other dispute resolution system.

ARTICLE X: AMENDMENT

Section 1. The General Council reserves the power to amend this Constitution.

(A) To invoke the Amendment Power:

(1) An amendment petition signed by at least thirty percent (30%) of the General Council must be presented to the Election Board; or,

(2) The Tribal Council may submit a proposed amendment to the Election Board by Resolution.

(B) A petition for amendment must:

(1) State the complete text of the specific constitutional amendment;

(2) Be signed by each petitioner; and,

(3) Be presented to the Election Board by any reasonable means.

(C) The Election Board, upon receipt of the amendment petition, shall within

thirty (30) days verify whether the required number of General Council members signed and submitted a valid petition for amendment.

(D) The Election Board, upon validation of the amendment petition or a Tribal Council resolution, shall call and conduct a Special Election on the amendment within sixty (60) days of validation.

(1) The Special Election on amendment shall be conducted in the manner prescribed in the Tribe's Election Statute adopted under this Constitution.

(2) The decision of a majority of the voters voting in the Special Election shall be determinative, provided that at least thirty percent (30%) of the General Council voted.

(E) If the Election Board fails to carry out its responsibilities under this Section, the General Council may call and conduct an election in the following manner:

(1) The General Council may petition the Tribal Chair for a Special General Council meeting pursuant to the General Council Meeting Statute for the purpose of voting on the amendment.

(2) The decision of a majority of the voters voting on the amendment at the Special General Council meeting shall be determinative, provided that at least thirty percent (30%) of the General Council voted.

(F) The Election Statute adopted under this Constitution shall define the rules of procedure regarding amendment petitions and the rules for conducting Special Elections on proposed amendments.

(G) Amendments shall become effective when they have been adopted by a majority of the General Council consistent with this Article.

ARTICLE XI: RATIFICATION

This Constitution was originally ratified on December 14, 2002 by a majority of the registered voters of the Tribe voting in a ratification election called for that purpose by the Secretary of the Interior, where at least thirty percent (30%) of the registered voters cast ballots. All future amendments to the Constitution, shall be effective when ratified by a majority of the General Council of the Tribe voting in an election called for purposes of amending the Constitution, where at least thirty percent (30%) of the General Council cast ballots.

--END OF DOCUMENT --

ORIGINAL COPY

Certificate of Results of Election

Pursuant to a Secretarial election called and conducted under the authority of the Constitution of the Federated Indians of Graton Rancheria the attached amended Constitution of the Federated Indians of Graton Rancheria was submitted to the qualified voters of the tribe and on July 21, 2012 was duly adopted/rejected by a vote of 273 for and 15 against and 1 cast ballots found spoiled or mutilated in an election in which at least 30 percent of the 416 N members entitled to vote, cast their ballot in accordance with Title 25 of the Code of Federal Regulations, Part 81 (25 CFR 81)

Joan Vallis, Election Board Chairman — Date: 7/21/2012

Kim Strom, Election Board Member — Date: 7-21-12

Linda Hardin, Election Board Member — Date: 7-21-12

Conrad Silva, Election Board Member — Date: 7-21-12

From: (510) 835-3020
John Maier
Maier Pfeffer Kim & Geary LLP
1440 Broadway
Suite 812
Oakland, CA 94612

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FedEx Express

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Delivery Address Bar Code

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SHIP TO: (707) 566-2288 BILL SENDER

Greg Sarris c/o Angela Hardin
Federated Indians Graton Rancheria
6400 REDWOOD DR STE 300

ROHNERT PARK, CA 94928

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