

CALIFORNIA VALLEY MIWOK TRIBE
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**GENERAL COUNCIL OF THE
CALIFORNIA VALLEY MIWOK TRIBE**

RESOLUTION OF NOVEMBER 20, 2023
R-1-11-20-2023

**A RESOLUTION REQUESTING SECRETARIAL REVIEW OF
SUBORDINATE POLICY DECISIONS**

- WHEREAS,** The California Valley Miwok Tribe (“Tribe”) is a sovereign self-governing Indian tribe recognized by the United States Government; and
- WHEREAS,** the Tribe is organized under a General Council form of tribal government; and
- WHEREAS,** the Tribal Council of the California Valley Miwok Tribe is the governing body of the Tribe pursuant to General Council Resolution GC-98-01; and
- WHEREAS,** the Tribal Council is authorized to enact laws and codes, protect the safety and welfare of all persons, as well as provide services for the health, education and welfare of all persons within tribal jurisdiction pursuant to General Council Resolution GC-98-01; and
- WHEREAS,** Congress charged the Secretary of the Interior with administering Indian Affairs pursuant to the United States Code, Part 25, sections 2 and 9, among other statutes; and
- WHEREAS,** the Secretary of the Interior has delegated certain authority to the Assistant Secretary—Indian Affairs, Regional Directors, and others as evidenced by 25 C.F.R. § 2.507, Table 1 to Paragraph (d), and the Indian Affairs Manual (“IAM”); and
- WHEREAS,** under the IAM, Regional Directors “do not have the authority to sign off on regional policies,” 3 IAM 4 § 1.5, and “all redelegations of RD authority... must be in writing in the form of a Regional Directive as submitted through the Office of RACA and approved by the DBD, Field Operations. No other form of redelegation is authorized,” *Id.*; and
- WHEREAS,** civil servants in the Central California Agency have established Department of the Interior policy specific to the California Valley Miwok Tribe and relating to the reorganization of the Tribe under the Indian Reorganization Act of 1934 (“IRA”); and

WHEREAS, the Pacific Region Director has not published a Regional Directive re delegating policy development authority to civil servants in the Central California Agency; and

WHEREAS, the Deputy Bureau Director (“DBD”), Field Operations has not reviewed and signed off on the Central California Agency’s new policies; and

WHEREAS, the Central California Agency’s new policies relating to reorganization of Indian tribes under the IRA have significant importance and impact for the Tribe, and for Indian tribes generally; and

WHEREAS, the Secretary of the Interior should exercise oversight and review of significant policy development and implementation by unauthorized subordinates; and

WHEREAS, absent proper Secretarial oversight, relations between Indian tribes and the United States may be irreparably damaged by unauthorized actions of the Secretary of the Interior’s subordinate civil servants; and

WHEREAS, the Tribal Council has determined this resolution is of substantial importance to the Tribe and therefore called upon all duly enrolled and accepted members of the General Council to ratify this resolution as representing a request by at least a majority of the members of the California Valley Miwok Tribe; and

WHEREAS the Tribal Council is working under the covid protocol by telephone proxy;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the California Valley Miwok Tribe respectfully requests the Secretary engage in oversight and review of the actions of civil servants at the Central California Agency with regard to the reorganization of Indian tribes under the IRA; and

BE IT FURTHER RESOLVED, that the Tribal Council specifically requests the Secretary review the following unapproved policies developed and implemented without authority by civil servants at the Central California Agency:

- (1) Deciding to use the Certificate of Degree of Indian Blood (“CDIB”) to determine whether non-members may participate in a process to reorganize the Tribe’s government under the IRA without any statutory or regulatory authority providing a transparent process for issuing the CDIBs and without any statutory or regulatory authority for using the CDIB in this manner;
- (2) Organizing and presiding over a meeting of members and of non-members of the Tribe, without the Tribe’s request, to discuss a process to reorganize the Tribe’s government under the IRA;
- (3) Establishing a Constitution Committee which includes non-members of the Tribe to draft new governing documents for the Tribe without the Tribe’s request;
- (4) Establishing only two alternatives for the Central California Agency’s Constitution Committee to begin drafting an IRA Constitution without consulting with the Tribe; and

(5) Stating an intent to solicit a petition for Secretarial election from members and non-members of the Tribe to form a new government for the Tribe under the IRA; and

BE IT FURTHER RESOLVED, that the Tribal Council respectfully requests the Secretary review all delegations of authority and levels of decision-making to ensure that important policy decisions related to the government-to-government relationship between the United States and Indian tribes are made at an appropriately high level of government by an official that is accountable to Indian tribes generally and to the priorities and policies of the President of the United States towards Indian tribes; and

BE IT FURTHER RESOLVED, a majority of the duly enrolled and accepted adult members of the California Valley Miwok Tribe do hereby approve and ratify this resolution as evidenced by the signatures affixed below.

CERTIFICATION

This resolution was ratified this 20th day of November, 2023, by a majority of the duly enrolled adult members of the California Valley Miwok Tribe with 11 voting in favor, 0 voting in opposition, and 0 abstaining or not voting.

ATTEST:

[REDACTED], Chairperson
Enrollment No. _____

[REDACTED], Secretary-Treasurer
Enrollment No. _____

[REDACTED], Vice Chairperson
Enrollment No. _____

Tribal Member [REDACTED]
Enrollment No. _____

Tribal Member [REDACTED]
Enrollment No. [REDACTED]

Tribal Member [REDACTED]
Enrollment No. [REDACTED]