

AMENDED ENROLLMENT ORDINANCE 76-01:

SUBJECT: Rules and procedural requirements governing the enrollment activities of the U tu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation.

WHEREAS: The Constitution of the U tu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation states that ordinances, subject to review by the Secretary of the Interior, may be promulgated to cover **citizenship**; and

WHEREAS: This reservation has been overlooked by the Bureau of Land Management until it was discovered in 1971; and

WHEREAS: Many of the Benton Paiute People no longer reside in the area, the whereabouts of some being unknown, and for roll-making purposes, current information is needed for all persons eligible for **citizenship**; and

WHEREAS: The foregoing reasons make it impractical and undesirable to grant automatic enrollment right to accord **citizenship** status to any person without first obtaining **citizenship** applications from all who wish to have their names included on the **citizenship list**.

NOW, THEREFORE BE IT RESOLVED that in accordance with the authority contained in Section 3 of Article III, Membership, Benton Paiute Reservation's Constitution, we hereby **amend the Tribe's initial Enrollment Ordinance 76-01**, subject to review by the Secretary of the Interior or his authorized representative, to become effective upon approval by the **Regional Director of the Pacific Region**.

DEFINITIONS:

Wherever used in this document the terms defined in this section shall have the following meaning:

1. "Adoption" means any Benton Paiute or person of Paiute blood who has been closely identified with the Benton Paiutes, can be adopted into the Tribe.
2. "Allottee" means an individual who has obtained a trust patent on a separate piece of land within or outside of an Indian Reservation and would hold title himself.

3. "Assignment" means Tribal land that is assigned to an individual to live on and use, but does not hold title to.
4. "Enrollment Committee" means an appointed group of Benton Paiutes whose responsibility it is to screen **citizenship** applications for the Benton Paiute Reservation.
5. "Arbitration Council" means a separate council from the Tribal Council to hear alleged unfair rulings made by the Tribal Council, pursuant to Article VIII, Section 1 of the Tribe's Constitution.
6. "Recognized member" means a **person that is an enrolled or recognized as a member of another Indian Tribe.**
7. "**Tribe**" shall mean that **U tu Utu Gwaitu Paiute Tribe.**
8. "**Tribal Council**" shall mean the **U tu Utu Gwaitu Paiute Tribal Council.**

Section 1. Eligibility for Enrollment:

Living persons in the following categories whose written applications are filed with the Enrollment Committee within the time specified shall be eligible to have their names included on the **Citizenship list**.

- a. All Paiutes in the Benton area whose names appear on the official roll of California Indian prepared pursuant to the Act of May 18, 1928 (45 Stat. 602), **or**
- b. All one-quarter (1/4) degree descendants of those individuals referred to in Section 1(a) regardless of whether the ancestor through whom eligibility is claimed is living or deceased.
- c. A Paiute having been adopted by the Tribe in accordance with an adoption ordinance approved by the Secretary of the Interior or his authorized representative.

Section 2. Non-Eligibility:

No person/s who is otherwise qualified shall be enrolled if s/he is:

- a. A recognized member(s) of another **Indian Tribe.**
- b. **An allottee who has an allotment on another Indian Reservation or a person who holds a formal assignment of land on another Indian Reservation. This section does not apply to a person who acquires an interest in an allotment on another Indian Reservation through inheritance.**
- c. A person **who shares in the distribution of assets of another Tribe, except if such assets is acquired through inheritance.**

Section 3. Enrollment Committee:

The Tribal Council shall appoint a five (5) member Enrollment Committee. The Enrollment Committee shall select a Chairman, a Vice-Chairman, and a Secretary from

within its membership. Such Committee shall be appointed from the Benton Paiute Reservation's **citizenship**. The Enrollment Committee shall serve for a period of two (2) years, but may be re-appointed upon expiration of their two (2) year term. Two (2) alternates will also be appointed **by the Tribal Council** to serve as needed. If any of the regular Committee members miss more than three (3) consecutive meetings without a good reason, they will be automatically replaced by one of the alternates. **The Committee shall decide what is "good reason" for purposes of this section and will also chose which alternate will be appointed to replace a removed Committee member.**

The Committee shall be directly responsible to the Tribal Council. Among other duties assigned by the Tribal Council, the Enrollment Committee shall dispense information regarding **citizenship** eligibility requirements and the enrollment process, distribute application forms, receive and review completed **citizenship** applications and, after reaching an objective and impartial decision on the applicant's eligibility for **citizenship**, shall present its recommendations for approval or disapproval to the Tribal Council. **It shall also be the responsibility of the Enrollment Committee to investigate and submit its recommendation on all tribal citizens that have been accused of erroneous, fraudulent or otherwise incorrect enrollment.**

Section 4. Filing of **Citizenship** Application:

Any person who desires **citizenship** status must file, or have filed in his/**her** behalf, a written application with the Enrollment Committee. Application forms for this purpose shall be furnished by the Enrollment Committee. Applications may be filed on behalf of a minor, a mentally incompetent person, or others in need of assistance, by a parent, a recognized guardian, next friend, next-of-kin, a member of the Enrollment Committee, or by a member of the Tribal Council.

Documents that must accompany a citizenship applications shall include but not be limited to, a completed family form, and birth certificate or other official document showing paternity.

Section 5. Enrollment Period:

Within thirty (30) days after approval of this Ordinance, the Enrollment Committee shall announce a specified time and place for the filing of application/s. Person/s, who qualify for **citizenship** and file the application/s within the specific time, shall have their names included on the initial roll prepared in accordance with this Ordinance. Thereafter, applications for enrollment may be filed with the Enrollment Committee, at Tribal Council meetings, or at a designated time announced by the Enrollment Committee.

Section 6. Approval and Disapproval of Applications:

The Tribal Council shall approve and disapprove all **citizenship** applications. Such action shall be based upon the findings of the Enrollment Committee and any other

known information or evidence available to the Tribal Council. Eligibility shall be established in accordance with the requirements outlined within Article III, Section 3, Membership, of the Tribe's Constitution and this Ordinance.

A person who citizenship in or removed from the **citizenship** list of the Tribe shall have the right of appeal to the Tribe's Arbitration Council pursuant to Article VIII, Bill of Rights, of the Tribe's Constitution. An appeal must be in writing and filed with the Arbitration Council within thirty (30) days after receipt of the notice of rejection. To file a valid appeal the rejected applicant, or person acting in his/**her** behalf, should present in writing to the Arbitration Council the facts relating to the applicant's enrollment claim. S/he may submit any additional information or pertinent documents which support his/**her** claim and give evidence of his/her enrollment eligibility. The burden of proof in establishing enrollment eligibility is on the applicant or the person acting in his/**her** behalf.

When the Arbitration Council has reviewed the information and evidence presented, the Arbitration Council shall give written notice of its decision to both the applicant and the Tribal Council within thirty (30) days. If the Arbitration Council finds the applicant is eligible for enrollment in accordance with the provisions of this Ordinance, the Arbitration Council shall instruct the Tribal Council and the Enrollment Committee to place the name on the roll. If, however, the Arbitration Council finds it appropriate to sustain the Tribal Council's decision of disapproval, the applicant shall be notified. The Arbitration Council's decision shall be final.

Section 8. **Citizenship List** Preparation:

After final action has been taken on all application forms, the **citizenship list** shall be prepared reflecting the names of all approved members. In addition to the member's last, first, middle, and maiden name (if applicable), the list shall include such information as date of birth, sex, blood degree, eligibility, reference and other information as desired by **the Tribal Council**. The Tribal Council shall affix and sign a certification as to the correctness of the **list and after said affixation it will become the official citizenship list of the Tribe**.

Section 9. Keeping **Citizenship List** current:

The Enrollment Committee shall be responsible for revising the **citizenship list** annually, or on a designated date, by: (a) removing the names of persons who relinquish, in writing, their **citizenship** in the Tribe and the names of deceased persons upon receipt of documented evidence; (b) adding the names of persons who **have been approved by the Tribal Council for citizenship**; and (c) making corrections to the list, such as correcting dates of birth, degree of Indian blood, family relationship, etc., providing such corrections are supported by satisfactory evidence.

The Enrollment Committee may not remove the names of any person on the citizenship list who were erroneous, fraudulent, or otherwise incorrect placed on the **citizenship list**.

If the Enrollment Committee learns of information or is presented with documentation suspecting a person of erroneous, fraudulent, or otherwise incorrect enrollment, the Committee shall conduct an investigation into the person's enrollment. Following such investigation the Committee shall submit to the Tribal Council its investigation results and recommendation on whether the tribal recommendation and supporting documents and render a decision on whether or not to dis-enroll the Tribal citizen in question. If the decision of the Tribal Council is to dis-enroll, the tribal citizen shall be notified in writing within (10) days and advised of his/her appeals rights as provided for under Section 7 of this Ordinance.

Section 10. Use of Citizenship List:

The citizenship list, when duly certified and approved, shall be used for all official purposes, **including the distribution of tribal assets.**

C E R T I F I C A T I O N

We, the undersigned, as duly elected officers of the U tu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation, do hereby certify that the foregoing **Amended** Ordinance was enacted by the qualified members of the U tu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation's General Council of California at a duly called annual meeting/election at which a quorum was present on May 30, 2004 by a vote of _____FOR, _____AGAINST, and _____ABSTAINING, and that this **Amended** Ordinance has not been rescinded or amended in any way **since its enactment.**