

Articles of Association

2025 Edition

Mesa Grande Band of Mission Indians



Mesa Grande Reservation federally recognized 1891

Approved: February 3rd, 1971

WHEREAS there is an approved organizational document for the Mesa Grande Band of Mission Indians, and

WHEREAS there is a need to update and include amendments for governing the operations of the Mesa Grande Band, and

WHEREAS, it is desired formally to recognize the existing governing body,

NOW, THEREFORE BE IT RESOLVED by the Mesa Grande Band in General Council assembled that:

ARTICLE I. – TERRITORY:

The Mesa Grande Band of Mission Indians, hereinafter referred to as the Band, shall be governed by the Mesa Grande General Council, hereinafter referred to as the General Council which, subject to the provisions herein, shall have jurisdiction over lands within the boundaries of the reservation set aside for the Mesa Grande Band and over any lands which hereafter be added thereto.

ARTICLE II. – MEMBERSHIP:

- A. The membership of the Band shall consist of those persons who file applications for membership and are found qualified under one of the following categories:
 - 1. Persons whose names appear on the 1940 Census Roll of the Mesa Grande band, except where “NE” on Column 1 opposite the names of certain persons, such persons shall not be eligible for membership.
 - 2. Persons of one – sixteenth (1/16) or more degree of Mesa Grande Diegueno Indian blood who are direct lineal descendants of individuals eligible for membership under (1) above, regardless of whether the ancestor through whom eligibility is claimed living or dead.
 - 3. If a person who is eligible for membership has been allotted on another reservation or on a public domain allotment or is officially enrolled or is a recognized member of some other tribe or band, such person or his descendants shall not be enrolled. A “recognized member of some other tribe or band” is a person who, because of his affiliation with the other tribe or band, holds tribal office, has received benefits or has shared in the assets of the tribe or the band.
- B. The official membership roll shall be in accordance with an ordinance adopted by the members of the Band and approved by the Secretary of the Interior or his duly authorized representative. Such ordinances shall contain provisions for enrollment procedures, enrollment committee, application form, approval or disapproval of application, rejection notice, appeals and provisions for keeping the roll on a current basis.

ARTICLE III. – GOVERNING BODY:

- A. The governing body of the Band shall be the General Council which shall consist of all adult members eighteen (18) years of age or older. In addition, there shall be elected from the General Council a Tribal Council consisting of a Chairman, a Vice Chairman, and three (3) Committeemen who shall be elected by secret ballot and who, except as specified in ARTICLE IV shall serve for a term of four (4) years. The Tribal Council shall select from within or from without the membership of the Band a Secretary-Treasurer, who shall not vote as a member of the Tribal Council.
- B. Three (3) members of the Tribal Council shall constitute a quorum.

ARTICLE IV. – ELECTIONS:

- A. Any enrolled member of the Band, eighteen (18) years of age or older, shall have the right to vote and, if duly elected, to hold office. All election of officers shall be by secret ballot.
- B. Nominations for the Tribal Council shall be made at a General Council meeting called for that purpose, and all nominees certified by the existing Tribal Council shall have their names placed on the ballot.

- C. Members shall hold office until their successors are elected, qualified and installed. All nominations and elections whether for officers or by way of referendum, shall be conducted in accordance with an ordinance or ordinances adopted by the governing body which shall provide dates thereof, for polling places, election committees and their duties, absentee balloting and other necessary requirements.

ARTICLE V. GRIEVANCE BOARD:

- A. **Grievance Board.** The Band shall elect a Grievance Board (“Board”) consisting of three (3) Band members who are not members of the Tribal Council. Board members shall serve two (2) year terms. They shall be elected by the General Council on the date established for the election of members of the Tribal Council.
- B. **Statement of Charges.** The Board shall consider written complaints alleging misconduct or other improper acts by any member of the Tribal Council that bring disrepute to the Band. If the Board determines that the alleged misconduct should move forward to a hearing, the Board shall provide the Chairman of the Tribal Council with a written statement of charges and detailed written summary of the evidence supporting each alleged charge of misconduct. The Chairman will have ten (10) business days to review and respond to the statement of charges and decide whether or not to schedule a hearing date at which time such alleged charges can be adjudicated. Should the Chairman decide not to schedule a grievance hearing date, he/she must provide written notice to the Board as to why the decision was made not to schedule a grievance hearing. If the Tribal Council Chairman decides not to schedule a grievance hearing, the Board Chairman shall have an opportunity at the next scheduled meeting of the General Council to present the statement of charges, a written summary of the evidence, and request the General Council to schedule a grievance hearing. The Tribal Council Chairman shall also have the opportunity to explain why he/she did not call for a hearing. Should the General Council vote to not hold a hearing, the matter may not again be brought before the Board, Tribal Council Chairman, and/or the General Council, unless information is later provided that warrants additional consideration.
- C. **Notice.** Whether determined by the Chairman of the Tribal Council or the General Council, notice of any meeting involving a grievance hearing shall be announced at the General Council Meeting of the month prior to the scheduled hearing date. Additional notices of a hearing shall also be posted in a visible area at all Band offices and may be posted on the Band’s website as well as other electronic media. Once a hearing date is scheduled, within ten (10) calendar days from the date a grievance hearing is scheduled, and no less than ten (10) calendar days from the date a grievance hearing is scheduled, the accused shall be provided written notice of the scheduled hearing date, (i) a copy of the statement of charges, and (ii) the Board’s written summary of evidence supporting such charges. At no time will a grievance hearing be conducted without proof of proper notice and the delivery, to the accused, of all the information identified in this Subpart C (i) & (ii).

- D. **Communication during the Grievance Process.** During the receipt and review process of grievance, neither the accused nor any individual member of the Board may initiate or conduct a one-on-one communication that addresses any allegations contained in the complaint. Should such communications occur, any information obtained during such communication shall not be considered as evidence substantiating or refuting the complaint
- E. **Conflicts of Interest.** If a member of the Grievance Board is an immediate family member to any party, they shall recuse themselves from involvement in the entire grievance process. If this situation should occur, an alternate member shall be appointed by the General Council. An immediate family member is defined as a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild. Members of either party, as members of the General Council, shall be afforded the ability to participate in any vote of the General Council that may be conducted upon the conclusion of a hearing.
- F. **Grievance Hearing.** A grievance hearing shall be held before the General Council during a scheduled Special Meeting of the General Council. The Board at all times will conduct the hearing before the General Council. At no time during the hearing will any members of the General Council or the Tribal Council be allowed to participate in any manner except as expressly stated in this section. Upon the conclusion of the hearing, the Board and the parties to the grievance will leave the room while the General Council deliberates. Deliberation shall not last for more than thirty (30) minutes, and during the deliberation time period, written questions may be submitted to the Board requesting clarification of a matter(s) specifically addressed during the hearing. Once deliberation is complete, the Board and the parties to the grievance shall return to the hearing room. The General Council will then render a final decision that shall be determined by a majority vote of all those members of the General Council that are present, and a quorum remains established. The accused Tribal Council member shall be afforded the ability to vote. All votes must be made in person, and no proxy votes shall be considered or counted. The Secretary will record an official count of votes cast. The decision of those votes cast, and as counted by the Secretary, will be final, absent a request for a recount by the accused, or any member of the Band then present. If a recount is requested, the Board Chairman shall call for one (1) recount. The Secretary shall record the votes cast and record the results as final.
- G. **Discipline.** If the decision of the General Council is to discipline the accused, the General Council, in accordance with the Band's Articles of Association, shall determine the appropriate discipline, and when any such determined discipline is to be rendered.
- H. **Requests for Postponement.** If either party involved in the grievance cannot attend the scheduled grievance hearing, that person shall immediately provide written notice to the Board Chairman with the reason for their absence. The Board Chairman will notify all Board members and proceed as follows:
1. cancel the scheduled hearing and reschedule at the next General Council meeting if the reason for the absence warrants a new hearing date; or
 2. provide written notification of the Board's denial of the request and proceed with the hearing with or without the presence of the accused.

ARTICLE VI. – VACANCIES AND RECALL:

1. If a member of the Tribal Council fails to or refuses to attend two (2) regular meetings in succession unless owing to illness or other causes for which he cannot be held responsible, or he is excused by the Chairman or, if a member of the Tribal Council shall be convicted of a felony, his office shall be forfeited automatically and a special election to select his replacement shall be called by the Chairman of the Tribal Council. Elections shall be in accordance as stated in ARTICLE IV.
2. In the event any council member has been impeached from office, he shall not be eligible for the office for a period of seventy-five (75) years.
3. The General Council shall call a special election to select a replacement to fill the unexpired term of any tribal official who has resigned or died. Said election to be in accordance with ARTICLE IV of the Articles of Association.
4. In the event of an emergency where one or more of the members of the Tribal Council has relinquished his/her office either voluntarily or involuntarily, the remaining officers shall have the authority to appoint an interim officer(s) to serve the unexpired term or until a special election is called.
5. Tribal Council members who are convicted of a felony crime against the Mesa Grande Band of Mission Indians, or the U.S. Federal Government or against an elected tribal council member acting on behalf of the Band or a tribal employee acting on the behalf of the Band may be subject to any of the following punishments:
 1. Impeachment or barred from elected office for seventy-five (75) years.
 2. Revocation of Band membership for seventy-five (75) years.
 3. Revocation of eligibility for any and all Tribal benefits, awards, housing, per capita payment, scholarships, Bureau of Indian Affairs loans or grants for seventy-five (75) years.
 4. Banishment from all tribal lands for seventy-five (75) years.
 5. Relinquishment of the Mesa Grande Band of Mission Indians Tribal membership card for seventy-five (75) years.
 6. Ineligible to vote in any and all tribal elections for seventy-five (75) years.

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ARTICLE VII. – POWERS OF THE GENERAL COUNCIL:

1. General Council: The General Council shall have the power and responsibilities hereinafter provided, subject to any limitation imposed by the statutes or the Constitution of the United States.
2. To manage, lease, contract or otherwise deal with tribal assets and community resources.
3. To employ legal counsel, the choice of counsel and fixing of fees.
4. To enact ordinances consistent with these Articles of Association governing future membership and the adoption of members.
5. To assess fees for the payment of expenses of the Band or to finance any project which in its opinion is for the benefit of the band as a whole.
6. To take such actions as are necessary to carry into effect any of the foregoing powers.

7. To establish its own rules of procedures for the conduct of its affairs and by appropriate ordinance or resolution delegated to the Tribal Council or any other committee any of the foregoing powers and duties.

Any rights and powers theretofore vested in the General Council, but are not expressly referred to in this article, shall not be lost by reason of omission, but may be exercised through the adoption of appropriate bylaws, amendments, ordinances or resolutions.

1. **Tribal Council:** The Tribal Council shall have the following administrative powers and duties but shall not commit the Band to any contract lease, or other arrangement unless it is so empowered by a duly enacted ordinance or resolution of the General Council.
2. Cause the effectuation of all ordinances, resolutions, or other enactments of the General Council.
3. Represent the Band in all negotiations between the Band and local, state and federal government, their agencies and officers.
4. Faithfully advise the General Council of all aforementioned negotiations.
5. To enact resolutions or ordinances that does not conflict with these Articles of Association or Federal Law.

ARICLE VIII. – DUTIES OF OFFICERS:

1. **Chairman:**

It shall be the duty of the Chairman to preside at all meetings of the General Council and Tribal Council and to perform all duties of his office.

1. **Vice Chairman:**

In the absence of the Chairman, he shall have the power and authority of the Chairman and may, if authorized by the Chairman, assist the Chairman in the performance of his duties.

1. **Secretary/Treasurer & Office Manager:**

The Secretary/Treasurer and/or Office Manager shall conduct all correspondence and keep a complete and accurate record of all matters transacted at the General Council meetings and meeting of the Tribal Council. He/she shall also receive on behalf of the Tribal Council all petitions provided for in this document. He/she shall be bonded at the expense of the Band and shall have care and custody of all valuables for the Band and deposit all money in an approved depository. He/she shall disburse all funds as ordered by the General Council or Tribal Council. All financial records of the Band shall be audited annually, and such other times as may be directed by the General Council. Copies of all resolutions or other enactments shall be submitted to the Bureau of Indian Affairs through the Southern California Agency as soon after their enactments within thirty (30) days by certified mail.

ARTICLE IX – MEETINGS:

1. Regular meetings of the General Council shall be held on the second (2nd) Sunday of every month.
 1. If the weather is too severe on a scheduled General Council meeting day, making travel to the scheduled meeting dangerous, the meeting may be postponed to another Sunday within that month.
2. Regular meetings of the Tribal Council shall be called by the Chairman.
3. Special meetings of the General Council may be called by the Chairman at his discretion and shall be called by him when requested by a majority of the Tribal Council.
4. All meetings of the Band and the Tribal Council shall be conducted in accordance with Robert's Rules of Order.
5. A meeting of the General Council shall not be valid unless there shall be at least fifteen (15) voting members are present and no business shall be conducted in the absence of a quorum.
6. Three (3) members of the Tribal Council shall constitute a quorum, and no business shall be conducted in the absence of a quorum.
7. The meeting will be cancelled entirely in the event of the passing of a tribal member.

ARTICLE X. – APPROVAL:

These Articles of Association shall be in effect after they receive the approval of the General Council at a duly called meeting in accordance with ARTICLE IX.

ARTICLE XI. – AMENDMENTS:

These Articles of Association may be amended by a majority vote of the General Council at a regular meeting of the General Council and to be a part of the agenda for that meeting and such amendments shall be in effect immediately.

AMENDED

Amendment I – Approved: 04/06/1972

Amendment II – Approved: 01/12/1973

Amendment III – Approved: 02/21/1992

Amendment IV – Approved: 02/21/1992

Amendment V – Approved: 02/21/1992

Amendment VI – Approved 02/21/1992

Amendment VII – Approved: 06/10/1990 (Retroactive)

Amendment VIII – Approved: 11/10/1996

Amendment IX and X – Approved: 05/17/1998

Amendment XI – Approved 05/17/2009

Amendment XII – Approved as of 01/08/2012

Amendment XIII, XIV, XV – Approved: 01/14/2004

Amendment XVI - Approved 07/09/2017

Nomenclature change: “Business Committee” to

“Tribal Council” – Approved 11/17/2019

Amendment XVII – Approved 12/10/2023