

CONSTITUTION OF THE KARUK TRIBE

PREAMBLE

We the Karuk Tribe being a sovereign indigenous people, in order to form a representative tribal government, to promote the general welfare of all Karuk people, to establish equality and justice for our Tribe, to preserve and restore our common bonds, tribal traditions and ancestral rights, and to secure for ourselves and our descendants the power to exercise the inherent rights of self-government, do hereby establish and adopt this Constitution.

ARTICLE I – ABORIGINAL TERRITORY, TRIBAL LANDS AND COUNCIL DISTRICTS

Section 1. Aboriginal Territory. The Aboriginal Territory of the Karuk Tribe is depicted in the map of the Karuk Aboriginal Territory on file in the Karuk Tribal Offices as described in Resolution 85-R-13, and includes all submerged lands, and the beds, banks, and waters of all the waterways within the territory and the Tribe’s usual and customary ceremonial, hunting, fishing, and gathering sites.

Section 2. Tribal Lands. Karuk Tribal Lands consist of its Aboriginal Territory, service areas, and all lands subsequently and hereafter acquired by and for the Tribe, whether within or outside of the Tribe’s Aboriginal Territory.

Section 3. Council Districts. In order to have a representative government, representatives shall be elected from geographic districts within the Tribe’s territory, as more fully set forth in the Tribe’s Election Ordinance and the Karuk Voting District Map. These Council districts are as follows:

1. The Orleans (Panámniik) District, which shall draw its membership from the towns and surrounding areas of Orleans, Weitchpec/Hoopa, Somes Bar, Forks of Salmon/Sawyers Bar, Weaverville, Crescent City, Klamath, McKinleyville, Arcata, Eureka, Fortuna, and Rio Dell.
2. The Happy Camp (Athithúfvuunupma) District, which shall draw its membership from the towns and surrounding areas of Happy Camp, Seiad Valley, Klamath River, Scott Bar, O Brien, Cave Junction, and Grants Pass.
3. The Yreka (Kahtishraam) District, which shall draw its membership from the towns and surrounding areas of Yreka, Montague, Fort Jones, Etna, Hornbrook, Ashland, Talent, Phoenix, Medford, and Central Point.

ARTICLE II – JURISDICTION

The laws of the Karuk Tribe shall extend to:

1. All Tribal members;
2. All persons who are eligible to be enrolled as Tribal members or descendent Tribal members with the Tribe, for the purposes of certain Tribal programs and Indian Child Welfare matters, wherever located;
3. All persons throughout and within Karuk Tribal Lands who consent to the Tribe's jurisdiction;
4. All activities throughout and within Karuk Tribal Lands, or outside of Karuk Tribal Lands if the activities have caused an adverse impact to the political integrity, economic security, resources or health and welfare of the Tribe and its members; and
5. All lands, waters, natural resources, cultural resources, air space, minerals, fish, forests and other flora, wildlife, and other resources, and any interest therein, now or in the future, throughout and within the Tribe's territory.

ARTICLE III – MEMBERSHIP

Section 1. The membership of the Karuk Tribe shall consist of the following persons who are not enrolled as a member of any other Tribe:

- (a) Any person of one-eighth (1/8) degree or more of Karuk Indian blood whose name appears on the roll prepared pursuant to the Act of May 18, 1928, as amended by the Act of May 24, 1958, and the Act of September 21, 1968, for the distribution of judgment funds to Indians of California.
- (b) Any person of one-eighth (1/8) degree or more Karuk Indian blood who meets the membership criteria set forth in the Karuk Tribe's Enrollment Ordinance.

Section 2. Nothing in this Article shall prevent a person who has inherited an allotment or land use assignment on another Indian reservation and who is otherwise eligible for enrollment under this Article from being enrolled as a member of the Karuk Tribe.

Section 3. The Tribal Council shall maintain a Tribal membership roll, along with an enrollment ordinance governing Karuk Tribal enrollment criteria, including membership and descendency criteria, future membership, and loss of membership.

ARTICLE IV – RIGHTS OF MEMBERS

Subject to the limitations imposed by this Constitution and by other duly enacted Tribal laws and policies, all members of the Karuk Tribe shall enjoy equal political rights and opportunities to participate in the tribal government, its economic resources, assets and all the rights that are conferred upon a Karuk citizen. No member shall be denied the right to petition the Tribal Council as the exclusive and final forum for redress of grievances against the Tribal government. Nothing in this Constitution is intended as, or shall be construed as, a waiver of the Tribe's sovereign immunity from unconsented suit. No member shall be denied freedom of speech, religion or the right to peaceful assembly, or otherwise be deprived of life, liberty or property without due process, which is notice and an opportunity to be heard.

ARTICLE V – TRIBAL COUNCIL

The governing body of the Karuk Tribe shall be the Tribal Council, which shall consist of nine (9) members elected at large from the Tribe: six (6) Council Members, consisting of two (2) representatives elected from each of the three (3) Council Districts, and three (3) officers (the Chairperson, Vice-Chairperson and Secretary/Treasurer), elected from anywhere within 100 road miles of the Tribe's Aboriginal Territory. All terms of office shall be for four (4) years.

ARTICLE VI – DELEGATION OF AUTHORITY TO THE TRIBAL COUNCIL

The members of the Karuk Tribe hereby delegate to the Tribal Council the authority and responsibility to exercise by resolution or enactment of Tribal laws all the inherent sovereign powers vested in the Tribe as a Sovereign Aboriginal People. The Tribal Council shall exercise the following powers, subject to any limitations imposed by applicable law, and any express restrictions upon such powers contained in this Constitution.

1. To negotiate and contract with federal, state, Tribal and local governments, private agencies and consultants.
2. To purchase, lease or otherwise acquire land, and to receive gifts for the benefit of the Tribe.
3. To prevent the sale, disposition, lease, or encumbrance of Tribal lands, interest in lands, or other Tribal assets without the consent of the Tribe.
4. To establish and manage Tribal enterprises and the economic affairs of the Karuk Tribe, including but not limited to: establishing boards, commissions and other tribally chartered entities to regulate housing, employment, gaming and other economic enterprises; approval of planning, programming, and development projects of all Tribal lands and assets; and other necessary financial and business activities.
5. To establish and oversee Tribal committees which have authority delegated by the Tribal Council for specific Tribal functions.

6. To license and regulate, including assessing applicable taxes and fees, the conduct of all business activities within Tribal jurisdiction.
7. To manage, develop, protect and regulate the use of Tribal land, wildlife, fish, plants, air, water, minerals, and all other natural and cultural resources within Tribal jurisdiction.
8. To provide for the preservation and unity of Karuk families, and the protection of Karuk Tribal children, while maintaining each child's cultural identity and relationship to the Tribe.
9. To enact laws and codes governing conduct of individuals and prescribe disciplinary action for offenses against the Tribe; to maintain order; to protect the safety and welfare of all persons within Tribal jurisdiction; and to provide for the enforcement of the laws and codes of the Tribe.
10. To establish Tribal courts and administrative bodies, and to provide for the courts' jurisdiction, procedures, separation of the judicial branch of government, and a method for selecting judges.
11. To take all actions that are necessary and proper for the exercise of the powers delegated to the Tribal Council or to any person or committee under the supervision of the Tribal Council.

ARTICLE VII – ELECTIONS AND NOMINATIONS

Section 1. All members of the Tribe who are eighteen years of age and older who meet the eligibility criteria and have registered to vote with the Tribe pursuant to the provisions set forth in the Tribe's Election Ordinance, shall have the right to vote.

Section 2. All eligible voters must register to vote pursuant to the Tribe's Election Ordinance in order to vote. All registered voters are eligible to vote for all Council Member positions. Of the six (6) at large Council Member positions, two (2) shall be elected by candidates running from each of the three (3) Council Districts, described in Article I, Section 3 of this Constitution. Any eligible Tribal member may run for any of the three (3) Officer positions provided that he or she resides within 100 road miles of the Tribe's Aboriginal Territory and otherwise meets the Tribe's candidate eligibility criteria. Should there be no eligible candidate running in any given District for any given election where a District seat is open, another candidate from outside that District may be elected to fill the vacancies, pursuant to the Election Ordinance.

Section 3. Any member of the Tribe who has, at least sixty days before the election, presented to the Election Committee a petition signed by at least twenty enrolled members of the Tribe who are eighteen years of age or older, and who has maintained a legal residence for a period of six consecutive months before the election within 100 road miles of the Tribe's Aboriginal Territory shall be declared by the Council to be nominated and to be a candidate for the office indicated in such petition. It shall be the duty of the Election Committee to post the names of all qualified candidates in a public place at least ten days prior to the election.

Section 4. Candidates for Tribal Council must pass a criminal background check. Potential candidates who have been convicted of a felony involving murder, manslaughter, rape, assault with intent to kill, burglary, child or elder abuse, assault resulting in serious bodily injury, theft, fraud or embezzlement, during his or her term of office or within ten (10) years prior to the election, shall be ineligible to run for office or serve on the Tribal Council. However, persons who have completed their sentence for such conviction at least ten (10) years before the date of the election in which they intend to run for office may file as candidates. Potential candidates who have been removed from Tribal Council office for gross misconduct, terminated from employment with the Tribe for theft, fraud or embezzlement, or who have been convicted of a crime requiring registration as a sex offender, shall be ineligible to run for office or serve on the Tribal Council.

Section 5. Annual elections shall be held on the first Tuesday in November. All tribal elections shall be by secret ballot. Elected Tribal Council Members and officers shall be sworn in and take office at the next Tribal Council meeting following certification of the election results, no later than thirty (30) days after the election.

Section 6. The Tribal Council shall amend its Election Ordinance within 60 days following ratification of this Constitution to incorporate the changes to this Constitution and to provide further guidelines on procedures governing elections.

ARTICLE VIII – DUTIES OF OFFICERS

Section 1. Duties of Tribal Council Officers. Newly elected officers shall assume their respective offices and duties following their swearing-in. Council Members appointed to serve on a committee or board shall keep the Council informed of their activities.

Section 2. Chairperson. The Chairperson shall preside at all meetings of the Tribal Council. The Chairperson shall assume general supervision of all officers and employees and committees of the Tribal Council as directed by the Council.

The Chairperson shall sign all official resolutions and other formal Tribal enactments and documents on behalf of the Tribe, as required.

Section 3. Vice-Chairperson. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson and when so presiding shall have all rights, privileges and responsibilities of the Chairperson.

The Vice- Chairperson shall perform such other duties as the Tribal Council may direct.

Section 4. Secretary/Treasurer. The Secretary/Treasurer shall act as Chairperson pro-tempore in the absence or incapacity of the Chairperson and Vice- Chairperson for the meeting at which the Chairperson and Vice- Chairperson are absent.

At the direction of the Tribal Council, the Secretary/Treasurer shall be responsible for assuring that all Council correspondence is properly written and mailed, all public notices are issued, the

minutes of the Tribal Council meetings are properly recorded, published and distributed, and that all petitions, ordinances, applications and other papers are received and prepared for the Council's action. The Secretary/Treasurer shall affix his or her signature to official documents as required and shall certify the enactment of resolutions and ordinances. The Secretary/Treasurer shall maintain a roster of Council Members and serve as the Registrar for registered voters.

At the direction of the Tribal Council, the Secretary/Treasurer shall be responsible for safeguarding tribal assets, which includes ensuring adequate internal controls are in place, communicating with Fiscal staff to ensure that audits are completed annually, corrective action is taken on any audit findings, fiscal and personnel policies are maintained and kept current and financial reports are presented as needed and performing such other duties as may be assigned by the Tribal Council.

Section 5. In the absence of an Officer, Council business may be conducted when a quorum is present, provided that a reasonable attempt has been made to notify all Council Members of the meeting time and the business to be conducted. The Council Member who has served the longest (has seniority) on the Council shall preside over such meetings.

Section 6. The Tribal Council shall maintain and adhere to a Code of Conduct governing internal protocols relevant to service on the Tribal Council.

ARTICLE IX – VACANCIES AND REMOVAL FROM OFFICE

Section 1. If a member of the Tribal Council dies, resigns, fails to maintain residency within 100 road miles of the Tribe's Aboriginal Territory, or is convicted of a felony involving murder, manslaughter, rape, assault with intent to kill, burglary, child or elder abuse, assault resulting in serious bodily injury, theft, fraud or embezzlement, or is convicted of a crime requiring registration as a sex offender, the Council shall declare the position vacant and fill the unexpired term pursuant to the Tribe's Election Ordinance.

Section 2. If it is discovered that a member elected to the Tribal Council was convicted of one of the crimes set forth in Section 1 that was not discovered during the candidate screening process, the Council shall declare the position vacant and fill the unexpired term pursuant to the Tribe's Election Ordinance.

Section 3. The Council may by an affirmative vote of two-thirds (at least six Council Members) expel, or suspend pending investigation, any member for neglect of duty or gross misconduct, provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting, and provided further, that the accused member shall have been given a written notice of the charges against him or her at least five days before the meeting at which he or she is to appear. The Tribal Council shall enact and maintain fair hearing procedures to ensure that the accused has a full and fair opportunity to respond, including bringing witnesses and evidence on his or her behalf.

Section 4. Upon a petition of at least two thirds (2/3) of the registered voters of the Tribe, it shall be the duty of the Tribal Council to call a special election for the recall of any member or members of the Council named in such petition. In the event that a majority of those voting in such election approve a Council Member's recall from office, the office shall be declared vacant and the Tribal Council shall direct the Election Committee to hold a special election to fill said office, pursuant to the provisions of the Tribe's Election Ordinance.

ARTICLE X – REFERENDUM

Section 1. Upon a petition of at least one-third (1/3) of the eligible voters of the Tribe or upon the request of a majority of the members of the Tribal Council any enacted or proposed ordinance or resolution shall be submitted to popular referendum and the vote of a majority of the qualified voters in such referendums shall be conclusive and binding on the Council, provided that at least 30 percent (30%) of the eligible voters shall vote in such election.

ARTICLE XI – PRIOR ENACTMENTS

Upon approval of this Constitution, all prior actions of the Tribal Council are hereby ratified and confirmed as a valid exercise of the Tribe's inherent Sovereign powers.

ARTICLE XII – AMENDMENTS

This Constitution may only be amended if proposed amendments are approved by a vote of the Tribal membership. Amendments to this Constitution may be proposed by submitting either of the following documents to the Tribal Election Committee along with the proposed amendments:

1. A resolution in which a quorum of the Tribal Council Members have voted in favor of the proposed Constitutional Amendment; or
2. A petition signed by at least one third (1/3) of the Tribe's eligible voters.

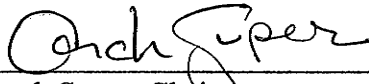
Upon receipt of either of these two documents, the Election Committee shall call and conduct a special election pursuant to the provisions set forth in the Election Ordinance. The specific language proposed as an amendment to the Constitution, along with language changes of any other parts of the Constitution that will be affected by the proposed modification and a brief explanation of the reason for the proposed changes, shall appear on the ballot materials sent to all eligible voters.

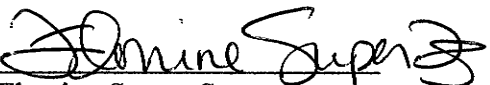
The amendment(s) shall take effect if adopted by the majority of those voting in the election held for that purpose, provided that at least fifty percent (50%) of the registered voters voted in the election.

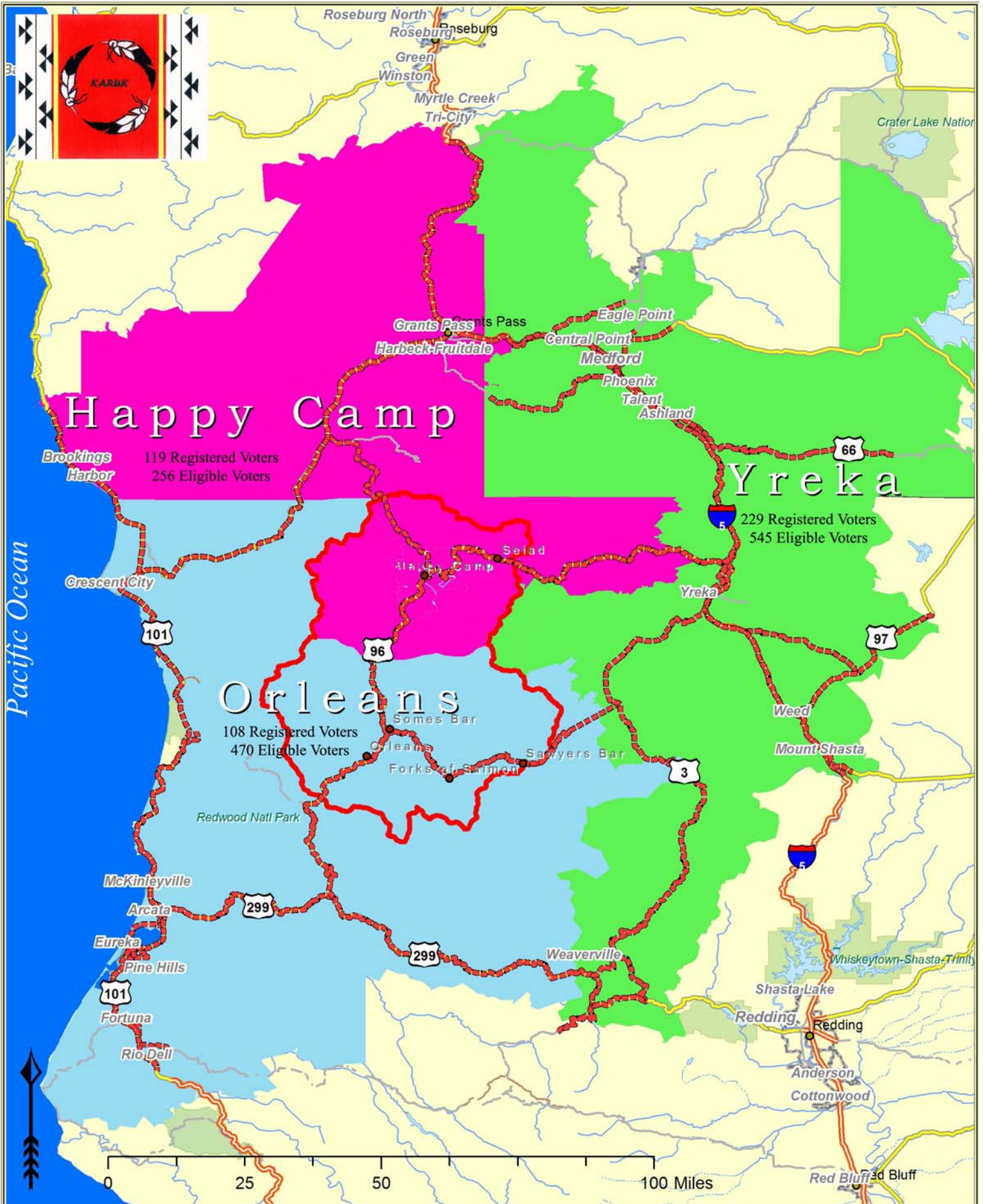
CERTIFICATION

I, the undersigned, as Chairperson of the Tribal Council of the Karuk Tribe, (formerly known as the "Karuk Tribe of California") do hereby certify that the Karuk Tribal Council is composed of nine (9) members of which eight (8) were present constituting a quorum at a meeting duly noticed and convened on the 30th day of July, 2008, to certify the election results; and that the Karuk Tribe held an election on the 19th day of July, 2008; and that the Constitutional Amendments reflected in the foregoing document (Ballot Questions 1b, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16) were all adopted by a majority vote of those voting in the election.

Dated on this 30th day of July, 2008


Arch Super, Chairperson
Karuk Tribal Council

Attest: 
Florraine Super, Secretary
Karuk Tribal Council



Karuk Voting Districts and Roads Within 100 Miles of the Ancestral Territory

Karuk Tribe of California

103 INDIAN CREEK ROAD
P. O. BOX 1098
HAPPY CAMP, CA 96039

CENTRAL OFFICE 916-493-5305
COMMUNITY DEVELOPMENT DEPT. 916-493-53

RESOLUTION OF THE

KARUK TRIBE OF CALIFORNIA

RESOLUTION NO: 85-13
DATE APPROVED: APRIL 17, 1985

AUTHORIZATION BY THE KARUK TRIBE TO MAKE KNOWN AND ESTABLISH THE TERRITORY OF THE TRIBE.

WHEREAS, the Karuk Tribe is a Sovereign Tribe and People recognized to have a government-to-government relationship with the government of the United States of America; and,


WHEREAS, the Interim Tribal Executive Board is presently the formally constituted Governing Body of the Karuk Tribe entrusted with the responsibility of determining policy for the Karuk people; and,

WHEREAS, Article VI, Section 2 of the Constitution of the Karuk Tribe delegates to the Interim Tribal Executive Board the authority to determine the Tribe's territory for purposes of determining residency of candidates for the Karuk Tribal Executive Council; and,

NOW, THEREFORE LET IT BE RESOLVED, that the residency requirement for the Karuk Tribal Executive Council consists of all aboriginal territory as defined by the Tribal Indigenous Map, and the legal description of said territory as described in Attachment A.

CERTIFICATION

I, the Chairman, hereby certify the foregoing resolution, which was approved at a special meeting, where a quorum was present, on the 17th day of April, 1985, was duly adopted by a vote of 3 for; 0 against; and 1 abstain, and said resolution has not been rescinded or amended in any way. The Interim Tribal Executive Board is composed of six members of which 4 voted.


Paul Gary Beck, Chairman


Date April 17, 1985

TERRITORY

The legal description of the indigenous territory is more particularly described as follows:

Tanner Mt. section 15, easterly to section 36, turn southerly to Pyramid Peak to Goff Butte then southerly to Rattle Snake Mountain in section 16 to Kangaroo Mountain, from Kangaroo Mountain go northeast on the Oregon-California border to Cook and Green Pass, south on the eastern ridge of East Fork of Seiad Creek to the ridge on the southeast side of Seiad Creek to the Klamath River, up the eastern ridge of Grider Creek all the way to Grider Valley, section 14, and south to Kings Castle section 34, south to Black Marble Mountain section 14, turning southeast on the ridge to Summit Meadow corner of section 33, turning southerly Shelly Meadows section 23, turning south along easternly ridge of North Fork of Salmon River, down the North Fork of the Salmon River till Blue Ridge Lookout, section 11, turning southerly to Yoakumville section 29 crossing the south fork of the Salmon River sections 29 and 30 up to Hettling Ridge to section 30 turning west at Youngs Peak, northwest to Salmon Mountain section 8, turning south on Devils Backbone to section 12, turning northwest on section 11 to Packards Saddle ridge to Hopkins Buttes section 33, turning northwesterly to Shelton Butte crossing Klamath River at section 19 and 24 to Burrill Peak, sections 21 and 22, turning northwesterly to Bee Mountain section 3, turning north to Onion Mountain section 5, turning northeasterly on section 3 to section 27 turning north on Lonesome ridge to section 10, continue northwest to Doctor Rock and Peak 8, then northeasterly to Sawtooth Mountain, section 10, to Harrington Mountain on the ridge to Prescott Mountain section 36 north to Bear Mountain to section 12, turning northwesterly to section 36 turning northwesterly to section 25, turning easterly to Twin Peak, turning at section 30 to the northeast to Rocky Knob Mountain, turning north on section 20 to Youngs Peak section 4, turning east to section 11, turning northerly to Lookout Mountain section 35, turning east to section 31, turning northerly to Little Greyback section 5, turning north section 32, turning northeasterly to section 15, turning on section 14 to Dolan Mountain; turning on section 8 east to Tanner Mountain to section 15, the point of beginning. (This description was made in using the Klamath National Forest Map of California and Oregon, 1978). Map is attached hereto as Exhibit 1.