

BISHOP PAIUTE

**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 for 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 the 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 2 a. but who is enrolled in another tribe may enroll provided he/she relinquishes in writing all membership in the other tribe.

Article III. NON ELIGIBILILTY

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 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, i.e.)
- 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.

Articles V. ENROLLMENT COMMITTEE

The Tribal Council shall appoint an Enrollment Committee consisting of five 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 reappointed. 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 an 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 in correct 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 establishes that the applicant does or does not qualify for membership. The Tribal Council shall respond within (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 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 persons.

- a. Any member wishing to relinquish in order to 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 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 effected.

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 tribes' membership requirements shall be subject to disenrollment. Such a person shall be notified by certified mail, 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 certified mail, 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.

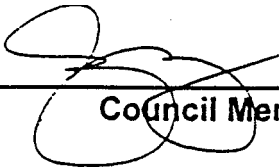
- a. Any amendment(s) to this Enrollment Ordinance shall not abridge any rights or privileges accorded to those who were granted membership prior to adoption of an amendment.

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.

/s/ Merv Hess
Chairman . Chairman

/s/ Allen Summers
Vice-Chairman



Council Member



Council Member

Bill Vega
Council Member

Attest

/s/ Garylene M. Moose
Tribal Secretary

BY-LAWS OF THE ENROLLMENT COMMITTEE

ARTICLE I. PREAMBLE

In order to supplement the Bishop Paiute Tribal Enrollment Ordinance, these By-laws are hereby established and adopted, subject to provisions of and in compliance with the Ordinance. If any part or sub-part of these By-laws conflict with the Ordinance, the Ordinance shall prevail. Further, if any part of these By-laws shall be voided or invalidated, the remainder of the By-laws shall be effective and in full force until they are voided or invalidated by action of the Bishop Indian Tribal Council.

Article II. Definitions

Applicant- Anyone who has submitted an Application for Enrollment with the Enrollment Department

Application- Application for Enrollment

Committee- The Enrollment Committee of the Bishop **Paiute Tribe**
Department- The Enrollment Department

Ordinance- The enrollment Ordinance of the Bishop Paiute Tribe, as voted on in the election of July 1996

Tribe- The Bishop Paiute Tribe

Tribal Council- The Bishop Indian Tribal Council

ARTICLE III. THE ENROLLMENT COMMITTEE

A. COMPRISAL OF THE COMMITTEE & TERMS OF OFFICE

1. The Committee shall be comprised of five (5) members and shall be members of the Bishop Paiute Tribe.
2. Each committee member shall serve for a period of two (2) years, on staggered terms, from the initial date of appointment. Three members will be appointed on odd numbered years. New terms will begin on January 1. The Tribal Council shall be the appointing authority and shall have direct oversight of the Committee.
 - a. A Candidate to be a Committee member shall submit a letter of interest to the Tribal Office.
 - b. From the letters of interest received, the Tribal council shall select Committee member from the qualified candidates.

B. RESPONSIBILITIES

The Enrollment committee shall be responsible for the following:

1. Determining eligibility of the applicant based only on the eligibility criteria as stated in the enrollment Ordinance;
2. Maintaining the confidentiality of information contained in submitted applications;

3. Hold regular meetings to review applications; on the first and third Tuesday of each month.
4. Accept and hear any supporting arguments or documentation presented by an applicant at any regularly held committee meeting
5. Maintaining a record of meetings held and maintaining minutes of held meetings recording all voting activity.

C. QUORUM

1. A quorum for decision-making and conducting regular business 50% plus one (1) of the committee members shall constitute a quorum for decision-making for the Committee
2. A quorum for approval of an application shall be four (4) of the five (5) Committee members.

D. OFFICERS and DUTIES

1. With the full Committee present and accounted, the committee shall elect three officers as follows: Chairperson, Vice-chairperson, and Secretary.
2. Each officer shall be elected with a majority of the Committee.
3. The Chairperson shall have the following duties:
 - a. Preside over meetings where a full quorum to conduct business is present.
 - b. Present written/oral reports to the Tribal Councilor designate an alternate to do so.
 - c. Assume all duties as designated by the Committee and/or Tribal Council, within the scope of authority of the Enrollment Committee chairperson.
4. The Vice-Chairperson shall have the following duties:
 - a. Assume the duties and responsibilities of the chairperson in the event of his/her absence.
 - b. Assume duties as delegated by the chairperson.
5. The Secretary shall have the following duties:
 - a. Shall record or cause to have recorded the minutes of the meetings of the Committee.
 - b. Shall ensure that meeting minutes are approved by the Committee at the next regularly scheduled meeting.
 - c. Preside at meetings to conduct regular business in the event of absence of both the Chairperson and the Vice-Chairperson.

E. POWERS

1. The Committee has the power to review employment applications and interview prospective employees seeking positions with the Enrollment Department.
2. The Committee may also make recommendations for hire, to the Tribal Council, for positions in the Enrollment Department.

ARTICLE IV. VACANCIES

If at any point during a Committee member's term he/she should resign, the Tribal Council shall have no less than forty-five (45) days in which to fill the vacancy. The Tribal Council shall appoint a new member to fulfill the remainder of the term of the vacated membership, as outline in Section A of these By-Laws and Article V of the Ordinance.

ARTICLE V. REMOVAL FROM OFFICE

If it is decided to be in the best interest of the Tribe or if there is believed to be malfeasance or abandonment of duties, the Tribal Council may at its discretion remove a member of the Committee.

1. Notice of removal shall be sent to the Committee member in question and shall be subject to a hearing by the Tribal Council. Such notice of removal shall be transmitted via certified U.S. mail.
2. A formal hearing shall take place at a duly called Tribal Council meeting.
3. All five (5) Tribal Council members must be present when the removal hearing is conducted. A simple majority vote of the Tribal Council shall be required in order to remove the Committee member and removal shall take effect immediately as of the date of the meeting. Such removal shall be effective upon formal approval of the Tribal Council's meeting minutes of that night and shall be final.

ARTICLE VI. DUAL COMMITTEE MEMBERSHIP

In order to avoid any impropriety or favoritism, or the appearance of impropriety or favoritism, Enrollment Committee members shall be precluded from serving on any Committee or Commission which directly impacts upon or commingles with Enrollment, including but not limited to the Voting Board or the Assignment Committee. This provision shall be enforceable solely by the Bishop Indian Tribal Council at their discretion and Committee members may be subject to removal under Article V. The purpose for this limitation is to ensure fairness, independence, and integrity for each Tribal Committee or Commission to reach its own decisions, without any prejudice or bias that may have been reached or concluded as part of the enrollment process by the Enrollment Committee member.

ARTICLE VII. FORMULATION OF POLICY

As its primary function, the Committee shall formulate or cause to have formulated policy for Enrollment, pursuant to the Ordinance. While the Enrollment Department is solely accountable to Tribal Council, the Committee can recommend and request that the Department formulate policy pursuant to the desired wishes of the committee.

ARTICLE VIII. PRIOR BY-LAWS AND SEVERABILITY

These By-Laws supersede and replace any prior issued By-Laws which would be in conflict with these By-Laws. If any section or sections of these By-Laws shall conflict with the Ordinance or be ruled invalid by the Tribal Council, then the Ordinance shall prevail and that section or those sections shall be rendered null and void but the remainder of these By-Laws shall continue to remain in full force and effect.

ARTICLE IX. PARLIAMENTARY AUTHORITY

Roberts Rules of Order maybe used as a guide for conducting all meetings of the Enrollment Committee.

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ARTICLE X. AMENDMENTS

The Tribal Council, at its sole discretion, may amend these By-Laws as necessary, with or without the express consent or approval of the Committee or the Department. A simple majority of the Tribal Council at the time of presentation shall be sufficient to amend these By-Laws.

CERTIFICATION

We, The undersigned as Chairman and Secretary of the Bishop Indian Tribal Council hereby certify that the Bishop Indian Tribal Council, at a duly called meeting, which was convened and held on the 2 day of October at the Tribal Office in the State of California did approve the foregoing resolution, and that a quorum was present, voting 4 for 0 Abstain 0 opposed and that this resolution has not been rescinded or amended in any way.

ATTEST

/s/ M Bengochia
Chairman

Date: 2 OCT 2009

/s/ J
Secretary

Date: 2 OCT 2008