

SUPPLEMENTAL CONSTITUTION AND BYLAWS OF THE
AFFILIATED UTE CITIZENS OF THE STATE OF UTAH
of the
UINTA VALLEY INDIAN RESERVATION, UTAH
(Uintah & Ouray Agency)

April 10, 2021

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CONSTITUTION AND BYLAWS OF THE AFFILIATED
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PREAMBLE

We, the people of the Affiliated Ute Citizens of the State of Utah, of the Uinta Valley Reservation, in order to organize, exercise the duties and responsibilities of a representative tribal government, to protect and preserve the commonly held privileges and rights we do equitably claim, to preserve the cultural values we may possess, to encourage desirable and amicable relations with other citizens of our respective communities, to conserve and develop our tribal lands and resources for ourselves and our descendants, to provide a higher standard of living, better educational opportunities, better home life and better homes within the reservation, to extend to our people the right to form businesses and other organizations, and to promote the general welfare of all, do adopt this constitution as a guide to our self-government.

ARTICLE I - TERRITORY AND JURISDICTION

Section 1; Territory. The jurisdiction of the Affiliated Ute Citizens of the State of Utah shall extend to the original territory within the exterior boundaries of the Uinta Valley Reservation and all lands added to the Reservation as set forth by Executive Orders of October 3, 1861, January 5, 1882, and March 11, 1948, and by the Acts of Congress approved May 5, 1864 (13 Stat. 63), May 27, 1902 (32 Stat.245, 263), June 19, 1902 (32 Stat. 744, 31 J. Res. 57-1), June 18, 1934 (48 Stat. 984), August 25, 1945 (F.R. Doc. 45-16290, 10 F.R. 12409), March 11, 1948 (62 Stat.72), August 27, 1954 (68 Stat. 868), April 5, 1956 (13 Stat. 63), July 14, 1956 (70 Stat. 546) and October 1, 1971 (F.R. Vol. 36) and to such other lands as the United States may acquire for the benefit of the Tribe, or which the Tribe may acquire for itself without such boundaries as have been or may hereafter be added thereto under any law of the United States, except as otherwise provided by law. The territory of the Affiliated Ute Citizens of the State of Utah shall include, to the fullest extent possible under Federal law, all lands, including allotted land, fee lands, property, airspace, surface rights, subsurface rights, other natural resources, tenements, heritable property and any interest therein, all water and water rights and all accretions, which are either now or in the future owned by the Tribe or held in trust by the United States for the benefit of the Tribe or for individual tribal members, notwithstanding the issuance of any right-of-way.

Section 2; Jurisdiction.

The jurisdiction and governmental power of the Affiliated Ute Citizens of the State of Utah shall extend to jurisdiction over all persons, subjects, property, and all businesses (private and commercial) and activities occurring within the original boundaries of said reserved lands, including any fee patent land, and all waters appurtenant to the reservation and to such other lands without such boundaries as have been or may hereafter be added to the Reservation or held in trust for the Tribe under any law of the United States or otherwise or on other lands within its territory as defined by this Article. Nothing in this Article shall be construed to limit the ability of the Affiliated Ute Citizens of the State of Utah to exercise its sovereign powers and civil and criminal jurisdiction over all persons acting within or without its territory based upon federal law or upon its inherent sovereignty as a Federally recognized Indian Tribe; *except*, where such jurisdiction is expressly limited by the laws of the United States.

ARTICLE II – PURPOSE

Section 1. The Tribal Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States or the State of Utah, in so far as they may apply, and subject further to all express restrictions upon such powers contained in this Constitution and Bylaws adopted pursuant thereto, and subject to overview by the membership of said Tribe at any annual or special membership meeting:

- (a) To perform all the duties and functions of the Affiliated Ute Citizens of the State of Utah members of the Uinta Valley Reservation in Utah to preserve and protect all assets to which they hold all rights, title, and interests as the only and exclusive authorized representative body thereof pursuant to and in accordance with Federal Law and the Executive Order 1 of October 3, 1861, and confirmed on May 5, 1864,
- (b) To incorporate into this Constitution, the ‘*Tribe of Affiliated Ute Citizens*’ organized under the Indian Reorganization Act of 1934, pursuant to and in accordance with section 6 of Public Law 671, 83rd Congress, 2nd session (68 state. 868) restated at 25 USC 677-677aa of August 27, 1954, and all members thereto who are one in the same with the members of the Uinta Valley Shoshone Tribe of Utah Indians,
- (c) To receive, manage, distribute, or otherwise handle all assets of the Affiliated Ute Citizens of the State of Utah and all the members.

ARTICLE III – MEMBERSHIP

Section 1; Requirements. The membership of the Affiliated Ute Citizens of the State of Utah shall consist of the following:

- (a) All persons of Indian blood descended from the Uinta Band of Utahs and whose names appear on the official census rolls of the Uinta Valley Reservation as of July 1, 1944 and all persons who were qualified for membership in 1954 and those names that appeared on the Affiliated Ute Citizens of the State of Utah rolls in 1956; that had Uinta Band of Utah blood, may apply for membership and must complete an application with the Affiliated Ute Citizens of the State of Utah, there is no automatic enrollment under the membership requirements as of the date of enactment of this constitution as herein amended. All future applicants must have consistent direct lineage into the tribe with no familial breaks.
- (b) All children born on or off the reservation to any enrolled member of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation who is a resident of the Reservation at the time of birth or whose parent(s) are current enrolled members at time of birth, is a lineal descendant qualified for membership and are accepted under the membership requirements of the Affiliated Ute Citizens of the State of Utah as of the date of enactment of this constitution as herein amended. There will be no blood quantum requirement for membership, it will all be determined through consistent familial lineage with no breaks. If a parent opts out of their enrollment that will not affect the descendants that are currently enrolled.
- (c) Tribal affiliation and participation in our community.
- (d) The following persons shall not be eligible for enrollment with the Affiliated Ute Citizens of the State of Utah:
 - 1. No person shall be admitted to the membership of the Affiliated Ute Citizens of the State of Utah who has ever been enrolled as a member of another federal tribe.
 - 2. Dual Enrollment shall not be recognized by the Affiliated Ute Citizens of the State of Utah.
 - 3. Any person found to be enrolled with the Affiliated Ute Citizens of the State of Utah and any other federal tribe shall be immediately suspended by the Enrollment Office from the membership roll of the Affiliated Ute Citizens of the State of Utah pending final resolution of the dual enrollment issue. While suspended from the membership roll, no person shall be entitled to any privilege, right, title, interest, or claim based on membership in the Affiliated Ute Citizens of the State of Utah.
 - 4. Native children of other tribes with no Utahs Indian blood and non-Indian children who have been legally adopted by members of the Tribe.
 - 5. Person who are not citizens of the United States.

(d) Written applications must be filed by all applicants for enrollment, parents or guardians can apply on behalf of minor children applying for enrollment with the Affiliated Ute Citizens of the State of Utah. Any person refused membership or who is subject to loss of membership by the Tribal Council shall have the right to appeal in accordance with tribal ordinances regulating the same, *provided*, that the parent(s) of such applicant or the applicant themselves are not already enrolled elsewhere. In such case no appeal shall be considered.

(e) No property rights shall be acquired or lost through membership in this organization except as provided herein.

Section 2; Enrollment Ordinance. The Tribal Council shall have the power to enact ordinances which are consistent with and pursuant to this constitution governing future membership and enrollment procedures including the loss of membership, the adoption of new members, and all other necessary procedures of enrollment.

Section 3; Membership Roll. The membership roll of the Affiliated Ute Citizens of the State of Utah shall be kept current by adding thereto each and every name of person(s) who qualify for membership and by deleting those from the names of persons who have relinquished in writing their membership in the Tribe. Upon receipt of death certificates of deceased members or other evidence of death satisfactory to the Tribal Council, the status of these deceased members shall be updated and their roll numbers will be closed and not re-issued.

Section 4: Relinquishment of Membership. Any member of the Affiliated Ute Citizens of the State of Utah may relinquish his/her membership in the tribe by filing a notarized notice in writing that he/she no longer desires to be enrolled as a member of the Tribe. On receipt of such notice the name of the member(s) shall be stricken from the roll and he/she shall no longer be considered as a member of the Tribe and shall not be entitled to share in any assets or distributions and will lose all rights, title and interest which may be made in the future to the enrolled members of the Tribe. The adult who relinquishes his/her membership is thereafter barred from reapplying, this includes their lineal heirs.

ARTICLE IV - GOVERNING BODY

Section 1; Governing Body. The governing body of the Affiliated Ute Citizens of the State of Utah shall be known as the Affiliated Ute Citizens of the State of Utah Tribal Council and shall consist of a Chairman, Vice--Chairman and no less than five members and no more than nine members to be chosen as follows:

The Chairman, shall be seated by popular vote of the tribe; the Vice-Chairman, by popular vote of the tribe and the remaining three or more members, by popular vote of their respective Districts when and as established.

Section 2; Districts Defined. Districts shall mean the administrative and geographical location for local government, for purposes of voting and representation in the Tribal Congress.

Section 3; Tribal Congress. There shall be a Tribal Congress established, two members from each District shall be nominated and elected to represent each of the respective Districts to be established on the Uinta Valley and Ouray Reservation as deemed necessary for particular characteristics and/or for economic growth of the area so represented. Included in this Congress will be the formal position of Historian to keep the official records of the Tribe and an Ambassador to the Congress of the United States appointed by the majority vote of the members of the Tribal Congress who shall appoint a tribal liaison and a tribal representative to the State legislature.

Section 4; Representation. The Council may from time to time by ordinance change the foregoing number of representation according to the growth, diversity, and movement of the population within the reservation boundaries.

Section 5; Communities. A committee of Elders or a Citizens Committee from each respective district or community may be selected from members of the community represented and one (1) person shall be appointed as spokesperson for that Committee.

ARTICLE V - THE AFFILIATED UTE CITIZENS OF THE STATE OF UTAH TRIBAL COUNCIL

Section 1; Organization of Council. The Council shall choose, from within its own membership, a secretary, a treasurer, and such other officers and committees as it may consider necessary.

Section 2; Council Chairman and Vice-Chairman. The Chairman and Vice-Chairman of the Uinta Valley Shoshone Tribal Council shall be elected for a term of four (4) years by popular vote of the Tribe or until a successor is chosen. Candidates for such office shall possess the qualifications required of candidates for Council membership, as set forth in Article XII, except as to residence. The candidates for Chairman and Vice-Chairman are required to be residents of the Uinta Valley Reservation. Such elections shall be held under the same rules as the elections for Council Members and the Chairman and Vice-Chairman of the Affiliated Ute Citizens of the State of Utah Tribal Council shall take office on the same day that the Council Members take office.

Section 3; Terms of Office. The candidate for Chairman/Chairwoman receiving the highest number of votes shall hold office for a term of four (4) years, and the candidate with the next highest number of votes will be Vice-Chairman/Chairwoman and shall hold office for four (4) years; one member from each district shall be elected for a term of four (4) years or until a successor is chosen. The terms of Office shall be staggered. Remove (No Councilmen can serve more than two terms in succession.)

Section 4; Oath of Office. Members of the Council shall take office on the first Wednesday of the first month after their election and shall take the Oath of Office. Remove (and be sworn in by a seated judge from the Tribal Court or local Circuit Court.

ARTICLE VI - POWERS OF THE TRIBAL COUNCIL, DUTIES AND QUALIFICATIONS

Section 1; Enumerated Powers of the Council. In addition to all powers vested in the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation through its inherent sovereignty or by existing law, the Affiliated Ute Citizens of the State of Utah Tribal Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States and subject to all express restrictions upon such powers or any limitations imposed by this constitution:

(a) To represent the tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution.

(b) To negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or this constitution, with any person, private or commercial business, association, or corporation, with any municipality or any county, or with the State of Utah or the United States, or with other Indian Tribes, including agreements with the State of Utah for rendition of public services.

(c) To employ legal counsel for the protection and advancement of the rights of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation or its individual members thereof as appropriate or proper, the choice of counsel and fixing of fees.

(d) To veto any sale, disposition, lease or encumbrance of tribal lands, interest in tribal lands, tribal funds, or other tribal assets, which may be authorized or executed by any agency or employee of the United States Government, that no tribal lands shall ever be encumbered or sold, except for specific governmental purposes, or leased for a period exceeding five years, except that leases for mining purposes or on irrigable land may be made for such longer periods as may be authorized by law.

(e) To advise the Secretary of the Interior and the Tribal Congress with regard to all appropriation estimates, or Federal projects, for the benefit of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation prior to the submission of such estimates to the Bureau of the Budget and to the United States Congress, that no Federal or State projects shall be initiated until or unless it has been presented in full detail to the districts of the reservation affected and approved and certified by the Tribal Congress and Tribal Council..

(f) To regulate the use and disposition of all tribal property, to make assignments or transfers of all tribal lands within the reservation to members of the Tribe or otherwise

(g) To regulate and manage all economic affairs and enterprises of the Tribe including tribal lands and all appurtenance thereto whether public, private, or communal, real and personal, tangible and intangible, and any other tribal activities including inheritance of property.

(h) To appropriate tribal funds for tribal purposes including for salaries of tribal officials or other public purposes of the Tribe and to expend such funds in accordance with an annual budget.

(i) To levy and collect taxes upon members of the tribe and/or all private or commercial enterprises within the exterior boundaries of the Uinta Valley Reservation, and to require the performance of community labor in lieu thereof, and to levy taxes, permits and license fees, upon non-members doing business within the reservation boundaries.

j) To remove or exclude from the reservation any non-member of the Tribe, any enterprise (private or commercial), or corporation whose presence may be injurious to the people or property of the reservation.

(k) To enact ordinances or resolutions governing adoption of minor children and abandonment of members, providing for appointment of guardians for minors and mental incompetents, and to keep at all times a correct current roll of the members residing on and off the reservation and shall issue a Tribal Membership Identification Card to each and every member of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation.

(l) To enact and enforce ordinances governing the conduct of members on the Uinta Valley Reservation and providing for the maintenance of law and order and the administration of justice by establishing and governing Tribal Courts and Law Enforcement on the reservation and defining its duties and powers, regulating domestic relations of persons and enterprises within the jurisdiction of the Tribe, and regulating the inheritance of real and personal property of persons within the jurisdiction of the Tribe.

(m) To charter subordinate organizations for economic or other purposes, and to regulate the activities, by ordinance, of voluntary associations of members of the Affiliated Ute Citizens of the State of Utah any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power on or off the reservation.

(n) To cultivate and preserve native arts, crafts, culture, and Indian ceremonials.

(o) To adopt resolutions to regulate the procedure of the Affiliated Ute Citizens of the State of Utah Tribal Council itself, and all other tribal agencies and tribal officials and employees of the Uinta Valley Reservation, to appoint subordinate committees, commissions, boards, advisory or otherwise, not provided for in this constitution.

(p) To protect and preserve the wildlife, plant life, forests, natural resources, ground and air quality, and water and water rights of the Tribe, and to regulate all recreation areas, and hunting and fishing on the reservation.

(q) To accept grants and donations from any person, organization, corporation, State or the United States.

(r) To borrow money from any source and pledge or assign chattels or future tribal income as security for payment of contract, not to exceed one half (1/2) of the funds borrowed.

(s) To enact ordinances in accordance with applicable law covering the granting of both surface and subsurface leases for such periods as are permitted by law and to restrict and regulate the areas, and distance from town-sites and water storage units, upon which subsurface development may occur.

(t) The Affiliated Ute Citizens of the State of Utah Tribal Council of the Uinta Valley Reservation may exercise such further powers as may be delegated to the Council by members of the Tribe or which is vested in the Tribe through its inherent sovereignty or by Federal law, but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Uinta Valley Reservation through resolutions or ordinances and constitutional amendments.

(u) The foregoing enumeration of power is in addition to, and not a limit to, the inherent sovereign powers of the Affiliated Ute Citizens of the State of Utah of Utah Indians of the Uinta Valley Reservations, Utah.

DUTIES OF OFFICERS

Section 1; Chairman of the Council. The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a Chairman and exercise any authority given him/her specifically by the Council or by a general meeting of the Tribe. The Chairman shall have power to vote. The duties and responsibilities of the officers of the Assets Management Board under the Charter of the Affiliated Ute Citizens of the State of Utah shall be the same as is set forth in this one section of the Constitution of the Affiliated Ute Citizens of the State of Utah.

Section 2; Vice-Chairman. In the absence of the regular Chairman, the Vice-Chairman shall preside and shall have all powers, privileges, and duties of the Chairman. He/she shall succeed to the office of the Chairman in the event of the Chairman's death, resignation or forfeiture of office. He/she shall have power to vote at any meeting.

Section 3; Secretary. The Tribal Chairman/Chairwoman or Vice-Chairman/Chairwoman shall conduct all Tribal Council correspondence and shall keep an accurate record of all matters transacted in Tribal Council meetings. It shall be his/her duty to submit promptly to the

Superintendent of the jurisdiction and the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the Tribal Council upon request for such.

Section 4; Treasurer. (a) The treasurer shall accept, receipt for, keep, preserve and safeguard all funds in the custody of the Tribal Council, whether same be tribal funds or special funds for which the Tribal Council is acting as trustee or custodian. The treasurer Remove (shall deposit all such funds in such bank or elsewhere as directed by the Tribal Council and) shall make, keep and preserve a faithful and accurate record of funds and shall report all receipts and expenditures and the amount and nature of all funds in his/her possession or custody to the Tribal Council, such report being made in writing to the Tribal Council at regular meetings and at such other times as requested by the Council. The treasurer shall not pay or otherwise disburse any funds in the custody of the Council except when properly authorized to do so in writing by the Council. Funds allocated for all program and department purchasing expenses shall be disbursed only by purchase order, voucher, cash receipt, expense account receipts or credit card receipts.

(b) The books and records of the treasurer shall be audited at least once a year by a competent independent auditor employed by the Council and at such other times as the Council may direct.

(c) The Treasurer, the Chairman, or the Executive Officer designated to countersign checks shall be required to give a surety bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs of designee to be approved by the Tribal Council.

(d) All checks shall be signed by the treasurer and shall be countersigned by the Chairman of the Council, or in his/her absence, by some other executive officer officially designated by the Council.

QUALIFICATIONS

Section 1; Council Members. No person shall be a candidate for membership in the Tribal Council unless he/she shall be a member of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation, have at least a High School Diploma or equivalent, and shall have resided in the territory thereof for a period of one year preceding the election and be at least twenty-five (25) years of age. No person who shall have been convicted of or has pled guilty or has pled no defense to a felony charge under the laws of the United States of America, or of any State, Territory, or possession thereof, shall be eligible to hold any governing office or appointment of honor, profit, or trust within this Tribe unless such person has received a pardon. Every potential candidate shall be subject to a back-ground check prior to acceptance of his candidacy.

Any member of the Tribe who has reached the age of twenty-five years, and who is a resident of the district which he or she is to represent, or who operates cattle or other livestock within the said district or who has farm land assigned to him or her in said district, operates or manages a business enterprise in said district, shall be qualified to be a candidate for election to the Council.

No person who, within the past year preceding the election, has been convicted of a crime involving moral integrity shall be eligible to hold office in the District Council. The following crimes, and no others, shall be considered crimes involving moral or ethical integrity: adultery, bribery, embezzlement, extortion, fraud, forgery, misbranding, perjury, theft, public intoxication and habitual drunkenness or unjust conduct.

Section 2; Court Appointees. No member shall become a judge or a court advocate without legal capacity, is license qualified, and lives on the reservation.

Section 3; Federal Employees. No person shall become a member of the Affiliated Ute Citizens of the State of Utah Tribal Council, or serve on any Board of Directors of any tribal enterprise or livestock association, or any other committee, commission or board which is under the jurisdiction of the Affiliated Ute Citizens of the State of Utah Tribal Council, if employed by the Bureau of Indian Affairs or by any other Federal agency.

Section 4; No Tribal Employees. No person shall become a member of the Affiliated Ute Citizens of the State of Utah Tribal Council if employed by the State of Utah.

Section 5; Qualified. The term qualified shall mean any person who is deemed competent by training, skill, ability, or experience for any specific or general purpose.

ARTICLE VII – VACANCIES, REMOVALS, NOMINATIONS AND ELECTIONS

Section 1; Forfeiture or Resignation of Office. If a Chairman or Vice Chairman or any member of the Council shall resign, die, be removed or recalled from office, or permanently leave the reservation, fails or refuses to attend (two regular) meetings (in succession) unless excused due to illness or other causes for which he or she cannot be held responsible, or shall be convicted of a felony or of a misdemeanor in any Indian, State, or Federal court, while attending a meeting of the Council in session, or off the reservation, or during any daytime recess period, the Council shall declare his or her position vacant.

Section 2; Procedure. The Tribal Council may by four (4) affirmative votes, and a certified Tribal judge at an administrative hearing can expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken on the matter, such member or official shall be given a written statement of the charges against him within five (5) days before the meeting of the Tribal Council, in which he/she is to appear to answer any and all charges. The decision of the Council shall be final.

Section 3; Vacancies. Any vacancies on the Council or any vacancy in the office of Vice-Chairman resulting from the application of section 1 of this Article shall be filled at once by a

majority vote of the Council. A vacancy in the office of Chairman shall be filled by the Vice-Chairman. Persons so appointed shall serve the unexpired term of the office or member.

Section 4; Recalls. Upon receipt of a petition submitted to the Tribal Court, signed by one-third of the eligible voters of the Tribe calling for the recall of the Chairman, Vice-Chairman, or any member of the Tribal Council representing one of the districts, it shall be the duty of the Tribal Court Judge to petition the Tribal Council to call an election on such recall petition. No member may be recalled in any such election unless at least thirty percent of the legal voters of the Tribe residing on the Reservation shall vote at such election.

NOMINATIONS AND ELECTIONS

Section 1; Regular Elections. Any enrolled member of the Tribe eighteen (18) years of age or older shall have a right to vote. Any enrolled member of the Tribe twenty-five years of age and over, who has maintained a legal residence on the Uinta Reservation for a period of one (1) year preceding the election, who is present at the appointed time and place of the election, shall be entitled to vote and hold office. Any legal voter is eligible to serve as a member of the Affiliated Ute Citizens of the State of Utah Tribal Council. Elections for the Affiliated Ute Citizens of the State of Utah Tribal Council shall be called at least sixty (60) days prior to the expiration of the terms of office of the members of the Affiliated Ute Citizens of the State of Utah Tribal Council. All elections shall be by secret ballot and absentee ballot, and shall be held in accordance with rules and regulations prescribed by an Election Board appointed by the Affiliated Ute Citizens of the State of Utah Tribal Council.

Section 2; Voting Places. The voting places shall be located in each district at a location designated by the Affiliated Ute Citizens of the State of Utah Tribal Council unless circumstances require another arrangement to be made by the Election Board with the approval of the Tribal Council.

Section 3; Nomination of Chairman and Vice-Chairman. Any resident member of the Tribe whose name is presented at least thirty (30) days before the election to the Secretary or to the Chairman, or in his absence, to the Vice-Chairman of the Council, by petition signed by at least five percent of the resident voters of not less than eighteen (18) years of age shall be declared by the Council to be regularly nominated and to be a candidate for the office of Chairman or Vice-Chairman as indicated in such petition. It shall be the duty of the Tribal Council Secretary to post the names of all qualified candidates at least twenty (20) days prior to the Election.

Section 4; Nomination of Council Members. Any member of the Tribe who is a resident of the district from which he desires to be nominated, whose name is presented at least thirty (30) days before the election, to the Tribal Council secretary or to the Chairman, or in his absence, to the Vice-Chairman of the Council by petition signed by at least five percent of the resident voters of the district, of not less than eighteen (18) years, shall be declared to be a candidate for the office of a Council member as indicated in such petition. It shall be the duty of the Tribal Council

Secretary to post the names of all qualified candidates in a public place at least twenty (20) days prior to the election.

Section 5: Signing of Nomination Paper. Each signer of a nomination paper shall sign but one paper for the same office unless more than one candidate is to be elected to such office, and in that case, not more than the number of nomination papers equal to the number of the candidates to be elected to the office. Signatures of persons in violation of this section shall be disregarded in determining the regularity of a nomination.

Section 6: Certification of Election. It shall be the duty of the members of the Tribal Council to certify to the election of duly elected committee members. This shall be done within five days after the election and a certificate filed with the Secretary of the Tribal Council.

Section 7: Election Requirements. All elections shall be by secret written ballot. The Council shall have power to prescribe ordinances governing the conduct of referendums and elections. Such ordinances shall prescribe the duties of the election board, procedures for casting and canvassing resident and non-resident ballots, method for challenging right to vote, conduct and results of elections, and settlement of any election disputes.

Section 8: Installation of Committeemen. Newly elected members who have been duly certified, shall at the first regular meeting of the Tribal Council following the election, shall subscribe to and take the following oath:

“I _____, do solemnly swear (or affirm) that I shall support and uphold the Constitution of the United States, the Constitution and laws of the State of Utah, and the Constitution and By-laws and ordinances of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation in the State of Utah; that I shall in all respects faithfully and fully perform the duties of my office as a member of the Tribal Council for the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation, so help me God.”

The oath may be taken and subscribed to before the Tribal Court Judge, the Superintendent or any other person authorized to administer said oath in the State of Utah.

Section 9: Salaries. The Tribal Council may prescribe such reasonable salaries of officials or Tribal Council members as it deems advisable from such funds as may be available.

Section 10: Appointive Officers: The duties of all appointive committees or officers of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation shall be clearly defined by resolution of the Tribal Council at the time of their creation or appointment. Such committees and officers shall report from time to time as required by the Tribal Council, and their activities and decisions shall be subject to review by the Tribal Council upon petition of any person aggrieved.

ARTICLE VIII - RIGHTS OF THE MEMBERS

All members of the Affiliated Ute Citizens of the State of Utah shall be accorded equal political rights and equal opportunities to participate in the medical, educational, social and economic resources and activities of the Tribe, and no person shall be denied freedom of conscience, speech, press, association or assembly, or the right to petition for the redress of grievances. Any member of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation accused of any offense shall have the right to a prompt, open and public hearing, with due notice of the offense charged, and shall have the right to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty (30) days incarceration. Excessive bail shall not be required, and cruel punishment shall not be tolerated or imposed.

ARTICLE IX - REFERENDUM

Upon a petition of at least twenty (20) qualified voters of the Tribe, or upon the request of the majority of the members of the Tribal Council, a referendum may be demanded on any enacted or proposed ordinance or resolution of the Affiliated Ute Citizens of the State of Utah Tribal Council and be submitted to popular referendum at a special election called by the Council, and the vote of the majority of the qualified voters in such referendum shall decide whether the ordinance or resolution shall thereafter be in effect, provided, that twenty (20) percent or more of the present eligible voters shall vote in such referendum which shall be conclusive and binding on the Tribal Council.

~~ARTICLE X – MEETINGS WITH THE MEMBERSHIP~~
(a) The Annual Tribal Council-Membership meeting shall be held approximately on the third Saturday in June (subject to change) at a place within the boundaries of the Uinta Valley Reservation chosen by the Tribal Council. The purpose of the Tribal Council-Membership Meeting will be to elect or recall the members of the Tribal Council and to declare the will of the General Council on issues placed before the Council by the agenda and by persons raising tribal issues at any prior meeting. The "agenda" for the annual meeting shall be published by the Executive Secretary of the Tribal Council. All items to be placed on the published agenda shall be submitted to the Executive Secretary ten (10) working days in advance of the annual meeting. Items on the published agenda shall be considered before the general session. A general session agenda shall be established by the Executive Secretary. The Secretary shall accept general session agenda items no sooner than thirty (30) days before the annual meeting and no later than seventy-two (72) work day hours before the annual meeting.

(b) Tribal General Council Meetings with Staff or departments of the tribe may be held on a quarterly basis or sooner as advisable and shall be announced, by the Assistant Secretary for the Tribal Council, by inter-office memo issued to each department head and by posting notices at the tribal offices and any other place determined by the Assistant Secretary at least ten (10) days

in advance of the meeting. Reminder notices shall be issued for meetings calendared by previous meetings. All "*outside*" Business Meetings with the Tribal Council will be by appointment

(c) Special Meetings may be called by the Tribal Council when presented with a written petition from fifty (50) legal voters of the Affiliated Ute Citizens of the State of Utah membership. Petitioner must provide the subject to be addressed and post the required notice to call a special membership meeting, provided that due notice is mailed, at the expense of the petitioners, to the last known address of all members of this Tribe (on or off the reservation) thirty (30) days prior to such meeting.

(d) Fifty (50) legal voters of the Tribe, may, at any time, by written petition, call a general meeting, provided that at least a fifteen (15) day notice is posted throughout the Reservations.

(e) A quorum for conducting business at any meeting dealing with community issues shall be thirty (30) members from the district or districts affected by such business.

ARTICLE XI – MEETINGS OF THE COUNCIL

Section 1; First Meeting. At the first meeting of the Council after a regular election, the Council shall see that all members have a correct and clear understanding of the constitution and the management of the tribal and reservation affairs, as well as the rules for the conduct of their own body.

Section 2; Regular Meetings. The Council shall hold its regular meeting on the first Wednesday in each month at nine-'clock a.m., unless for some reason the Chairman shall issue notice that the meeting will be held on another date and time.

Section 3; Special Meetings. Special meetings of the Council may be called by the Chairman, or the Chairman shall call a special meeting upon written request of three or more members of the council.

Section 4; Conduct of Business. In the conduct of business, recognized rules of order shall be chosen and made applicable. Voting at the Council meeting may be by voice, but at the discretion of the Chairman or upon the request of any two members of the Council a secret vote shall be taken.

Section 5; Order of Business. The order of business at any regular or special meeting of the Tribal Council shall be as follows:

- (a) Call to order by the Chairman.
- (b) Roll Call.
- (c) Reading of minutes of last meeting.
- (d) Unfinished business.

- (e) Reports.
- (f) New Business.
- (g) Adjournment.

Section 6: Ordinances and Resolutions. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation shall be embodied in Ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Council on matters of temporary interest (such as acting on reservation budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals of officers (such as adoption of members, instructions for tribal employees, or rules of order for the Tribal Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book and shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports, invitations to outsiders to speak) shall be decided by motion duly passed or by ruling of the Chairman if no opposition is heard. In all ordinances, resolutions, motions, the Tribal Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt made to secure unanimous agreement, and parliamentary procedure shall otherwise be governed by Robert's Rules of Order.

Section 7; Quorum. Matters of business for the Council shall be decided by a majority vote. A quorum of the Council shall be constituted if six or more members are present.

Section 8; Restriction of Voting in the Council. In any matter coming before the Council which involves any person or company, no member of the Council that may be permanently connected with the party so involved shall be permitted to vote without the special consent of the remaining members of the Council.

Section 9; Salaries and Expenses. The Tribal Council shall prescribe such salaries and expenses for officers or members of the Council as it deems advisable. Performance Bonuses for managers and employees shall be prescribed by the Tribal Council. Awards and special recognition of employee(s) shall be by written recommendation of the branch or department managers.

ARTICLE XII --- THE TRIBAL CONGRESS

The Congress of the Affiliated Ute Citizens of the State of Utah shall incorporate its own set of rules and procedures for conducting its legislative business by proposals and resolutions submitted to the Tribal Council for review and general input in terms of written advice, opinion, or comment. The proposed business of the Congress, in the form of a bill shall be submitted to the Tribal Council for final approval, veto or amendment.

ARTICLE XIII - LAND

The reservation land now un-allotted shall remain tribal property and shall not be allotted to individuals in severalty, but assignments of land for private use may be made by the Tribal Council in conformity with ordinances which may be adopted on this subject.

Section 1; Allotted Lands. Allotted lands, including heir-ship lands, belonging to any member or former members of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the Tribe or of the Federal Government. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Affiliated Ute Citizens of the State of Utah. Likewise, it is recognized that under existing law the Secretary of the Interior may, at his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to state taxes and may then be mortgaged or sold; Provided that said Indian owner shall first offer the land to the Affiliated Ute Citizens of the State of Utah. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Affiliated Ute Citizens of the State of Utah either in exchange for money payment or in exchange for an assignment covering the same land or other land, as herein provided. All such lands will be under the exclusive sovereign and jurisdiction of the Affiliated Ute Citizens of the State of Utah.

Section 2; Tribal Lands. The un-allotted land of the Uinta Valley Reservation and all lands which may hereafter be acquired by the Affiliated Ute Citizens of the State of Utah or by the United States in trust for the Affiliated Ute Citizens of the State of Utah shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Tribe, or leased or otherwise used by the Tribe as hereinafter provided.

Section 3; Leasing of Tribal Lands. Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law, or for less time as the Tribal Council chooses. In leasing of tribal lands preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Tribe. No lease of tribal land to a non-member shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use. Grazing permits covering tribal land may be issued by the Tribal Council to a non-member, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as such leases are permitted.

Section 4; Grant of "Standard" Assignments. Assignments made under this section shall be for the primary purpose of establishing homes for landless members of the tribe, and shall be known as "standard" assignments. Minimum assignment is one (1) acre and shall not exceed ten (10) acres per household. All assignments shall be kept in quality condition. In any assignment of tribal lands which are now owned by the tribe or which may be hereafter acquired for the tribe by the United States, or purchased by the tribe out of Tribal funds, preference shall be given to members of the tribe who have no allotted lands or previous assignments of tribal lands. Any member of the tribe holding an allotment or an interest in an allotment who may hereafter have the restrictions upon his land removed and whose land may hereafter be alienated shall not be entitled to receive an assignment of land as a landless Indian on the Affiliated Ute Citizens of the State of Utah. If he/she sells the allotment or his/her interest thereto. The Tribal Council may, if it sees fit, charge a fee, not to exceed one hundred dollars (\$100), on approval of an assignment made under this section. Assignee is responsible for all hookup fees for all public, private or Tribal utilities.

Section 5; Tenure of Standard Assignment. If any member of the tribe holding a standard assignment of land shall, for a period of two (2) years fail to use the land so assigned, or shall, after due warning from the proper tribal officials, persist in using such land for any unlawful purpose, his assignment may be canceled by the Tribal Council after due notice amid an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this article. Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him, by will or written request shall have a preference in the reassignment of the land, provided such persons are members of the Tribe who would be eligible to receive a standard assignment.

Section 6: Grants of "Exchange" Assignments. Assignments made under this section shall be known as "exchange" assignments. Any member of the tribe who owns an allotment or any share of heir-ship land may voluntarily transfer his interest, in such land to the tribe in exchange for any assignment of the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, appropriate share in a larger grazing unit. No assignee shall be permitted to sub-lease. Any violation shall result in forfeiture of assignment.

Section 7; Leasing of Exchange Assignments. Exchange assignments may be used by the assignee or leased by him to Indian Cooperative Associations, to individual members of the tribe, or, if no individual Indian or Indian Cooperative Association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands; Provided, said assignment is not grazing land which shall inure to tribal members.

Section 8; Inheritance of Exchange Assignments. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation except that a life-time assignment may be made to the surviving widower or widow of the holder of the assignment upon approved application. The widower or widow must reside on the property or forfeit the assignment.

(b) Such lands may not be reassigned to any heirs or devisees that already hold more than a certain number of acres of grazing land, or other land or interests in land of equal value, either under allotment or under assignment, such amounts to be determined from time to time by the Tribal Council.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than twenty (20) acres, and no area of agricultural land shall be subdivided into units smaller than two (2) acres for home garden purposes, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council, at its discretion shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignments of the decedent upon application and approval.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this article.
Section 9; Exchange of Assignments. Assignments may be exchanged between members of the Uinta Valley Shoshone Tribe by common consent in such manner as the Tribal Council shall designate and approve.

Section 10; Inheritance of Improvements. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Affiliated Ute Citizens of the State of Utah or otherwise disposed of under such regulations as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the written consent of the Tribal Council.

Section 11; Use of Unassigned Tribal Lands. Tribal land which is not assigned shall be managed by the Tribal Council for the benefit of the members of the entire Tribe, and any cash income derived from such land shall accrue to the benefit of the Tribe as a whole. All action of the Tribal Council with respect to such lands shall be in conformity with departmental regulations where applicable for the protection of Indian range and timber resources authorized by Section 6 of the Act of June 18, 1934.

(a) Land adjacent to, or within the jurisdictional boundaries of the Uinta Valley Reservation which is not now in Indian or Tribal ownership may be purchased by, or for, the Affiliated Ute Citizens of the State of Utah.

(b) Redistricted land, which is in heir-ship status at the time of the approval of this Constitution, may be purchased, by or for, the Tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefore to be made as may be agreed upon.

(c) Redistricted grazing lands of the Tribe, in every instance shall be deemed tribal land susceptible to tribal jurisdiction and regulations pursuant to the provisions of this constitution.

(d) Land owned by any member of the tribe who is over the age of sixty-five (65) years, or who is physically incapacitated, may be transferred by its owner to the tribe in exchange for a pension of not more than twice the usual rental value of the land for the life of the pensioner, to be paid out of available tribal funds or out of an account specifically established for such purposes.

(e) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the Tribe, under such terms as may be agreed upon.

Section 12; Method of Making Assignments. Applications for assignment shall be filed with the Assistant Secretary for the Tribal Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted in the agency office and in at least three conspicuous places in the district in which the land is located for not less than twenty (20) days before action is taken by the Tribal Council. Any member of the Tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his/her objections, to be filed with the Assistant Secretary of the Tribal Council, and may if he/she so desires appear before the Tribal Council to present evidence. The Assistant Secretary for the Tribal Council shall furnish the Realty Officer or other officers in charge of the agency a complete record of all action taken by the Tribal Council on applications for assignment of land and a complete record of assignments shall be kept in the agency office and shall be opened for inspection by members of the Tribe.

ARTICLE XIV - AMENDMENT AND REFERENDUM

Section 1; Amendment. This Constitution may be amended by a two thirds (2/3) vote of a quorum of the General Council and two thirds vote of the attending membership at an annual or special meeting provided, that the notice of the meeting at which an amendment is proposed shall be given at least thirty (30) days before the meeting, and shall set forth the proposed amendment and an explanation thereof; and provided further that after discussion of the amendment at the meeting there shall be a recess of at least 30 minutes to enable the members to further discuss the amendment among themselves before the vote is taken.

The Tribal Council shall call a meeting to consider a proposed amendment upon its own motion, or upon receipt of a petition signed by fifty (50) voting members or upon resolution of the General Council.

Section 2; Referendum. Upon a petition of at least 30 qualified voters of the Tribe a referendum may be demanded on any enacted or propose ordinance or resolution of the Affiliated Ute Citizens of the State of Utah Tribal Council, and be submitted to popular referendum at a special election called by the Council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding on the Tribal Council.

ARTICLE XV - ENFORCEABILITY

Section 1; Jurisdiction. The provisions of this Constitution shall be enforceable exclusively in the Affiliated Ute Citizens of the State of Utah Tribal Court as provided in federal law generally applicable to federal Indian Tribes, the state or federal courts shall have no jurisdiction over the Tribe, its tribal lands or its membership, except, where the Affiliated Ute Citizens of the State of Utah brings suit in its own name in any other Court. This section shall not be interpreted as consent to suit or waiver of sovereign immunity by the Affiliated Ute Citizens of the State of Utah and shall be liberally construed in favor of the Tribe.

Section 2; Immunity and Waiver. The sovereign immunity of the Tribe or any of its programs or business ventures is hereby preserved except to the extent it may be specifically limited in the general federal law which is applicable to federal Indian Tribes. The Tribal Council may, upon a vote of eight (8) members of the Tribal Council, provide an explicit written waiver of tribal sovereign immunity. The Waiver must state the extent and purpose for which the waiver is granted. Waivers must be construed narrowly.

Section 3; Exhaustion of Tribal Remedies. In seeking redress of grievances against the tribe, persons, and enterprises subject to tribal jurisdiction shall exhaust all remedies available to them under this constitution and by-laws and the ordinances of the tribe, in Tribal court before seeking redress of grievances against the tribe in the courts of the United States or in the courts of the State of Utah.

ARTICLE XVI - APPROVAL OF SECRETARY OF THE INTERIOR

1. SECRETARIAL POWER TO REVIEW - The Secretary of the Interior shall have the power to review actions taken pursuant to the herein named powers and all other Tribal powers, but only in those cases and only to the extent that the Secretary has been given such powers of review by express statutory command of the Congress of the United States.

2. MANNER OF REVIEW - Any resolution or ordinance which by the terms of this constitution, is subject to reviews by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten (10) working days thereafter, approve or disapprove the same.

3. SUPERINTENDENT APPROVAL - If the Superintendent shall approve any ordinance or resolution it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision in writing with statement of said cause. If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten (10) working days after its enactment, he shall advise the Tribal Council of his reason therefore in writing. If these reasons appear to the Tribal Council insufficient, it may by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE XVII - CONTINUITY OF ACTION

Section 1; Ratification of Prior Tribal Action. All action, including but not limited to ordinances, resolutions, enactments, staffing decisions, or any other action taken on behalf of the tribe by the Uinta Valley Shoshone Tribal Council or the Tribal Congress adopted before the effective date of this constitution shall be reviewed for consistency with this constitution and shall continue in effect to the extent that they are consistent with this constitution. The Affiliated Ute Citizens of the State of Utah Tribal Council shall, at all times, hold the power and authority to revoke or rescind, at will, any prior action taken by the Tribal Congress that conflicts with, or is not consistent with this constitution.

Section 2; Savings Clause. Should any article or section of this tribal constitution be found to be unconstitutional or in violation of any applicable federal law then the remainder of this constitution shall remain in full force and effect.

ARTICLE XVIII – AMENDMENTS

This Constitution may be amended by a two-thirds (2/3) majority of the Tribe's eligible members who are present at any annual or special meeting called by the tribal council.

ARTICLE XVIII - REPEAL

The Articles and By-laws of the Ute Distribution Corporation, a state chartered incorporation are hereby and forever repealed and all provision of any other constitution and by-laws is superseded by this constitution.

ARTICLE XX – RECALL

Upon receipt of a petition signed by one-third of the eligible voters of the Tribe calling for the recall of any member of the Council, it shall be the duty of the Council to authorize the Election Committee to call an election on such recall petition. No Council member may be recalled in any

such action unless at least fifty percent (50%) of the legal voters of the Tribe shall vote at such recall election and such recall shall carry by at least a two-thirds majority of those voting.

ARTICLE XXI - RATIFICATION

Section 1; Vote. This Constitution shall go into effect when ratified by two-thirds (2/3) of all members eligible to vote, who are present to vote at a General Council Meeting at which a debate and vote on this Constitution had been placed on the agenda. All enrolled members of the Affiliated Ute Citizens of the State of Utah shall be notified of such a General Council meeting at least thirty (30) days prior to such a meeting, and the notice provided shall make specific reference to the proposed ratification of this Constitution. Election of officer provisions shall take effect following the adoption of this Constitution as herein amended.

Section 2; Effective Date. This Constitution as herein amended shall be effective upon approval of two-thirds (2/3) of all members eligible and who are present to vote in a annual or special tribal referendum called for the express purpose of ratifying this Constitution.

Section 3; Eligibility to Vote. Any tribal member who is at least eighteen (18) years of age at the time of the referendum shall be eligible to vote. No other restrictions shall apply.

ARTICLE XXII – ADOPTION OF CONSTITUTION

This constitution, when adopted by a two-thirds (2/3) majority vote of the registered voters who are present of the Affiliated Ute Citizens of the State of Utah of the Uinta Valley Reservation, voting at a annual or special election authorized by the Secretary of the Interior in which at least twenty percent (20%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and if approved by the Secretary of the Interior or by operation of law, shall be effective from the date of such approval.