

ARTICLES OF ASSOCIATION

Covering Procedures for Administering the Affairs of

THE RINCON, SAN LUISENO BAND OF MISSION INDIANS,
California

WHEREAS, there is not an approved organizational document for the Rincon Band of Mission Indians, and

WHEREAS, there is a need for rules of procedure to govern the operations of the Rincon Band, and

WHEREAS, it is desired formally to recognize the existing governing body,

NOW, THEREFORE, BE IT RESOLVED by the Rincon Band in general council assembled that:

Section 1. The Rincon, San Luiseno Band of Mission Indians, hereinafter referred to as the Band, shall be governed by the Rincon Tribal Business Committee, hereinafter referred to as the Business Committee which, subject to the provisions herein, shall have jurisdiction over the lands within the boundaries of the Rincon Reservation and over any lands which may hereafter be added thereto.

Section 2. Membership in the Band shall consist of all persons who qualify for membership under the enrollment regulations approved by the Secretary of the Interior on July 2, 1959 (25 CFR 46), as follows:

- A. All living Indians whose names appear on the census roll of July 21, 1957.
- B. All living Indians who have received allotments on the Rincon Reservation.
- C. All living descendants of persons who qualify for membership under paragraphs A and B of this section provided such descendants possess one-eighth (1/8) or more degree of Indian blood of the Band.

The names of persons who qualify for membership in the Band shall be placed on a membership roll which shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Band, the names of deceased persons on receipt of death certificates or other evidence of death acceptable to the Area Director of the Sacramento Area Office, the names

of persons who are found to be erroneously enrolled and by adding thereto the names of children born after July 21, 1957, who meet the membership requirements as set forth in paragraph C of this section.

Any person denied or deprived of membership shall have the right of appeal through the Area Director to the Secretary of the Interior or his authorized representative.

Section 3. (a) The Business Committee shall consist of a Chairman, Vice-Chairman, and three (3) Committeemen who shall be elected by secret ballot and who, except as specified in Section 5(b), shall serve for a term of two (2) years. The Business Committee shall select from within or without the membership of the Band a Secretary-Treasurer, who shall not vote as a member of the Business Committee.

(b) Three (3) members of the Business Committee shall constitute a quorum.

Section 4. Members of the Business Committee must be members of the Band, at least twenty-one (21) years of age.

Section 5. (a) All enrolled members of the Band twenty-one (21) years of age or over shall be qualified voters.

(b) Within thirty (30) days after the approval of this document by the Commissioner of Indian Affairs (as provided for in Sec. 16) an election shall be called to elect the members of the Business Committee. The three members receiving the highest number of votes in the first election shall hold office for a period of three years and the two remaining members shall hold office for a two-year period. Thereafter, all terms of office shall be for two years and elections shall be held each year on the 2nd Saturday of December. Members shall hold office for their term or until their successors are elected, qualified and installed.

(c) Nominations shall be from the floor. Election shall be by secret ballot. To be official at least thirty per cent (30%) of the qualified voters must vote. The newly elected officers shall be installed immediately upon their election.

(d) The Business Committee may enact an ordinance prescribing the form of ballot, rules for calling elections, absentee balloting procedures, selection of election officials, establishment of polling places and other similar matters.

Section 6. The Business Committee shall have the following powers which shall be exercised pursuant to these Articles of Association, any Federal

Statutes, and the regulations of the Secretary of the Interior made pursuant thereto and published in the Code of Federal Regulations or any applicable statute of the State of California:

- (a) To represent the Band and to negotiate with Federal, State, and local governments;
- (b) To manage and lease or toherwise deal with tribal lands and community resources. This power shall not include the power to make assignments of tribal lands and approve rights-of-way.

amendment
(not Numbered)
approved 12-14-79

- (c) To enact ordinances, ~~subject to approval of the Area Director,~~ including ordinances covering levying and collecting of grazing fees and fees for water services and other public services.

See Amendment
I

- (d) The Business Committee shall have the power to pass ordinances which are consistent with and pursuant to this document governing future membership, loss of membership and the adoption of members into the Band, which ordinances shall be subject to approval by a majority of the eligible voters of the Band and the Secretary of the Interior or his authorized representative.

Section 7.

amendment II
approved 4/13/84

- (a) The Band shall elect a Grievance Board consisting of three members who are not on the Business Committee. Board members shall serve for two years. They shall be elected biennially on the date established for the election of members of the Business Committee.

- (b) The Grievance Board shall consider written complaints alleging misconduct or other improper acts of any member of the Business Committee and if the fact warrant shall request the Chairman of the Business Committee to call a special meeting of the Band to act upon such written complaints after giving the accused at least ten (10) days' notice and a copy of the charges. In the event the Chairman refuses or fails to call such a meeting, the Grievance Board shall advise the Commissioner of Indian Affairs or his authorized representative who may call a special meeting of the Band for the purpose of hearing and acting upon such complaints. The Band shall have power, by majority vote after giving the accused a hearing to clear him of charges, or if the charges are sustained, to remove him from office and proceed to elect a successor.

- (c) If a member of the Business Committee fails or refuses to attend two regular meetings in succession, unless owing to illness or other causes for which he cannot be held responsible, he is excused by the Chairman, or in his absence, by the Vice-Chairman, or if a member of the Business Committee shall be

convicted of a felony, his office shall be forfeited automatically and a special election to select his replacement shall be called by the Chairman of the Business Committee.

Section 8. It shall be the duty of the Chairman to preside at all meetings and perform all duties of the office. He shall be entitled to a vote on all questions.

Section 9. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the office.

Section 10. The Secretary-Treasurer shall conduct all correspondence and keep a complete and accurate record of all matters transacted at Business Committee meetings. The Secretary shall also make regular reports to the Band at annual and special meetings of business transacted by the Business Committee. It shall be his duty to submit promptly to the responsible field office of the Bureau of Indian Affairs three copies of all minutes of regular and special meetings of the Committee.

The Secretary-Treasurer shall be the custodian of all monies which may come into control of the Business Committee and he shall deposit the same in a bank insured by the Federal Deposit Insurance Corporation or in an individual Indian money account as directed by the Business Committee. He shall be bonded, at the expense of the Band, and shall pay out funds in accordance with ordinances and resolutions of the Business Committee. He shall keep an account of all receipts and disbursements and shall report same to the Business Committee at each regular meeting. The books of the Secretary-Treasurer shall be audited annually and shall be subject to audit or inspection at the director of the Business Committee or the Area Director. Copies of audits shall be furnished to the responsible field office of the Bureau of Indian Affairs. Any member of the Band shall have a right upon request to the Business Committee to inspect the books at reasonable times and at places mutually convenient to the member and the Secretary-Treasurer.

The Secretary-Treasurer shall perform other duties as assigned by the Business Committee.

Section 11. Regular meetings of the Business Committee shall be held on the second (2nd) Sunday of each month.

Section 12. Special meetings of the Business Committee may be called by the Chairman at his discretion and shall be called by him when requested by a majority of the Business Committee.

- Section 13. Special meetings of the Band may be called at the discretion of the Chairman, and shall be called by him at the request in writing of a majority of the Business Committee, or by a written request of at least fifteen (15) adult members of the Band.
- Section 14. All meetings of the Band and the Business Committee shall be conducted in accordance with Robert's Rules of Order.
- Section 15. This document may be amended by a majority vote of the qualified voters of the Band voting at an election called for that purpose by the Chairman of the Business Committee, provided at least 30% of those qualified vote. It shall be the duty of the Chairman of the Business Committee to call such an election or referendum at the request of a majority of the Business Committee, or upon presentation of a petition proposing an amendment signed by at least thirty per cent (30%) of the qualified voters, provided that not less than fifteen (15) days' notice of such meeting and proposed amendment shall be given to the members directly, by mail if feasible, and by appropriate publicity throughout the communities in which the Band members reside. Amendments shall be submitted to the Commissioner of Indian Affairs and shall become effective from the date of his approval.
- Section 16. This document, when approved by a majority vote of the qualified voters of the Band voting at an election called for that purpose by the Spokesman of the Tribal Business Committee of the Band, provided that at least thirty per cent (30%) of those entitled to vote shall vote in such election, shall be submitted to the Commissioner of Indian Affairs and shall be effective from the date of his approval.

APPROVED BY COMMISSIONER GLENN F. EMMONS on MARCH 15, 1960.

RESOLUTION TO ADOPT CHANGES IN ARTICLES OF ASSOCIATION
COVERING PROCEDURES FOR ADMINISTERING THE AFFAIRS OF THE RINCON, SAN
LUISENO BAND OF MISSION INDIANS, CALIFORNIA

WHEREAS, the Articles of Association covering procedures for administering the affairs of the Rincon, San Luiseno Band of Mission Indians were adopted February 21, 1959, and

WHEREAS, the Central Office of the Bureau of Indian Affairs had recommended certain changes, and

WHEREAS, the Rincon, San Luiseno Band of Mission Indians did meet in a regular meeting on February 14, 1960 to consider approval of these changes, thus ratifying the amended document hereto attached and made a part hereof, NOW THEREFORE BE IT RESOLVED, that the above mentioned document as amended be duly adopted,

AND BE IT FURTHER RESOLVED, that because an election of a new tribal business committee must be held within 30 days after the approval of this document by the Commissioner of Indian affairs, that the present elected officials of the Rincon, San Luiseno Band shall remain in office until such approval is received, or June 30, 1960, whichever occurs first.

This Resolution is hereby adopted this date by a vote of 58 "for" 3 "against" in a vote in which over 35 per cent of those entitled to vote cast their ballots.

DATED: February, 14, 1960

RINCON TRIBAL BUSINESS COMMITTEE:

<u>s/ Leo D. Calac</u>	Spokesman	<u>s/ Sam Kolb</u>	Member
<u>s/ Max C. Mazzetti</u>	Secretary	<u>s/ DeLisle Calac</u>	Member
		<u>s/ Bernardino Coutts</u>	Member



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:
Tribal Operations

August 21, 1969

Mr. William E. Finale

Area Director, Sacramento, California 95825

Dear Mr. Finale:

Your letter of June 17 submitted the results of an election held on October 12, 1968, by the qualified voters of the Rincon, San Luiseno Band of Mission Indians. The election was called by the Chairman of the Rincon Business Committee in accordance with Section 15 of the band's articles of association to permit the qualified voters to either adopt or reject a proposed amendment to Section 6(d) of the articles.

An unnumbered resolution of the Rincon Business Committee certifies that the amendment was duly adopted by the voters of the band on October 12, 1968. Section 6(d) as amended shall become Amendment I to read as follows:

(d) The Business Committee shall have the power to pass ordinances which are consistent with and pursuant to this document governing future membership, loss of membership, and the adoption of members into the Band, which ordinances shall be subject to approval by a majority vote of the eligible voters of the Band voting at an election called for that purpose and the Secretary of the Interior or his authorized representative, provided that at least thirty per cent (30%) of those entitled to vote shall vote in such election.

Amendment I to the Articles of Association of the Rincon, San Luiseno Band of Mission Indians, California, is hereby approved, effective this date. Copies of this letter should be made a permanent part of the band's organizational documents.

Sincerely yours,

s/ DONALD J. PROULX

Acting Deputy Commissioner



IN REPLY REFER TO:

United States Department of the Interior

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

TAXE
PRIDE IN
AMERICA

A P P R O V A L

Pursuant to the authority redelegated by the Assistant Secretary of Indian Affairs in 209 DM 8, Secretary's Order Nos. 3150 and 3177, and 10 BIAM Bulletin 13, as amended, redelegated as of December 20, 1993, the attached Amendment No. II adopted by the qualified voters of the Rincon Band on December 11, 1993, amending Section 7(a) of the Articles of Association of the Rincon Band of Mission Indians, is hereby approved.

Acting *Carmen J. J. J.*
Area Director

APR 13 1994

Date

RINCON BAND OF MISSION INDIANS
ARTICLES OF ASSOCIATION

AMENDMENT NO. II

PRESENT:

Section 7. (a) The Band shall elect a Grievance Board consisting of three members who are not on the Business Committee. Board members shall serve for two years. They shall be elected biennially on the date established for the election of members of the Business Committee.

PROPOSED AMENDMENT:

Section 7. (a) The Band shall elect a Grievance Board consisting of three (3) members and one (1) alternate member who are not on the Business Committee. Board Members shall serve for two years. They shall be elected biennially on the date established for the election of members of the Business Committee.

AMENDMENT TO THE ARTICLES OF ASSOCIATION
OF THE RINCON BAND

Delete from Section 6 (c) the following:

"subject to the approval of the Area Director"

Section 6 (c) of the Rincon Band's Articles of Association
shall read as follows:

"To enact ordinances including ordinances covering
levying and collecting of grazing fees and fees for water ser-
vices and other public services.

APPROVED:

FOR Eddie V. Edwards
William E. Finale, Area Director,
Sacramento Area Office, Bureau
of Indian Affairs

Date: DEC 19 1979



IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR

Land Operations

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

DEC 18 1979

Memorandum

To: Superintendent, Southern California Agency
From: Area Director, Sacramento Area Office
Subject: Amendment to Articles of Association
(Rincon Band of Mission Indians)

On December 9, 1978 the Rincon Band voted on an amendment to their Articles of Association and By-Laws. The purpose of the amendment was to remove the requirement that the Area Director approve enactment of ordinances covering levying and collecting of grazing fees and fees for water services and other public services.

The report of the Council indicates that the vote of the Band was 69 "Yes" to 58 "No", with the necessary 30% of the Band voting.

The amendment was subsequently referred to the Field Solicitor for review.

In review, while the Solicitor recommended certain changes, he did find the amendment legally sufficient.

Section 6(C) of the Rincon Band's Articles of Association shall now read as follows:

"To enact ordinances including ordinances covering levying and collecting of grazing fees and fees for water services and other public services."

The amendment as passed by the Band is hereby approved.

Eddie V. Edwards
FOR William E. Finale

Attachment