



Constitution *of the* Fernandeño Tataviam Band of Mission Indians

Preamble

We, the sovereign Fernandeño Tataviam people,

- proud of our history of creativity and life in community with our ancestral land, which we seek to conserve and develop as a resource for ourselves and our children; and
- dedicated to preserving and enriching our tribal culture, achieving and maintaining a desirable measure of prosperity, and securing to our posterity and to ourselves the blessings of freedom; and
- committed to solidarity with each other in a common quest for self-determination and economic justice; and
- honoring the memory of those who have struggled on our behalf for dignity, respect, and prosperity; and
- celebrating shared traditions that have given us identity and meaning and preserving inherited wisdom that still guides our lives, while continuing to learn from the contemporary world,

hereby enact this Constitution as the legal foundation for our life together.

Chapter 1

Principles of Fernandeño Tataviam Tribe

Article 1. The Fernandeño Tataviam Band of Mission Indians

The Fernandeño Tataviam Band of Mission Indians and cited as the Fernandeño Tataviam Tribe, Fernandeño Tribe, Tataviam Tribe, and San Fernando Mission Indians, is a participatory union of clans, families, and persons descended from the original people of the Fernandeño Tataviam traditional villages, rancherias, and of Mission San Fernando.

Article 2. Political Authority

Political authority in the Tribe derives from the will of the people, and is exercised by them directly and through their representatives in accordance with the Constitution and within the limits set by Tribal Code. The Constitution is the supreme law of the Tribe.

Chapter 2

Territory and Jurisdiction

Article 3. Ancestral Lands

Section 1. The Tribe is comprised of autonomous villages, rancherias within the Fernandeño Tataviam immemorial ancestral lands in the areas located in the known parts of Los Angeles, and Ventura Counties in the State of California, as referred in the Indian Rancherias of San Fernando Mission, United States Indian Affairs report of May 1920.

Section 2. The ancestral lands of the Tribe extend from north to south, from the lower Antelope/Leona Valley to the San Fernando Valley, and from west to east, from Piru to the western arm of the San Gabriel Mountains.

Article 4. Territory

The territory of the Tribe comprises all land, whether or not contiguous, owned by the Tribe in any legal manner.

Article 5. Jurisdiction

The laws of the Tribe shall extend to:

- a. any person, property, activity, or other matter occurring within its territory, as defined in Article 4 of this Constitution;
- b. any tribal citizen wherever located; and
- c. any other person, property, activity, or matter, subject to its jurisdiction by virtue of its status as a sovereign Indian tribe or any applicable law.

Chapter 3 Citizenship and Rights

Article 6. Citizenship Requirements

Section 1. The citizenship of the Tribe shall consist of the following persons who are not enrolled citizens of any other tribe:

- a. Any person with lineage to one or more Indian Rancherias (Villages) within boundaries of Article 3 associated with Mission San Fernando registers.
- b. Any person who is a lineal descendant of an enrolled citizen of the Tribe maintaining tribal relations.

Section 2. Any applicant for citizenship bears the burden of proof to establish eligibility for enrollment and not enrolled with any other tribe/band, as set out in Section 1a through 1b above.

Article 7. Rights and Responsibilities of Citizens

Section 1. All citizens of the Tribe are entitled to equal respect without regard to gender, age, or religion. All citizens shall enjoy equal opportunities to participate in the economic resources and activities of the Tribe, and no citizen shall be denied freedom of religion, speech, association, or assembly; or the right to petition for the redress of grievances, nor shall any citizens be deprived of liberty or property without due process.

Section 2. The Tribe shall not raise sovereign immunity in tribal court as a defense to any claim made against it by an enrolled citizen for injunctive or declaratory relief.

Section 3. Each tribal citizen is responsible for helping to preserve the endowments of nature, enlarging the inheritance of future generations, and aiding in the maintenance of the tribal heritage and culture.

Article 8. Political Rights of Citizens

Section 1. All citizen of the Tribe who is at least eighteen (18) years of age or older shall be deemed qualified to vote under the authority of this Constitution; provided, they have duly registered to vote.

Section 2. All citizen of the Tribe may vote in person or by absentee ballot.

Section 3. Any citizen of the Tribe eligible to vote may also serve as a senator or tribal staff official.

Section 4. Any citizen of the tribe may serve as President, Vice President, Secretary or Treasurer if they are eligible to vote, is at least twenty-eight years old, and will have been a citizen of the Tribe for at least four years on the day he/she will take office.

Section 5. No one may serve as President, Vice President, tribal officer, tribal staff member, senator, or member of any tribal board, commission, or similar body while employed by the Bureau of Indian Affairs or by any federal agency contracting with the Tribe.

Article 9. General Meetings of Citizens

Section 1. The citizens of the Tribe shall meet at least once each year, on any Sunday in June. The President may call meetings of all voters of the Tribe at his own initiative, and must do so upon a petition of at least twenty percent of the eligible voters of the Tribe.

Section 2. The President chairs any meeting of the citizens of the Tribe.

Section 3. A general meeting of tribal citizens may be closed to non-citizens by a two-thirds vote. Otherwise, a person not eligible to vote may attend a general meeting, but may speak only if recognized by the President.

Article 10. Initiative Process by Tribal Citizens

Section 1. A new initiative may be proposed and an existing ordinance may be reviewed at the request of the President, or by petition of at least thirty percent of the eligible voters of the Tribe.

Section 2. Whether at a general meeting, general election, or in a special election, the tribal citizens eligible to vote may by majority vote approve any ordinance within the legislative authority of the Senate or repeal any ordinance adopted by the Senate, subject to the further requirements of this Article.

Section 3. At least thirty percent of the tribal citizens eligible to vote must participate in a vote on an ordinance at a general meeting, general election, or in a special election for the vote to be valid. The citizens of the Tribe shall be publicly notified at least two months before the day the vote is scheduled to take place.

Article 11. Reserved Powers of Tribal Citizens

The citizens of the Tribe delegate the authority of the daily Tribal business affairs on behalf of the Tribe to the administration and agencies of government established by the President and Senate in accordance of the Constitution. However, they reserve the exclusive right, by majority vote, to:

- a. approve the initiative of the sale, relinquishment, or encumbrance of tribal territory;
- b. approve agreements permitting the activity on tribal territory of non-tribal law enforcement agencies;
- c. approve any business contract with the potential to commit the Tribe in the amount of \$5,000,000 or more;
- d. approve the sale or relinquishment of tribal hunting or fishing rights; and
- e. renounce or diminish a right reserved by or delegated to the Tribe under federal law.

Chapter 4 The Senate

Article 12. Legislative Authority

The Legislature Department shall be cited as the Tribal Senate of the Tribe, exercises the Tribe's legislative authority. Senators meeting without formal convocation or in the absence of a quorum have no formal legal authority to act on behalf of the Tribe.

Article 13. Candidacy

Section 1. Any enrolled citizen of the tribe eligible to vote may serve as a senator, provided that the citizen lives in that district, and submits declaration of candidacy at least four months before the election. Other qualifications for candidates for tribal office shall be established by tribal ordinance.

Section 2. The Tribal Senate, at its first regular session each year, shall organize and elect officers from its membership. Officers to be elected are a Chairperson and a Secretary.

Article 14. Election

Section 1. The Senate shall be comprised of nine (9) members to be elected from the following districts according to an apportionment plan prescribed by the Tribal Senate: Tamit and Totó.

Section 2. Each senator represents the entire tribe, is elected at-large by secret ballot vote in his district of the eligible voters from tribal citizens for four-year terms. Half the senatorial seats shall be filled every two years.

Section 3. Senators take office on the first Monday in June.

Article 15. Officers of the Senate

Section 1. The Vice President of the Tribe serves as chair of the Senate, voting only in case of a tie.

Section 2. The Secretary acts as chair in the Chair's absence.

Section 3. The Secretary of the Tribal Senate shall maintain all records and enactments of the Tribal Senate. They shall be kept on file in the Tribal Administration Office, San Fernando, California and available for inspection by Fernandeño Tataviam citizens during normal office hours. All such records and enactments of the Tribal Senate shall be the property of the Fernandeño Tataviam Band of Mission Indians.

Article 16. Support Staff, Officers and Procedures.

The Senate may appoint a secretary and other support staff and officers as necessary. It may regulate its own procedures and appoint subordinate committees to facilitate its work.

Article 17. Scope of Legislation

Consistent with this Constitution, and by virtue of the Tribe's inherent sovereignty and applicable law, the Senate may legislate with respect to all matters within the competence of the Fernandeño Tataviam Band of Mission of Indians. Without prejudice to its authority under this Constitution to legislate with respect to other matters or to exercise such other powers as may be delegated to it by the citizens of the Tribe or recognized by the United States of America, the Senate has the authority to pass laws to:

- a. appropriate tribal funds for tribal purposes in accordance with a biennial budget;
- b. levy and collect taxes and fees that the Treasurer shall chair;
- c. borrow money from any source on behalf of the Tribe and pledge or assign chattels or future tribal income as security;
- d. initiate the sale, disposition, lease or encumbrance of tribal lands, funds, and other assets;
- e. delegate the economic affairs and enterprises of the Tribe;
- f. provide for the assignment, use, transfer, and inheritance of real and personal property subject to the jurisdiction of the Tribe;
- g. determine guidelines and procedures for the enrollment and adoption of tribal citizens, subject to the Constitution;
- h. protect animals and natural resources within tribal territory;
- i. regulate commercial, financial, industrial, and other economic activity occurring within the tribal territory;
- j. approve any agreement negotiated by the President on behalf of the Tribe, except that any agreement involving more than \$5,000,000 must also be approved by the tribal citizens voting in a special election or at a special general meeting;
- k. approve the appointment of legal counsel and of other tribal officers and staff by the President;
- l. provide for the creation of commissions, boards, and other tribal agencies and of tribal offices and staff positions;
- m. regulate the domestic relations of persons within the jurisdiction of the Tribe and the adoption of minor children within the jurisdiction of the Tribe;
- n. maintain public order within tribal territory and protect the rights guaranteed by or under the Constitution against infringement;
- o. provide for tribal libraries and educational institutions; safeguard tribal monuments and records, archeological sites, burial grounds, and artistic and architectural creations of tribal importance; charter charitable entities; and operate tribal public print and electronic media;
- p. define crimes and the sanctions to be imposed in case they are committed;
- q. determine procedures for tribal elections;

- r. establish policies governing tribal social welfare measures, public housing, and health and sanitation within the tribal territory;
- s. initiate authorization of the entry into the tribal territory of non-tribal police or military forces;
- t. protect tribal boundaries in accordance of the Constitution and Tribal ordinance; and
- u. establish and regulate tribal courts and law enforcement on the tribal territory.

Article 18. Liability, and Immunity

Section 1. No senator may be subject to civil, criminal, or other disciplinary proceedings because of the opinions he expresses in the performance of his duties.

Section 2. A senator shall forfeit his office if he gives unmistakable evidence that he cannot or will not continue fulfilling the responsibilities of his office or is physically or mentally incapable of doing so. An ordinance shall specify the procedures for determining forfeiture of office as well as those governing the determination and consequences of temporary incapacity, on comparable grounds.

Section 3. A senator may be removed from office by a two-thirds vote of the senators in office.

Section 4. If a senator resigns, is removed from, or forfeits his office, a new senator shall be selected in a special election or general election, of the eligible voters from tribal citizens, shall complete the remainder of his term.

Article 19. Ordinances

Section 1. An ordinance may be proposed by:

- a. any senator;
- b. the Chairperson of Senate;
- c. the President; or
- d. ten percent of the eligible voters, by petition.

Section 2. The President determines the order in which the Senate considers draft ordinances and other matters, though the calendar may be challenged before the Senate on the initiative of twenty-five percent of the senators in office.

Section 3. Proposals from the President receive priority on the legislative calendar or the Senate.

Section 4. The citizens of the Tribe shall have substantial opportunity for formal comment on a proposed ordinance while the Senate is considering it.

Section 5. An ordinance requires approval of a majority vote in the Senate.

Section 6. Before voting on a proposal, the Senate may request from the tribal legal counsel advice regarding the constitutionality of the proposal.

Section 7. During the first thirty days after the Senate approved and the President has formally promulgated an ordinance, a minimum of ten percent of the registered voters of the Tribe may request by petition that the Senate reconsider the ordinance. If such a request for reconsideration is filed, the ordinance is suspended, and becomes effective only if re-approved by a majority vote of the Senate.

Article 20. Meetings, Attendance, Voting, and Quorum

Section 1. The Senate shall hold a regular monthly meeting on a day and at a time set by ordinance.

Section 2. Every senator is required to attend the meetings of the Senate.

Section 3. Every senator has the right to vote when present at a meeting of the Senate except in cases of conflict of interest specified by an ordinance.

Section 4. A quorum and for the vote to be valid shall consist of two-thirds of non-vacant members of Senate to be present.

Section 5. No senator permanently connected with any party specially and directly affected by a matter before the Senate may vote on the matter without the approval of a majority of the remaining senators present at the time of the vote.

Article 21. Special Meetings

Section 1. A special meeting of the Senate may be called by:

- a. the President;
- b. Chair of Senate; or
- c. three senators.

Section 2. If the President calls a special meeting, he shall chair the meeting of the Senate during the special meeting.

Article 22. Openness of Meetings

Section 1. The meetings of the Senate and its committees are all ordinarily open to the public. To this end, the place and time of each meeting are publicly announced at least one month in advance.

Section 2. Closed Sessions of a meeting, shall be to any persons other than senators, the President, and the Vice President to any portion of a meeting of the Senate, only if approved by the Chairperson and two-thirds of the senators in office.

Section 3. The records of all votes in the Senate shall be publicly available to all Tribal citizens of the Fernandeño Tataviam Band of Mission Indians.

Chapter 5 The Treasurer of the Tribe

Article 23. Role

The Treasurer of the Tribe has broad responsibilities and authority in the areas of investment and finance of the Fernandeño Tataviam Band of Mission Indians.

Article 24. Election

Section 1. The Treasurer is selected by secret ballot vote of the Fernandeño Tataviam people.

Section 2. To be elected Treasurer, a candidate must receive more than one-half of the valid votes cast.

Section 3. The term of office of the Treasurer is four years.

Section 4. The Treasurer takes office on the first Monday in June.

Article 26. Responsibilities of Treasurer

The Treasurer of the Tribe shall be the custodian of all monies, which may come into the control of the Tribal President, Tribal Senate, boards, commissions, and other Tribal agencies dealing with finances.

Article 27. Relationship with President and Senate

Section 1. The Treasurer shall pay out money in accordance with ordinances and resolutions of the Tribal Senate.

Section 2. The Treasurer shall keep an account of all receipts and disbursements, and shall report the same to the Tribal Senate monthly.

Section 3. The financial records of the Treasurer shall be subject to audit or inspection at the direction of the Tribal President or by Tribal Senate.

Article 28. Removal From Office

Section 1. The Treasurer shall be removed from office if, upon the vote of at least two-thirds of the enrolled citizens eligible to vote and the agreement of at least two-thirds of the Senate, it is determined that unmistakable evidence shows he cannot or will not fulfill the responsibilities of his office, whether for physical, mental or other reasons.

Section 2. If the Treasurer convicted of a potential or alleged infringement, or incapacitated, the President shall appointed one Senate member to serve as Acting Treasurer. If the Treasurer is removed from or forfeits his office, the President shall call a special election for office of Treasurer.

Article 29. Candidacy

Section 1. Any citizen of the tribe eligible to vote may be a candidate for Treasurer provided he submits a declaration of candidacy at least four months before the election in which he wishes to be a candidate for President. Other qualifications for candidates for tribal office shall be established by tribal ordinance.

Section 2. Any person who becomes an enrolled citizen of the Tribe after ratification of this constitution shall be eligible to run for Treasurer only after a period of four years of uninterrupted enrollment.

Chapter 6 The President and Vice President

Article 30. Role

The President of the Tribe is the principal representative of the Fernandeño Tataviam people and their chief magistrate.

Article 31. Election

Section 1. The President is selected by secret ballot vote of the Fernandeño Tataviam people.

Section 2. To be elected President, a candidate must receive more than one-half of the valid votes cast.

Section 3. The Vice President of the Tribe is selected by majority vote of the Senate.

Section 4. The term of office of the President is four years and the term of office of the Vice President is two years.

Section 5. The President and Vice President shall take office on the first Monday in June.

Article 32. Presidential Powers and Duties

Section 1. The powers and duties of the President are to:

- a. chair the meetings of the Fernandeño Tataviam People;
- b. called and chair special meetings of the Senate;
- c. oversee the executive administration of the tribe;
- d. appoint the members of commissions and boards and the judges of the tribal courts with the approval of the Senate;
- e. appoint tribal officers of agencies with the approval of the Senate and remove them at his discretion;

- f. oversee the Tribe's relations with other governmental entities, including other tribes, the State of California, and the United States of America;
- g. negotiate intergovernmental agreements and ratify them with the approval of the Senate;
- h. submit proposed ordinances for consideration by the Senate;
- i. propose initiatives and referenda for evaluation by the voters, in accordance with Article 10;
- j. propose the tribal budget for consideration by the Senate;
- k. on behalf of the Tribe, accept grants and donations made to the Tribe by any person or state or the United States; and
- l. advise the Secretary of the Interior on all activities that may affect the Tribe, and on all Federal appropriation estimates and Federal projects for the benefit of the Tribe.

Section 2. The President shall prepare an Annual Tribal Budget and present it to the Senate for approval. Approval shall require a majority vote of the Senate. Rejection, amendment or alteration shall be considered by legislative act subject to executive veto. Such veto shall be overridden only by an affirmative vote of at two-thirds of non-vacant members of the Senate.

Article 33. Responsibilities of Vice President

The Vice President shall assist the President in the administration of tribal business and replace the President in his absence, in accordance with the Constitution and is the chairperson of the Senate.

Article 34. Relationship with Senate

Section 1. The Senate may request the information and assistance it needs from the President, the tribal staff, and any agency under the control of the executive authorities.

Section 2. The President shall have access to the meetings of the Senate and its committees, and is entitled to be heard in them.

Article 35. Immunity, and Liability

Section 1. Neither the President nor the Vice President shall be subject to civil, criminal, or other disciplinary proceedings because of the opinions expressed in the performance of his duties.

Section 2. Neither the President nor the Vice President may be subjected to civil suit or criminal prosecution by the Tribe during his term in office absent compelling evidence of criminal conduct. A President convicted following a criminal prosecution thus authorized forfeits his office.

Article 36. Tribal Executive Staff

The members of the tribal executive staff operate under the direction of the President. They serve the tribal interest with objectivity and acting in accordance with the principles of efficiency, participatory management, decentralization, and coordination while fully complying with tribal ordinances and policies.

Article 37. Removal From Office

Section 1. The President shall be removed from office if, upon the vote of at least two-thirds of the enrolled citizens eligible to vote and the agreement of at least two-thirds of the Senate, it is determined that unmistakable evidence shows he cannot or will not fulfill the responsibilities of his office, whether for physical, mental or other reasons.

Section 2. If the President is incapacitated, the Vice President shall serve as Acting President. If the President is removed from or forfeits his office, the Vice President shall assume office for the remainder of the President's term. It shall be the Senate's responsibility to determine, by two-thirds vote, whether the President is incapable of fulfilling his duties.

Section 3. In case of a vacancy in the Vice Presidency, Secretary of the Senate shall assume office for the remainder of the Vice President's term.

Article 38. Candidacy

Section 1. Any citizen of the tribe eligible to vote may be a candidate for President provided he submits a declaration of candidacy at least four months before the election in which he wishes to be a candidate for President. Other qualifications for candidates for tribal office shall be established by tribal ordinance.

Section 2. Any person who becomes an enrolled citizen of the Tribe after ratification of this constitution shall be eligible to run for President, or be appointed Vice-President only after a period of four years of uninterrupted enrollment.

Chapter 7 The Judiciary

Article 39. Courts

Section 1. The Senate shall establish a separate branch of government – the Judiciary – consisting of the Fernandeño Tataviam Tribal Court, the Tataviam Court of Appeals, and any additional courts, as the Senate deems appropriate.

Section 2. It shall be the duty of all courts established under this section to interpret and enforce the Constitution and the tribal laws. Decisions of the courts shall be binding on all public and private bodies and shall prevail over the decisions of all other tribal authorities.

Section 3. The subordinate courts shall be removed upon the vote of at least two-thirds of the Tribal citizens registered to vote and by at least two-thirds of the Senate, it is determined by evidence that subordinate court is not functional or practicable.

Section 4. An ordinance establishes the operation and jurisdiction of the courts. The Senate may also by ordinance provide for alternative methods of dispute resolution that do not involve the courts.

Article 40. Judges

Section 1. When initially appointed by the President and approved by Tribal Senate, a judge serves for a probationary term of four years. His appointment becomes permanent at the end of this term unless, during its final year, the Senate determines, by an affirmative vote of a majority of the senators in office, that he not continue in office after the completion of the probationary term.

Section 2. Once his appointment becomes permanent, a judge's office ends when she or he retires, is convicted of a felony, or is authoritatively judged—in accordance with procedures embodied in an ordinance—to be unwilling or unable to perform the functions associated with her or his office. An ordinance establishes procedures for dealing with the temporary incapacity of judges.

Article 41. Authority

Section 1. In matters brought before them for decision, the courts may not apply rules contravening the Constitution or the principles it contains.

Section 2. The courts are justly to apply any valid ordinance that is consistent with the Constitution, interpreting it fairly and, in cases of ambiguity, with active concern for the interests of justice. In the absence of explicit legislation, the ongoing judicial development of legal norms fosters flexible and sensitive resolutions of public and private disputes in accordance with tribal values and traditions.

Section 3. Decisions of the courts are binding on all public and private bodies and prevail over the decisions of all other authorities.

Article 42. Procedures

The procedures of the Tribal court hearings are public except when a judge may call the closure of some or all proceedings is necessary to protect the privacy of a defendant or witness who requests it.

Chapter 8 Elections

Article 43. Election Procedures

Section 1. Regular elections of senators shall take place every four years on the first Sunday in April; half of the Senatorial election seats shall take place every two years.

Section 2. Regular elections for President and Treasurer shall take place every four years on the first Sunday in April.

Section 3. All elections shall be conducted by secret ballot.

Section 4. At least six weeks before each election, the Senate shall publicly notify all tribal citizens when the election will occur, identify all polling places as well as the methods of voting available to absentees.

Section 5. A person interested in running for President or senator must submit a declaration of candidacy at least four months before the election in which he wishes to be a candidate.

Section 6. At least three months before each election, the Senate shall publicly announce the candidates for all offices.

Section 7. Observers designated by the candidates, and other observers as determined by tribal ordinance, have the right to observe the counting of all ballots and to challenge irregularities in the counting process.

Section 8. After the ballots in a given election have been counted, the Election Commission shall publicly announce the vote total for each candidate.

Section 9. All elected or appointed officials shall take the oath before entering his designate office.

Chapter 9 Amendment of the Constitution

Article 44. Proposal

An amendment to the Constitution may be proposed in the same manner as a tribal ordinance.

Article 45. Adoption

To be valid, an amendment must be approved by a secret ballot vote of at least two-thirds of the Senate and two-thirds of the registered tribal citizens voting on the proposed amendment.

Chapter 10 Sovereign Immunity

Article 46. Sovereignty

Section 1. Sovereign Immunity. Nothing in this Constitution shall be construed to waive The Tribe's inherent Sovereign Immunity from suit unless expressly stated to the contrary. Such immunity shall extend to the Tribe's subdivisions and corporations, and any officials or employees acting within the scope of their duties, except to the extent that the Tribal Senate expressly waives by law such Sovereign Immunity.

Section 2. Immunity from Suit by Foreign Parties. The government of the Tribe, its subdivisions, and its corporations, and officials and employees acting within the scope of their duties shall be immune from suit brought by any foreign entity, government, or person, except to the extent that the Tribal Senate expressly waives immunity by law. For purposes of this section, foreign entity or government shall be understood to denote any entity or government other than the Tribe.

Section 3. Immunity from Suit by Tribal Citizens. The government of the Tribe, its subdivisions, and its corporations, and officers or employees acting within the scope of their duties shall be immune from suit except to the extent the Judicial Branch deems necessary to enforce in equity exclusively the rights and responsibilities arising under this Constitution.

Section 4. Waiver of Sovereign Immunity from Suit. The Tribal Senate alone shall have the power to waive by law the Sovereign Immunity of the Tribe, its subdivisions, and corporations.

Chapter 11

Approval of the Constitution

Article 47. Approval of Constitution

This constitution, when adopted by the majority of the qualified voters of the Fernandeño Tataviam Band of Mission Indians voting at an election called for that purpose in which at least two thirds of those entitled to vote shall vote, shall become immediately effective but shall thereafter be submitted to the Secretary of the Interior for his information and approval.

Constitution approved on NOVEMBER 15, 2002.

Amended through general election on JUNE 11, 2017.