



**Tribal Ordinance No: 02-01**  
**Date Amended and Adopted: April 15, 2004**  
**Date Amended: November 22, 2022**

## **ENROLLMENT ORDINANCE**

**BE IT RESOLVED**, the Bear River Band of the Rohnerville Rancheria Tribal Council hereby amends and adopts Tribal Ordinance No. 02-01 to revise previous Tribal Ordinance 02-01 and 96-05 as follows:

**WHEREAS**, Pursuant to the Tillie Hardwick et. al. v. UNITED STATES et. al., Civil No. C07901910 SW., the Bear River Band of the Rohnerville Rancheria has been formally reinstated as a recognized Indian Tribe, and further, the Bear River Band of the Rohnerville Rancheria has been authorized to exercise full governmental responsibilities as Tribal Council, the following rules and regulations shall hereby apply to enrollment, adoption, and membership in the Bear River Band of the Rohnerville Rancheria ("Rancheria"):

### **1. Membership**

The membership roll shall consist of the following:

- A. All persons listed on the "Plan for Distribution of the Assets of the Rohnerville Rancheria," the effective date of said plan being April 18, 1960, and their direct lineal descendants.
- B. All Indian persons who resided on the Rohnerville Rancheria between 1911 and 1960, and their direct lineal descendants shall be eligible for enrollment as members with full voting rights and privileges of running for elected office.

### **2. Adopted Members**

All persons having at least one-eighth (1/8) degree of Wiyot Indian blood and one-quarter (1/4) degree of Indian blood who have been designated by the Tribal Council as adopted members of the tribe.

### **3. Enrollment Moratorium**

Lineal descendants age 18 and older are ineligible for enrollment. Minors of lineal descent age 17 and younger, including newborns, are eligible to enroll in the Bear River Band of the Rohnerville Rancheria.

### **4. Enrollment and Loss of Membership**

The following regulations shall constitute the requirements for enrollment in the Rancheria and shall govern the loss of membership in the Rancheria.

- A. The parent or guardian of any person age seventeen (17) years and younger, that of Indian blood, who desires to become a member of the Bear River Band of the Rohnerville Rancheria, and whose name does not appear on the Membership Roll, must file an application for enrollment with the Tribal Council. Application(s) may be obtained from the tribal office. The applicant must supply the information called for on the application form. A copy of applicant's certified birth certificate, social security card, and the Marriage Certificate (Both the applicants and the parents), complete family history tree chart (Both Indian and Non-Indian Families), DNA results for children born to non-tribal member mothers must accompany enrollment requests.
- B. No person shall be afforded or hold Rancheria privileges, rights, benefits financial or otherwise, unless he or she is a duly enrolled member of the Bear River Band of the Rohnerville Rancheria. Only upon enrollment any privileges, rights or benefits accrue to any person.
- C. Upon death of any enrolled member of the Rancheria, his/her name shall be removed from the roll and any of his/her Rancheria rights or interests shall terminate upon the date of death. Certificates of Death or evidence of death shall be filed with the Tribal Council and sent to the Bureau of Indian Affairs.
- D. Any member of the Rancheria may request, in writing, that his/her name be removed from the membership roll of the Rancheria and upon approval by Tribal Council said person shall cease to be a member and shall therefore lose all privileges, rights, or benefits afforded to a member.
- E. For any child born out of wedlock to a Rancheria member, if it is necessary to establish paternity for eligibility requirements, paternity may be established by (1) competent court determination, (2) signed acknowledgment of paternity by

the father, or (3) otherwise to the satisfaction of the Tribal Council and after such determination, the other membership requirements are met.

- F. Minors of lineal descent age 17 and younger, including newborns who, because of error or for other reasons, have not been enrolled in the Rancheria, may be enrolled provided they meet the eligibility requirements for enrollment.
- G. The Enrollment Committee shall provide to the Tribal Council new applications for enrollment. The Tribal Council shall have the final authority to approve or disapprove requests for enrollment in the Rancheria. The Enrollment Officer shall recommend to the Tribal Council the disenrollment of member(s) provided that all supporting documentation is presented. The Tribal Council shall have the final authority to approve or disapprove disenrollment, pursuant to Section 4, subparagraph J below.
- H. The Tribal Council shall retain the authority to declare an enrollment moratorium only by Tribal Council Resolution.

**I. Disenrollment:**

The burden of proof in disenrollment actions rest with the Tribal Council. However, if a member has been properly served with a notice of intent to disenroll and fails to either submit a response within 30 days or appear at the hearing, then the Tribal Council's burden of proof shall be met by default.

Who may be disenrolled: A tribal member shall be disenrolled when it is discovered that he/she:

1. Was erroneously enrolled in that he/she did not submit adequate documentation proving he/she met the constitutional membership criteria at the time of enrollment, or upon request from Tribal Council, cannot provide adequate documentation proving he/she meets the constitutional membership criteria with 30 days of such request. This "erroneous enrollment" may have resulted from fraudulent submission, mistakes in blood degree computations or inadequate research

**OR,**

2. Is found to be currently enrolled with another Indian tribe and does not

relinquish the membership in the other tribe within thirty (30) days of receipt of a certified letter from the Secretary of the Tribal Council informing him/her of the necessity to submit the required relinquishment.

**OR,**

3. Have been found by the Tribal Council to have violated the Banishment Act by committing an offense which is or involves rape, incest, or murder. Those found to be in violation of the Banishment Act will be regarded and treated by the Tribal Enrollment Department as a deceased tribal member. As such, a banished person shall have no right under tribal law to engage in or enforce contracts, or to come before the Council or Courts of the Tribe for any reason not related to the original conviction unless expressly authorized by the Courts of the Tribe. Notwithstanding the foregoing, in any tribal proceeding and in connection with the enforcement of any tribal law or policy, the banished person shall retain all rights of a criminal defendant guaranteed under the federal constitution.

**Procedure for Disenrollment:**

A member so identified to have been erroneously enrolled, shall be notified of intent to disenroll by certified mail, with return receipt requested at the last known address of the member. If the certified mailing is refused, unclaimed or otherwise undeliverable, notification by publication in the tribal newsletter shall be sufficient.

Included in the notice shall be:

1. The date set for hearing before Tribal Council to consider the matter and; Notification that the member must submit a written response with supporting documentation, if any, within 30 days. Following the hearing, the Tribal Council shall determine if the member is to be disenrolled. Such decision shall be documented by Tribal Council Resolution. The disenrolled member shall be notified of the action taken by Certified Mail. Such notice shall include the appeal rights outlined in the lower section of this ordinance.

**J. Appeals:**

1. Eligible Applicants: The following persons shall be eligible to file an appeal:
  - a. Any applicant who has been rejected for membership, or
  - b. Any person who has been disenrolled.

2. Timing of Appeal: Each notice of rejection or disenrollment shall provide that an appeal must be received within fourteen (14) days of receipt of the notice in order to be considered. The date stamped on the receipt of the certified letter shall be considered the beginning of that (14) day period.
3. Filing of Appeal: The notice of appeal must be filed with the Tribal Council of the Bear River Band of the Rohnerville Rancheria. The date the appeal is received by the Tribal Council shall be considered its date of filing. An appeal must be in writing. No appeal may be filed by any form of electronic communication. Failure to file an appeal within fourteen (14) days shall waive any right to an appeal.
4. Handling of Appeal: Upon receipt of an appeal, the Tribal Council shall obtain the individual's file from the Enrollment Office for review. The Tribal Council shall set a date no less than thirty (30) and no more than sixty (60) days from the date of mailing of the notice for a hearing on the appeal. The Tribal Council shall notify the individual by certified mail. This notice shall outline clearly, again, the basis for the rejection of the individual's application or the basis for the individual's disenrollment and shall inform individual of his/her right to be heard in person. This notice shall also inform the individual that new evidence may be presented for consideration. Following the hearing, whether or not the individual makes any appearance or response, the Tribal Council shall document its decision by a Tribal Resolution and notify the individual by certified mail of its decision. The decision of the Tribal Council shall be final.

## **5. Adoption by the Rancheria:**

The Bear River Band of the Rohnerville Rancheria Tribal Council shall have the authority, at its discretion, to designate as adopted members persons having at least one-eighth (1/8) Wiyot (Mattole, Eel River, Bear River) and one-quarter (1/4) overall Indian blood. Adopted members shall be afforded the privileges, benefits, financial or otherwise, except for the following provisions:

- A. No adopted member shall have the right to hold tribal office; and,
- B. No adopted member shall have the right to vote in a tribal election.

Application for adoption may be obtained from the Tribal Office. The applicant must supply the information requested on the application form. A copy of applicant's certified birth certificate, social security card, Certified Degree of Indian Blood (CDIB) and the marriage certificate of the parents (when available), must accompany adoption

enrollment requests.

**6. Appeals:**

Any person who has been rejected for enrollment as a member or adopted member of the Rohnerville Rancheria shall have the right to appeal in writing, within sixty (60) days from the date of written notice of rejection, to the Tribal Council and the decision of the Council shall be final.

**7. Confidentiality:**

All records, documents and information submitted by any person pursuant to this Enrollment Ordinance shall be maintained in confidential files at the Tribal Enrollment Office. The Enrollment Officer shall make the enrollment files available to the Tribal Council upon request at a duly held meeting. The Enrollment Officer shall make the enrollment file (except for the work product of the Tribe) of an individual or an individual's minor child available to that individual upon written request within five (5) business days. An individual may designate an agent for this purpose by filing a notarized Release of Information with the Enrollment Office.

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This is to certify that the Bear River Band of the Rohnerville Rancheria Tribal Council duly assembled in Loleta, CA and adopted the foregoing document on November 22, 2022 by a  
vote of

**4** For, **0** Against, **0** Abstentions and **3** Absent.

*Josefina Frank*

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Josefina Frank, Chairperson

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Aileen Meyer, Vice-Chairperson

*Dakota McGinnis, Jr.*

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Dakota McGinnis, Jr., Secretary

*Earl Moon*

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Earl Moon, Treasurer

*John D. McGinnis*

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John D. McGinnis, Member-at-Large 1

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Edward Bowie, Member-at-Large 2

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Darrell Sherman, Member at Large 3