

CONSTITUTION OF THE YOMBA SHOSHONE TRIBE
OF THE
YOMBA RESERVATION, NEVADA



APPROVED DECEMBER 20, 1939
EFFECTIVE DECEMBER 22, 1939
AMENDMENTED AUGUST 4, 2014

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PREAMBLE

We, the Yomba Shoshone Newe residing on lands proclaimed on October 27, 1938, to be an Indian Reservation, which shall be known hereafter as the Yomba Shoshone Reservation, in order to establish a tribal organization, to conserve our tribal property, to develop our resources, to administer this justice, and to promote the welfare of ourselves, and our descendants, do here by ordain, and establish this Constitution for the Yomba Shoshone Tribe.

Article I – Name and Territory

Section 1. The name of this organized body shall be the Yomba Shoshone Tribe.

Section 2. The jurisdiction of the Yomba Shoshone Tribe shall include all the territory within the confines of the Yomba Reservation as established by the Proclamation dated October 27, 1938 and shall extend to such other lands as many hereafter be acquired by the Yomba Shoshone Tribe or by the United States in trust for said Tribe.

Article II – Membership

Section 1. The membership of the Yomba Shoshone Tribe shall consist of the following:

(a) All persons of one-half degree Shoshone Indian blood who may be designated by Secretary of the Interior as eligible for residence on lands purchased heretofore or hereafter for the benefit of landless Shoshone Indians.

(b) Any other persons of at least one-half degree of Shoshone blood whose name appears on the Carson Agency census of the Yomba Shoshone Indians who applies in writing to the Yomba Tribal Council.

(c) All persons of at least one-quarter degree Shoshone Indian blood descended from any member listed on the approved Base Roll, and Census Rolls of the Yomba Shoshone Tribe.

Section 2. The Tribal Council shall cancel the membership of any enrolled member who makes application to relinquish their tribal membership, and thereafter such person shall cease to hold membership in the Tribe.

Section 3. The Tribal Council shall have the power to promulgate an enrollment ordinance governing all enrollment functions of the Tribe.

Section 4. Persons of less than one-quarter degree Shoshone Indian blood descended from a member listed on the Base, and Census Rolls of the Yomba Shoshone Tribe may be adopted into the

Tribe by a majority vote of the Tribal Council, voting at a meeting called for that purpose. Persons adopted into the Tribe shall be enrolled with no rights and privileges.

Section 5. Dual Enrollment. A member of the Yomba Shoshone Tribe shall not be enrolled as a member of another Indian Tribe. Any member who refuses to relinquish membership in either tribal entity after being notified of their dual enrollment status shall be subject to disenrollment.

Article III – Governing Body

Section 1. The Governing body of the Yomba Shoshone Tribe of the Yomba Reservation shall be a Council known as the Yomba Tribal Council.

Section 2. The Yomba Shoshone Tribal Council shall consist of six Council Members elected by the eligible voters of the Tribe. The Tribal Council shall consist of a Chairman, Vice-Chairman, Secretary/Treasurer, and three Council members.

Section 3. The Yomba Shoshone Tribal Council so organized shall elect from within its own membership, a Secretary/Treasurer.

Section 4. At the first election after the approval of these amendments, the Chairman and Vice-Chairman shall be elected at large by the eligible voters of the Yomba Shoshone Tribe and shall serve as many terms in succession. All existing Tribal Council members shall serve out their three-year terms. A Council member electing to run for Chairman or Vice-Chairman shall relinquish his seat on the Tribal Council, and the Tribal Council shall declare a vacancy as required by Article V, Section 1 of the Tribal Constitution.

Section 5. The Tribal Council shall enact a Code of Ethics ordinance that will govern the performance, and conduct of the Tribal Council officers, and members.

Section 6. In all elections after the first election, no person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Yomba Shoshone Tribe of the Yomba Reservation, and shall have resided in the district of his candidacy for a period of one year next preceding the election and be at least twenty-five years of age.

Section 7. The Tribal Council of the Yomba Shoshone Tribe shall be sole judge of the qualifications of its members.

Article IV – Nominations and Elections

Section 1. In all elections, no person shall be a candidate for the Tribal Council unless he is a member of the Yomba Shoshone Tribe, at least twenty-five years of age, and never convicted of a felony, and has maintained legal residency on the Yomba Reservation for one year prior to the election.

Section 2. The Tribal Council shall approve an Election Ordinance governing all election processes of the Tribe.

Section 3. All elections shall be by secret ballot.

Section 4. Any qualified member of the Yomba Shoshone Tribe may announce his or her candidacy for the Tribal Council, such announcement to be in writing and presented to the Secretary of the Tribal Council at least 30 days before the election. It shall be the duty of the Secretary to post in two public places at least 10 days before the election, including the names of all candidates running for Tribal Council.

Section 5. The Tribal Council or the election board appointed by the Tribal Council shall certify to the election of the members of the Tribal Council within five days after the election returns.

Section 6. Any member of the Yomba Shoshone Tribe 18 years of age or older shall have the right to vote. Voting at special, and regular elections shall be conducted at a designated polling place, by secret ballot, and absentee ballots in accordance with Section 2 of this Article.

Section 7. Elections for Tribal Council shall be held every December and shall be called at least sixty days prior to the expiration of a term of office. The terms of office shall be for a period of three years, staggered to where two Council members are elected each year, or until their successors are elected.

Article V – Vacancies and Removal from Office

Section 1. If a Tribal Council Chairman, Vice-Chairman, Tribal Council member or an official shall die, resign, be removed, recalled from office, or convicted of a felony the Tribal Council shall declare the position vacant, and shall appoint to fill the unexpired term.

Section 2. The Tribal Council by four affirmative votes may remove or expel a Chairman, vice-Chairman, or Council member, for neglect of duty or gross misconduct. Before any such vote is taken on the matter, the person shall be given a written statement of the charges against Him/ Her at least five days before the meeting of the Tribal Council before which He/ She is to appear, and He/ She shall be given an opportunity to answer any and all charges at such designated Tribal Council meeting. The decision of the Tribal Council shall be final.

Section 3. Upon receipt of a petition signed by at least 30% of the qualified voters calling for the recall of the Chairman, Vice-Chairman, or any member of the Tribal Council. It shall be the duty of the Tribal Council to call a special election for that purpose. No member shall be recalled unless at least 30% of the eligible voters shall vote at such election.

Article VI – Duties and Powers of the Tribal Council

Section 1. Enumerated Powers. The Yomba Shoshone Tribal Council shall exercise the following powers subject to applicable Federal/Tribal statutes, Federal Court Decisions, and this Constitution.

(a) To negotiate with the Federal, State, and local governments on behalf of the Tribe, and to advise, and consult with the representatives of the Interior Department on all activities of the Department that may affect the Yomba Shoshone Tribe.

(b) To employ legal counsel to represent the Yomba Shoshone Tribe on matters of legal concerns, the choice of counsel, and the fixing of fees to be subject to the approval of the Secretary as long as such approval is required by Federal law.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands subject to the approval of the Secretary of Interior, provided, that no reservation lands shall ever be leased for a longer period than permitted by Federal law.

(d) To confer with all Federal agencies, State and County Governments, and Private entities with regard to all appropriations estimates or Federal projects for the benefit of the Yomba Shoshone Tribe.

(e) To manage all economic affairs and enterprises of the Yomba Shoshone Tribe in accordance with the terms of a Federal Charter that is approved by the Tribe and the Secretary of Interior consistent with Federal Law.

(f) To promulgate and enforce ordinances, governing the conduct of members of the Yomba Shoshone Tribe, and other Indians within the Yomba Shoshone Reservation; providing for the manner of making, holding, and revoking assignments of tribal land or interest thereto; providing for the levying of assessments for the use of tribal privileges, and property, and the appropriation of available tribal funds for public purposes; providing for the purposes of hunting, fishing, trading, or other business, and for the exclusion from the reservation all persons not so licensed; and providing for the establishment of proper agencies for law enforcement within the jurisdiction of the Tribe.

(g) To charter subordinate organizations for economic purposes, and to delegate to such organizations, or to any subordinate boards or officials of the Tribe, any of the foregoing powers, reserving the right to review any actions taken by virtue of such designated power.

(h) To adopt resolutions consistent with this Constitution regulating the procedures of the Yomba Shoshone Tribal Council, and all tribal offices.

(i) To approve subordinate organizations, and committees to strengthen tribal government.

Section 2. Future Powers. The Yomba Shoshone Tribe may exercise such further powers as may in the future be delegated to the Tribal Council by members of the Tribe.

Section 3. Reserved Powers. Any rights, and powers heretofore vested in the Indians eligible to reside on the Yomba Reservation in accordance with the Proclamation of October 27th, 1938, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Yomba Reservation through the adoption of appropriate constitutional amendments.

Section 4. Manner of Review. Any Tribal Council legislation which by the terms of this Constitution is subject to approval by the Secretary of the Interior shall be presented to be Superintendent of the jurisdiction, who shall, thereafter approve or disapprove the same. If no action is taken following the 90 days after enactment, the legislation shall become effective.

Article VII - Tribal Lands

Section 1. The lands of the Yomba Shoshone Tribe now held or hereafter acquired by the Yomba Shoshone Tribe, or held in trust by the United States shall not be mortgaged, sold or allotted.

Tribal lands shall be used for land assignments, leased, permitted, or otherwise used for tribal domestic purposes. The procedures on implementing these uses shall be governed by this Constitution and a Land Ordinance.

Section 2. Land Assignment. Land assignments shall be approved by the Tribal Council in conformance with the Tribal Land Ordinance. Preference shall first be given to tribal members with families; and to other tribal members 21 years and over. Upon the death of any assignment holder, heirs, or other individuals designated by him by will or written request, shall have preference to the reassignment, provided, such persons are members of the Yomba Shoshone Tribe who has resided on the reservation the past year.

If any member of the Tribe holding a land assignment, shall for a period of one year, fails to use the land so assigned, the assignment may be cancelled by the Tribal Council after due notice and opportunity to be heard, and the land may be reassigned in accordance with the tribal Land Ordinance.

The Tribe shall send a complete record of land assignment actions to the Superintendent of the jurisdiction. These records shall be kept in accordance with Federal guidelines and shall be available upon request.

Section 3. Grazing Permits. Grazing permits covering tribal lands may be issued by the Tribal Council subject to the approval of the Secretary of the Interior in conformance with Federal law, regulations, and tribal law.

Section 4. Land Lease. Tribal lands not required for assignment or grazing shall be leased by the Tribal Council subject to the approval of the Secretary of the Interior, for such periods of time as permitted by Federal law, and in accordance with Tribal law. Tribal leases for domestic purposes may be for individuals, businesses, and economic development. Preference shall be given to individual tribal members, other Indians, non-Indians, and cooperative associations.

Article VIII – Referendum

Upon a petition signed by at least 30% of the qualified voters of the Yomba Shoshone Tribe, a referendum election may be demanded on any enacted or proposed ordinance or resolution of the Tribal Council. The referendum shall be conclusive, and binding upon the Tribal Council provided that at least 30% of the eligible voters shall vote and the results are by majority vote.

Article IX – Amendments

Section 1. This Constitution may be amended by a majority vote of the registered voters of the Yomba Shoshone 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.

Section 2. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendments at the request of the Tribal Council, upon receipt of a petition signed by 30% of the qualified voters of the Tribe.

Article X – Duties of Officers, and Meetings

Section 1. The Chairman of the Tribal Council shall exercise any delegation of authority approved by the Tribal Council. He/ She shall preside over all meetings of the Tribal Council and vote only in case of a tie. He/ She shall oversee the day-to-day operations of the Tribe.

Section 2. The Vice-Chairman shall exercise any delegation of authority approved by the Tribal Council. In the absence of the Chairman, He/ She shall preform all duties of the delegation and shall have all the privileges, duties, and responsibilities of the Chairman.

Section 3. The Secretary/Treasurer shall exercise any delegation of authority approved by the Tribal Council. He/ She shall keep a complete, and accurate record of all matters transacted at Tribal Council meetings and be responsible for all tribal funds of the Tribe.

Section 4. Regular meetings of the Tribal Council shall be held every month. Three members of the Tribal Council shall constitute a quorum, and a quorum is required to conduct official business. All meetings shall be conducted in accordance with the Rules of Order Ordinance approved by the Tribal Council.

Section 5. Special meetings may be called by written notice signed by the Chairman or by a majority of the Tribal Council, and when so called, the Tribal Council shall have the power to transact business in the same process as regular meetings.

Section 6. Order of Business. The following order of business shall be declared unless changes have been approved by Tribal Council resolution:

- (a) Call to Order by the Chairman
- (b) Roll Call
- (c) Reading of minutes of the last meeting
- (d) Public Opinion
- (e) Unfinished Business
- (f) New Business
- (g) Reports
- (h) Closed Session

(i) Adjournment

Section 7. The Tribal Council may prescribe such salaries, and expenses for officers or members of the Tribal Council, as may be deemed advisable from such funds as may be available.

Article XI – Ordinances and Resolutions

Section 1. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be posted for information and education to members of the Tribe.

Section 2. All final decisions of the Tribal Council on matters of temporary interest shall be embodied in resolutions. Such resolutions shall be recorded and be open to public inspection.

Section 3. All questions or procedures shall be decided by motion, second, and voted on by the Tribal Council. On all ordinances, resolutions, or motions, the Tribal Council shall act by majority vote, but all matters of importance shall be fully discussed, and a reasonable attempt made to secure a unanimous agreement.

Section 4. Every ordinance shall begin with the words, "Be it enacted by the Yomba Shoshone Tribal Council". Every resolution shall begin with the words, "Be it resolved by the Yomba Shoshone Tribal Council".

Article XII – Adoption of Constitution and Bylaws

This Constitution and Bylaws shall be in full force and effect whenever a majority of the Shoshone Indians residing on the Yomba Reservation, Nevada, in accordance with the proclamation of October 27th, 1938, voting at an election called by the Secretary of the Interior in which at least 30 percent of the eligible voters shall vote, shall have ratified such Constitution and Bylaws and the Secretary of the Interior shall have approved same, as provided in the Act of June 18th, 1934, as amended by the Act of June 15th, 1935.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18th, 1934, (48 Stat. 984), as amended do hereby approve the attached Constitution and Bylaws of the Yomba Shoshone Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws will be inapplicable to those Indians from and after the date of their adoption thereof.

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

Approval recommended December 18th, 1939.

Walter V. Woehlee,

Assistant to the Commissioner of Indian Affairs.

Oscar L. Chapman,
Assistant Secretary,
[seal]

Washington, D.C., December 20th, 1939.

Certification of Adoption

Pursuant to an order, approved December 20th, 1939, by the Assistant Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the Indians of the Yomba Reservation and was on December 22nd, 1939, duly approved by a vote of 30 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18th, 1934 (48 Stat. 984), as amended by the Act of June 15th, 1935.

Hicks Darrough,
Chairman, of Election Board.
Homer Sam,
Secretary, Election Board.

Don C. Foster,
Acting Superintendent, Carson Agency.

Article XIII – Bill of Rights

All members of the Yomba Shoshone Tribe shall have equal rights, protection and opportunity to participate in the economic resources, tribal assets, and activities of the Tribe. In exercising powers of self-government, and in a manner consistent with applicable Federal Law, the Yomba Shoshone Tribe shall not:

(a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(b) Violate the rights of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized;

(c) Subject any person for the same offense to be twice put in jeopardy;

(d) Compel any person in any criminal case to be a witness against himself;

(e) Take any private property for a public use without just compensation;

(f) Deny to any person in a criminal proceeding the right to a speedy, and public trial, to be informed of the nature, and cause of the accusation, to be confronted with the witnesses against Him/Her, to have compulsory process for obtaining witnesses in His/ Her favor, and at their own expense to have the assistance of counsel for His/ Her defense;

(g) Require excessive bail, impose excessive fines, inflict cruel, and unusual punishment, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year, and fine of \$5,000 or both;

(h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(i) Pass any bill of attainder or ex post facto law; or

(j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by a jury of not less than six persons.