

**KASHIA BAND OF POMO INDIANS
OF THE STEWARTS POINT RANCHERIA**

REVISED MEMBERSHIP / ENROLLMENT ORDINANCE

SECTION 1 – GENERAL PROVISIONS

1.1 Authority. This Ordinance is adopted under the inherent sovereign authority of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria (“Tribe”) and Article 2, Section 2 of the Tribe’s Constitution.

1.2 Purpose. The purpose of this Ordinance is to identify the existing membership of the Tribe, to define the eligibility of future members, and to update and clarify procedures for enrollment and related actions.

1.3 Policy. The General Council hereby affirms the policy of the Kashia Band of Pomo Indians to ensure that all proceedings and decisions regarding enrollment-related matters are applied in a fair and even-handed manner, and in compliance with the Tribe’s Constitution and the Indian Civil Rights Act.

SECTION 2 - EXISTING MEMBERSHIP

As of the date of approval of this Ordinance, the membership of the Kashia Band of Pomo Indians includes the following:

2.1 All living persons whose names appear on the Official Tribal Membership Roll submitted to the Bureau of Indian Affairs on or about June 8, 2011 and who have not since that date relinquished their membership with the Tribe; and

2.2 All living persons who, subsequent to June 8, 2011, applied for membership in accordance with the provisions of the enrollment ordinance then in effect and whose membership has been approved by the General Council.

SECTION 3 - ELIGIBILITY FOR ENROLLMENT

Living persons in the following categories shall be eligible for enrollment in the Kashia Band of Pomo Indians and shall have their names included on the membership roll after compliance with the procedures set forth in this Ordinance and approval by the General Council

3.1 Any person not currently enrolled with the Tribe whose name appears on the “approved list of voters for the Stewarts Point Rancheria,” 1935-1936 or “list of children on the Stewarts Point Rancheria (under 21),” 1935-1936, both lists approved by the General Council on November 15, 1936.

3.2 Any person not currently enrolled with the Kashia Band who is a lineal descendent of a person whose name appears on the "approved list of voters for the Stewarts Point Rancheria," 1935-1936 or "list of children on the Stewarts Point Rancheria (under 21)," 1935-1936, both lists approved by the Community Council on November 15, 1936, regardless of whether any lineal ancestor is an enrolled member or has relinquished or otherwise lost his/her membership rights. For purposes of this section, the term "lineal descendent" means a person who is in direct line to an ancestor, such as a child, grandchild or great-grandchild, and does not include collateral relations such as nieces or nephews.

3.3 Any person defined as eligible for enrollment consistent with requirements that may be approved by the General Council for adoption into the Tribe.

SECTION 4 - LIMITATIONS ON ELIGIBILITY

4.1 A person who meets the requirements stated in Section 3 will not be eligible for enrollment if s/he:

(a) Has, as an adult and on his/her own behalf, relinquished his/her membership with the Kashia Band of Pomo Indians; provided, however, that a minor child whose membership with the Tribe has been relinquished by a responsible adult may, upon reaching adulthood, be eligible for re-enrollment with the Tribe if he or she submits an enrollment application in accordance with this Ordinance prior to reaching the age of 21 years.

(b) Is a recognized member of another Tribe, or has relinquished membership in another tribe for purposes of enrolling with the Kashia Band of Pomo Indians; provided that a minor enrolled with another tribe may choose to relinquish his or her membership with that tribe and be eligible for enrollment with the Kashia Band so long as he or she perfects such relinquishment and submits an application for membership with the Kashia Band before reaching the age of 21;;

(c) Is an allottee, or the holder of a formal assignment of land, at another rancheria or reservation; and/or

(d) Is a person named as a distributee or a dependent family member in an accepted plan providing for the distribution of assets at another rancheria or reservation.

4.2 A minor that satisfies any of the eligibility criteria described in Section 3, but falls within any of the provisions of Section 4.1, shall nonetheless be deemed eligible for enrollment in the Kashia Band of Pomo Indians for purposes of allowing the Tribe to participate in an Indian Child Welfare Act case involving the minor.

SECTION 5 - ENROLLMENT COMMITTEE & ENROLLMENT OFFICER

5.1 The General Council shall appoint the members of the Enrollment Committee. In accordance with Tribal custom and tradition, the appointments shall be based on Tribal Members volunteering by signing an Enrollment Committee sign-up sheet.

5.2 The Enrollment Committee shall be composed of 7 Tribal Members, including a minimum of 2 alternates. Four Committee members shall constitute a quorum, which is the minimum number of persons required to be in attendance at a meeting for Committee decision-making purposes.

5.3 Enrollment Committee members shall serve 2 year terms, and may be reappointed.

5.4 The position of Enrollment Officer shall be filled through the Tribe's normal employment procedures. The Enrollment Officer shall be a full-time Tribal employee and shall administer the day-to-day business of the Enrollment Committee.

5.5 The Enrollment Committee shall meet at least quarterly, and more often as needed to complete its responsibilities.

5.6 The Enrollment Committee shall have the authorities and responsibilities defined in this Ordinance and Enrollment Committee Procedures to be submitted to the Tribal Council for approval within 180 days after this Ordinance is approved by the General Council.

5.7 If the Enrollment Committee is processing an enrollment application, or taking other action, with respect to an Immediate Family Member of an Enrollment Committee member, the Committee member may participate in discussions, but shall not be allowed to vote on the matter. For purposes of this section, Immediate Family Member means parent or legal guardian, child, sibling, grandparent, grandchild, aunt or uncle.

5.8 The Enrollment Officer and all members of the Enrollment Committee, including alternates, shall be bound by the confidentiality provisions set forth in Section 13 of this Ordinance.

SECTION 6 - FILING OF APPLICATIONS

6.1 Any person who desires membership status must file, or have filed in his/her behalf, a written application. Forms for this purpose shall be furnished by the Enrollment Officer and shall be available at the Tribal Office during normal business hours.

- 6.2 Applications may be filed by:
- (a) any person aged 18 years or over;
 - (b) any legally emancipated minor;

- (c) a parent, guardian or other legally responsible adult on behalf of a minor; or
- (d) a legally recognized guardian, conservator, or person with a power of attorney on behalf of a mentally incompetent person.

6.3 Each year, applications will be accepted between January 1 and March 31, processed in accordance with Section 8 of this Ordinance, and presented to the General Council for approval, as appropriate, at the May meeting or at such other meeting thereafter at which a quorum is present.

SECTION 7 - APPLICATION REQUIREMENTS

7.1 To be considered by the Enrollment Committee, each membership application must be completed in its entirety and must contain sufficient information to properly determine the applicant's eligibility for enrollment. For this purpose, the Enrollment Officer shall develop a form for use by all applicants.

7.2 The following documentation must accompany each application:

- (a) Applicant's original state-issued birth certificate
- (b) Copy of applicant's social security card
- (c) A government-issued picture ID, to serve as valid proof of identity
- (d) Family tree chart
- (e) Proof of relinquishment from another tribe or band (if applicable)
- (f) Amended birth certificate (if applicable)
- (g) Legal adoption or guardianship records (if applicable)
- (h) Valid power of attorney documentation (if applicable)
- (i) Legal emancipation documentation (if applicable)

7.3 Each applicant must acknowledge that the information provided in the application is true and correct to the best of the applicant's knowledge and belief. **The provision of false information in an enrollment application may result in denial of membership or disenrollment, permanent exclusion from the Reservation, a requirement to repay to the Tribe any and all assets and benefits received from or through the Tribe, and such other penalties as may be defined by the General Council.**

7.4 To serve greater Tribal interests, an incomplete application may be considered for conditional approval to enable the Tribe to be represented in ICWA or other proceedings regarding the Applicant.

SECTION 8 - PROCESSING OF APPLICATIONS

8.1 All applications shall be submitted to the Enrollment Officer at the Tribal Office by personal delivery during normal business hours or by regular or express mail service.

8.2 The Enrollment Officer shall review each application and supporting documentation, verify all the information provided, and present the application and the results of his/her investigation to the Enrollment Committee.

8.3 The Enrollment Committee shall develop a recommendation to make to the Tribal Council regarding the eligibility of the applicant for enrollment in the Tribe.

8.4 The Tribal Council shall review each applicant's file, along with the Enrollment Committee's recommendation, and determine whether or not the applicant is eligible for enrollment with the Kashia Band of Pomo Indians.

8.5 If the Tribal Council determines an applicant is eligible, it shall present a recommendation to the General Council that the application be approved and the applicant enrolled with the Tribe. The applicant shall be given written notice of the date, time and location of the General Council meeting at which his/her application will be presented and must attend the meeting in person or by videoconference or other electronic means approved by the Tribal Council.

8.6 If the Tribal Council determines an applicant is not eligible, it shall cause written notice to be transmitted to the applicant explaining the reasons for its determination and the applicant's right to appeal such determination to the General Council. Any applicant desiring to appeal a Tribal Council eligibility determination to the General Council must request an appeal hearing in writing submitted to the Enrollment Officer within thirty (30) days after his or her receipt of the Tribal Council notice; the appeal shall be placed on the agenda of a General Council meeting that is at least thirty (30) days after the appeal request is received by the Enrollment Officer. In order for the appeal hearing to be conducted, and a decision by the General Council made, there must be a quorum and the applicant must be present.

8.7 The Enrollment Committee, Tribal Council and General Council shall have the authority to require DNA testing to determine evidence of lineal descent if, during the processing of an application, the Committee or Council determines there is a legitimate question regarding the applicant's descent based on formal written inquiry or independently determined by the Committee or Council.

8.8 The General Council has the ultimate authority to grant membership status to any person, and the General Council's decision regarding whether or not to approve an application for membership, reflected by majority vote at a meeting at which a quorum is present, shall be final and not subject to further appeal.

SECTION 9 – RELINQUISHMENT

9.1 Any adult Tribal Member may relinquish his/her membership by submitting to the Enrollment Officer written notice of his/her intent to do so. The notice shall identify the effective date of the relinquishment and contain the notarized signature of the member (or legally responsible adult). An adult Tribal Member who relinquishes his/her membership with the Tribe shall become ineligible to re-enroll in the Tribe in the future.

9.2 The membership of a minor child may be relinquished by an adult legally responsible for the child, in the same manner as described in section 10.1 above; provided, however, that the child shall not be barred from re-enrolling in the Tribe upon or after reaching the age of 18 should he or she choose to do so, so long as he or she submits an application for re-enrollment prior to reaching the age of 21.

SECTION 10 – DISENROLLMENT

10.1 Grounds for Disenrollment. The discovery that a Tribal Member provided false information in his/her application relative to his/her eligibility shall be grounds for disenrollment from the Tribe. The General Council may define other bases for disenrollment, such as significant violations of the Tribal Ethics & Conduct Ordinance; other crimes against the Tribe; or habitual felony activity causing serious or ongoing harm to the Tribal community.

10.2 Initiation of Disenrollment Proceedings. Proceedings to disenroll a Tribal Member may be initiated by the filing of a written report or by independent discovery by the Enrollment Committee that grounds for disenrollment exist.

10.3 Reports of the existence of grounds for disenrollment must be made in writing, dated and signed under penalty of perjury, submitted to the Enrollment Officer, and must include the following:

- (a) a detailed description of the grounds for disenrollment
- (b) the identity of each person with relevant information regarding the matter
- (c) supporting documentation, if any
- (d) the legibly printed name, address and telephone number of the person(s) making the report

10.4 Any person that the General Council finds to have knowingly made a false accusation regarding the grounds for a Tribal Member to be disenrolled may be subject to penalties defined by the General Council.

10.5 Investigation and Recommendation. Upon receipt of a report of the existence of grounds for disenrollment, or if the Enrollment Committee independently

learns of the potential existence of such grounds, the Enrollment Officer shall immediately undertake an investigation of the matter, and shall report the results of his/her investigation to the Enrollment Committee. If the Enrollment Officer is the subject of the investigation, or the Immediate Family Member of the subject of the investigation, the investigation shall be conducted by one or more other person(s) designated by the Tribal Council. The Enrollment Committee shall then report to the Tribal Council, and the Enrollment Committee and Tribal Council shall jointly determine whether there are legitimate grounds to proceed with disenrollment.

10.6 If the Enrollment Committee and Tribal Council determine there are legitimate grounds to proceed, the matter shall be put on the agenda for the next scheduled General Council meeting. At that meeting, the General Council shall appoint an independent hearing panel that shall review all documentation regarding the matter, conduct such independent investigation as it deems necessary, and conduct a hearing at which the Tribal Member(s) subject to the proceedings shall be given the opportunity to present witnesses and evidence to challenge the proposed disenrollment. The independent hearing panel's activities shall take place in accordance with a schedule fixed by the General Council. After the conclusion of the hearing, the independent hearing panel shall compile a written report and recommendation to present to the General Council.

10.7 The Tribal Member(s) subject to disenrollment proceedings shall be provided a copy of the independent hearing panel's report and recommendation, and be given at least thirty (30) days written notice of the date, time and location of the General Council meeting at which the independent hearing panel's report shall be presented and considered. At that meeting, at least ten percent (10%) of the General Council must be in attendance for the matter to proceed, and the Tribal Member(s) subject to disenrollment proceedings shall be given the opportunity to be heard before the General Council makes a final decision on the issue.

10.8 After the matter has been fully heard, the General Council shall vote by secret written ballot to approve or deny the proposed disenrollment, and at least two-thirds (2/3) of those voting at the meeting must vote to approve the disenrollment for it to be effective. The decision of the General Council shall be final and not subject to appeal.

SECTION 11 - KEEPING MEMBERSHIP ROLL CURRENT

11.1 The Enrollment Officer shall be responsible for keeping the Official Tribal Membership Roll current, by:

- (a) Striking the names of deceased persons upon receipt of documentary evidence;
- (b) Adding the names of persons who have applied for membership in accordance with this Ordinance, and who have been granted membership status by the General Council; and

(c) Making necessary corrections such as deleting from the roll names of persons who have relinquished their membership or been disenrolled by the General Council.

11.2 The Enrollment Officer shall submit current versions of the Official Tribal Membership Roll to the Bureau of Indian Affairs at least annually, and more often as circumstances dictate or the Tribal Council instructs.

SECTION 12 - USE OF MEMBERSHIP ROLL

The current Official Tribal Membership Roll shall be used for all official purposes, except that when used for the distribution of tribal trust assets it shall first require approval of the Secretary of the Interior, or his authorized representative.

SECTION 13 – CONFIDENTIALITY OF PROCEEDINGS AND INFORMATION.

All information and proceedings governed by this Ordinance shall be kept strictly confidential by the Enrollment Officer, Enrollment Committee, Tribal Council and any and all other persons having knowledge of such matters, except in the following circumstances:

(a) if a Tribal Member or applicant for membership requests in writing that information regarding his/her status be released; or

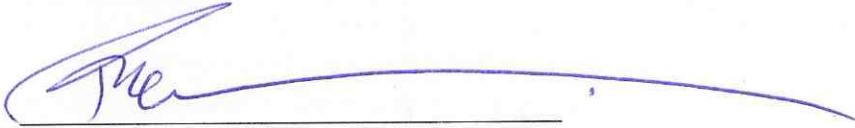
(b) if a department of the federal government or another tribal government requests such information for an official purpose, in writing on appropriate letterhead, in which case responsive information limited to a confirmation of enrollment status and the dates of membership, if any, shall be provided in writing.

SECTION 14 – EFFECTIVE DATE AND EFFECT OF THIS ORDINANCE

This Ordinance shall become effective upon the date of its approval by the General Council, and shall supercede, replace, and serve to repeal all Tribal ordinances then in effect governing membership issues, including Ordinance #2 and the Tribe's Adoption Ordinance.


CERTIFICATION

We, the undersigned members of the Tribal Council of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, hereby certify that the foregoing Revised Membership / Enrollment Ordinance was approved by the General Council at a duly called regular meeting at which a quorum was present on 5/10/2014, by a vote of 58 for, 3 against, and 2 abstaining.



Reno Keoni Franklin, Tribal Chairman

ATTEST:


Debra Knight, Tribal Secretary