

**CONSTITUTION
of the
SALINAN TRIBE**

PREAMBLE

We, the Salinan Tribe, exercise our inherent sovereign powers and responsibilities as a Native American tribal government.

We, the Salinan Tribe, ratify this constitution as our guiding governing document to define the authority of our governing institutions, protect the rights of all Salinan tribal members, and promote our common welfare as tribal members and as a political entity.

We, the Salinan Tribe, do hereby adopt this constitution in order to formally protect and preserve our indigenous Salinan culture and traditions, including our language, sacred ceremonies, sites, arts and crafts, and way of life. In this way we honor our ancestors.

ARTICLE I – TERRITORY AND JURISDICTION

The jurisdiction of the Salinan Tribe ("Tribe") shall extend to all lands and territory owned by the Tribe upon the ratification of this Constitution, to such other lands and territory as may be hereafter acquired by or for the Tribe or tribal community, and to lands held in trust by the United States of America for the benefit of the Tribe or a member of the Tribe. The authority of the Tribe shall extend over all persons, property, and activities within the jurisdiction of the Tribe.

ARTICLE II – MEMBERSHIP

Section 1. Eligibility for Membership

All lineal descendants of a Salinan Ancestor shall be eligible for membership in the Salinan Tribe. Salinan Ancestors are:

- (a) Persons who are identified in the records of the California Missions as being Salinan or of Salinan ancestry; or
- (b) Persons who are identified in the records of the California Missions as being from a known Salinan village or being a descendant of someone from a known Salinan village; or
- (c) Persons who are identified in the records of the California Missions as being a neophyte, neophita, neophito, gentile, India, Indio, or Indian of the Mission San Antonio of Monterey County or Mission San Miguel of San Luis Obispo County, who are not: (i) identified as being of tribal ancestry other than Salinan, or (ii) identified as being from a non-Salinan village.

Section 2. Dual Enrollment

A person who is enrolled with another tribe, band, or rancheria shall not be enrolled with the Salinan Tribe unless he/she relinquishes membership with the other tribe, band, or rancheria.

Section 3. Disenrollment

- (a) A person may only be disenrolled from the Salinan Tribe:
 - (1) upon a showing that the person is not eligible for membership in the Tribe pursuant to Section 1 of this Article;
 - (2) by voluntary relinquishment of membership; or
 - (3) for violations of Section 2 of this Article.
- (b) A person disenrolled from the Tribe pursuant to Section 3(a) of this Article is eligible for enrollment in the Tribe if:
 - (1) the person is eligible for membership in the Salinan Tribe pursuant to Section 1 of this Article;
 - (2) at least five (5) years has passed since the date of his/her disenrollment, provided that this waiting period shall not apply to a person who was under the age of eighteen at the time of his/her disenrollment; and
 - (3) if the person was disenrolled for a violation of Section 2 of this Article, the person provides adequate evidence that he/she is no longer a member of any other tribe, band, or rancheria.

Section 4. Enrollment Ordinance

The Tribal Council shall enact an Enrollment Ordinance. The Enrollment Ordinance shall establish an Enrollment Committee and set forth the manner of appointment and authority of the Enrollment Committee. The Enrollment Ordinance shall set forth the establishment and administration of the membership roll, and due process procedures for application for membership into the Tribe and for disenrollment from the Tribe.

ARTICLE III – TRIBAL GOVERNMENT

Section 1. Salinan General Council

The Salinan General Council ("General Council") shall consist of all members of the Salinan Tribe who are eighteen (18) years of age or older. The General Council is the

Tribe's governing body, and it shall exercise power through the election of Tribal Council members, referendums, initiatives, recalls, and such other powers as may be reserved to it by this Constitution.

Section 2. Salinan Tribal Council

(a) Authority. The General Council delegates to the Tribal Council all powers not reserved to the General Council by this Constitution.

(b) Members. The Salinan Tribal Council ("Tribal Council") shall consist of twelve (12) members of the General Council elected at-large.

(c) Terms. The twelve (12) members shall serve terms of four (4) years, terms shall be staggered and regular elections held every two (2) years.

(d) Officers. After each regular election, the twelve (12) members shall elect from their number two (2) co-chairs of the Tribe. The Tribal Council shall appoint one (1) Traditional Co-Chair, and one (1) Contemporary Co-Chair. The Tribal Council shall create such other officer positions as it deems necessary or advisable from time to time.

(e) Eligibility.

(1) Family. No more than three (3) members of the same immediate family may serve on the Tribal Council at the same time. Immediate family is defined as spouse, parent, child, sibling, grandparent, or grandchild.

(2) Age. Tribal Council members must be at least thirty (30) years of age at the time of the election.

(f) Tribal Council Ordinance. The Tribal Council shall adopt an Ordinance establishing its meeting schedule and policies, Officer positions and descriptions of responsibilities, procedures for removal of Tribal Council members and Elder Representatives by Tribal Council for neglect of duty or gross misconduct, and addressing ministerial matters.

(g) Felonies. Tribal Council members found guilty of a felony, or found guilty of a misdemeanor involving dishonesty, during their term of office, shall forfeit their Tribal Council position.

Section 3. Elder Representatives

(a) "Elders of the Tribe" are those members of the General Council sixty-five (65) years of age or older.

(b) The Elders of the Tribe shall elect two (2) non-voting representatives to the Tribal Council, to be known as the "Elder Representatives." The Elder Representatives must be Elders of the Tribe.

(c) The Elder Representatives shall participate fully in all aspects of service on the Tribal Council, excepting only that they will not vote on any issue, and their presence shall not affect the count of a quorum.

(d) The Elder Representatives shall serve terms of two (2) years, and elections shall coincide with the Tribal Council elections every two (2) years.

(e) No more than one (1) member of the same immediate family may serve as an Elder Representative at the same time. Immediate family is defined as spouse, parent, child, sibling, grandparent, or grandchild.

(f) Elder Representatives found guilty of a felony, or found guilty of a misdemeanor involving dishonesty, during their term of office, shall forfeit their Elder Representative position.

Section 4. Elections

(a) All members of the General Council shall have the right to vote in any election.

(b) Elections shall be conducted by secret ballot.

(c) Every member of the General Council shall be entitled to vote for the number of vacant positions on the Tribal Council.

(d) Elections shall take place by absentee ballot mailed to all members of the General Council.

(e) Regular elections for Tribal Council and Elder Representatives shall take place in November, every other year.

(f) Nominations for candidates for the Tribal Council and Elder Representatives shall be submitted in the form of a letter of intent signed by the prospective candidate. The Election Committee shall certify the eligibility of the candidate.

(g) The Tribal Council shall enact an Election Ordinance. The Election Ordinance shall set forth the appointment and authority of an Election Committee, procedures for scheduling and conducting elections, referendums, and recalls, and procedures for the transfer of authority from one Tribal Council to the next after an election. Election Committee members shall not be members of the Tribe or related to members of the Tribe.

(h) Elders of the Tribe shall be entitled to vote for the Elder Representatives in addition to the members of the Tribal Council.

(i) If a member of the Tribal Council or an Elder Representative shall die, resign, be recalled from office, be found guilty of a felony, or be found guilty of a misdemeanor involving dishonesty, the Tribal Council shall appoint a replacement to serve the remainder of the term.

(j) The first election under this amended Constitution shall take place in November, two (2) years after the ratification of this Constitution, at which time six (6) seats of the Tribal Council shall be open for election. The (6) seats open shall be selected by the seated Tribal Council. In November two (2) years later, the remaining six (6) seats shall be open for election. Henceforth a Tribal Council election shall take place in November, every two (2) years, with the six (6) seats open alternating.

(k) At the first election, the Elders of the Tribe shall elect two (2) Elder Representatives. Every two (2) years, the two (2) Elder Representative seats shall be open for election.

ARTICLE IV – SPECIAL ELECTIONS

Section 1. Initiative.

The General Council shall exercise the power of initiative by submitting to the Election Committee a petition signed by at least thirty percent (30%) of the members of the General Council setting forth a proposed resolution or ordinance. Upon verification of the petition by the Election Committee, the proposed resolution or ordinance shall be submitted by the Election Committee to a vote of the General Council at a regular or special election, which must be held within ninety (90) days of the verification by the Election Committee. The vote of a majority of those actually voting in the election shall be binding provided that at least thirty percent (30%) of the General Council voted in the election.

Section 2. Referendum.

The General Council shall exercise the power of referendum by submitting to the Election Committee a petition signed by at least thirty percent (30%) of the members of the General Council setting forth any proposed or previously enacted resolution or ordinance for reconsideration by the General Council. Upon verification of the petition by the Election Committee, the proposed or previously enacted resolution or ordinance shall be submitted by the Election Committee to a vote of the General Council at a regular or special election, which must be held within ninety (90) days of the verification by the Election Committee. Approval by a vote of a majority of those actually voting in the election shall be binding provided that at least thirty percent (30%) of the General Council voted in the election.

Section 3. Recall.

The General Council shall exercise the power of recall of any member of the Tribal Council by submitting to the Election Committee a petition signed by at least forty percent (40%) of the members of the General Council setting forth the basis for the recall. Upon verification of the petition by the Election Committee, the recall shall be submitted by the Election Committee to a vote of the General Council at a regular or special election, which must be held within ninety (90) days of the verification by the Election Committee. Approval by a vote of a majority of those actually voting in the election shall be binding provided that at least fifty percent (50%) of the General Council voted in the election.

ARTICLE V – CONSTITUTIONAL MATTERS

Section 1. Amendments to Constitution.

Amendments to this Constitution may be proposed by petition or by the Tribal Council. Petitions to amend this Constitution shall be submitted to the Election Committee signed by at least forty percent (40%) of the members of the General Council and shall set forth the language of the proposed amendment. In the alternative, the Tribal Council may adopt a proposed amendment to this Constitution by a two-thirds majority vote of all members of the Tribal Council, and the Tribal Council shall submit to the Election Committee the language of the proposed amendment together with a resolution verifying the vote of the Tribal Council. Upon verification of the petition or Tribal Council resolution by the Election Committee, the proposed amendment shall be submitted by the Election Committee to a vote of the General Council at a regular or special election, which must be held within ninety (90) days of the verification by the Election Committee. Approval by a vote of a two-thirds majority of those actually voting shall be binding provided that at least fifty percent (50%) of the General Council voted in the election.

Section 2. Interpretation of Constitution.

Until such time as the Tribe establishes a Tribal Court, interpretations of the Constitution by the Tribal Council shall be binding, to the extent such interpretations are not contradicted by the appropriate exercise of the authority of the General Council.

Section 3. Ratification of Constitution.

Upon the approval of this Constitution by a consensus of the preceding Tribal Council, said Tribal Council shall conduct a special election. All General Council members, as enrolled as of the date of the election, shall be entitled to vote. This Constitution shall be valid and binding when adopted by a majority of those actually voting, provided that at least thirty percent (30%) of the General Council voted in the election.

Section 4. Amend and Supersede Previous Constitutions.

Upon valid ratification of this Constitution pursuant to Article V, Section 3, this Constitution shall amend and supercede the Constitution of the Salinan Tribe adopted December 9, 2001, which amended and superceded the 1997 Constitution of the Salinan Tribe. Actions taken by the Tribal Council under the authority of previous constitutions of the Salinan Tribe, including contracts, ordinances, and resolutions, are recognized and approved pursuant to this Constitution.

Section 5. Effective Date

This Constitution shall be effective when it is ratified by the Tribe pursuant to Article V, Section 3.

Constitution was ratified August 25, 2004 by vote of the Salinan Tribe.
122 yes and 7 no.