

ROUND VALLEY INDIAN TRIBES
A Sovereign Nation of Confederated Tribes

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LOCATION: ON STATE HWY 162
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY RESERVATION ESTABLISHED 1856

ORDINANCE

Of the

ROUND VALLEY INDIAN TRIBES

ENROLLMENT

APPROVED: Enacted July 8, 2003

ENROLLMENT ORDINANCE

PREAMBLE

WHEREAS, the Round Valley Indian Tribes are federally recognized tribes eligible for all the rights and privileges afforded to recognized tribes; and,

WHEREAS, the Round Valley Indian Council is the governing body of the Tribe under the authority of the constitution of the Round Valley Indian Tribes as approved on December 16, 1936, revised in Feb. 1959, June 1973, May 1975, and Sept. 1994; and,

WHEREAS, the Round Valley Indian Council, pursuant to the powers vested in Article II, Section IV, of the Constitution of the Round Valley Indian Tribes, which states that the "The Tribal Council shall have the power to adopt a membership ordinance not inconsistent with the terms of this Constitution covering all enrollment procedures",

NOW, THEREFORE, the Round Valley Indian Council, acting at a lawful meeting with a quorum present, does hereby ordain as follows:

PURPOSE

This Ordinance shall govern the membership of the Round Valley Indian Tribes and shall establish the qualifications and procedures for enrollment in the Round Valley Indian Tribes. The Round Valley Tribal Council shall be entrusted with the responsibility of maintaining its' membership on behalf of the Tribes.

SECTION 1: DEFINITIONS: For the purposes of this Ordinance, the following terms are defined as follows:

- (1) "Acceptable Evidence" means: a state certified original birth certificate, state certified certificate, baptismal record, adoption decree, official census records, death certificate, hospital clinic or physicians' record, notarized affidavits, historical documents or records, probate records and genetic blood DNA test results.
- (2) "Adopted Child" means: one whose natural parents' parental rights have been terminated by a court and assigned to another person(s).

- (3)"Adoption" means: legal action whereby the parental rights of the natural parents are terminated by a court and assigned to another person(s).
- (4)"Adoptive Parent" means: one who has been given, by court order, the parental rights for a child born to other parents.
- (s)"Adult" means: a Round Valley Indian Tribal member who has reached the age of eighteen.
- (6)"Affidavit" means: a written statement of fact signed by a person who verifies it is true.
- (7)"Allotment Schedule" means: a list of persons who received an allotment of land on the Round Valley Indian Reservation under the General Allotment Act of 1887.
- (8)"Applicant" means: a person seeking enrollment in the Round Valley Indian Tribes.
- (g)"Base roll" means: All the original allottees, who received allotments of land under the General Allotment Act of 1887, also known as the Dawes Act. As well as all the Indians who were_ put on the January 1, 1937 Round Valley Census Roll.
- (10)"Burden of Proof" means: the applicant has the burden of proof in demonstration eligibility in the Tribes; in enrollment appeals, he/she has the burden of proof in showing that a decision was in error.
- (ll)"Constitution" means: the Constitution of the Round Valley Indian Tribes.
- (12)"Dis-enrollment" means: A member may be disenrolled by way of personal action or dual enrollment.
- (13)"Dual Enrollment" .means membership in more than one tribe.
- (14)"Enrollment Department" means: the Tribal department responsible for disseminating all information regarding the application process, eligibility requirements, appeals and application forms. The Enrollment Clerk shall receive and review all applications for enrollment properly submitted.
- (15)"Family members" means: a child, parent, grandparent, brother, sister, niece, nephew, aunt, or uncle, by lawful adoption who is an individual of lineal descendent of an original allottee/RVIR 1937 census roll, or spouse.
- (16)"Family Tree" means: the relationships or lines of descent through parental lines. A family tree chart is used to trace and demonstrate ancestry.

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- (17)"Genealogy" means: recorded history of descent of a person or family from an ancestor or ancestors.
- (18)"Guardian" means: one who is legally responsible for the person or property of another.
- (19)"Lineal Descendent" means: A descendent of an original allottee or descendent of the Indians who were put on the January 1, 1937 Round Valley Census roll, collateral relatives such as aunts, uncles, brothers, sisters,. etc., are not considered lineal descendants.
- (20)"Maternal" means: of or relating to a mother.
- (21)"Matrilineal" means: descent or kinship through the mother or maternal line instead of the father or paternal line.
- (22)"Minor" means: a child under the age of eighteen (18) years.
- (23)"Notarize" means: to have a document attested before or authenticated by a public officer {a notary) who witnesses the signature and certifies that it is authentic.
- (24)"Notice of Rejection" means: written notification that an application for membership has been denied.
- (25)"Notification of Dis-enrollment" means: written notice from the Round Valley Tribal Council advising a person whose name is entered on the roll that dis-enrollment is being considered and that due process is available for contesting such action.
- (26)"Original Allottee" means: individuals who received allotments of land under the 1887 General allotment Act, also known as the Dawes Act.
- (27)"Paternity/Acknowled_gm ent" means: document signed by the father for an illegitimate child which states that he is the father.
- (28)"Patrilineal" means: descent or kinship through the father or paternal line instead of the mother maternal line.
- (29)"Petition" means: a formal written request to the round valley Tribal Council.
- (30)"Tribal Council" means: members duly elected to serve as governing representatives for the Round Valley Indian Reservation.

- (31)"Tribal Governing Body" means: the Tribal Council of the Round Valley Indian Tribes.
- (32)"Tribal Law" means: the Constitution of the Round Valley Indian Tribes, duly enacted ordinances, and the traditional laws and customs of the Tribes.
- (33)"Tribal Member" means: an individual who meets all tribal membership requirements and is recognized as a member by the Tribes.
- (34)"Tribal Roll" means: a list of all enrolled members prepared by the Enrollment Clerk of the Round Valley Indian Tribes.
- (35)"Tribe" means: the Round Valley Indian Tribes.

SECTION II : BASE/MEMBERSHIP ROLL:

The Base/Membership Roll of the Round Valley Indian Tribes consists of:

- 1) ,All original allottees, who are individuals who received allotments of land under the General Allotment Act of 1887., also known as the Dawes Act. Those individuals who received allotments of land between 1895 through 1931 and are hereby known as original allottees of the Round Valley Indian Reservation.
- 2) All other Indians who were put on the January 1, 1937 Round Valley Census Roll.
- 3) All persons meeting the membership requirements under Article III of the Constitution and Bylaws of the Round Valley Indian Tribes, as amended February 24, 1959, which are as follows:
 - a) All Indians who received allotments of land on the round Valley Reservation.
 - b) All descendants of allottees who were residing on the Round Valley Reservation as of December 16, 1936, the date of the approval of the Constitution and Bylaws of the Round Valley Indian Tribes.
 - c) All other Indians on the Round Valley Census Roll of January 1, 1937, who have made their permanent residence on the Round Valley Reservation since that date, provided that members of other tribes and bands shall not be eligible.
 - d) All descendants of persons eligible for membership under c) above, who are residing on the Round Valley Reservation as of the date of the approval of this amendment.
 - e) All children born to any member of the Covelo Indian Community after the date of the approval of this amendment

regardless of residence, provided that the parent or guardian of the child indicates a willingness to maintain tribal affiliation. The parent or guardian shall submit a written application to have the child's birth certificate, together with any other evidence as to the eligibility of the child for enrollment as a member of the Covelo Indian Community.

SECTION III: ELIGIBILITY

Applicants wishing to be entered onto the Membership Roll of the Round Valley Indian Reservation shall be eligible for enrollment only under one or more of the following conditions.

- 1) An applicant is considered a lineal under Section II, Paragraph (b) (1&3), above, provided such descendant is not an enrolled or recognized member of another tribe.
- 2) The applicant is the biological child of any enrolled member of the Round Valley Indian Tribes, provided, the child(ren) is/are not enrolled or recognized on any other tribal roll. The enrolled parent(s) or recognized legal guardian of a child applicant shall submit a written application for enrollment, with acceptable evidence of eligibility.

SECTION IV: APPLICATION FOR ENROLLMENT:

- (A) Applications for enrollment as a member of the Round Valley Indian Tribes shall be open for acceptance from July 10, through September 10, of each year, except in the case where the enrollment process may be frozen, or where an enrollment cut-off date is authorized for the purpose of distribution of tribal assets, by action of the Tribal council.
- (B) Enrollment applications must be filed with the Enrollment Clerk by personal delivery or by certified mail, return receipt requested, delivered to the Tribal Administration Office during normal business hours. Application forms may be obtained from the Enrollment Clerk or Tribal Administration.
- (C) Applications filed on the behalf of minors must be submitted by the enrolled parent or recognized legal guardian. Applications that are filed for persons with diminished capacity must be submitted by the recognized guardian or such person who may possess power of attorney for the applicant. Applications for enrollment filed by a collateral relative, or any other person who is not a recognized guardian shall not be accepted.

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- (D) The Enrollment Clerk shall provide assistance to those who may need help in completing the application for enrollment.
- (E) Each application for enrollment must be completed in its entirety, and must contain sufficient information to enable the Enrollment Clerk to make a proper determination of eligibility. Applications must contain the following:
 - 1) Current legal name and all other names by which the applicant is known.
 - 2) A family tree chart showing the lineal descendant of the applicant, indicating all ancestors through which eligibility is being claimed.
 - 3) Printed name and signature of the applicant, and/or the signature of the person filing on behalf of a minor or disabled adult.
 - 4) Acceptable evidence of birth.
 - 5) Filing date of the application.

SECTION V: ENROLLMENT DEPARTMENT:

- (A) The Enrollment Department shall be responsible for disseminating all information regarding the application process, eligibility requirements, appeals and application forms. The Enrollment Clerk shall receive and review all applications for enrollment properly submitted.
- (B) Upon receipt of an application for enrollment, the Enrollment Clerk shall have thirty (30) days to review, determine eligibility, and render written recommendations concerning the application to the Round Valley Tribal Council. The Enrollment Clerk shall present to the Tribal Council a recommendation for approval or disapproval of each application that is received.
- (C) The Round Valley Tribal Council shall have final authority for decisions regarding all matters brought before the Tribal Council by the Enrollment Clerk.

SECTION VI: APPROVAL AND DISAPPROVAL OF APPLICATIONS:

- (A) The Round Valley Tribal Council shall approve or disapprove all membership applications within thirty (30) days of receiving the -written recommendations of the Enrollment Clerk and shall notify the application in writing by certified mail, return receipt requested of the action taken. If

the applicant is denied membership, the notification shall state the specific reasons for denial and the opportunity to appeal the decision.

SECTION VU: APPEALS

- (A) Persons denied membership under the provisions of the Ordinance have the right to appeal the decision of the Round Valley Tribal Council. Appeals must be submitted in writing and filed with the Executive Secretary within thirty (30) days of receiving the Notice of Rejection. Upon receipt of a written appeal the Executive Secretary shall forward appeals to the Round Valley Tribal Council, who shall then have ten (10) days to arrange for a hearing on the appeal. The Round Valley Tribal Council shall conduct hearings on appeals within thirty (30) days of receipt of the appeal.
- (B) In filing an appeal, the appellant, or person(s) acting on their behalf, shall prepare a written statement as to why they believe the decision is not proper, supported by evidence that may add to their claim of eligibility. Additional proof in the form of documentation or reasonable argument may be presented at the appeals hearing before the Round Valley Tribal Council.
- (C) The burden of proof in appeals before the Round Valley Tribal Council shall remain with the appellant or person(s) acting on their behalf.
- (D) The Round Valley Tribal Council shall base appeal decisions solely upon documentary evidence presented in the matter by the appellant or by the Enrollment Clerk, where such evidence is in writing or in competent testimony rendered at the hearing. The appellant shall be notified of the Round Valley Tribal Council's decision on the appeal no later than ten (10) days after the Tribal Council concludes the hearing.

SECTION VIII CONFIDENTIALITY

- (A) Information collected in processing applications for enrollment may contain material that is confidential. Therefore, applicant case files shall be maintained under strict confidentiality pursuant to Article XI, Part (2) of the Constitution of the Round Valley Indian Tribes, adopted August 3, 1994.
- (B) Applicant case files shall not be disclosed to anyone other than the applicant or authorized representative, the Enrollment Clerk, or the Round Valley Tribal Council and its authorized representative.

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- (C) Case records shall be kept in a locked file cabinet, and the security and integrity of these records shall be maintained at all times by the Round Valley Tribal Council.

SECTION IX: RECORDS MAINTENANCE

- (A) Upon receipt of a request for enrollment, the Enrollment Clerk shall begin a file on each new applicant. Each case file shall contain documentation to support eligibility of the applicant, comments of the Enrollment Clerk, or any other record that is deemed necessary for completing the application review process. All active case files shall be considered confidential
- (B) The Enrollment Clerk is authorized under this Ordinance to update information placed in record on the tribal roll. Documentation necessary for updating records shall include:
 - 1) Request for Name Change - Copy of marriage license, divorce decree or Photo identification showing an official name change;
 - 2) Notice of Demise - Official death certificate, Bureau of Indian Affairs records, mortuary records, hospital records, obituary notices from newspapers, written and witnessed statement from a relative who has personal knowledge of the death, written and witnessed statement from someone who attended the funeral or who observed a grave marker, and who can provide the date of death;
 - 3) Change of Address - Written statement, signed by the enrollee or lawful guardian.
- (C) In the event documentation cannot be provided for a change in enrollment record, the Round Valley Tribal Council, at its discretion, may consider a request for updating records from the enrollee or recognized guardian, and may approve a change in record by Tribal Council Resolution. A copy of such resolution, stating the reason for the change in record without appropriate documentation, shall be placed in the requesting individual's file.

SECTION X: ENROLLMENT RECORD

- (A) A Roll shall be prepared and maintained, and updated as necessary, which shall include name, roll number and information pertinent to the record of all enrolled members of the Round Valley Indian Reservation. This Roll shall reflect the enrollee's name (first, middle, maiden and last), enrollment number, date of birth, sex, address, eligibility reference and

any other information as may be desired entered into record by the Round Valley Tribal Council.

- (B) The Enrollment Clerk shall review and update the Membership Roll at least once per calendar year, or as authorized by the Round Valley Tribal Council. Updating of records shall include, addition of the names of new members, change of name or address, corrections to the record, relinquishments, dis-enrollments, dates of birth and dates of death.
- (C) The Enrollment Clerk shall serve as custodian of records for the official Round Valley Indian Tribal Roll. Copies of the official Roll may be prepared for the Tribal council, the Secretary as represented by the Superintendent of the Central California Agency, Bureau of Indian Affairs, and any other entity to whom the Tribal council has expressly sanctioned dissemination, In no event shall the official Roll or copies thereof be disseminated except as directed by the Round Valley Tribal Council.

SECTION XI: ACCESS TO RECORDS:

- (A) The Tribe's Membership Roll may be viewed by any Tribal Council Person, who comes to the Tribal office, However, nether the Membership Roll nor any portion thereof may be copied and/or distributed to any person or organization, or any program or the directors, except upon permission of the Round Valley Tribal Council by appropriate resolution. The Round Valley Tribal council shall use information from the Membership Roll for the benefit of tribal members or tribal programs.
- (B) Information in individual folders are considered confidential, It shall not be available to anyone except that individual member {or his/her guardian} and to the enrollment department, and Round Valley Tribal Council members when such examination is necessary in considering enrollment decisions.
- (C) An adopted person's eligibility for enrollment is determined through one or both of the natural parents. Documentary evidence submitted to the natural parent through whom eligibility for enrollment is determined. The information concerning adopted persons shall be recorded as confidential and shall not be made public to any other person. This information shall be contained in locked file cabinets, and adequate safeguards shall be installed to ensure that the confidentiality of these records shall not be violated.

SECTION XII: RELINQUISHMENT(S)

- (A) Any adult member of the Round Valley Indian Tribes may voluntarily relinquish his/her Membership. *All* relinquishment(s) must be in writing and the signature must be notarized.
- (B) Any member under the age of 18 years who's membership was relinquished by their parents' or legal guardian will have the option of re-enrolling after turning the legal adult age of eighteen.
- (C) Any adult person who has voluntarily requested to be removed from the membership roll cannot re-enroll with the tribe, (Article II - Membership, Constitution).

SECTION XIII: DIS-ENROLLMENT

- (A) Any person who has been entered onto the Roll is subject to revocation of their Membership if:
 - 1) The person is found to be an enrolled or recognized member of another federally recognized tribe and refuses to relinquish such membership;
 - 2) The person has been entered onto the Roll under false premises or error.
- (B) A person found to be enrolled or recognized by another tribe, reservation or rancheria, shall have thirty (30) calendar days from the date of receipt of the Notification of dis-enrollment to relinquish membership as an enrolled or recognized member of another Tribe.
- (C) A person receiving a notification of dis-enrollment may be granted an extension in which to relinquish their membership in another tribe, which shall not exceed an additional thirty (30) days, so long as the request for extension is received by the Enrollment Clerk with the first thirty (30) days of notification. A request for an extension must be submitted in writing, signed by the person to whom the notification of dis-enrollment is addressed (or their recognized guardian), and dated.
- (D) The notification of dis-enrollment must state the reason(s) for the action, and shall afford the notified person due process for appealing the decision. A person who receives notification of dis-enrollment may request a hearing before the Tribal Council to present arguments, facts and documentation to support any contention that dis-enrollment is improper or unnecessary.
- (E) A hearing to appeal dis-enrollment before the Tribal Council must be requested in writing within thirty (30) days of receipt of notification of the

proposed dis-enrollment action. Hearing in the case shall be scheduled by the Executive Secretary within ten (10) days of receiving a appeal to contest dis-enrollment.

- (F) After hearing by the Tribal Council has been conducted, if the decision to disenroll is upheld by the Tribal Council, the appellant shall be notified in writing within ten (10) days of the official department decision.
- (G) Adverse decisions by the Tribal Council may be appealed within thirty (30) calendar days. The Round Valley Tribal Council shall base dis-enrollment appeal considerations solely upon documentary evidence presented in the matter by the appellant, the Enrollment Clerk or competent witnesses. The appellant shall be notified of the Tribal Council's decision no later than ten (10) days after the conclusion of the Tribal Council's hearing on the appeal.
- (H) The Round Valley Tribal Council appeal decision shall be the final.

SECTION XIV: AMENDMENTS

- a) Amendments to this Ordinance must be approved by resolution and passed by a majority of the voting members of the Round Valley Tribal Council.
- b) Amendments to this Ordinance shall not abridge any rights or privileges accorded to those who were granted membership prior to the adoption of the amendment.
- c) The Round Valley Tribal Council reserves the right to amend this Ordinance as deemed necessary.

SECTION XV: SEVERABILITY

- (A) If any provision of this Ordinance is found invalid, improper or fatally flawed by any court of competent jurisdiction, only that part or provision shall be affected and shall not nullify any other part or provision of the Ordinance.