

TIMBISHA SHOSHONE INDIAN TRIBE
INYO COUNTY
DEATH VALLEY, CALIFORNIA

ORDINANCE NO. 002

SUBJECT: Rules and Procedural Requirements Governing Enrollment
Activities of the TimbiSha Shoshone Indian Tribe

WHEREAS: The Constitution of the TimbiSha Shoshone Indian Tribe,
Article III - Membership, Section 3, provides that "The
official membership roll shall be prepared in accordance
with an ordinance adopted by the Tribal Council. Such
ordinance shall contain provisions for enrollment
procedures, enrollment committees, application form,
approval or disapproval of applications, rejection notices,
appeals, corrections, adoptions, disenrollment procedures
and provisions for keeping the roll on a current basis";

NOW, THEREFORE, BE IT KNOWN That the following rules and procedural
requirements governing the enrollment activities of the
TimbiSha Shoshone Indian Tribe are hereby adopted and shall
be become effective upon the enactment of this ordinance.

~~Section III~~ - Eligibility Requirements for Membership

Membership in the TimbiSha Shoshone Indian Tribe shall consist
of the following:

a. All persons who filed as TimbiSha Shoshone Indians and were
listed on the genealogy roll prepared as of March 1978 and used to
request federal acknowledgment and recognition of the Tribe;

b. All persons who are lineal descendants of any person
designated in subsection (a) above and who possess at least one-
fourth (1/4) degree Indian blood of which one-sixteenth (1/16) must
be TimbiSha Shoshone blood;

conferred by adoption pursuant to the Tribal Constitution.

Section ~~IX~~ - Non-Eligibility

No person who otherwise meets the requirements of Section I. above shall be enrolled if that person:

a. Has been allotted or given a land assignment on another reservation;

b. Is officially enrolled with or is a recognized member of some other band or tribe;

c. Receives benefits through an accepted plan providing for the distribution of assets at another rancheria or reservation, except through inheritance; or

d. Has at any time relinquished in writing his or her right to membership with the TimbiSha Shoshone Tribe.

Section ~~IX~~. - Enrollment Committee

The Tribal Council shall appoint a 3-member enrollment committee within sixty (60) days after the effective date of this ordinance. The enrollment committee shall select a chairman from within its membership at the beginning of each term or when a vacancy occurs. The enrollment committee members shall serve for a period of two (2) years, but may be re-elected upon expiration of their two-year term.

The Enrollment Committee shall be directly responsible to the Tribal Council. Among other duties assigned by the Tribal Council to the Committee, the Committee shall dispense information regarding membership eligibility requirements and the enrollment process, distribute application forms to all applicants seeking membership with the Tribe, receive and review completed applications and present recommendations to the Tribal Council.

~~Section V - Filing of Membership Applications~~

1. Those persons who are on the genealogy roll as mentioned in Section I(a) of this ordinance ~~at the time this ordinance becomes effective and who otherwise meet the requirements of eligibility need to not file a written application, but shall be automatically enrolled and placed on the initial membership roll.~~

2. All other persons desiring to be included on the TimbiSha membership roll must file a written application with the Enrollment Committee. For purposes of preparing an initial membership roll of the Tribe, a period of 120 days, beginning thirty (30) days after the effective date of this ordinance shall be allowed for submission of applications. For purposes of keeping the membership roll up to date, persons who believe they are entitled to enrollment with the Tribe may file an application with the Enrollment Committee at any time. However, the roll shall be updated only once per year after the establishment of the initial membership roll.

3. Applications may be filed on behalf of a minor or mentally incompetent person by the following:

1. A parent;
2. A legal guardian or conservator;
3. ~~Any other person responsible for the care of the person.~~

Section VI - Approval and Disapproval of Applications

The Enrollment Committee shall review applications and submit their recommendations along with a statement of facts supporting its decision to the Tribal Council. The Enrollment Committee shall base its recommendations on information presented in the application, tribal records and other relevant evidence. The Tribal Council ~~shall~~ ^{will} ~~then make a decision on approval or disapproval or disapprove or disapprove all membership applications~~ based upon the recommendations of the Enrollment Committee.

(return receipt requested) mail of the Tribal Council's decision. This notice shall be sent to the applicant ^{30 days} ~~within sixty (60) days~~ from the date the application was submitted ~~to the Enrollment~~ ^{Tribal Council} Committee. ~~A person whose application has been disapproved shall also be informed of the reasons for the denial.~~ ^{which}

Section VI. - Appeals

Any person disapproved for enrollment shall have the right to appeal their denial and shall be informed of this right and of the appeals process. A denial may be appealed to the Tribal Council within thirty (30) days following receipt of the rejection notice. The appeal must be submitted in writing and include facts justifying a reconsideration of the denial. The appeal should include any additional information or pertinent documents which support the claim. ^{SMH} The burden of proof in establishing enrollment eligibility is on the applicant or the applicant's representative.

If desired, an applicant may request a hearing in order to present his appeal to the Tribal Council. This hearing must be held within thirty (30) days of the request for hearing. If a hearing is requested, the Tribal Council shall review the appeal and give written notice of its decision to the appellant within thirty (30) days after the hearing. If no hearing is requested, the Tribal Council shall review the appeal and give written notice of its decision to the applicant within thirty (30) days of receipt of the appeal.

The decision of the Tribal Council shall be final and the applicant shall have no other appeal rights.

Section ~~VII~~ ^{VIII}. - Certification and Preparation of the Membership Roll

After the time period for filing applications to be placed on

the initial membership roll has expired, the Committee shall have 180 days to process the applications and prepare the initial membership roll. This time period may be extended by Tribal resolution if not all the application appeals to the Tribal Council have been adjudicated.

The membership roll shall contain:

1. The member's last, first, middle and (if applicable) maiden name
2. Date of birth;
3. Sex;
4. Blood degree;
5. Eligibility reference; and
6. Any other information deemed relevant by the Tribe.

The Tribal Council shall affix a certification to the initial membership roll certifying that the roll, to the best of its knowledge and belief, contains only the names of those ^{Members} ~~Indians~~ who were determined to meet the requirements for enrollment, ~~prescribed by these regulations.~~

Section VIII. - Keeping Membership Roll Current

The Enrollment Committee shall be responsible for ^{Certifying} ~~revising~~ the membership roll annually, ^{com. on August 1st} ~~from the date~~ the initial membership roll was certified by the Tribal Council.

The Committee may do the following ^{to} correct or update the roll:

- a. Remove names of those persons who relinquish their membership;
- b. Remove the names of deceased persons upon receipt of a certified death certificate;
- c. Remove the names of persons who were erroneously,

fraudulently or otherwise incorrectly enrolled;

d. Add the names of persons who have met the enrollment requirements of this ordinance; and

e. Make corrections to the roll, such as correcting dates of birth, degree of Indian blood, family relationships, etc., providing such corrections are supported by satisfactory evidence.

Section IX. - Relinquishment of Membership

Any person wishing to relinquish his membership in the Tribe must submit his ^{Request} ~~relinquishment~~ in writing to the ^{The Cr. Cr.} ~~Tribal Council~~, ^{Chairperson} ~~Chairperson~~ who shall ^{then} ~~direct~~ ^{accept the re.} ~~the Enrollment Committee~~ to correct the membership roll accordingly.

Section X. - Membership Obtained Through Error or Fraud

The Tribal Council shall revoke membership status from any individual whom the Enrollment Committee has determined to be erroneously, fraudulently or otherwise incorrectly enrolled. Upon direction from the Tribal Council, the Enrollment Committee shall correct the membership roll accordingly.

Section XI. - Use of Membership Roll

The membership roll, when certified and approved, shall be kept by the Tribal Council in an appropriate place under lock and key. It shall be used for all official purposes except for the distribution of tribal assets. For such distribution, the membership roll shall first require the approval of the Secretary of the Interior or his authorized representative.

Section XII. - Effective Date

a. This Ordinance shall become effective upon adoption by the members of the ~~Death Valley~~ TimbiSha Shoshone Tribe.

b. The Constitution and Bylaws of the Tribe must be first approved.

Section XIII. - Amendments

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

TIMBISHA SHOSHONE INDIAN TRIBE
INYO COUNTY
DEATH VALLEY, CALIFORNIA
ORDINANCE NO. 02

SUBJECT: Rules and Procedural Requirements Governing Enrollment Activities
of the Timbisha Shoshone Indian Tribe.

AMENDMENT I
AUGUST 05, 1988

Effective upon Tribal Council Certification of this Amendment, Section I (c) shall
be amended as follows:


All persons of one-fourth ($\frac{1}{4}$) degree Indian blood upon whom membership is
conferred by adoption. Persons listed on the BIA Census Roll entitled "Indians
Living in or near Death Valley in March 1936", and their lineal descendants, shall
be adopted as members of the Timbisha Shoshone Indian Tribe provided that they
possess at least one-fourth degree Indian blood of which one-sixteenth ($\frac{1}{16}$)
must be Timbisha Shoshone blood. All persons of at least one-fourth ($\frac{1}{4}$) degree
Indian blood who are associated with the Timbisha Shosone Indian Tribe, or who
are lineal descendants of any person associated with said Tribe, are eligible for
membership by adoption.

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

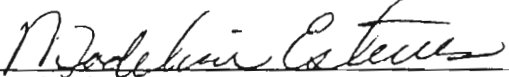
I, the undersigned, Certify:

That the foregoing amendment to Ordinance No. 02 of the Timbisha Shoshone Tribe
was duly adopted and approved by the Timbisha Shoshone Tribal Council pursuant to
Section XIII of said ordinance on August 05, 1988, at which a quorum was present, by
a vote of 4 in favor, 0 opposed, 0 Abstaining, and that said amendment has not been
resended or amended in any form.

ATTEST:



Michael R. Shoshone
Vice-Chairman



Madeline Esteves
Secretary/Treasurer

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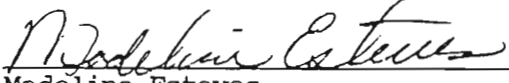
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