COPY

CONSTITUTION

of the

PASKENTA BAND OF NOMLAKI INDIANS

PREAMBLE

The Paskenta Band of Nomlaki Indians, hereinafter referred to as the "Band," enacts this Constitution in order to establish a Tribal government through which we may exercise our inherent sovereign powers and privileges, and preserve and maintain our unique cultural and ethnic heritage.

ARTICLE I: TERRITORY

The territorial jurisdiction of the Band shall extend to all lands as to which the Band hereafter may acquire legal or beneficial title. 25 USC §1300m et. seq.

ARTICLE II: MEMBERSHIP[1]

---

[1]25 U.S.C. §1300 m-4.

(a) Compilation of Tribal membership roll

Within one year after November 2, 1994, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) Criteria for membership

(1) Until a Tribal constitution is adopted pursuant to section 1300m-6 of this section, an individual shall be placed on the membership roll if such individual is living, is not an enrolled member of another federally recognized Indian tribe, is of Nomlaki Indian ancestry, and if-

(A) such individual's name was listed on the Paskenta Indian Rancheria distribution roll compiled on February 26, 1959, by the Bureau of Indian Affairs and approved by the Secretary of the Interior on July 7, 1959, pursuant to Public Law 85-671;

Section 1.

The membership of the Band shall consist of the following:

(a) All persons of Nomlaki Indian blood who resided on the Paskenta Rancheria at any time prior to the distribution of the assets of the Rancheria pursuant to the California Rancheria Act;

(b) All persons who were identified as Indians from Paskenta in any of the official or unofficial rolls of Indians prepared by the Bureau of Indian Affairs;

(c) All other persons who are direct lineal descendants of persons qualifying as members under subsections (a) or (b) and who have maintained Tribal relations with the Band, together with such other persons who apply for and are accepted into membership pursuant to the adoption provisions of an ordinance enacted under Section (3) of this Article.

Section 2.

Any person who is officially enrolled with or has received an assignment or allotment of land on the reservation of another federally-recognized tribe shall not be eligible for membership in the Paskenta Band of Nomlaki Indians; provided that

---

(B) such individual was not listed on the Paskenta Indian Rancheria distribution list, but met the requirements that had to be met to be listed on the Paskenta Indian Rancheria list;

(C) such individual is identified as an Indian from Paskenta in any of the official or unofficial rolls of Indians prepared by the Bureau of Indian Affairs; or

(D) such individual is the lineal descendant of an individual, living or dead, identified in subparagraph (A), (B), or (C).

(2) After adoption of a Tribal constitution pursuant to section 1300m-6 of this section, such Tribal constitution shall govern membership in the Tribe.

(c) Conclusive proof of Paskenta Indian ancestry

For the purpose of subsection (b) of this section, the Secretary shall accept any available evidence establishing Paskenta Indian ancestry. The Secretary shall accept as conclusive evidence of Paskenta Indian ancestry, information contained in the census of the Indians in or near Paskenta, prepared by Special Indian Agent John J. Terrell, in any other roll or census of Paskenta Indians prepared by the Bureau of Indian Affairs, and in the Paskenta Indian Rancheria distribution list, compiled by the Bureau of Indian Affairs on February 26, 1959.

(a) interests in Tribally assigned or individually allotted land acquired by gift, devise or inheritance shall not be considered grounds for ineligibility; and

(b) if a person who is officially enrolled with another federally-recognized tribes executes a Notice of Intention to Relinquish Membership on a form approved by the Band, and is otherwise qualified for membership in the Band, he/she shall be deemed a member of the Band until such time as the Band is officially recognized by the United States government. Upon recognition, a member shall not be officially enrolled with the Band until he/she has executed a written relinquishment of his membership in any other federally recognized tribe.

Section 3.

The Tribal Council shall have the power to adopt ordinances, consistent with this Constitution, governing future membership, loss of membership, adoption of members into the Band and the preparation and maintenance of a Tribal membership roll.

ARTICLE III: GOVERNING BODY

Section 1.

The governing body of the Band shall be the Tribal Council, which shall consist of five (5) Tribal members elected from the General Council. The Tribal Council shall consist of a Chairperson, Vice-Chairperson, Secretary, Treasurer, and one other member each elected in an election held in accordance with this Constitution.

Section 2.

The General Council shall consist of all members of the Band who are eighteen (18) years of age or older. The General Council shall exercise its powers through election of a Tribal Council, referendum, initiative, amendment and such other powers as may be reserved to them by this Constitution.

ARTICLE IV: ELECTIONS

Section 1.

The first election under this Constitution shall be held within sixty (60) days after the date on which this Constitution is adopted. At that election, the Chairperson, Secretary, and Treasurer shall be elected to two (2) year terms while the Vice-Chairperson and one (1) Council member shall be elected to one (1) year terms. Thereafter, all terms of office shall be for two (2) years and elections shall be held annually consistent with the constitution.

Section 2.

Any enrolled member of the Band who is at least eighteen (18) years of age at the time of the election shall be eligible to vote. No person convicted of a felony or misdemeanor involving a charge of dishonesty, fraud, theft or moral turpitude shall hold office. Persons convicted of other felonies shall not hold office until ten years have elapsed since completion of their prison term or parole conditions. The Tribal Chairperson, Vice-Chairperson, and Treasurer cannot have felony convictions.

Section 3.

Any eligible voter of the General Council may announce his candidacy for Tribal office or membership on the Tribal Council no later than 30 days prior to an election. The list of candidates shall be announced publicly in the regular Tribal Council meeting immediately preceding the election and shall further be posted that same day at the Tribal office or such other place or places designated by the General Council in an election ordinance. If no person has announced his candidacy for a particular office prior to the Tribal Council meeting immediately preceding the election, nomination may be made from the floor at said meeting. In the event that no candidate is nominated for a particular office, the incumbent shall continue to serve therein until the next election. If there is no incumbent, the Tribal Chairperson shall have the power to appoint an eligible voter from the Band's membership to such vacant office. If the vacant office is that of Tribal Chairperson, the Vice-Chairperson shall serve as Chairperson until the election of a successor.

Section 4.

The candidate receiving the highest number of votes for a particular office shall be elected to that office.

Section 5.

Within thirty (30) days following the approval of this Constitution, the General Council shall elect an Elections Board and enact an election ordinance prescribing procedures for fair elections, absentee balloting, settlement of election disputes, handling of petitions and the conduct of referendum, initiative and recall elections. All elections shall be conducted by secret ballot.

Section 6.

All elections shall be supervised and conducted by an Elections Board composed of five members of the Band who are 18 years of age or older provided, however, that no member of the Elections Board shall be at the same time a member of the Tribal Council or a candidate for any other Tribal office. The initial terms of office for the three members of the Elections Board who receive the highest votes shall expire two years after the first annual General Council meeting following the Board members' election. The initial term of office for the remaining two Board members would expire one year after the first annual General Council meeting following the remaining Board members' elections. After the terms of the initial members of the Elections Board have expired, the terms of office of all Board members shall be three years. At the first General Council meeting following the adoption of this Constitution and at any annual General Council meeting thereafter, the General Council shall elect the members of the Elections Board. The Secretary of the Tribal Council shall update the Tribal roll and provide the Elections Board with a current and accurate roll within 48 hours of receipt of a written request to do so signed by the Chairperson of the Elections Board. The Board shall maintain a current voter registration list for use in all Tribal elections. Said voter registration list shall be available for inspection and copying in two (2) working weeks upon receipt of a nominal fee per copy by all Tribal members.

ARTICLE V: VACANCIES, REMOVAL AND RECALL

Section 1.

If a member of the Tribal Council dies or resigns or is absent from three (3) consecutive regular Tribal Council meetings in any twelve (12) month period, the Tribal Council shall declare the position vacant. If a member of the Tribal Council shall be convicted by a court of competent jurisdiction of a crime of moral turpitude while in office, or if a Tribal Council member is determined, based upon a preponderance of the evidence adduced at a duly noticed meeting at which that

member is given a fair and reasonable opportunity to be heard, to have committed acts which are contrary to the best interests of the Band or otherwise to have abused the powers or privileges of his office, the Tribal Council may declare the position vacant by a vote of a majority of the members of the Tribal Council then in office, not including the member whose position is the subject of the vote. If fewer than twelve (12) months remain of the officer's term, the Tribal Council shall, by a majority vote, fill the vacancy by appointing an eligible voter from among the Band's membership to serve the remainder of the term. A special election shall be called to fill vacated positions when more than twelve (12) months remain on an unexpired term.

Section 2. Recall.

Upon receipt of a petition signed by at least forty (40) percent of the eligible voters of the Band setting forth specific reasons for recalling any member(s) of the Tribal Council and demanding the recall of any member(s) of the Tribal Council, the Election Board shall call a special election on the question of the recall within thirty (30) days from the date of the filing of the valid petition with the Board. The election shall be held in the manner prescribed in the Tribe's election ordinance adopted in accordance with Article IV, Section 5, of this Constitution. The decision of a majority of the voters voting in the recall election shall be final, provided that at least thirty (30) percent of the eligible voters voted in the election. Should the Election Board fail to call an election within thirty days, the position shall be declared vacant and filled in accordance with Article V, Section 1; and the Election Board may be removed by the General Council for failure to comply with the provisions of this Constitution. If removal occurs, the General Council shall appoint new Board members to serve the remainder of the recalled Board members' terms. No recall election shall be held to recall any member(s) of the Council on the same grounds or for the same reasons that were rejected by the voters within the twelve-month period preceding the submission of the petition therefor.

ARTICLE VI: POWERS AND DUTIES OF THE TRIBAL COUNCIL

Section 1. Enumerated Powers.

The Tribal Council shall exercise the following powers and responsibilities subject only to those limitations imposed by this Constitution and applicable federal law:

(a) To negotiate contracts or conclude agreements with Federal, State, local and Tribal governments, private entities and individuals on behalf of the Band; to consult with the Department of the Interior on all activities of the Department which might affect the Band or the Paskenta Indian Reservation or Rancheria; and to advise the Secretary of the Interior and other federal officials on all federal projects for the benefit of the Band or the Reservation/Rancheria.

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

(c) To encourage and foster arts, crafts, traditions and culture of the Band.

(d) To promulgate and enforce resolutions and ordinances providing for the manner of making, holding and revoking assignments of the lands on the Paskenta Reservation/Rancheria, providing for the levying of taxes and fees and the appropriation of available Band funds for public and other lawful purposes; providing for the licensing of business and other activities by any and all persons subject to the Band's jurisdiction; for the exclusion of persons from Band lands; and on such other subjects as the activity of the Band may require that are not inconsistent with this Constitution.

(e) To borrow money and provide for the repayment thereof, manage all economic affairs and enterprises, create Tribally-owned and/or chartered corporations or other business entities and employ and discharge Tribal employees.

(f) To initiate, approve or reject any acquisition, disposition, lease, encumbrance or condemnation of Tribal lands or property; to pledge newly-purchased lands as security for loans on such lands; to manage, protect and preserve all lands, minerals, wildlife and other natural resources of the Band; and to initiate and administer land development projects for the Band on Tribal lands.

(g) To create and maintain a reasonable Tribal fund for administrative expenses of the Band and to provide for remuneration for Tribal Council members and Tribal officials as may be required; to administer any funds or property within the control of the Band for the benefit of the Band and its members, officers or employees; and to allocate Tribal funds as loans or grants and to transfer Tribal property and other assets to Tribal organizations for such use as the Tribal Council may determine to be appropriate.

(h) To choose and employ legal counsel and/or other consultants and

representatives and to fix fees for such counsel, consultants, and/or representative(s), subject to the approval of the Secretary of the Interior or his delegate as required by law.

(i) To initiate such administrative proceedings and/or legal action on behalf of the Band as may be necessary to protect the interests of the Band and its members.

(j) To form or join Tribal courts/consortia/Indian organizations now existing or yet to be formed for the purpose of exercising the Band's civil and criminal jurisdiction and protecting the rights and interests of the Band's members, including those under the Indian Child Welfare Act. 25 U.S.C. § 1901 et seq.

(k) To create and regulate subordinate organizations; and to delegate to such organizations, or to any subordinate boards or officials of the Band any of the foregoing powers, reserving the right to review and rescind any action taken under such delegation.

(l) To preserve, protect and uphold this Constitution.

Section 2. General Powers.

The Tribal Council shall have all of the appropriate powers necessary to implement specific provisions of this Constitution and to effectively govern the affairs of the Band. All other powers heretofore vested in the Band and not specifically referred to in this Constitution, including the waiver of the Band's sovereign immunity to unconsented suit, are reserved to the General Council, and may be exercised through initiative, referendum or amendment to this Constitution.

ARTICLE VII: MEETINGS

Section 1. Tribal Council Meetings.

(a) Regular Meetings. Regular meetings of the Tribal council shall be held on the first Saturday of each month at a place and time designated by the Tribal Council or at such other times as the Tribal Council shall provide by resolution, provided, however, that once the Band acquires Tribal trust land and a building on its trust land suitable to hold Tribal Council meetings, all Tribal Council meetings shall be held on the Band's trust land. Within 30 days from enactment of this

Constitution the Tribal Council shall enact an ordinance establishing rules of procedure for conducting Tribal Council meetings. The ordinance shall provide that all council meetings shall be open to Tribal members except those items that are designated by the Council in the ordinance as appropriate for executive session. The ordinance shall also specify when a Council member is disqualified from participating or voting on issues because of a conflict of interest.

(b) **Special Meetings.** Special meetings of the Tribal Council may be called by the Chairperson at his discretion, and shall be called by the Chairperson upon receipt of a petition signed by three (3) Council members, provided the reason for the meeting is stated in the petition. Upon refusal of the Chairperson to call a special meeting, the petitioners may proceed to call and conduct the special meeting provided that a quorum is present. Twenty-four (24) hours' written or verbal notice shall be given of each special meeting.

(c) **Quorum.** No business shall be transacted at any meeting of the Tribal Council unless a quorum is present. A quorum of the Tribal Council shall consist of three (3) members.

(d) **Conflict of Interest.** No Tribal Council members who reside in the same household as a person having a direct financial interest shall participate in the discussion or determination of any matter in which he/she has a direct financial interest, or any matter directly affecting any person who resides in that Council member's household. Such members shall withdraw from any such matter, and the minutes shall indicate such withdrawal. Any member required to withdraw from a matter under this section shall still be counted present for purposes of establishing a quorum.

(e) **Order of Business.** The order of business at special meetings shall be as stated in the notice or petition by which the meeting is called. The order of business at regular meetings shall be as follows:

A. Call to order;
B. Roll call;
C. Reading, correction and/or approval of minutes of previous meeting;
D. Consent calendar;
E. Public hearings;
F. Petitions, communications and appeals;
G. Unfinished business;
H. Staff recommendations;

I. Officers' and Committee reports;
J. New business;
K. Executive session;
L. Adjournment.

Section 2. General Council meetings.

(a) Annual Meetings. The General Council shall meet at least annually on the third Saturday of April, beginning at 10:00 a.m., at a place designated by the Tribal Council upon thirty (30) days written notice to all adult Band members.

(b) Special Meetings. A special meeting of the General Council may be called by the Chairperson of the Tribal Council or shall be called by the Chairperson upon receipt of a valid petition signed by at least 25% of the qualified voters of the Band, for the purpose of bringing special business or issues to the General Council for discussion or enactment. A special meeting may be held no sooner than ten days from the date of mailing written notice of the meeting to all adult Tribal members by first class mail, provided that the reason for the meeting is stated in such notice and that a quorum is present. If, upon validation of the petition by the Secretary, the Chairperson does not call and give notice of the meeting within seven (7) days after validation, the next highest ranking officer shall exercise such authority, and upon failure of any of the Tribal Council to call and give notice of the special meeting, the petitioner spokesperson shall proceed to call, give notice of and conduct the special meeting; provided that a quorum be present. A special meeting of the General Council shall not be canceled after the seven-day notice is given. In any special meeting the General Council shall have the same power to transact business as in a regular meeting, including but not limited to removing any Council member from office and declaring their position vacant for failing to perform any of their duties required under this Constitution.

(c) Quorum. No business shall be transacted at any meeting of the General Council unless a quorum is present. A quorum of the General Council shall consist of thirty per cent (30%) of its members, provided that once a quorum has been established the General Council can continue to transact business so long as at least 20% of the members thereof are in attendance at the meeting. A quorum shall be required for the election of Tribal officers.

ARTICLE VIII: DUTIES OF OFFICERS

Section 1. Tribal Chairperson.

The Chairperson of the Tribal Council shall preside at all meetings of said Council and of the General Council. The Chairperson shall execute on behalf of the Band all contracts, leases or other documents approved by the Tribal Council or the General Council.

The Chairperson shall have general supervision of all other Tribal officers, employees and committees of the Band, and shall see that their duties are properly performed. Between sessions of the Tribal Council, he/she shall be the official representative of the Band.

The Chairperson shall prepare and cause to be posted at least three public places at least thirty (30) days before a General Council meeting, an agenda for the meeting. The items on the agenda shall include, but not be limited to: (1) presentation of the Band's annual audit for all Tribal enterprises by the Band's accountant and/or bookkeeper/financial officer; (2) a written report presented by the Treasurer of the Tribal Council: (a) on the finances of the Tribal government and (b) listing the names of all persons enrolled, disenrolled, or who relinquished membership in the Band during the fiscal year immediately preceding the meeting; (3) a written report presented by the Chairperson on all laws enacted by the Tribal Council during the four quarters immediately preceding the meeting, with a short summary explaining each law; (4) a written report presented by the Vice-Chairperson of the Band on the status of all Tribal land leases, including but not limited to, the amount, if any, of all lease payments paid to the Tribal government for each lease.

Section 2. Vice-Chairperson.

The Vice-Chairperson of the Tribal Council shall assist the Chairperson when called upon to do so. In the absence or incapacity of the Chairperson, the Vice-Chairperson shall preside over meetings of the Tribal Council and/or the General Council, and in that capacity shall be entitled to exercise all of the powers and be obligated to discharge all of the responsibilities of the Tribal Chairperson.

Section 3. Secretary.

The Secretary of the Tribal Council shall keep and file all Tribal correspondence, shall make and transcribe a complete and accurate record of all

matters transacted at meetings of the Tribal Council and/or the General Council and shall attest to the accuracy of all ordinances, resolutions or other enactments by the Tribal Council or the General Council. In the absence or incapacity of both the Chairperson and the Vice-Chairperson, the Secretary shall preside over meetings of the Tribal Council and/or the General Council, and otherwise shall serve as acting Chairperson until the Chairperson or the Vice-Chairperson again is able to exercise the powers and responsibilities of that office.

Section 4. Treasurer

The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Band and/or the Tribal Council, and shall account therefor. All such funds shall be deposited in such bank(s) or other repository as may be directed by the Tribal Council, and shall not be paid out or disbursed except upon proper authorization by the vote of a majority of the incumbent members of the Tribal Council. All checks drawn on the account(s) of the Band shall be signed by the Treasurer and the Chairperson; the Vice-Chairperson may sign properly authorized checks in the absence of the Chairperson. The books of account and other records maintained by the Treasurer shall be audited at least once per year by a competent auditor. The Treasurer shall be bonded at the expense of the Band.

Section 5. Tribal Records.

At the expiration of each Tribal Council member's term of office, each member shall be required to turn over all official Tribal records and papers in his custody to his successor.

Section 6. Appointed Officers.

The duties of all appointed officers or committees shall be clearly defined by the Tribal Council when and in the enactment by which such officers are appointed. Such officers and/or committees shall report on their activities and decisions as directed by the Tribal Council, and such actions and decisions shall be subject to the review and approval of the Tribal Council.

Section 5. Oath of Office.

Each officer of the Band elected or appointed under this Constitution or any resolution or ordinance shall take an oath of office before assuming the duties thereof, by which oath he/she shall pledge to support and defend the Constitution of the Paskenta Band of Nomlaki Indians. The oath shall be as follows:

I, _____, do solemnly swear that I will support and defend the Constitution of the Paskenta Band of Nomlaki Indians; that I faithfully and impartially will carry out the duties of my office to the best of my abilities; that I will cooperate with, promote and protect the best interests of the Band and its members, in accordance with this Constitution.

Section 6. Attendance at General Council Meetings.

All members of the Tribal Council shall attend all General Council meetings and report on those items provided by Section 1 of this article. Failure of any Council member to attend a General Council meeting, except for illness, the death of a member of the Tribal Council member's immediate family (i.e., spouse, grandparents, parents, uncles, aunts, siblings, first cousins, children or grandchildren), the serious illness of a Council member's immediate family or recognized and official Tribal business shall be grounds for immediate removal. The removal of a Council member under this section shall be decided by a majority vote of the members of the General Council in attendance, provided that the quorum requirements of Article VII(2)(c) are met.

ARTICLE IX: REFERENDUM AND INITIATIVE

Section 1. Referendum.

The General Council of the Band reserves the power independently to modify any legislation, resolution or policy of the Band. Any proposed referendum measure shall be presented to the Tribal Council accompanied by a petition signed by at least thirty percent (30%) of the qualified voters. The decision of a majority of the voters voting in the referendum shall be final, provided that at least 66%(sixty-six percent) of the qualified voters cast ballots. The Tribal Council shall call the referendum within thirty (30) days from the date of receipt of a valid petition.

Upon receipt of the petition the Secretary shall immediately verify the signatures and separately notify the Election Board of its receipt within twenty-four (24)hours Upon verification of such petition, the Tribal Council may enact the proposed amendment. If the Tribal Council fails to enact the amendment within fourteen (14) days from the date of receipt of the petition, the Elections Board shall call a special election for the purpose of allowing the eligible voters of the Band to vote on the referendum measure. The election shall be held within forty-five (45)

days after receipt and verification of the petition by the Secretary. The result of the referendum election shall be final, provided that at least sixty-six per cent (66%) of the eligible voters cast ballots. If the Secretary fails to verify the petition or the Elections Board fails to call the election required herein, then, within sixty (60) days from the date that the petition was presented to the Tribal Council, there shall be a General Council meeting called by the Tribal Chairperson for the purpose of voting on the referendum petition. Absentee balloting will be permitted consistent with the Tribe's election ordinance.

Section 2. Initiative.

The General Council of the Band reserves the power independently to propose legislation for the Band. Any proposed initiative measure shall be presented to the Tribal Council accompanied by a petition signed by at least thirty percent (30%) of the qualified voters. Upon receipt of the petition the Secretary shall immediately verify the signatures and separately notify the Election Board of the petition within twenty-four (24) hours. Upon verification of such a petition by the Secretary, the Tribal Council may enact the proposed legislation. If the Tribal Council fails to enact the proposed legislation within fourteen (14) days from the date of receipt of the petition and separately notify the Elections Board of the petition, the Elections Board shall call a special election for the purpose of allowing the eligible voters of the Band to vote on the initiative measure. The election shall be held within forty-five (45) days after receipt and verification of the petition by the Secretary. The result of the initiative election shall be final, provided that at least sixty-six percent (66%)of the eligible voters cast ballots. If the Secretary fails to verify the petition or the Elections Board fails to call the election required herein, then, within sixty (60) days from the date that the petition was presented to the Tribal Council, there shall be a General Council meeting called by the Tribal Chairperson for the purpose of voting on the initiative petition. Absentee balloting will be permitted consistent with the Tribe's election ordinance.

Section 3. Limitations on Initiative and Referendum.

The Tribal Council shall have the power to decline to call a special election on any proposed initiative or referendum which was rejected by the voters within the twelve-month period preceding the submission of the petition therefor. No initiative or referendum shall be set for election which would void, cancel, abrogate, modify or amend any properly approved contract, agreement or compact to which the Band is a party.

Section 4. Secretary Removal.

The Secretary's failure to verify an initiative or referendum petition or notify the Elections Board of it s filing shall be grounds for removing him/her from office.

ARTICLE X: BILL OF RIGHTS

Neither the Tribal Council nor the General Council shall exercise any power in such a manner as to deprive any person of rights secured by this Constitution or applicable laws of the United States.

Section 1.

All members of the Band shall enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

Section 2.

This Constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of the Band as citizens of the State of California or the United States.

Section 3.

Individual property rights of any member of the Band, vested prior to the adoption of this Constitution, shall not be altered, abridged, or otherwise affected by the provisions of this Constitution.

Section 4.

Band members shall have the right to review all Tribal records, including financial records, at any reasonable time in accordance with procedures established by the Tribal Council.

Section 5.

The Band, in exercising its powers of self-government, shall not:

(a) make or enforce any law prohibiting the full exercise of worship or religion, or abridging the freedom of speech or of the press, or the right of any

person peaceably to assemble and to petition for a redress of grievances;

(b) violate the right of any person 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 to be punished twice for the same offense;

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

(e) take any private property for a public use without paying the fair market value for the property;

(f) deny to any person in a criminal proceeding the right to speedy trial, to be informed of the nature and cause of the accusation, to confront and cross-examine witnesses, and, at his own expense, to have the assistance of counsel for his defense;

(g) require bail in excess of that necessary, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than that authorized by federal or Tribal law;

(h) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without notice and an opportunity for a fair hearing;

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

(j) deny to any person threatened with imprisonment the right, upon request, to a trial by jury of his peers of not less than six (6) persons. 25 U.S.C. §1301 et seq.

ARTICLE XI: SEVERABILITY

If any provision of this Constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XII: AMENDMENT

This Constitution may be amended by a majority vote of the eligible voters of the Band voting in an election called for that purpose, provided that at least two-thirds of those eligible to vote shall vote in such election.

ARTICLE XIII: RATIFICATION

This Constitution shall be effective when ratified by a majority of the eligible voters of the Band voting in a special election in which at least a simple majority of the eligible voters vote consistent with the Paskenta Band's Restoration Act.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, the undersigned, as Secretary of the Paskenta Band of Nomlaki Indians do hereby certify Constitution was ratified on the 18 day of April, 1998 consistent with the terms or Article XIII of this Constitution by a vote of 26 yes, 13 no, and 0 abstaining.

4-18-98
Date

Rebecca Swarsinger
Tribal Secretary