

# **BISHOP PAIUTE TRIBE**

## **ENROLLMENT ORDINANCE**

**Voted on and approved in July 1996 General Election**

# BISHOP PAIUTE ENROLLMENT ORDINANCE

This Enrollment Ordinance is adopted to provide government of membership in the Bishop Paiute Tribe. The tribal Constitution will make provisions for the adopted Enrollment Ordinance and will specify eligibility criteria that will be mirrored in the tribal Constitution.

## ARTICLE I. DEFINITIONS

**Acceptable evidence** – State certificate of live birth, state certified death certificates, baptismal records, adoptions decrees, probate records, official census record mortuary records, obituary notices, hospital, clinic, or doctor's records, notarized affidavits, historical records, and genetic blood test.

**Adult** – Any person who is at least eighteen (18) years of age or older.

**Base enrollee** – Those persons who qualify under Article II, Section I, of this Enrollment Ordinance.

**Base roll** – A list of people who qualify as Base enrollees.

**Bishop area** – Round Valley, Laws, Red Hill, West and East Bishop, City of Bishop, Jenkins Ranch, and Sunland Reservation.

**Collateral relative** – Descendants from the same ancestors but not from one another (namely aunts, uncles, brothers, sisters, cousins, etc.)

**Conditional relinquishment** – Personal action by a tribal member to sever tribal relationship, conditional upon acceptance as a member of another tribe.

**Enrolled member** – Any person whose name appears on the membership roll of the Bishop Paiute Tribe or any other tribal membership roll.

**Family member** – Spouses, children, maternal and paternal grandparents, aunts, uncles, brothers, sisters, cousins, etc.

**General Council** – All members of the Bishop Paiute Tribe who are eligible to vote acting together in a regular or special election.

**Immediate family** – paternal and maternal grandparents, father, mother, brother, sister.

**Legal guardian** – Any person who has taken legal action to obtain guardianship of a minor or adult.

**Lineal descendant** – The direct issue of an ancestor (namely the child, grandchild, etc.). Collateral relatives such as aunts, uncles, brothers, sisters, etc., are not considered lineal descendants.

**Minor** – Any person under the age of eighteen (18) years of age.

**Presently** – As of the date of adoption of this Ordinance.

**Sponsor** – An adult person who has the authority to do something for someone who, because of age, absence, or incompetence, cannot do it himself.

**Tribal Council** – Those members duly elected to represent the tribe.

**Valid assignment** – A section of Tribal trust land assigned to an individual as recorded with the Bureau of Indian Affairs.

## **ARTICLE II. TRIBAL MEMBERSHIP**

### **Section 1. Base Roll**

- a. Owens Valley Indians of Paiute descent living in the Bishop areas: Round Valley, Laws, Red Hill, West and East Bishop, Jenkins Ranch, and Sunland Reservation, who signed in favor of the 1938 Land Exchange Agreement, with the exception of those who now hold land as recognized or enrolled members of another federally recognized tribe or Rancheria.
- b. Persons of Owens Valley descent who are listed as family members on an original assignment, on the Bishop Reservation granted on or before 1941, with exception of those who now hold land as recognized or enrolled members of another federally recognized tribe or Rancheria.
- c. Person(s) who possess or ever possessed a valid assignment on the Bishop Reservation on or before the effective date of this Ordinance, with exception of those who now hold land as recognized or enrolled members of another federally recognized tribe or Rancheria.

### **Section 2. Eligibility**

Those applicants wishing to be considered for membership in the Bishop Paiute Reservation must meet the following eligibility criteria:

- a. Lineal descendant of a base enrollee born before or after the effective date of this ordinance.

- b. Any person applying for membership who qualifies under Article II, Section 2a, but who is enrolled in another tribe may enroll provided he/she relinquishes in writing all membership in the other tribe.

### **ARTICLE III. NON-ELIGIBILITY**

Those applicants who fall into the following categories will not be considered for membership:

- a. Any adult person who has accepted money, allotment of land (except through Federal claims settlement or inheritance), or received a land use assignment as a recognized or enrolled member of another federally recognized tribe.
- b. Any person who has been terminated from a federally recognized tribe.
- c. Any person who has not relinquished, in writing, all membership rights in another federally recognized tribe.

### **ARTICLE IV. APPLICATIONS FOR ENROLLMENT**

#### **Section 1. Who Must Apply**

All persons not listed on the membership Base Roll of the Bishop Paiute Tribe as of the date of this ordinance is passed. Those who request membership in the tribe must file an enrollment application. Applications for minors or incompetents may be filed by parents, legal guardians, or other sponsors. No one shall be considered for enrollment unless an application has been filed by the individuals.

#### **Section 2. When and Where to Apply**

All enrollment applications must be filed with the enrollment clerk or other person designated by the Enrollment Committee. Application forms may be obtained by oral or written request from the Tribal office. There is no deadline date established for filing an application, except when an enrollment cut-off date is authorized by the Tribal Council for specific purposes as distribution of tribal funds. The enrollment eligibility and filing date for enrollment to share in such distributions or other purposes will be set forth in specific regulations issued by the Tribal Council.

#### **Section 3. Applications Must Contain**

Each enrollment application must be completed in its entirety and must contain sufficient information to properly determine the applicant's eligibility for enrollment. Applications must show the following:

- a. The current legal name and all names by which the applicant has been known.

- b. The residence address and mailing address of the applicant.
- c. A family tree chart showing all ancestors through which eligibility is being claimed.
- d. The certificate of applicants' degree of Owens Valley Paiute Indian blood and the names of the tribe (s) and degree(s) of Indian blood of any tribe(s) other than Owens Valley Paiute ancestors in the generations between that roll and applicant.
- e. The names of all Owens Valley Paiute ancestors, whose names appear on the Bishop Paiute Base Roll, adopted date, together with the names of Owens Valley Paiute ancestors in the generations between that roll and the applicant.
- f. The printed name and signature of the applicant (sponsor).
- g. The application filing date.
- h. The application must be accompanied by the original birth certificate of the applicant and any other documentary evidence such as a notarized paternity affidavit showing the name of a parent through whom eligibility for membership is being claimed. The original certificate will be returned when the processing of the application is completed and a copy retained for the enrollment files.

## **ARTICLE V. ENROLLMENT COMMITTEE**

The Tribal Council shall appoint an Enrollment Committee consisting of five (5) members from the Tribe's membership. The committee shall be appointed within thirty (30) days of the enactment of this Ordinance the committee shall elect a Chairperson, Vice-chairperson, and a Secretary.

### **Section 1. Terms of Office**

The members of the Enrollment Committee shall serve for a term of two (2) years, and may be re-appointed. Any vacancies, which occur on the committee, are to be re-appointed. Members appointed to fill vacancies shall finish the terms of the Committee member whose vacancy they are filling.

- a. The Committee shall be directly responsible to the Tribal Council. The Enrollment Committee shall dispense information regarding membership eligibility requirements and the enrollment process, distribute application forms, receive and review completed membership applications.
- b. Upon receipt of a completed application, the Enrollment Committee shall have thirty (30) days in which to render a written recommendation. After reaching a decision based on the provided eligibility information, the Enrollment Committee

shall present its written recommendations for approval or disapproval to the Tribal Council for a final decision.

## **ARTICLE VI. APPROVAL AND DISAPPROVAL OF APPLICATIONS**

The Tribal Council shall approve or disapprove all membership applications within thirty (30) days in which to render a written recommendation. After reaching a decision based on the eligibility information, the Enrollment Committee shall present its written recommendations for approval or disapproval to the Tribal Council for a final decision.

## **ARTICLE VII. APPEALS**

Any person denied membership shall have the right to appeal the decision to the Tribal Council. An appeal must be in writing and filed with the Enrollment clerk for forwarding to the Tribal Council within thirty (30) days of receipt of the notice of rejection.

**Section 1.** To file a valid appeal, the appellant, or person acting on his or her behalf, must present in writing to the Tribal Council a statement of why the decision of denial is incorrect and the facts relating to the applicant's enrollment claim. Any additional information or pertinent documents, which support the claim and give evidence of enrollment eligibility, may also be submitted. The burden of proof in establishing enrollment eligibility lies with the applicant, or person acting on behalf of the applicant.

- a. When an appeal is received, the Tribal Council shall base its decision solely upon the documentary evidence presented with the application and the appeal which established that the applicant does or does not qualify for membership. The Tribal council shall respond within thirty (30) days of the appeal filing date.
- b. Applicants who are denied membership, prior to the course of a roll to be used in the distribution of tribal assets, shall have the same right to appeal the decision of the Tribal Council as stated in Article VI and Article VII. The decision of the Tribal council shall be final.

## **ARTICLE VIII. MEMBERSHIP ROLL PREPARATION**

A membership roll including Base enrollees shall be prepared reflecting the names of all approved members. In addition to the member's last, first, middle, and maiden name, the roll shall include such information as date of birth sex, blood degree, address, and eligibility reference and other information as desired by the Tribal Council.

### **Section 1. Keeping Membership Roll Current**

Any adult member of the Bishop Paiute Tribe may voluntarily relinquish his/her membership. Such a relinquishment shall be final and must be in writing and the signature must either be notarized or witnessed by two (2) persons.

## **ARTICLE IX. LOSS OF MEMBERSHIP**

### **Section 1. Relinquishments**

Any adult member of the Bishop Paiute Tribe may voluntarily relinquish his/her membership. Such a relinquishment shall be final and must be in writing and the signature must either be notarized or witnessed by two (2) persons.

- a. Any member wishing to relinquish in order enroll elsewhere will be encouraged to do so on a conditional relinquishment form. In such a case, the relinquishment will become effective upon the acceptance of that individual's membership into the other tribe.
- b. However, should a member insist upon relinquishing in writing without using the conditional relinquishment form, the tribe will comply with the member's wishes and will remove the member's name from the Tribal Roll on the effective date specified in the relinquishment submitted.
- c. Whenever relinquishment is submitted for a minor member, care will be taken to determine that the individual who signed the form has legal custody of the minor affected.

### **Section 2. Disenrollment**

A person who is found to have been erroneously enrolled, one who is determined to have accepted benefits of land or money as an enrolled member of another Indian tribe, or any other person who is found not eligible for tribal membership pursuant to the tribe's membership requirements shall be subject to disenrollment. Such a person shall be notified by mail, certified return receipt requested, of the intent to disenroll. Included in the notice shall be the date set for a hearing before the Tribal Council. Following the hearing whether or not the affected member makes an appearance or response, the Tribal Council shall determine if the member is to be disenrolled. The decision shall be documented in a resolution. The disenrolled member shall be notified of the action taken by mail, certified return receipt requested. The decision of the Tribal Council shall be final.

## **ARTICLE X. AMENDMENTS**

**Section 1.** The Tribal Council, with approval of the voting members of the General Council, may amend this Enrollment Ordinance by a majority percent.

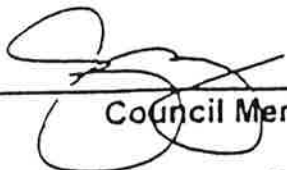
- a. Any amendment(s) to this Enrollment Ordinance shall not abridge any rights or privileges accorded to those who were granted membership prior to adoption of an amendment.

CERTIFICATE OF ENACTMENT

The Bishop Tribal Council duly enacted the forgoing Enrollment Ordinance at a meeting held at the Tribal headquarters on this 17th day of FEBRUARY 1998 by a vote of 4 for 0 against and 0 abstentions with a quorum being present.

  
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Chairman

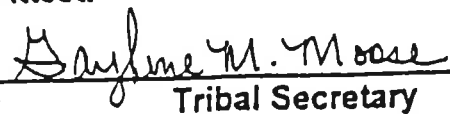
  
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Vice-Chairman

  
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Council Member

  
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Council Member

Attest:

  
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Tribal Secretary