THE GOVERNING DOCUMENT

of the

SANTA ROSA BAND OF CAHUILLA INDIANS

ADOPTED:

DECEMBER 22, 2014

PREAMBLE

We, the people of the Santa Rosa Band of Cahuilla Indians, originally known as "Ivilluwenetem", acknowledge our ancestors who since time immemorial have lived and died on the original Cahuilla aboriginal lands. We honor the sacred trust our ancestors have passed on to us to maintain our Cahuilla culture, to preserve our tribal identity, and fully and freely to exercise our sovereign authority. In order to memorialize and officially secure to ourselves the power to exercise our customs and traditions, to administer justice, and to stabilize our governmental processes as a sovereign nation, we do hereby adopt this Governing Document setting out those self-government processes.

ARTICLE I. NAMES

SECTION 1. The name of our Tribe shall be the "Santa Rosa Band of Cahuilla Indians"; throughout the remainder of this Governing Document, the word "Tribe" shall mean the Santa Rosa Band of Cahuilla Indians.

SECTION 2. The name of the reservation of the Tribe shall be the "Santa Rosa Indian Reservation"; throughout the remainder of this Governing Document, the word "Reservation" shall mean the Santa Rosa Indian Reservation.

ARTICLE II. TERRITORY

The Reservation was established by Executive Order on December 29, 1891 under the authority of the Mission Indian Relief Act of January 12, 1891. The Territory of the Tribe includes the lands, water, property, airspace, surface rights, subsurface rights and other natural resources within the boundaries of the Reservation, including any lands which may hereinafter be added to the Reservation by any means, and the same wherever located if held in trust or restricted status by the United States for the benefit of the Tribe or a tribal member.

ARTICLE III. JURISDICTION

The governmental powers of the Tribe, a federally recognized sovereign Indian tribe, shall, consistent with all applicable federal laws, extend to all tribal members and all persons, subjects and activities, to all lands and other property, including, but not limited to, natural resources, and to all bodies of water and air space, within the Territory of the Tribe. Nothing in this Article shall be construed to limit the jurisdiction of the Tribe based on its inherent sovereignty as an Indian tribe except as proscribed by federal law.

ARTICLE IV. MEMBERSHIP

SECTION 1. Enrollment and Procedures

A. The Base Roll of the Tribe is the tribal membership list as of January 1, 2014 attached to this Governing Document and adopted herewith. Eligibility for enrollment in the Tribe shall be granted to those living persons in the following categories:

1. Any person who is a lineal descendant of any member listed on the Base Roll; or

2. Any individual who is adopted into the Tribe under procedures and criteria set out in the Tribal Enrollment Ordinance. The lineal descendants of an adopted member are not eligible for membership in the Tribe.

B. Lineal descendants of members on the Base Roll are eligible for enrollment even if minors. Once they reach the age of 18, they must affirm to the Tribe that they wish to continue as enrolled members.

C. Any member adopted from an earlier time shall continue to be recognized as a tribal member.

D. All persons seeking membership must apply pursuant to the Tribal Enrollment Ordinance.

SECTION 2. Dual Membership and Removal

A. Dual tribal membership is neither recognized nor authorized by the Tribe.

B. The Tribe shall keep but one membership roll. The Enrollment Committee shall note on the membership roll when a member dies or relinquishes his or her membership.

C. A tribal member who is determined to have accepted benefits of land or money as an enrolled member of another tribe, who relinquishes his or her membership in the Tribe, or who is found not eligible for tribal membership pursuant to the Tribe's membership requirements shall be subject to loss of his or her tribal membership. To ensure fair and just adjudication of such action, the aforementioned loss shall be accomplished in accordance with procedures set out in the Tribal Enrollment Ordinance.

ARTICLE V. CIVIL RIGHTS

The provisions of the Federal Indian Civil Rights Act of 1968 (82 Stat. 77, codified at 25 U.S.C. §1301 *et seq.*) and all amendments thereto, are herein incorporated in the Governing Document by reference. In addition, a well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE VI. RIGHTS AND RESPONSIBILITIES

SECTION 1. Rights

The General Council of the Tribe is comprised of all members of the Tribe who are at least 18 years of age. The General Council shall be fully franchised and have the right to vote on all issues impacting the Tribe, the Reservation, and any of its resources within the framework set out in this Governing Document.

SECTION 2. Responsibilities

A. Members of the Tribe have a duty to defend and support this Governing Document and the Constitution of the United States of America.

B. Members of the Tribe have a duty to respect, protect and preserve the well-established Tribal traditions, customs, lands and resources.

C. Members are responsible for demonstrating appropriate decorum and respect for other members of the Tribe, property of the Tribe, and the appropriate conduct of their guests and minor children. The Tribe shall adopt a civility ordinance to supplement and explain these responsibilities.

D. The Tribe is under no obligation to provide items of comfort or convenience to tribal members. Such items, if desired, are to be acquired privately.

ARTICLE VII. GENERAL COUNCIL

The General Council shall be the governing body of the Tribe and shall govern itself through the provisions set out in this Governing Document. The General Council shall elect a Tribal Council which functions in an administrative capacity on behalf of the Tribe to ensure that the actions of the General Council, such as tribal ordinances and budgets, are fully and faithfully carried out. Such actions shall be referred to by the phrase "tribal business". To provide authority to carry out these responsibilities, the Tribal Council is delegated certain limited administrative authority provided for in this Governing Document. Tribal ordinances, by their terms, may direct the Tribal Council to carry out certain functions. The Tribal Council remains accountable to the General Council for faithfully and fully discharging those duties and responsibilities. This relationship will ensure the timely, stable, and consistent administration of governmental functions and processes. Those specific delegations are listed herein.

ARTICLE VIII. SESSIONS OF THE GENERAL COUNCIL

SECTION 1. Regular sessions of the General Council shall be held at least every other month. Such sessions shall be scheduled and approved during the first session in the fourth quarter of each calendar year for the following calendar year. No session of the General Council shall be held on a national holiday.

A. Changes to the approved schedule may be made by the Tribal Council with a published notice to the General Council announced by mail setting out the justification for such change and rescheduling the make-up session. Such notification must be published not less than thirty (30) days prior to the regularly scheduled session. Exceptions to this provision may be made only in the case of a death or funeral of a tribal member or family member of a tribal member, a serious tribal emergency as determined by a majority vote of the Tribal Council, or in the event of serious inclement weather. In the event that the Tribal Council is not in session or it is impractical to call that body into session to vote on such cancellation or rescheduling, a phone poll of the Tribal Council shall be sufficient to decide the issue.

B. In order to conduct a General Council session, a quorum must be established. A quorum is established if not less than ten percent (10%) of the General Council is present when the session is called to order.

C. For any General Council session to be held a quorum of the Tribal Council must be present. Members of the Tribal Council may be physically counted to achieve the General Council quorum. Once a quorum has been established, it shall be valid for the duration of the regular session meeting.

SECTION 2. Special Sessions of the General Council

A. The purpose of a special session of the General Council is to address a single issue of importance to the Tribe. Special sessions are not conducted to undermine or reverse actions decided upon in general elections or those taken by the Tribal Council in accordance with this Governing Document. In particular, such sessions shall not be used to settle personal grievances or disputes. They must have a singular purpose and broad implications for the Tribe. The Chairperson of the Tribe may call a special session of the General Council only if:

1. There is a time-sensitive emergency which, if not handled in a timely manner, will cause irreparable harm to tribal holdings or have a damaging impact on the Tribe's reputation or legal standing; or

2. A petition is signed by at least twenty-five percent (25%) of the members of the General Council. If the purpose of such a session is not to address a time-sensitive emergency, a thirty-day mail-out notification must be sent to the General Council identifying the date and time of the session and the single issue to be addressed.

B. Notification that a special session of the General Council has been conducted and the results thereof shall be sent by mail to the General Council within ten (10) working days after the special session. The General Council shall make decisions in sessions (regular or special) by majority vote of those present and voting except as otherwise provided herein.

C. No tribal business shall be conducted in a special session meeting of the General Council in the absence of a quorum.

ARTICLE IX. POWERS OF THE GENERAL COUNCIL

SECTION 1. The Tribe claims and stipulates that it possesses and retains all inherent sovereign powers not specifically limited by applicable federal law. Such powers shall be exercised by the Tribe at will to promote its interests.

SECTION 2. The successor executor and trustee of those sovereign inherent powers is the General Council. From those inherent powers, the General Council delegates certain functions and authorities to the Tribal Council to exercise and administer on behalf of the Tribe. Specific delegations to the Tribal Council are set out in this Governing Document and/or by ordinance.

ARTICLE X. LAWS, REGULATIONS, POLICIES & PROCEDURES

SECTION 1. The supreme law of the Tribe is this Governing Document. To ensure consistent and just governmental function and understanding among the governed, there must be an established precedence of law and rule-making. This article establishes that precedence.

SECTION 2. Adoption of this Governing Document

Adoption of this Governing Document requires a majority vote of the votes cast by the General Council, voting in an election called for this purpose. So ratified, it shall have full force and effect from the date of its adoption. This Governing Document trumps all prior and future established ordinances, regulations, policies and procedures that are incompatible or inconsistent with it.

SECTION 3. Tribal Ordinances

Tribal ordinances are the second highest form of tribal law. They concern matters requiring permanent resolution. A fully completed draft ordinance must be presented for legal review and clearance prior to being presented for adoption or rejection. Legal review is required to ensure that the proposed ordinance does not violate any related provisions in this Governing Document or any federal requirements. Adoption of a tribal ordinance requires a general election, explicitly called for that purpose, in which the General Council is provided an

opportunity to participate in its adoption or rejection. Adoption of a tribal ordinance requires a majority vote of those participating in the general election. Amendments to tribal ordinances shall be passed in accordance with the terms for such action set out in the specific ordinance being amended. Tribal ordinances adopted prior to the adoption of this Governing Document shall be recognized as binding on the Tribe provided that they are not in conflict with this Governing Document and that their adoption fully meets the requirements set out in this section.

SECTION 4. Regulations

The primary purpose of adopting a regulation is to facilitate the administration of the provisions contained in an adopted ordinance and that of a federal or tribal program. Regulations must, therefore, be compatible with the intent and stated purpose of a tribal ordinance or that of a federally sponsored program. Regulations may be adopted in lieu of an ordinance when the issue is not of a permanent nature or when timeliness is critical. The proposed regulation must clearly state why the regulation is required and a fully completed draft must be presented for legal review and clearance prior to being presented for adoption or rejection. Legal review is required to ensure that the proposed regulation does not violate any related provisions in this Governing Document or any federal requirements. Proposed regulations may originate within the Tribal Council or within General Council. Regulations, after legal review, may be adopted by a unanimous vote of the Tribal Council. If the Tribal Council cannot reach a unanimous decision, the matter may be either referred to a General Council session for consideration or tabled. If the matter is referred to a General Council session, the adoption of the regulation requires a majority vote.

SECTION 5. Policies

Like ordinances and regulations, policies must be compatible with ordinances and regulations and not in conflict with the Governing Document or with each other. While policies express, cover, or facilitate the prudent and expedient course of action regarding tribal issues and concerns, they do not rise to the level of tribal law. Policies may be enacted, amended, or abolished at any time by the Tribal Council.

SECTION 6. Procedures

Procedures are established to provide for the efficient and timely conduct of tribal business. Normally, they will be developed by the entity (i.e. committee) responsible for providing a particular service to the Tribe and or its members. These procedures should be direct and simple to understand. Procedures must not be in conflict with the Governing Document, tribal ordinances, tribal regulations or policies; all of which take precedence over tribal procedures. The Tribal Council shall review all procedures to ensure compatibility.

ARTICLE XI. TRIBAL COUNCIL

SECTION 1. Any member of the General Council age twenty-one (21) or older is eligible for nomination for tribal office provided that he or she (i) has not been convicted of, pled guilty to, or pled nolo contendere to a felony in any court of competent jurisdiction unless such conviction has been expunged, (ii) has not been recalled pursuant to this Governing Document, and (iii) meets the qualifications set out in this Article for the office sought.

SECTION 2. Elected members

A. The Tribal Council of the Tribe is comprised of the following elected council members:

Chairperson

Vice-Chairperson

Member number 1

Member number 2

Member number 3

Member number 4

Member number 5

B. A Secretary shall be appointed by the Chairperson from among the seated members of the Tribal Council. The Secretary shall be neither the Chairperson nor the Vice-Chairperson.

C. The Tribal Council shall appoint one of its members to serve as the Treasurer with duties specified by the Tribal Council.

D. **A** Chief Financial Officer (CFO) shall also be hired as an employee of the Tribe. The CFO is a non-elected, non-voting member and need not be a member of the Tribe.

SECTION 3. Qualifications

A. The general qualifications for a tribal member to be elected and duly installed in any position on the Tribal Council are as follows:

1. Not less than twenty-one (21) years of age.

2. Medically certified drug free after test and confirmatory re-test.

3. Never been convicted of, pled guilty to, or pled nolo contendere to a felony in any court of competent jurisdiction unless the conviction has been expunged.

4. High school diploma or GED required.

B. Specific Qualifications for Chairperson and Vice-Chairperson:

1. Not less than thirty (30) years of age.

2. A candidate for one of these two offices must have successfully served at least one full term as a member of the Tribal Council.

3. Medically certified drug free after test and confirmatory re-test.

4. Never have been convicted of, pled guilty to, or pled nolo contendere to a felony in a court of competent jurisdiction unless the conviction has been expunged.

5. High school diploma or GED required.

SECTION 4. A general election of the Tribal Council shall be held every two years.

SECTION 5. In order to ensure that the Tribal Council is objectively balanced, there shall be no more than two (2) immediate family members serving during the same Tribal Council term. Immediate family members include mothers, fathers, brothers, sisters, sons, daughters, and spouses. To ensure this balance, families should work this out during the nomination process.

SECTION 6. All Tribal Council members shall serve a concurrent term of two (2) years or until their successors are duly elected and installed. Members of the Tribal Council may serve multiple terms without limit except the Chairperson who may not serve more than two consecutive terms without a one term break. Conduct of election(s) and schedule(s) will be set-out in a Tribal Election Ordinance to be adopted by the General Council.

SECTION 7. Election to the offices of Chairperson and Vice-Chairperson requires that each candidate for those respective offices receives more than fifty percent (50%) of the total votes cast for that office. Failure to achieve more than fifty percent (50%) of the total votes cast for that office will automatically trigger a run-off election of the top two candidates. In the event that only one candidate runs for either of the offices and fails to receive more than fifty percent of the total votes cast for that office, the Tribe shall re-open nominations and conduct a new election for that office.

SECTION 8. Excluding the Chairperson and the Vice-Chairperson, the election of the members of the Tribal Council requires a plurality of votes. A plurality is a majority that is not necessarily more than half. The five candidates who get the highest number of votes shall be elected. All tie votes will be decided by the flip of a coin.

SECTION 9. To establish a quorum for Tribal Council meetings, four (4) members of the Tribal Council must be present and, included among those four, the Chairperson or the Vice Chairperson must be present. Should the quorum be lost at any time once established, the meeting must be adjourned until a quorum is reestablished.

SECTION 10. The Tribal Council shall not conduct tribal business in the absence of a quorum. Proxy voting is prohibited.

SECTION 11. The Tribal Council shall meet at least twice monthly unless otherwise changed by the Chairperson. Such meetings shall take place in the tribal offices on the Reservation unless in exceptional circumstances as otherwise agreed by a majority of the Tribal Council. Meetings shall be open to the General Council as observers unless involving confidential matters. The Tribal Council shall make decisions by majority vote of those present and voting except as otherwise provided herein.

SECTION 12. The Chairperson or a majority of the Tribal Council may call a special meeting of the Tribal Council. Special meetings must be held in the tribal offices on the Reservation unless in exceptional circumstances as otherwise agreed by a majority of the Tribal Council. Notice of any special meeting of the Tribal Council must be posted on the Tribal web-site and in a conspicuous place in the tribal offices not less than three (3) days prior to a special meeting. Such notification must include the reason for the special meeting.

SECTION 13. Oath of Office for Elected Officials

A. An oath of office shall be administered to each elected member of the Tribal Council during the regularly scheduled session of the General Council in the month of January following the election. The Chairperson, whose term has just expired, shall administer the oath of office to each incoming officer prior to the newly elected officers' installation in office. Once the oath of office has been administered to the newly elected officers, the Vice-Chairperson shall administer the oath of office to the in-coming Chairperson. The oath must be administered to each of the newly elected officials; a refusal by any newly elected official shall result in that person's forfeiture of office. The oath of office is set forth below.

B. The oath of office is as follows:

"I_____do solemnly swear and affirm that I will carry out the duties and responsibilities of the office to which I have been elected, that I will faithfully carry out the mandates and provisions contained in this Governing Document, the laws of our Tribe, and protect the integrity of the Santa Rosa Band of Cahuilla Indians and all Tribal assets so help me God, [or Great Spirit or Creator or from the bottom of my heart]."

SECTION 14. Vacancies

The Tribal Council shall immediately call a special election to fill the unexpired term of a Chairperson, Vice-Chairperson or council member who has resigned, died, become incapacitated, or been removed from office in accordance with the recall provision of this Governing Document. Until such time as the special election has been held and its results certified, the remaining officers shall serve as acting officers as follows:

A. If the office of the Chairperson is vacated, the Vice-Chairperson shall serve as the Acting Chairperson until a special election is conducted, the result certified, and the elected candidate has been installed.

B. If the office of the Vice-Chairperson is vacated, the Chairperson shall temporally appoint one of the council members to serve as Acting Vice-Chairperson until a special election is conducted, the result certified, and the elected candidate has been installed.

C. If the office of the Secretary is vacated, the Tribal Chairperson shall appoint another Tribal Council member to serve as Acting Secretary until a special election is called, the result certified, and the vacancy duly filled. At that time the Chairperson may or may not (at his or her discretion) select a different Secretary.

D. If the office of the Treasurer is vacated, the Tribal Council shall appoint another Tribal Council member to serve as Acting Treasurer until a special election is called, the result certified, and the vacancy duly filled. At that time the Tribal Council may or may not (at its discretion) select a different Treasurer.

E. If the CFO position is vacated, the Tribal Council shall appoint the next senior person from the Tribal Accounting Office to serve as the CFO until the vacancy is officially filled.

SECTION 15. Leave Of Absence

In an emergency situation elected officials may apply to the Tribal Council for a leave of absence in writing specifying the reason for such request. Should the request be approved by the Tribal Council the leave shall not exceed forty-five (45) days. Further, during an approved leave of absence the subject official shall not continue to represent the Tribe in any official capacity whatsoever.

ARTICLE XII. RESPONSIBILITIES OF THE TRIBAL COUNCIL

SECTION 1. The primary responsibility of the Tribal Council is to safeguard the inherent sovereignty of the Tribe and its powers of self-government, to faithfully pursue and maintain the government-to-government relationship with the United States of America, and to maintain a viable equitable working relationship with the State of California and Riverside County and other Tribal Governments. To ensure continued recognition and respect from those entities and our own tribal membership, Tribal Council members shall fully and faithfully support this Governing Document and the tribal ordinances attendant thereto.

SECTION 2. The General Council exercises its inherent sovereign powers and authorities through specific delegations of authority to the Tribal Council or by ordinance adopted in accordance with the provisions contained in this Governing Document. Those sovereign powers that have not been delegated to the Tribal Council are retained by the General Council. The requirements and responsibilities of the General Council outlined below are hereby delegated to the Tribal Council.

A. The Tribal Council shall place into effect ordinances and resolutions of the General Council provided that such action(s) are not in conflict with this Governing Document.

B. The Tribal Council shall represent the Tribe in all negotiations between the Federal Government, State of California, Riverside County, local municipalities, governments of other tribes, private entities, their agencies, departments and officers on behalf of the Tribe. The Tribal Council shall have the power to enter contracts and leases for the Tribe which may include limited waivers of sovereign immunity that bind the Tribe.

C. The Tribal Council shall advise the General Council on all aforesaid negotiations, contracts, and leases, and the implications of such.

D. The Tribal Council shall provide for the management and administration of all tribal holdings including lands in trust and fee status (such responsibilities may involve negotiating leases and contracts to further the development of tribal self-sufficiency and economic independence as set forth above).

E. The Tribal Council shall develop and adopt annual tribal budgets copies of which shall be available to the General Council.

F. The Tribal Council shall judiciously draft appropriate Tribal laws to be adopted by the General Council to safeguard and promote the peace, safety, and welfare of the Reservation community, and protect tribal resources for the benefit of the members of the Tribe.

G. The Tribal Council shall employ legal counsel to advise the Tribe on any legal matters and to ensure appropriate legal interpretation and review. The primary purpose of this service is the continued preservation and protection of the rights of the Tribe and its members and this Governing Document. The Tribal Council shall, prior to entering into an attorney contract with an attorney, fully vet the attorney candidate to ensure that he or she is a licensed attorney in good standing with the State Bar of California with no record of censures or suspensions.

H. The Tribal Council shall establish regulations and/or policies for the conduct of the Tribe's affairs in accordance with this Governing Document and any duly adopted ordinance or regulation thereof. Further, the Tribal Council may direct the various established tribal committees to develop draft procedures to facilitate the administration of their areas of responsibility. Once a committee's draft document has been submitted to the Tribal Council for review, it shall be submitted to the tribal attorney for legal review. If the proposed document is found to be legally sufficient, the drafted procedure may be adopted by the Tribal Council.

I. The Tribal Council may recommend and provide to the General Council additional proposed state or tribal corporate charters to be considered for adoption or rejection in a general election. Day-to-day management of these corporations, once chartered, shall be independent of the Tribal Council and corporate leadership in those corporations shall, at a minimum, provide to the General Council annual financial reports.

J. The Tribal Council shall budget and contract for an ordinance establishing the Tribe's judicial system pursuant to the Tribe's inherent sovereign power to enforce civil and criminal laws within the boundaries of the Reservation. This judicial system shall be consistent with this Governing Document and shall be a separate and distinct branch of government equal in status to the Tribal Council. The judiciary shall have the power to interpret and apply this Governing Document, all ordinances, regulations, policies and procedures of the Tribe, and all other applicable law. The Tribal Council shall budget for this project in the first fiscal year following adoption of this Governing Document.

SECTION 3. Emergency Powers of the Tribal Council

The term "emergency" refers to any occurrence or happening that would or could reasonably result in an immediate threat to life, property, and/or irrevocable damage to tribal resources or the Tribe's reputation and credibility.

A. The Tribal Council must by a majority vote of the Tribal Council declare that an emergency does in fact exist. Should a situation meeting the definition outlined above occur, the Chairperson may conduct a phone poll to obtain the required majority vote of the Tribal Council. Should the Chairperson not be available the Vice Chairperson shall act in lieu of the Chairperson.

B. To fulfill its responsibility to the General Council, the Tribal Council shall provide a written report to the General Council stating the nature of the emergency, the recorded vote of the Tribal Council defining the issue as an emergency, the courses of action considered, the course of action selected, and final outcome or anticipated outcome. The report shall be mailed to each member of the General Council. Emergency action taken by the Tribal Council will have the same force and effect as if taken by the General Council.

ARTICLE XIII. DUTIES OF THE TRIBAL COUNCIL

SECTION 1. Duties of the Chairperson

A. The Chairperson presides at all meetings of the General Council and/or Tribal Council in accordance with this Governing Document and attendant tribal ordinances.

B. The Chairperson, unless delegated, executes on behalf of the Tribe all contracts, leases and other documents approved in accordance with this Governing Document.

C. The Chairperson provides general administrative supervision of all officers, employees, and committees of the Tribe.

D. The Chairperson officially represents the Tribe when neither the General Council nor the Tribal Council is in session in accordance with authorities delegated by the General Council

or this Governing Document. The Chairperson shall make a reasonable effort to represent and attend the various seminars and meetings with other tribal consortia.

E. The Chairperson continues to seek ways of strengthening Tribal governmental processes.

F. The Chairperson performs any other duties as may be prescribed by this Governing Document, by ordinance, or as required by the General Council.

G. The Chairperson votes only to break a tie vote in Tribal Council and General Council meetings. The Chairperson may vote in all general elections.

H. The Chairperson co-signs all Tribal checks and money transactions.

SECTION 2. Duties of the Vice Chairperson

A. The Vice-Chairperson performs the duties of the Chairperson in his or her absence.

B. The Vice-Chairperson assists the Chairperson in strengthening Tribal governmental processes.

C. The Vice-Chairperson attends all workshops and meetings in the absence of the Chairperson.

D. The Vice-Chairperson performs any other duties as may be prescribed by this Governing Document or by ordinance.

E. The Vice-Chairperson votes on all issues as an elected official unless performing duties as the Acting Chairperson in Tribal Council or General Council meetings, in which case, the Vice Chairperson votes only to break a tie.

SECTION 3. Duties of the Secretary

The Secretary shall perform duties under the general administrative supervision of the Tribal Chairperson. This relationship does not deprive the Secretary of his or her right to independent thought and action in representing the Tribe as a Tribal Council member pursuant to this Governing Document.

A. The Secretary is responsible for and shall ensure the accurate transcription of the minutes for both the General Council sessions and meetings of the Tribal Council and ensure their proper codification and filing.

B. The Secretary shall certify, codify, and properly file the passage of all resolutions of the Tribal and General Council.

C. The Secretary shall serve and record all notices to the General Council as required by this Governing Document and attendant tribal ordinances.

D. The Secretary shall receive, record, and notify the Tribal Council of all petitions as provided for in this Governing Document.

E. The Secretary shall maintain a log of all tribal program reports with documentation identifying the tribal office/committee responsible and notify the responsible tribal entity of action items/motions resulting from tribal meetings. To ensure the timely submittal of all tribal program reports the Secretary shall submit a report to the Tribal Council once per month.

F. The Secretary shall perform any other duties as may be prescribed by this Governing Document, tribal ordinance, or the Tribal Chairperson.

G. The Secretary may vote on all issues as an elected official and tribal member.

SECTION 4. Duties of Council Members

In addition to the Chairperson and Vice Chairperson, there are five (5) elected members of the Tribal Council.

A. Tribal Council members shall attend all sessions of the General Council and all meetings of the Tribal Council.

B. Tribal Council members shall attend a minimum of three (3) workshops during a term of office. Such subjects include Federal Indian Law, Tribal Government and Economic Development.

C. Tribal Council members are expected to actively contribute to the advancement of the Tribe and its processes.

D. Tribal Council members may be called upon to perform such duties as may be prescribed by this Governing Document, by ordinance, or as may be assigned by the Tribal Chairperson.

E. Tribal Council members may vote on all issues as elected officials or as a tribal member.

SECTION 5. Duties of the Chief Financial Officer (CFO)

The CFO must be a fully qualified bondable accountant. The CFO must be bonded in an amount to be determined by the Tribal Council. The incumbent shall participate in Tribal Council meetings and sessions of the General Council. The CFO may but need not be a tribal member. The incumbent will be an employee of the Tribe. The full scope of duties shall be the subject of a formal position description developed by the personnel committee under the direction of the Tribal Council. The minimal duties and responsibilities of the CFO are as follows.

A. The CFO will deposit all monies in an approved depository.

B. The CFO is responsible for maintaining financial accounts, receipts, and records (i.e., maintain an accurate check register and balance with bank statements monthly, etc.) which shall be available for inspection by the members of the General Council or Tribal Council.

C. The CFO is responsible for disbursing all funds and to pay all of the Tribe's bills with a two-signature check (co-signed by the Chairperson or the Secretary in the Chairperson's absence) as provided for in the General Council's approved annual budget or Tribal Council which is authorized to expend such funds.

D. The CFO shall provide regular financial statements and reports to the General Council and Tribal Council on all account balances, expenditures, and receipts.

E. The CFO is responsible for meeting regularly with bank officials on the status of all Tribal accounts.

F. The CFO is responsible for preparing, under the supervision of the Tribal Council, a proposed annual budget to be submitted to the General Council .

G. The CFO is responsible for the filing of all federal and state tax reports.

ARTICLE XIV. ORDER OF BUSINESS

SECTION 1. In order to establish a consistent process for conducting the tribe's business, the Tribal Council shall follow the order of business for General Council sessions and Tribal Council meetings as stipulated in this Article.

SECTION 2. Robert's Rules of Order shall be used as a guide when conducting tribal business in General Council sessions or in meetings of the Tribal Council.

SECTION 3. Unless the order is suspended by a majority vote of the General Council in session or in the Tribal Council meeting, the order of business for all sessions of the General Council and Tribal Council is as follows:

Call to Order

Establish Quorum

Guest Speakers

Reports

Reading of Minutes of Last Meeting

Adoption of the Minutes as Read of the Last Meeting

Old Business

New Business

Announcements

Adjournment

ARTICLE XV. CONFLICT OF INTEREST

SECTION 1. In carrying out the duties of a Tribal officer, no Tribal official, elected or appointed, shall make or participate in making decisions which involve balancing a substantial personal financial interest, other than interests in common by all tribal members, against the best interests of the Tribe.

SECTION 2. The General Council may by ordinance regulate other kinds of conflicts of interests.

ARTICLE XVI. GENERAL ELECTIONS

SECTION 1. General elections may be conducted by the Tribe's Election Committee or, if the Tribal Council deems it prudent, may be conducted by an independent outside agency. If the independent outside agency is chosen to conduct an election, it shall do so in accordance with the provisions stated herein.

SECTION 2.

A. The election of the Tribal Council shall be conducted as set forth herein. Other general elections may be called from time to time as may be required for tribal ordinance development or by petition.

B. Decisions requiring a general election include but are not limited to:

1. Election called to adopt or reject the Governing Document.

2. Election called to adopt or reject a proposed amendment to the Governing Document.

3. Election of the Tribal Council.

4. Election called to adopt or reject a proposed tribal ordinance.

5. Recall elections.

SECTION 3. All general elections must be conducted as absentee, mail-in, secret ballot elections.

SECTION 4. All members of the General Council shall have the right to vote. A tribal member who has reached his or her eighteenth (18th) birthday on or before the date of the election is eligible to vote. For any general election, each member of the General Council shall be provided a ballot by-mail.

SECTION 5. Upon receipt of a petition for a general election signed by at least one-third (1/3) of the General Council, the Tribal Council shall review the petition to ensure that all requirements have been met. The tribal attorney shall review the proposed issue to be voted on for potential legal implications prior to scheduling an election. If the proposed issue is found to be legally sufficient the Tribal Council shall schedule an election within sixty (60) days of that rendering. The petitioners must provide a written document to the Tribal Council specifying the issue to be decided in sufficient detail to render a specific "yes" or "no" decision as a result of the election. The Tribe shall abide by the majority of votes cast in any such election.

SECTION 6. General election for Tribal Council is a regularly scheduled election scheduled during the month of November in odd-numbered years. The results of the election shall be certified and published by the third Sunday of November of that year. Installation of successful candidates shall be conducted during the General Council session in the month of January in the following year. This will provide time for a smooth transition.

SECTION 7. Nominations for Tribal Council shall be scheduled and conducted during the July General Council session in odd-numbered years. This will provide sufficient time for the Election Committee to develop the ballots, address envelopes to all eligible voters, and provide them with self-addressed and stamped ballot return envelopes for the November election. All General Council members may nominate by mail.

SECTION 8. The Election Committee shall validate the addresses of General Council members on the Tribal Roll and coordinate with the Enrollment Committee to ensure the inclusion of any new tribal member of voting age prior to the election. All ballot packages must be prepared and mailed out on the same day. The ballot mail-out package should be mailed out at least forty-five (45) days prior to the date that the ballots are due to be counted to the Tribal Office. All ballots must be returned on or before the date published on the election notice.

SECTION 9. All ballots shall be numbered and embossed with the official tribal seal.

SECTION 10. Any person holding office on the date of this Governing Document's adoption shall continue to serve out their respective current terms of office; provided, however, that if this Governing Document is adopted in an odd-numbered year, persons holding office on the date of adoption will remain in office until the next odd-number year in which the first election under this Governing Document will then be held.

SECTION 11. The Tribal Election Committee shall be appointed by the Tribal Council and shall consist of not less than three (3) but not more than five (5) members of the Tribe. Committee members shall meet the same requirements for office as members of the Tribal Council. The Committee Chairperson shall be subject to the same requirements to hold office as the Tribal

Council Chairperson. No current member of the Election Committee may run for Tribal Council.

SECTION 12. The Election Committee shall be responsible for the conduct of all general elections. In the process of preparing for and conducting any election, the Election Committee shall ensure that each election is conducted with integrity and remains above reproach. The Election Committee may choose to develop and publish detailed procedures for the conduct of tribal elections; however such policies and procedures shall fully comply with all provisions contained in this Governing Document. Specific Election Committee requirements and tasks are the following:

A. Validate addresses of the General Council members on the Tribal Roll adding any new member's data who will reach his or her eighteenth (18th) birth date on or prior to the date of the election. The Committee shall not mail any ballot package to any member of the General Council who has died or relinquished his or her membership prior to the mailing of the ballot packages.

B. Prepare the ballot mail-out packages. The packages shall include the election notification, instructions including the date and hour of the day the ballots must be received by, the official ballot, and a self-addressed stamped envelope to be used when returning the ballot. All ballots shall be returned to the official Santa Rosa Band of Cahuilla Indians tribal office address.

C. Should the Tribal Council decide the election is to be conducted by an independent agency, the Election Committee shall perform the duties as set out in subsection A of this Section and provide the independent agency with the list of voters and sample ballot. The Election Committee shall also provide the independent agency with a copy of this Governing Document and ensure that the independent agency understands and agrees to follow its provisions when providing the election service. In the event that the independent agency is to conduct the election on behalf of the Tribe then all ballots shall be returned to that office.

D. Ballots being returned on time shall be dated and time-stamped and secured unopened in a locked box until the election has been declared "closed". Ballots received after the election has been declared closed shall also be dated and time-stamped and stored separately; late ballots shall remain unopened and be destroyed after the election results have been certified.

E. Within three (3) days of the closing of any election the Election Committee shall assemble to count all ballots received. A minimum of four (4) adult members of the Tribe must be present when the Election Committee opens the lock boxes containing the ballots. Three (3) of the four (4) must be members of the Election Committee and one (1) must be a member of the Tribal Council as an "official observer". Any adult member of the Tribe may observe the counting process, but may not participate in the count in any way.

F. The Election Committee shall record ballots in one of three categories: (1) validly executed and submitted, (2) not validly executed and not counted, and (3) not timely received; envelope not opened and not counted.

G. Once the count has been completed the Election Committee shall officially certify the results of the election in writing on the day of the count. The official certification document shall include the names of the Election Committee members present, the name of Tribal Council member present and any other General Council observing the count. The certification document shall also include the following: (1) total number of ballots mailed to General Council members, (2) total number returned, (3) total number of ballots timely returned, (4) total number of ballots timely returned, properly executed and counted for the purpose of the election, (5) number of ballots timely received but not properly executed and excluded from the count, and (6) number of ballots received late. All members of the Election Committee shall affix their signatures to the certification document attesting to the results of the election.

H. The election certification document shall be posted in the tribal offices and original filed in the official tribal repository. Copies of the election certification document shall be mailed to each adult member of the Tribe as soon as may be practical. If the election is for Tribal Council officers, official notification to the appropriate federal, state or other governmental entities should be made in a timely manner. Not all issues to be decided by the Tribe's election process would require external notification.

ARTICLE XVII. VACANCIES AND RECALL

SECTION 1. There are several situations that may result in a vacancy in the Tribal Council or other tribal office. Among the possible situations are: (1) the death or incapacity of an incumbent, (2) the resignation of an incumbent, (3) the incumbent is convicted of, pleads guilty to, or pleads nolo contendere to a felony in a court of competent jurisdiction and this conviction has not been expunged, (4) serious misconduct while in office, (5) abandonment of office, and/or (6) the Tribal Council member has been recalled for misconduct or loss of confidence in accordance with recall provisions identified below. Elections called for the purpose of filling vacancies of elected officials of the Tribe shall be conducted as set forth herein regardless of how the vacancy was created.

SECTION 2. Upon the death or incapacity of an elected tribal official, the Tribal Council shall immediately declare the incumbent's position vacant.

SECTION 3. Upon receipt of an official resignation from a tribal official, the Tribal Council shall declare that position to be vacant on a date to be determined by the Tribal Council.

SECTION 4. Upon a guilty judgment of a felony (whether by conviction, guilty plea, or plea of nolo contendere) rendered in any court of competent jurisdiction against any representative of

the Tribe, the Tribal Council shall declare that position to be vacant on the date of such judgment. A pending appeal of a felony conviction does not qualify as an exception to this law. However, if the conviction is overturned on appeal, then the subject may be nominated and run for office at a future date.

SECTION 5. If a Tribal Council member fails or refuses to attend three regularly-scheduled meetings in succession for which he or she has not been excused by the Tribal Council his or her office shall be deemed abandoned on the date of the third roll call of the Tribal Council. The Tribal Council shall declare that position to be vacant on the date of the third absence. The Tribal Council shall establish an official policy defining what constitutes an excused absence, such policy to be uniformly applied.

SECTION 6. Upon receipt of a properly executed petition signed by not less than one-third (1/3) of the General Council, the Tribal Council Chairperson or Vice Chairperson shall call a special meeting of the Tribal Council to schedule a recall general election within sixty (60) days after receipt of the petition. The petition shall state the specific allegation(s) of misconduct, dereliction of duty, or simply that the electorate has lost confidence in the judgment of the incumbent.

SECTION 7. Prior to scheduling a general election for recall, the official subject to the dismissal shall be given a written statement containing all charges against the incumbent. The subject of the recall shall have not less than thirty (30) days to provide a written response or answer to the allegation(s). At the special meeting of the Tribal Council the official shall be given a fair opportunity to answer all allegations against him or her. The Tribal Council shall determine whether the recall election shall be for "cause" or for "loss of confidence".

SECTION 8. A recall for cause shall be granted if (1) failure to carry out the responsibilities and duties of his/her position; or (2) gross neglect of duties; or (3) misconduct reflecting on the dignity and integrity of the Tribe; or (4) being under the influence of a controlled substance or alcohol while conducting tribal business. Allegations shall be backed by evidence or the recall election for cause shall not be scheduled.

SECTION 9. Recall elections for "loss of confidence" need not be accompanied by any statement other than the petitioners simply want the incumbent removed from office.

SECTION 10. After the recall election has been held, the results certified by the Election Committee, and the incumbent has been recalled, the Tribal Council shall declare the position to be vacated. Once the position has been vacated, the Tribal Council shall schedule the nomination process and general election to elect an individual to serve out the remainder of the unexpired term.

SECTION 11. Any person who has been removed from office by recall election for cause may not hold future tribal office.

SECTION 12. The Tribal Council may by two-thirds (2/3) vote of the Tribal Council remove the chairperson or a member from any committee for any of the reasons stated in this Article.

Committee vacancies created under this provision shall be filled by appointments of the Tribal Council.

ARTICLE XVIII. LAND

SECTION 1. The lands of the Reservation and all lands which may be acquired in the future by the Tribe or by the federal government on behalf of the Tribe shall be held in common as tribal lands.

SECTION 2. Tribal lands may be assigned to members of the Tribe in accordance with an Assignment Ordinance to be adopted by the Tribe. Such an ordinance must be adopted pursuant to the provisions for such action provided for in this Governing Document. The Assignment Ordinance shall acknowledge and respect the long-standing tribal tradition and tribal heritage as cattlemen and maintain the concept of "open range" on tribal lands. The member receiving the assignment must meet all eligibility requirements and carry out all necessary procedures for requesting an assignment.

ARTICLE XIX. ORDINANCES, RESOLUTIONS, MOTIONS, POLICIES AND PROCEDURES

SECTION 1. Ordinances

All issues of a permanent nature affecting the compelling interests of the Tribe shall be codified in a tribal ordinance adopted by a majority of the General Council in a general election called for that purpose. Examples of appropriate issues include but are not limited to elections, enrollment, hunting, traffic, etc.

A. Passage of any tribal ordinance will require a general election of the General Council in which all members of the Tribe will be afforded the opportunity to vote on the issue. To be adopted, the ordinance must receive a majority of the votes cast.

B. Prior to any general election called for the purpose of adopting or rejecting a proposed ordinance, such ordinance must have a legal review to ensure that it is not in violation of federal law or the terms and provisions of this Governing Document.

C. Once the proposed ordinance has had legal review and found legally sufficient, then the Tribal Council should schedule a general election not less than ninety (90) days or more than one hundred twenty (120) days after legal review has been rendered. As part of the scheduling process, the Tribal Council should ensure that each member of the General Council is provided

with a copy of the proposed ordinance not less than sixty (60) days prior to the scheduled general election for its adoption or rejection.

D. Any ordinance complying with the requirements set out above prior to the adoption of this Governing Document or after and receiving a majority of votes cast in a general election of the General Council shall be deemed tribal law. All existing ordinances shall be examined by the Tribal Council and the tribal attorney to determine compliance with federal law and this Governing Document.

E. Any tribal member may propose a tribal ordinance by submitting the entire proposal in writing along with a petition signed by not less than twenty-five percent (25%) of the General Council. Such proposals shall meet all the requirements set out above.

SECTION 2. Motions and Resolutions

A. A motion is an expression that brings before the assembly any particular subject and is made when no other business is pending. If passed, it commits the assembly to do or say something.

B. A resolution is a written motion adopted by an assembly. The substance of the resolution can be anything that can normally be proposed as a motion. For long or important motions, though, it is often better to have them written out so that discussion is easier or so that it can be distributed outside of the body after its adoption.

C. Motions and resolutions must be in compliance with this Governing Document and do not rise to the same level or status of a tribal ordinance.

ARTICLE XX. TRIBAL RECORDS

SECTION 1.

A. Tribal records shall include documents of all kinds and any other form of record keeping which results from the operation of the tribal government. Except as otherwise specifically provided by a tribal ordinance, tribal records shall include, but are not limited to, the following:

1. Records of the Tribal Council, General Council sessions, General Council election results, and any action taken therein;

2. All financial records;

3. Records of court proceedings and any court decisions or orders involving the Tribe, the Reservation and/or its resources; but excluding confidential proceedings such as juvenile and family law matters even when the Tribe is or may be an intervening party or witness;

4. All correspondence, memoranda and any other documents or other form of records produced by tribal officers or their agents while holding office and during the performance of their duties.

B. All tribal records are the exclusive property of the Tribe. Any tribal official leaving office must surrender all tribal records to the Tribal Council. No copies may be kept without prior written authorization from the Tribal Council. The tribal records shall not leave the tribal offices except during performance of tribal duties, and shall be returned upon completion of said duties. If records are removed for more than three days, the Tribal Council must be notified for appropriate action if warranted.

C. The Tribal Council shall develop an official Tribal Records Policies and Procedures Manual setting out the form in which records shall be kept and maintained ensuring their safekeeping. This manual shall be published within ninety (90) days following the adoption of this Governing Document.

D. Current tribal records shall be maintained in the files of the tribal office. Archived files may be stored in a suitable facility approved by the Tribal Council.

E. Tribal records, excluding personnel or personal files of tribal members, shall be fully accessible for review by the members of the General Council subject to a confidentiality agreement. Such review shall be conducted during normal office hours and approval to review such records shall be in accordance with policies as set by the Tribal Council.

F. The Tribal Council shall establish the rules and policies so that review of tribal records will be conducted in a reasonable manner so as to avoid undue disturbance of the daily operation of the tribal government. Such rules and policies shall be set out in the Tribal Records Policies and Procedures Manual referenced above in this Article. Such rules and policies shall be reasonable and ensure the safety and confidentiality (where appropriate) of the records.

ARTICLE XXI. SOVEREIGN IMMUNITY AND TRIBAL CORPORATIONS

As a sovereign nation, the Tribe shall not be the subject of a lawsuit in any court, and no provision of this Governing Document shall be construed as a waiver of the Tribe's sovereign immunity. If the Tribe wishes to waive its immunity, it may do so only with approval of the General Council by election unless otherwise delegated to the Tribal Council. The Tribe may choose to establish independent corporate entities for the purpose of entering into business relationships with organizations or individuals outside of the Tribe. In these situations, the corporate entity shall have the power to waive or not waive its sovereign immunity. Such waiver by a corporate entity shall apply to the corporate entity and in no way to the Tribe.

ARTICLE XXII. AMENDMENTS TO THIS GOVERNING DOCUMENT

This Governing Document may be amended by a two thirds (2/3) vote of the votes cast by the General Council voting in a general election called for that purpose. Amendments so ratified shall have full force and effect from the date of adoption unless otherwise stipulated in the Amendment. Written notice of the date, time and place of any general election on any proposed amendment should be sent to all General Council members not less than ninety (90) days before the general election and must contain the full text of the proposed amendment.

ARTICLE XXIII. SEVERABILITY CLAUSE

If any provision of this Governing Document is declared invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision shall be severed and the remaining provisions shall continue in full force and effect.

CERTIFICATE OF ENACTMENT

The Santa Rosa Band of Cahuilla Indians General Council duly enacted the foregoing Tribal Governing Document in a general election called by the Tribal Council held on **December 22, 2014** by a vote of **36** for and **15** against. The results of the general election were and are hereby certified by the Tribal Council and this Governing Document shall take effect as of that date.

SIGNATURES of the Tribal Council

Chairperson _____

Vice Chair _____

Member _____

Member _____

Member _____

Member _____

Member _____