



# SHINGLE SPRINGS RANCHERIA

Shingle Springs Band of Miwok Indians,  
Shingle Springs Rancheria  
(Verona Tract), California  
5281 Honpie Road, Placerville, CA 95667  
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## ENROLLMENT ORDINANCE

**SUBJECT: RULES & PROCEDURAL REQUIREMENTS GOVERNING THE ENROLLMENT ACTIVITIES OF THE SHINGLE SPRINGS BAND OF MIWOK INDIANS.**

**WHEREAS**, Article II of the Tribe's Articles of Association sets forth the requirements for Tribal membership and;

**WHEREAS**, it is the desire of the Tribe to establish rules and procedures which will assure all applicants fair and equal consideration during the enrollment process and which will provide maintenance of the Tribal membership roll;

**NOW, THEREFORE, BE IT KNOWN** that the following rules and procedural requirements governing the enrollment activities of the Shingle Springs Band of Miwok Indians ("Tribe") are hereby adopted and shall become effective on the date of approval by the Tribal Council and shall supersede any and other previously enacted membership ordinance.

### SECTION 1. DEFINITION OF TERMS

For purposes of this Ordinance, the word or words listed below shall have the following definitions:

(a) "**Adoption**" shall mean the process of seeking membership into the Shingle Springs Band of Miwok Indians when the individual does not meet the requirements of Section 2 of this Ordinance. Under Section 4 of this Ordinance, the Tribe does not allow adoption.

(b) "**Adoption Records**" shall mean records which show that an individual, who is biologically qualified for membership in the Tribe under Section 2 of this Ordinance, was adopted by someone other than their biological parents. Adoption records are Secondary Evidence and must accompany a DNA test.

(c) "**Adult Member**" shall mean any Tribal member over the age of 18.

(d) "**Affidavit**" shall mean a written declaration upon oath made before an authorized official. Affidavits are considered Secondary Evidence and must accompany Primary Evidence supporting an application for enrollment.

(e) “**Ancestor**” shall mean the person from whom an individual claims lineal descendency. The ancestor’s name must appear on the Base Roll or is a certified member of the Tribe under Article II, Section 1(b) of the Articles of Association.

(f) “**Appeal**” shall mean a process by which an applicant/member that is not satisfied with the decision rendered by the Tribal Council or Enrollment Committee has their claim re-heard.

(g) “**Applicant**” shall mean the person seeking to be enrolled as a member of the Tribe.

(h) “**Articles of Association**” shall mean the Articles of Association adopted by the qualified voters of the Tribe on June 19, 1979 and approved by the Secretary of the Interior on December 10, 1979, and any subsequent amendments.

(i) “**Base Roll**” is the original list of those names that appear on the 1916 Census Roll of the Indians at and near Verona in Sutter County, California, and also 15 living in Sacramento.

(j) “**Certify**” shall mean the act of endorsing or confirming the statement, recommendation, document, or act. Certifications will be represented by signature(s) of the Enrollment Committee or Tribal Council, as appropriate.

(k) “**Descendant**” means an individual who can prove by documented Primary Evidence, biological descendency from an individual listed on the Base Roll, hereby known as an ancestor.

(l) “**DNA test(ing)**” is short for deoxyribonucleic acid testing. DNA testing analyzes the genetic material of two or more individuals to show that they are biologically related. The Tribal Council and the Enrollment Committee shall consider all applicable evidence to establish eligibility in the Tribe, however they shall regard DNA evidence as superior in weight, importance, strength, credibility, and more convincing to the mind than any other evidence that a person is a lineal descendant of persons whose names appear on the 1916 Census Roll of the Indians at and near Verona, also 15 living in Sacramento.

(m) “**Dual Enrollment**” shall mean when a person is officially enrolled or became enrolled with or is a recognized member of two (2) or more tribes or bands simultaneously. Dual Enrollment is strictly prohibited by the Tribe.

(n) “**Enrollment**” shall mean the process of applying for membership and being acknowledged as a member of the Tribe as set forth in Article II of the Articles of Association of the Shingle Springs Band of Miwok Indians.

(o) “**Enrollment Committee**” shall mean a committee established by the Tribal Council, who, among other duties, shall review and recommend to the Tribal Council whether enrollment applications should be approved or rejected.

(p) “**Father**” shall mean the biological father of a child.

(q) “**Indian Tribe**” shall mean any Indian tribe, which is a federally recognized tribe.

- (r) “**Member**” shall mean an enrolled member of the Shingle Springs Band of Miwok Indians through proven lineal descent.
- (s) “**Membership**” shall mean the status of being a member of a tribe with all rights and privileges accorded the person.
- (t) “**Membership Roll**” is the official document of the Tribe which lists the enrolled members of the Tribe.
- (u) “**Minor Children**” shall mean the natural children of members of the Tribe under the age of eighteen (18) years.
- (v) “**Moratorium**” shall mean an authorized suspension of Tribal enrollment as determined and limited by the Tribal Council.
- (w) “**Mother**” shall mean the biological mother of a child.
- (x) “**Ordinance**” shall mean this Enrollment Ordinance.
- (y) “**Preponderance of Evidence**” shall mean evidence which is of greater weight, or is more convincing than the evidence which is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not. Any matter to be proven under this Ordinance shall be proved to the satisfaction of, and/or certified by, the Enrollment Committee and/or the Tribal Council, as required, by a preponderance of the evidence.
- (z) “**Primary Evidence**” shall mean evidence which alone can support an application for enrollment in the Tribe. Primary Evidence includes birth certificates and DNA test results showing that an individual is a biological lineal descendant of a member of the Base Roll.
- (aa) “**Records of the Bureau of Indian Affairs**” shall mean an official document of the United State Department of the Interior, Bureau of Indian Affairs (“BIA”). Such evidence is considered Secondary Evidence and must accompany a birth certificate and/or a DNA test as required in Section 6.
- (bb) “**Relinquish**” shall mean the act of voluntarily and formally giving up ones’ membership in the Shingle Springs Band of Miwok Indians. Relinquishment is only valid if made in writing and signed by the individual giving up their right to be a member of the Tribe. Individuals who have relinquished their membership in the Tribe are not eligible to re-apply for membership in the Tribe.
- (cc) “**Secondary Evidence**” shall mean evidence which alone does not support an application for enrollment in the Tribe and must be combined with Primary Evidence to prove that an individual is a lineal descendant of a member of the Base Roll. Secondary Evidence includes affidavits and adoption records as defined above.
- (dd) “**Tribal Council**” shall mean the duly elected and recognized body as defined in Article III of the Articles of Association.

## **SECTION 2. MEMBERSHIP**

The membership of the Shingle Springs Band of Miwok Indians shall consist of those persons who file applications for membership and are found qualified under one of the following categories:

- (a) Persons whose names appear on the 1916 Census Roll of the Indians at and near Verona in Sutter County, California, also 15 living in Sacramento.
- (b) Persons who are lineal descendants of individuals eligible for membership under (a) above, regardless of whether the ancestor through whom eligibility is claimed is living or dead.

## **SECTION 3. NON-ELIGIBILITY**

(a) If a person who meets the above eligibility requirements for membership has been allocated on another reservation, is officially enrolled with or is a recognized member of some other tribe or band, or has relinquished his or her membership with the Shingle Springs Band of Miwok Indians, such person shall not be eligible for membership with the Shingle Springs Band of Miwok Indians.

(i) A “recognized member of another tribe or band” is a person whose name is listed on the census roll of another tribe or band, or has received a land use assignment on another reservation.

(b) An allotment or an interest in an allotment acquired through inheritance shall not in itself, bar enrollment with the Tribe.

(c) An individual conceived through purchased and/or donated spermatozoa or ova (The term includes any reproductive technique involving a third party e.g. a sperm and/or egg donor) of a Tribal member is not eligible for membership in the Tribe.

## **SECTION 4. ADOPTION**

(a) Only individuals qualified for enrollment under Section 2 may become members of the Tribe. The Tribe shall not allow exceptions of any kind regarding enrollment criteria for any applicant or individual, including honorary membership in the Tribe. Persons legally adopted by members of the Tribe are not eligible for enrollment unless they independently meet the requirements of this Ordinance.

## **SECTION 5. THE ENROLLMENT COMMITTEE**

(a) The Tribal Council shall appoint an Enrollment Committee which shall, under the guidance of a Committee Chairperson, carry out the duties and responsibilities of the Tribe’s enrollment program. Such Committee shall be composed of enrolled members of the Tribe and shall serve at the pleasure of the Tribal Council. All Committee actions shall be done by a majority vote of a quorum of the Committee.

(b) The Committee shall select its Chairperson from within its own ranks. Upon the recommendation of their fellow Enrollment Committee members, any member may be removed from the Committee at such time that it is clearly evident that he or she has neglected their duties as a member, shown partiality in the enrollment process, or displayed other acts which are detrimental to the enrollment program. Such a recommendation must be made by majority vote of the Enrollment Committee and submitted to the Tribal Council for action. Removal authority shall be vested in the Tribal Council. The Tribal Council must act by unanimous vote.

(c) The Enrollment Committee shall be directly responsible to the Tribal Council in ensuring that the enrollment program is being properly and efficiently implemented and that all applicants for Tribal membership are receiving full and impartial consideration. All Enrollment Committee members must sign Confidentiality Agreements upon beginning their term of service in order to protect the sensitive nature of the enrollment information.

(d) Among other duties that may be assigned, the Enrollment Committee shall dispense information regarding the membership eligibility requirements and the enrollment program, distribute applications and related forms, receive, review, and approve or disapprove membership applications.

(e) The Committee and the Tribal Council shall meet at least quarterly to discuss and act on matters requiring attention.

(f) The Enrollment Committee shall send out a quarterly update to all Tribal Membership notifying of changes in the Enrollment Program and reminding them of enrollment deadlines, etc.

## **SECTION 6. FILING OF MEMBERSHIP APPLICATIONS**

(a) All persons desiring membership with the Shingle Springs Band of Miwok Indians must file written applications during a time and at a place specified by the Enrollment Committee. An application for membership may be filed on behalf of a minor, a person who is mentally incompetent, or anyone else who is in need of assistance, by a parent, guardian, relative, or a member of the Tribal Council or Enrollment Committee. The burden of proof rests upon the applicant to establish every element of his/her eligibility for enrollment under the Tribe's Articles of Association and this Ordinance. Any matter to be proven under this Ordinance shall be proven to the satisfaction of and/or certified by the Enrollment Committee and/or the Tribal Council, as required, by a preponderance of the evidence.

(b) Evidence. Upon passage of this Ordinance, individuals applying for membership must prove their biological lineal descendency by submitting a certified birth certificate if claiming lineal descendency through their mother's genealogical line, or conclusive results of paternity from a DNA test if claiming lineal descendency through their father's genealogical line. The Enrollment Committee has the authority to request any other additional evidence on an individual basis. Death certificates, marriage licenses, paternity statements, records of the Bureau of Indian Affairs, affidavits, and adoption records, as defined in Section 1 only, may be used as Secondary Evidence to establish eligibility. The Tribal Council may also allow other evidence to be used to establish eligibility, as outlined in a formal resolution and submitted to the Enrollment Committee.

(c) Only original copies of all documents evidencing eligibility for membership in the Tribe will be accepted. Upon receiving original documents, a quorum of the Enrollment Committee will certify the originality of each document, copy the document(s) for the Enrollment Committee files, and return the original document(s) to the applicant. The Enrollment Committee reserves the right to request and review an original copy of each document in an applicant's file at any time.

## **SECTION 7. APPROVAL OR DISAPPROVAL OF MEMBERSHIP APPLICATIONS**

(a) The Shingle Springs Enrollment Committee shall approve or disapprove of all applications for membership. Such action shall be based upon the findings of the Committee who shall research all available information which could affect an applicant's eligibility for membership. Such membership shall be established in accordance with the requirements provided under Article II – Membership of the Shingle Springs Articles of Association and the provisions of this Ordinance.

(b) A person whose membership application has been disapproved by the Enrollment Committee shall be given written notice of such action and the reason(s) therefore.

(c) Upon approval or disapproval of an application, the Enrollment Committee will forward the application to the Tribal Council who must certify the action of the Enrollment Committee within 30 days. Upon certification by the Tribal Council, the approval or disapproval of an application will become effective unless an applicant appeals the decision in accordance with Section 8 of this Ordinance.

## **SECTION 8. APPEALS**

(a) Any person denied membership with the Tribe, after having complied with the requirements of the enrollment program shall have the right to appeal the decision to the Tribal Court. The appeal must be in writing and submitted to the Tribal Court within twenty (20) days after written notification has been received by the applicant informing them of the decision taken by the Enrollment Committee. Any additional information the applicant may have, or could obtain, which could alter the Committee's decision should accompany the appeal.

(i) A person denied membership with the Tribe, who was a minor at the time of denial, shall have the right to appeal the decision to the Tribal Court, if an appeal was never made by their parent or guardian to the Tribal Court, within ten (10) years following their 18<sup>th</sup> birthday. Any additional information the applicant may have, or could obtain, which could alter the Committee's decision should accompany the appeal.

(b) The Tribal Court may accept the appeal if there is reason to believe there is additional information submitted which could change the decision of the Enrollment Committee and the Tribal Council. The hearing shall be conducted according to the procedures and rule outlined in the Tribal Court Ordinance and the Tribal Court Rules. Every effort shall be made to resolve the appeal.

## **SECTION 9. PREPARATION OF THE MEMBERSHIP ROLL**

- (a) After a final decision has been made on all applications and/or information forms, the membership roll shall be prepared reflecting the names of all approved members. In addition to the members last, first, and middle names, the roll shall include such information as date of birth, enrollment number, address, telephone number, and other information as desired by the Tribe.
- (b) Annually, the Tribal Council shall certify the correctness of the roll and shall forward a copy of the roll to the Superintendent of the Bureau of Indian Affairs Central California Agency for its files.
- (c) Annually, the Enrollment Committee shall also prepare a separate list of those individuals whose application for enrollment in the Tribe were disapproved or those Tribal members who were disenrolled from the Tribe. The list shall state the reason for disapproval or disenrollment of each such application or individual. This disapproval/disenrollment list must be certified by the Tribal Council and forwarded to the Superintendent of the Bureau of Indian Affairs Central California Agency for its files.
- (d) Annually, the Enrollment Committee shall also prepare a separate list of those Tribal members who are eligible for enrollment in other Tribes. This list must be certified by the Tribal Council and forwarded to the Superintendent of the Bureau of Indian Affairs Central California Agency for its files.
- (e) The act of forwarding any of the lists or roll described within this Section does not in any way waive, surrender, or limit the Tribe's inherent sovereign powers to define membership in the Tribe.

## **SECTION 10. KEEPING MEMBERSHIP ROLL CURRENT**

- (a) Corrections to the membership roll, as listed below, may be made at any time by the Enrollment Committee without the approval of the Tribal Council. Such corrections shall include, but are not limited to;
- (i) Additions to the roll of persons certified by the Tribal Council as members of the Tribe.
  - (ii) Removal from the roll, the names of deceased persons; persons who have relinquished, in writing, their membership in the Shingle Springs Band of Miwok Indians, or persons who were disenrolled.
  - (iii) Removal from the roll, the names of those persons whose files are incomplete and cannot be contacted by mail, telephone, or notices in newspapers. After a period of twelve (12) months from the issuance of the notice, these names will be deleted from the roll. Removal from the roll does not affect eligibility for membership in the Tribe, but the member who has been removed from the roll must re-apply for membership.

(iv) Other corrections such as date of birth, name and address changes, sex designation, and spelling errors, provided such corrections are supported by satisfactory evidence.

## SECTION 11. DISENROLLMENT

(a) The following shall be grounds for disenrollment of any member:

(i) A person who obtained enrollment by fraud, deceit, or misrepresentation.

(ii) A person who obtained enrollment by error, provided that no person shall be disenrolled on the basis of an error in their enrollment application if within one year of discovery of the error, the person takes the appropriate steps to remedy the error. Individuals enrolled by error may be subject to suspension in Section (c)(i).

(iii) A person who enrolled with or became a recognized member of another tribe or band without relinquishing his/her membership with the Shingle Springs Band of Miwok Indians.

(1) Section 11(a)(iii) includes disenrollment for Dual Enrollment, as defined in Section 1, which is strictly prohibited by the Tribe.

(iv) A person who is a descendant of a person disenrolled pursuant to (i) of this Section and does not otherwise meet the membership criteria of the Ordinance.

(b) Authority to Review Member's Eligibility. The Enrollment Committee and the Tribal Council have the right to review the membership eligibility of any Tribal member on their own volition at any time, for any reason. When the Enrollment Committee has received a verified written statement from an individual outside of the Tribal Council or Enrollment Committee, with the author of the statement's notarized signature, citing specific allegations for disenrollment of a Tribal member, the Enrollment Committee shall also have the authority to conduct a review of the Tribal member's enrollment files to see if all requirements for membership have been met and have the authority to ask the Tribal member, in a written request, to provide any evidence necessary for review as outlined below.

(c) Enrollment Committee Action. The Enrollment Committee bears the burden of proof for disenrolling a Tribal member. The Enrollment Committee shall examine all information relevant to the matter in question, shall have the authority to ask for any additional information regarding the Tribal Member's enrollment eligibility, including a DNA test, and provide to the Tribal Council a recommendation for disenrollment with supporting evidence.

(i) Suspension. Along with the recommendation for disenrollment, the Enrollment Committee may alternatively recommend that an individual be suspended as a member of the Tribe for no longer than one (1) year in order to obtain any necessary evidence to validate their enrollment. During the period of suspension, the individual will have no rights as members of the Tribe, including per capita payments. Once an individual has corrected his or her deficiencies, and proven such corrections to the Enrollment Committee, the Enrollment Committee will recommend to the Tribal Council that the individual be restored to his or her status as a Tribal Member even if

the Tribal Council has imposed a moratorium as described in Section 18. Upon reinstatement, the individual is not entitled to receive any back pay for any Tribal member rights or benefits not received during the period of suspension, including per capita payments, unless the Tribal Council directs otherwise.

(1) Placement of an individual on suspension shall not affect the Tribal member status or benefits of their heirs.

(d) Tribal Council Action. Should the Tribal Council determine by a majority vote that a reason for disenrollment exists; the Tribal Council shall enact a resolution calling for a disenrollment hearing to be conducted. The Tribal Council shall provide written notice to the person fourteen (14) days before the scheduled disenrollment hearing. Notice shall be sent by certified mail, return receipt requested. The notice shall include the time, date, and place of the hearing, the manner of the hearing; the nature of the reasons for disenrollment and any evidence accompanying such a claim. The notice shall inform the person of the right to explain in the hearing why he or she should not be disenrolled and the opportunity to provide witnesses and/or evidence in their defense. Within twenty (20) days after the hearing, the Tribal Council shall make known its finding in a written Tribal resolution. The affected party or parties will be sent a copy of the resolution and the policy for re-enrollment in the Tribe, if any.

(i) Waiver of Hearing. A person who is the subject of the disenrollment hearing may waive their right to a disenrollment hearing in front of the Tribal Council. The waiver must be made in writing and submitted to the Tribal Chairperson by certified restricted delivery mail or in person. Such a waiver would not act as a bar for appeal to the Tribal Court, but may be used as evidence by the Tribe in the Tribal Court proceeding.

(1) A Tribal member parent and/or guardian may submit a waiver of hearing on behalf of the minor child in the manner described above.

(e) Disenrollment without a Hearing. The Tribal Council reserves the right to disenroll individuals found to be ineligible for membership in the Tribe under Section 11(a)(iv) without a hearing in front of the Tribal Council. Individuals who are subject to disenrollment under Section 11(a)(iv) will be given thirty (30) calendar days following an initial notice to provide additional evidence to the Enrollment Committee, including DNA evidence, that shows that they are biologically related to a member of the Base Roll independent of their ancestor's line who was disenrolled under Section 11(a)(i). The Tribal Council may extend the thirty (30) day time to provide evidence at their discretion. Once the period for providing additional evidence is over, the Enrollment Committee will review the evidence and make a recommendation to the Tribal Council as to whether the individual should be disenrolled under Section 11(a)(iv). Upon receipt of the Enrollment Committee's recommendation, the Tribal Council will vote on the individual's disenrollment from the Tribe. Within twenty (20) days after the vote, the Tribal Council shall make known its decision in a written Tribal resolution. The affected party or parties will be sent a copy of the resolution and the policy for re-enrollment in the Tribe, if any.

(f) Appeal. The affected party or parties have the right to appeal the Tribal Council's decision exclusively in the Shingle Springs Tribal Court within thirty (30) days from the date the affected party or parties received the Tribal Council's final decision.

(i) The Tribal Court shall only review the decision and set aside the decision of the Tribal Council found to be:

(1) Arbitrary, capricious, and an abuse of discretion, unsupported by substantial evidence, or otherwise not in accordance with Tribal law; or

(2) Without observance of procedure required by this Ordinance.

(ii) A person disenrolled from the Tribe, who was a minor at the time of disenrollment, shall have the right to appeal the decision to the Tribal Court, if an appeal was never made by their parent or guardian to the Tribal Court, within ten (10) years following their 18<sup>th</sup> birthday. Any additional information the disenrolled individual may have, or could obtain, which could alter the Committee's decision should accompany the appeal.

(g) Re-application for Membership in the Tribe. Individuals who are specifically allowed by the Tribal Council to re-apply for membership in the Tribe following disenrollment from the Tribe, may re-apply and be placed on the Tribal Roll at any time regardless of whether or not the Tribal Council has imposed a moratorium as described in Section 18. All individuals re-applying for membership following disenrollment from the Tribe must include DNA test results with their application showing that they are biologically related to a member of the Base Roll.

## **SECTION 12. USE OF THE MEMBERSHIP ROLL**

(a) The membership roll, when duly certified and approved, shall be used for all official purposes.

## **SECTION 13. CONFIDENTIALITY AND ACCESS TO INFORMATION**

(a) The Tribal Council and Enrollment Committee recognize that records concerning an individual's enrollment may contain sensitive personal information. These records may also be critical to establishing an individual's eligibility for Tribal membership. Accordingly, the Tribal Council declares that these records are confidential. Only members of the Tribal Council and Enrollment Committee will have access to the records unless specified below. All information will be kept confidential and only will be released as described below.

(i) Release of Information to Outside Parties or Individuals. If a Tribal Member desires to have any enrollment information released by the Enrollment Committee or Tribal Council, the individual must complete and provide to the Enrollment Committee officer the Release of Information form developed by the Enrollment Committee. The form must specify which information can be released and to whom it may be released.

(ii) In the event of an emergency, information may be released by the Enrollment Committee or Tribal Council following a majority vote of the Tribal Council evidenced in a Tribal Council Resolution. The Tribal Council Resolution must state the reason for the release of information, to whom information may be released, and

what information may be released. Emergency releases of information should be avoided if possible.

(iii) Enrollment files may be disclosed following a signed Release of Information to:

- (1) An individual asking to see the file of his or her parents or children;
- (2) An attorney or other person asking to see the file of an individual he or she represents when such representation is authorized in writing;
- (3) Tribal departments as required, committees, or officials, federal and state agencies or officials, when:
  - (A) The information is needed to determine an individual's initial or continuing eligibility for enrollment, aid, services, or other benefits accruing on the basis of Tribal membership or;
  - (B) Pursuing an investigation or prosecution of alleged or suspected fraud or similar abuse of the enrollment program or;
  - (C) The information is needed for the purpose of benefiting the Tribe as a whole as determined by resolution of the Tribal Council.

(iv) The signed Release of Information form and a notation must be made in the Tribal Member's file following the release of information documenting who, what, when, and where the information was released and to whom.

(v) Information made available shall not be used for any purpose other than an individual's eligibility for enrollment, aid, services, or other benefits as relating to Tribal Membership.

(vi) File Review. A note shall be entered in each file reviewed under Section (a) above or for any other purpose, showing who reviewed the file, the date reviewed, and the purpose of the review.

(vii) The files shall be stored in a place physically secure from access by unauthorized persons.

(viii) Electronic files shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal, or other means.

(ix) The Tribal department, Enrollment Committee, or Tribal officials shall on a continuing basis instruct all personnel who have access to the files as to the confidential nature of the files, and the requirements of this Section. Failure of any Tribal employee to comply with the confidential provisions set forth in this statement shall result in disciplinary action as determined by the Tribal Council.

## **SECTION 14. FRIVOLOUS, MALICIOUS, OR FRAUDULENT BEHAVIOR**

(a) Frivolous, Malicious or Fraudulent Behavior. If the Enrollment Committee or Tribal Council finds a Tribal member or another individual committed or abetted any frivolous, malicious or fraudulent behavior relating to the Ordinance, including intentional enrollment in the Tribe with the intent to commit fraud, the Tribal Council or Tribal Court shall have the right to levy a fine on the individual or Tribal member of not more than five thousand dollars (\$5,000) per occurrence to remedy the frivolous, malicious, or fraudulent behavior. In addition, the Tribal Council or Tribal Court shall have the right to assess against the individual or Tribal member any others fees associated with the behavior incurred by the Tribe, including the cost of DNA analysis and attorney fees.

(b) All fines under this action will be withheld from the member's per capita payments until satisfied in accordance with the Tribe's Per Capita Policy or due to the Tribe's Fiscal Office within 30 days of the date of the fine. On a case-by-case basis payment arrangements may be made with the Fiscal office.

(c) An individual or member who is fined may appeal such fine in the Tribal Court. The Tribal Court shall have jurisdiction to hear and process such fines upon Tribal members and individuals.

## **SECTION 15. COMMUNICATION WITH MINORS REGARDING ENROLLMENT**

(a) All communications from the Enrollment Committee or Tribal Council to a minor regarding enrollment matters, including notices of decisions, will be mailed to the Tribal member parent and known guardian and/or custodian, if addresses are provided or known to the Committee. The Enrollment Committee shall additionally mail all communications directly to the minor once the minor reaches the age of 14.

(b) Upon the minor members 18<sup>th</sup> birthday, a minor shall have the right to request a copy of all communications from the Enrollment Committee or Tribal Council regarding enrollment matters, as reflected in their enrollment file.

## **SECTION 16. SEVERABILITY**

(a) If any part of this Ordinance is found to be void and without legal effect, the remainder of the Ordinance shall continue to remain in full force and effect, as though such part had not been contained therein.

## **SECTION 17. AMENDMENTS**

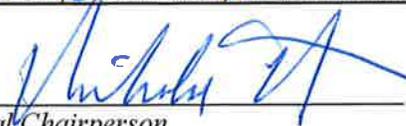
(a) This Ordinance may be amended by the Tribal Council at a duly called regular or special meeting.

## **SECTION 18. MORATORIUM**

(a) Nothing in this Ordinance shall be deemed to limit the authority of the Tribal Council to impose a moratorium on Tribal enrollment at such time and for such reasonable period as the Tribal Council shall determine necessary to protect Tribal interests.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 12<sup>th</sup> day of April, 2012 at which time a quorum of 7 FOR ~~AGAINST~~ ABSTAINED, and said ordinance has not been rescinded or amended in any form.

  
Tribal Chairperson \_\_\_\_\_ Date 4.12.12

ATTEST:

  
Tribal Secretary \_\_\_\_\_ Date 4-12-12



## **SHINGLE SPRINGS RANCHERIA**

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### **RESOLUTION 2012-28**

#### **SUBJECT: APPROVAL OF AMENDED ENROLLMENT ORDINANCE.**

**WHEREAS**, the Shingle Springs Band of Miwok Indians (the “Tribe”) is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

**WHEREAS**, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

**WHEREAS**, the Tribe, on June 19, 1976 did adopt the Articles of Association for the management of all Tribal affairs; and

**WHEREAS**, Article VI Section 1(h) of the Articles of Association authorizes the Tribal Council to regulate by an Enrollment Ordinance the rules and regulations governing Tribal Membership; and

**WHEREAS**, on April 21, 2011, the Tribal Council adopted an Amended Enrollment Ordinance; and

**WHEREAS**, the Tribal Council, at the Enrollment Committee’s recommendation, has deemed it necessary to amend the existing Enrollment Ordinance to reflect its current enrollment preferences; and

**WHEREAS**, the Tribal Council has reviewed the attached Amended Enrollment Ordinance and has determined that it is consistent with the Tribe’s goals in maintaining the Tribal Membership Roll for the Shingle Springs Band of Miwok Indians.

**NOW THEREFORE, BE IT RESOLVED** that the Tribal Council hereby enacts and adopts the amended attached “Enrollment Ordinance” as an ordinance of the Tribe, and authorizes the Chairman or his designee to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

**CERTIFICATION OF RESOLUTION 2012-28**

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 12<sup>th</sup> day of April, 2012 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.

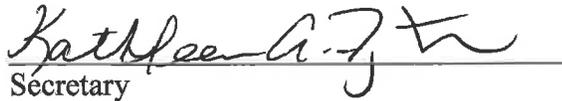
  
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Chairperson

4.12.12  
\_\_\_\_\_

Date

ATTEST:

  
\_\_\_\_\_

Secretary

4-12-12  
\_\_\_\_\_

Date