

draft #3?

CHARTER
OF
HEART MOUNTAIN RELOCATION CENTER
WYOMING

Preamble

We, the residents of Heart Mountain Relocation Center, Wyoming, composed of alien Japanese, American citizens of Japanese ancestry, and other racial groups, involuntarily evacuated from the Pacific Coast, in the cooperative spirit of assisting the Project Director of this Center, as free persons, and as classes of persons, associating ourselves as one common body to establish justice and promote the welfare of this community, do hereby adopt this Charter. The approval and the acceptance of this Charter, in its entirety or any part hereof do not in any manner whatsoever, relinquish nor surrender any of the rights and privileges of said above groups as guaranteed by the Constitution of the United States of America.

ARTICLE-I

QUALIFICATIONS OF VOTERS AND OFFICERS

Section 1.

- a. All residents of Heart Mountain Relocation Center, over the age of 18 years and duly registered, are qualified voters.
- b. All residents 21 years of age or over, except as otherwise provided, shall be eligible for any elective or appointive positions.

ARTICLE II

LEGISLATIVE BODY

Section 2. Council:

- a. The Legislative Body shall be known as the Community Council of Heart Mountain.
- b. Any resident of the Center who is 21 years of age or over, *shall be* is eligible to become a member of the Council.
- c. One Councilman shall be elected from each block by a secret vote.

Section 3. Officers and Rules:

The Council shall elect its own officers, prescribe their duties, determine the rules of its proceedings not inconsistent with this Charter, and keep a record.

Section 4. Secretaries:

The Council may appoint an Executive Secretary or Secretaries, a recording Secretary, and Clerks, and shall determine their terms of office and duties.

Section 5. Quorum:

- a. Two-thirds (2/3) of the Council shall constitute a quorum and there shall be no proxy voting.

(Handwritten marks: a circled '4' and a circled '8')

- b. The Council shall have power to issue warrants for attendance of absentee Councilmen at Council meetings.

Section 6. Compensation of Councilmen:

Members of the Council may be paid with federal funds subject to regulations of the War Relocation Authority. If compensated, Councilmen shall receive the highest rate of pay provided for evacuee employment.

Section 7. Term of Office:

Each Councilman shall serve for a term of six months.

Section 8. Vacancies:

- a. A vacancy in the Council shall be filled by special election in the block in which such vacancy occurs. When the term of office has three-fourths (3/4) expired, the Council shall have power to fill such vacancy.
- b. Whenever a Councilman moves from his block, his office shall automatically be declared vacant.
- c. Vacancy shall be determined by the Council.

Section 9. Sessions:

- a. Regular sessions of the Council shall be held at least once a week and the time and place of such regular sessions shall be determined by the Council.
- b. Special sessions may be held upon notice by the presiding officer of the Council or upon petition of at least five (5) Councilmen.

Section 10. Disqualifications:

- a. A Councilman may be removed from office by a three-fourths (3/4) vote of the entire Council; provided, however, hearing in his defense shall first be granted.
- b. Any Councilman who has been convicted of a felony shall be dismissed and barred from holding any elective or appointive office.

Section 11. Recall of Councilmen:

- a. The recall of a Councilman shall be submitted to the qualified voters of the block from which said Councilman was elected, upon petition of thirty (30) percent of the qualified voters of said block.
- b. Pertinent issues concerning said recall shall be circulated among the voters of said block by the Council, and, after the expiration of one (1) week, a special election shall be held in the manner of election of Councilmen.

Section 12. Impeachment of Officers:

- a. All elected or appointed officers of the Council, Judicial Commission, and any other bodies organized under the provisions hereof, shall be subject to impeachment and removal for misfeasance, malfeasance, or non-feasance in office. Charges

against any such officer or officers must be in writing and signed by not less than ten (10) Councilmen and submitted to the Council.

- b. A special meeting of the Council shall be called to hear the charges, and three-fourths (3/4) vote of the Council shall be necessary to hold the accused guilty of the charge or charges preferred against him. The decision of the Council shall be final.

ARTICLE III

POWERS OF THE COUNCIL

Section 13.

- a. The Council shall have full power to enact regulations locally applicable and provide penalties for their violations, not inconsistent with the Constitution and laws of the United States, the laws of the State of Wyoming, Military Proclamations, and the regulations of the War Relocation Authority.
- b. The Council shall not grant to any corporation, association, or individual, any special or exclusive privileges, immunity, or franchise without the approval of the majority voters of the Center.

Section 14. The regulations shall be enacted by two-thirds (2/3) vote of the total Council membership.

Section 15. Any proposed regulation, except an emergency regulation, must be in writing, signed by the author or authors, and presented to the Council at least one week prior to its enactment.

Section 16. All regulations, except emergency regulations, enacted by the Council, signed by the presiding officer, and attested to by the Clerk shall become effective ten (10) days after enactment.

Section 17. An emergency regulation may be enacted by the Council upon determination that an emergency exists and shall become effective immediately upon enactment.

Section 18. The Council shall have the power to investigate, review, and examine witnesses, and records of all Center functions and activities which are under the jurisdiction of and delegated to the Council, and to present to the Project Director resolutions on questions affecting the welfare of the residents of the Center.

Section 19. The Council shall have authority to solicit and receive funds and property for community purposes, and to administer such funds and property.

Section 20. The Council shall have authority to license and require reasonable license fees from evacuee-operated enterprises. The total of such license fees from all sources shall not exceed \$1,000 for any calendar year. No license fee shall be effective until approved by the Project Director. Any funds available under this provision shall be spent only for purposes which will promote the general welfare of the residents, on the basis of appropriations made by the Council and on warrants against such appropriations issued by the chairman of the Council. The Council shall not have authority to regulate the management, operation or conduct of business enterprises within the Center.

20

Section 21. The Council shall exercise such other duties and functions as may be conferred upon it from time to time by the War Relocation Authority;

ARTICLE IV

GENERAL ELECTIONS

Section 22.

- a. All elections of Councilmen shall be preceded by nominating petitions of each block; and such nominating petition must contain at least twenty (20) names of qualified voters of each block. The signature of any voter signing more than one petition shall be void except the first filed petition.
- b. The acceptance by the candidates of the nominating petitions must be in writing and filed with the Election Board.
- c. General election of Councilmen shall be held at least two weeks prior to the expiration of the preceding term and the date of such election shall be determined by the Council.

Section 23. Election Board and Its Duties:

- a. Four persons selected by the voters of each block shall constitute the Election Board of said block. No nominee shall serve on said Board.
- b. Each Election Board shall register all eligible voters of the block; shall receive all nominating petitions ten (10) days before the election date and submit the same to the Council; shall receive ballots prepared by the Council and properly check the same before distribution; shall supervise the voting at a designated polling place in each block; shall check each voter against the registration list of eligible voters before a ballot is issued to the voter; and shall count the votes cast and certify the election result to the Council.
- c. The election of the first Council shall be held within one month of the ratification of this Charter. Plans for the organization of Election Boards for election of the first Council shall be the responsibility of the temporary Block Chairmen and thereafter plans for the organization of Election Boards shall be the responsibility of the Council.

ARTICLE V

INITIATIVE AND REFERENDUM

Section 24. Initiative:

- a. The voters shall have power to propose any regulation which the Council has authority to enact, (except a regulation appropriating money, or authorizing assessments) and to adopt or reject the same at the polls, such power being known as the initiative.
- b. Any initiated regulation may be submitted to the Council by a petition signed by at least ten per cent of the qualified voters.
- c. The initiated regulation without change shall be submitted to the voters within ten (10) days after filing unless enacted by the Council.

4

to the floor

Section 25. Referendum:

- a. ~~The voters shall have power to approve or reject at the polls any regulation passed by the Council, or submitted by the Council to a vote of the voters, such power being known as the referendum.~~
- b. ~~Regulations submitted to the Council by initiative petition and passed by the Council without change shall be subject to referendum in the same manner as other regulations.~~
- c. ~~Within twenty-five (25) days after the enactment by the Council of any regulation which is subject to a referendum, a petition signed by at least ten (10) per cent of the qualified voters may be filed with the Clerk of the Council requesting that any such regulation be either repealed or submitted to a vote of the voters. Within ten (10) days after such regulation is filed, it shall be submitted to the voters.~~

Section 26. Majority of the qualified voters voting thereon shall be necessary to decide issues arising from initiative and referendum.

ARTICLE VI

REPEAL

Section 27. Repeal of any enacted regulation shall be by two-thirds (2/3) vote of the total Council membership.

ARTICLE VII

INVALIDITY

Section 28. If any section or part of a section of this Charter proved to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

ARTICLE VIII

PUBLICATIONS

Section 29. All enacted regulations, and proposals submitted to the voters, including amendments, repeals, initiative and referendum, shall be given publication in the "Sentinel" or by means of any other publication of general circulation in the Center, or by posting at designated public places.

ARTICLE IX

COMMITTEES, COMMISSIONS, AND BOARDS

Section 30. The Council shall appoint such Committees, Commissions, and Boards as may be necessary for the conduct of its business.

Section 31. The Chairman of each Committee, Commission or Board appointed by the Council shall be a Councilman. Other members may include residents, other than Council Members.

ARTICLE X

JUDICIAL BODY

Section 32. The Judicial Body shall be known as the Judicial Commission of the Heart Mountain Relocation Center. The Judicial Commission shall hear all cases under its jurisdiction.

Section 33.

- a. The Judicial Commission shall be composed of not less than three (3) members nor more than nine (9) members.
- b. Selection and tenure of office of the Judicial Commission shall be determined by the Council.
- c. Compensation of members of the Judicial Commission shall be the highest rate of pay for evacuee employment.

Section 34. Rules of procedure of the Judicial Commission shall be established by the said Commission and shall be approved by the Council.

ARTICLE XI

ARBITRATION

Section 35. The Council shall provide for the establishment and operation of orderly methods of arbitration of civil disputes.

ARTICLE XII

AMENDMENTS

Section 36. This Charter shall be subject to amendment in the following manner:

- a. Amendment shall be introduced upon petition signed by one-fourth (1/4) of the qualified voters of the Center or upon resolution passed by two-thirds (2/3) of the total Council membership. Said amendment shall then be submitted to the Project Director for approval.
- b. After one (1) week has expired following approval of amendment by the Project Director a special election shall be held and the qualified voters shall cast their votes in the manner of election of Councilmen.
- c. A two-thirds (2/3) majority of qualified voters voting on such amendment shall be necessary to amend this Charter.

ARTICLE XIII

RATIFICATION

Section 37. The ratification by a majority vote of those voting shall be necessary for the adoption of this Charter.

Dated this 6th day of May, 1943.