

Ione Band of Miwok Indians Enrollment Ordinance

Subject – Rules and Procedural Requirements Governing Enrollment Activities of the Ione Band of Miwok Indians of California (the Tribe).

Whereas – The Constitution of the Ione Band of Miwok Indians of California, Article 3, Section 4 provides that the Enrollment Ordinance shall contain the membership criteria set forth in this article and shall contain provisions for enrollment applications; procedures for applying, approving or rejecting applications; procedures for appealing denials of membership applications; and other procedures for maintaining a current membership roll.

Now, Therefore Be it Known – that the following rules and procedural requirements governing the enrollment activities of the Ione Band of Miwok Indians of California are hereby adopted and shall become effective upon the enactment of this ordinance.

Article I – Eligibility Requirements for Membership

Section 1. Membership. Membership in the Ione Band of Miwok Indians of California shall consist of the following:

- a) All persons who are currently living and on the Base Roll of the Ione Band of Miwok Indians as defined in the Constitution as of September 28, 1996. See Article III, Section 1 of the Tribe's Constitution.
- b) All persons listed on the final Membership Roll as of September 24, 1996 for the Ione Band of Miwok Indians of California.
- c) All persons who are lineal descendant from an individual listed on the 1915 Census of Ione and Vicinity Indians from one of the individually-named plaintiffs in the October 31, 1972, Judgement entered in *Villa v. Moffat*, No. 8160 (California Superior Court, Amador County) or from a person deemed eligible to vote in the election held on September 28, 1996 of the Ione Band of Miwok Indians of California, may apply for membership in the Ione Band of Miwok Indians of California.
- d) Persons on the Base Roll and Membership Roll as defined in parts a) and b) shall be deemed members of the Ione Band of Miwok Indians of California, and do not need to apply for membership. All persons claiming lineal descendancy as provided by part c) shall apply for membership under the procedures provided herein.
- e) **Limitations on Membership.** "Dual Enrollment" is prohibited by the Tribe and no person who is or becomes enrolled as a member of another Federally-

Recognized Indian tribe shall qualify for membership or remain in the Tribe, unless he/she has relinquished in writing his/her membership in such other Tribe. Any enrolled member who refuses to relinquish his/her membership in such other Tribe within sixty (60) days following notification of his/her dual enrollment status shall be removed from the Ione Tribal Membership Roll. All persons whose membership has been terminated in this manner may reapply for membership following the relinquishment of membership in the other Tribe.

Article II – Enrollment Committee

Section 1. Appointed Committee Member. The Tribal Council shall appoint a five (5) member Enrollment Committee from a list of volunteers.

- a) The Enrollment Committee shall serve for a period of three (3) years and may be re-appointed for additional terms.
- b) Upon appointment, the members of the Enrollment Committee shall appoint a chairperson and a secretary.
- c) The Enrollment Committee shall be directly responsible to the Tribal Council who may remove any member of the committee at such time that it is clearly evident that he/she has neglected their duties as a member.
- d) The Enrollment Committee shall be responsible for dispensing information regarding the membership requirements, distributing and receiving all applications and related forms, and review membership applications for those seeking membership with the Tribe.

Article III – Filing of Membership Applications

Section 1. Process of Applying for Membership. All persons not currently enrolled on the Base Roll or Membership Roll who desire membership with the Ione Band of Miwok Indians of California must file a written application with the Enrollment Committee.

- a) Applicants shall submit family trees, acceptable proof of birth and parentage when applying for membership.
- b) An application may be filed on behalf of a minor, mentally incompetent individual or anyone else who is in need of assistance by a parent, guardian, relative, or a member of the Tribal Council or Enrollment Committee.
- c) The burden of proof rests upon the applicant to establish eligibility for enrollment. The burden of proof may be met with reliable evidence that it is more likely than not that the applicant meets the membership requirement. Birth certificates, death certificates, baptismal records, copies of probate records, marriage licenses, records of the Bureau of Indian Affairs and the Tribe may be used as evidence to establish eligibility.

Section 2. Automatic Membership for Certain Class of Children. All natural born minor children of a tribal member(s) currently enrolled on the Base Roll or Membership Roll shall be added to the Membership Roll upon presentation to the Enrollment Committee of a certified copy of a birth certificate showing beyond doubt that the child is the natural born issue (child) of the enrolled member.

Section 3. Enrollment Period. After the approval of this ordinance, the Enrollment Committee shall announce a specified time and place for filing applications.

- a) The Enrollment Committee shall have authority at its discretion to close indefinitely the period during which applications will be accepted; provided however, that no closure of the applications period shall be effective unless and until the General Council approves the action of the Enrollment Committee.
- b) Person(s) who qualify for membership and file applications within the time specified shall have their name(s) included on the Membership Roll.
- c) Application for enrollment may be filed with the Enrollment Committee at a designated time after announced by the Enrollment Committee.
- d) The Membership Roll will be closed six months prior to elections.

Article IV – Approval or Disapproval of Applications

Section 1. Procedures for Applications. The Enrollment Committee shall meet and review the applications and consider the evidence presented in support of them.

- a) The Committee shall decide whether the requirements for membership have been met, and notify the applicant in writing by certified mail of the decision.
- b) If the decision is to deny the application, notice of the decision shall include the reason(s) for the denial.

Article V – Appeals

Section 1. Process of Appeals. Any person disapproved for enrollment shall have the right to appeal their denial and shall be informed of this right and of the appeals process.

- a) A denial may be appealed to the Enrollment Committee within thirty (30) days following receipt of the rejections notice.
- b) The appeal must be submitted in writing and include facts justifying a reconsideration of the denial.
- c) The appeal should include any additional information or pertinent documents which support the claim. The burden of proof in establishing enrollment eligibility is on the applicant or the applicant's representative.

- d) **Hearing Requested.** If desired, an applicant may request a hearing in order to present his/her appeal to the Enrollment Committee.
 - This hearing must be held within thirty (30) days of the request for hearing.
 - If a hearing is requested, the Enrollment Committee shall hold the hearing, review the appeal, and give written notice of its decision to the applicant within thirty (30) days after the hearing.
- e) **No Hearing Requested.** If no hearing is requested, the Enrollment Committee shall review the appeal and give written notice of its decision to the applicant within thirty (30) days of receipt of the appeal.
- f) **Final Appeal.** The final appeal may be heard by the General Council at a regular/special meeting within thirty (30) days of rejection of the 2nd notice. A majority of voting members present shall accept or deny the membership of the person.

Article VI – Membership Roll

Section 1. Preparing and Maintaining the Membership Roll. The Membership Roll shall be prepared and maintained on a current basis, reflecting the names of all enrolled members.

- a) In addition to the members last, first, middle, and maiden names, the roll shall include such information as date of birth, sex, residence addresses, and other information as may be required by the Enrollment Committee.
- b) The Tribal Council shall certify the correctness of the roll on an annual basis.
- c) All new members will be introduced at the next General Council Meeting and in the Tribal Newsletter.

Article VII – Keeping Membership Roll Current

Section 1. Revision of Membership Roll. The Enrollment Committee shall be responsible for revising the membership roll from the date the initial membership roll was certified by the Tribal Council. The Committee may do the following to correct or update the roll:

- a) Remove the names of those persons who relinquish their membership.
- b) Remove the names of deceased persons upon confirmation of death.
- c) Remove the names of persons who were erroneously, fraudulently, or otherwise incorrectly enrolled.
- d) Add the names of persons who have met the enrollment requirements of this ordinance.
- e) Make corrections to the roll, such as correcting dates of birth, family relationships, etc., providing such corrections are supported by satisfactory evidence.

Article VIII – Relinquishment of Membership

Section 1. Process of Relinquishment. Any person wishing to relinquish his/her membership in the Tribe must submit his/her relinquishment in writing to the Tribal Council Chairperson who shall direct the Enrollment Committee to correct the membership roll accordingly.

Article IX – Membership Obtained Through Error or Fraud

Section 1. Revoking Membership Status. The General Council shall revoke membership status from any individual whom the Enrollment Committee has determined to be erroneously, fraudulently or otherwise incorrectly enrolled. The Tribal Council may initiate the disenrollment process where it believes disenrollment appropriate by giving notice to the member subject to disenrollment by certified mail, return receipt requested. The notice shall set forth the date, time, and place of the hearing. The hearing shall take place during a duly noticed General Council meeting. The hearing shall take place no sooner than thirty (30) days after receipt of the notice by the member subject to disenrollment.

- a) At the disenrollment hearing, the Tribal Council shall present its reasons for disenrollment to the General Council; the member subject to disenrollment may appear and present his/her reasons to the contrary. After the Tribal Council and the member subject to disenrollment have had an opportunity to speak, the General Council with a quorum present shall vote whether to disenroll the member. If a majority of those present and voting, vote to disenroll, the member shall be disenrolled effective immediately. There shall be no right of appeal.
- b) The Tribal Council shall record the General Council's decision in writing. If the member subject to disenrollment has been disenrolled, the Tribal Council shall direct the Enrollment Official to give notice of the disenrollment in writing, by certified mail, return receipt requested.
- c) A disenrolled member may reapply for membership in accordance with this enrollment ordinance if he/she meets the membership criteria or relinquishes his/her membership in the other Indian tribe.

Article X – Tribal Identification Cards

Section 1. Cards. Upon being accepted for membership, a Tribal member can obtain an identification card from the tribe.

- a) All minors shall have the word "minor" printed on their cards.
- b) All elders have the option to have the word "elder" printed on their cards.
- c) Tribal identification cards expire upon death, relinquishment, disenrollment, or the issuance of updated cards.

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- d) A minor's card shall expire on the date of his/her eighteenth (18th) birthday. He/she must obtain a new card.

Article XI – Effective Date

This ordinance shall become effective upon adoption by the eligible voting members of the Ione Band of Miwok Indians of California.

Article XII – Amendment

This Enrollment Ordinance may be amended by the General Council at a duly called regular or special meeting.

Certification of Adoption

We, the undersigned duly elected officials of the Ione Band of Miwok Indians of California, certify that the members of the Tribal Council of the Ione Band of Miwok Indians of California, adopted Ordinance, No. 02, to Govern the Tribal Enrollment of the Ione Band of Miwok Indians of California, at a duly called General Council meeting held on January 4, 2003, with 72 eligible voters present to vote 72 for, 0 against, 0 abstaining.

Kathryn Lamey
Name of Chairperson

1-4-03
Date

Lisa Priblanc
Name of Secretary

1-4-03
Date