ORDINANCE
OF THE
BLUE LAKE RANCHERIA
BLUE LAKE, CALIFORNIA 95525
ORDINANCE NO: 93-01

SUBJECT: RULES AND PROCEDURES GOVERNING ENROLLMENT ACTIVITIES OF THE BLUE LAKE RANCHERIA BUSINESS COUNCIL, GOVERNING BODY OF THE BLUE LAKE RANCHERIA.

WHEREAS: The General Council of the Blue Lake Rancheria in a Secretarial Election conducted on February 2, 1989 adopted the Constitution which was subsequently approved by the Assistant Secretary - Indian Affairs of the U.S. Department of the Interior on March 22, 1989 and whereas Article III, Section 4 of said Constitution, empowers the Business Council to regulate the enrollment of tribal members through the adoption of an enrollment ordinance consistent with the constitution.

NOW THEREFORE BE IT RESOLVED: That the Blue Lake Rancheria hereby adopts the following requirements and procedures to govern their enrollment activities, subject to review and approval by the Secretary of the Interior or his authorized representative.

D E F I N I T I O N S

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

ADOPTION: Means granting tribal membership to individuals who meet specific requirement prescribed in this ordinance.

ADOPTED CHILD: A child who is not the biological child of a parent but who has had the parent/child relationship established by court decree who is of Indian Ancestry.

AREA DIRECTOR: The Area Director of the Sacramento Area Office, Bureau of Indian Affairs.

BUSINESS COUNCIL: The duly elected Business Council of the Blue Lake Rancheria.

ENROLLMENT COMMITTEE: A committee of three duly enrolled members of the General Council appointed by the **Business Council.**

SUPERINTENDENT: The Superintendent of the Northern California Agency, Bureau of Indian Affairs.

SECRETARY OF THE INTERIOR: The Assistant Secretary-Indian Affairs, United States Department of the Interior, Bureau of Indian Affairs.

TRIBAL MEMBER: A duly enrolled member of the Blue Lake Rancheria.

TRIBE: The current enrolled membership of the Blue Lake Rancheria.

SECTION I. ELIGIBILITY

In addition to those enrolles who were eligible for membership pursuant to the provisions of ARTICLE III - MEMBERSHIP, Section 1. Membership (a) (b) and (c), eligibility to make application for enrollment is afforded to individuals who qualify under ARTICLE III - MEMBERSHIP, Section 1. Membership (d) and (e) as follows:

(d) All children born after the effective date of this Constitution to any member who is a resident of the Rancheria at the time of the birth of said child.

(e) The business council may by an affirmative vote of two-thirds (2/3) adopt as members any person of Indian blood who is a permanent resident of the Rancheria.

SECTION II. ENROLLMENT COMMITTEE

As set forth in the Tribe's Enrollment procedures, the Business Council shall appoint a three (3) member Enrollment Committee from the General Council. At the first meeting of any newly constituted committee a Chairman shall be selected by consensus from within the committee. Terms of office of one, two and three years and shall be determined by drawing straws. Upon completion of this process the committee shall promptly notify the **Business Council** in writing the length of term of each member. The Committee serves as a recommending body directly responsible to the Business Council and shall properly and timely perform all customary duties and responsibilities including but not limited to: formulate for **Business Council** approval and thereafter disseminate accurate information and material regarding membership eligibility requirements and the enrollment process. Upon request, distribute, receive, review and make recommendation on all issues of enrollment to the Business Council for action.

C O N F I D E N T I A L I T Y

The Enrollment Committee will protect the privacy of tribal members and of individuals applying for enrollment. Meetings of the Committee or portions of the Committee's meeting during which individual applications are discussed shall be closed. However, the person whose application is under consideration may attend the meeting as may anyone whom they wish to be present to represent them or testify on their behalf. If a minor or incompetent is the person whose application is under consideration, the person making application on their behalf may also be present. The Enrollment Committee shall not provide its enrollment application records or information contained therein to persons other than those involved in the enrollment process without the written authorization from the applicant authorizing the release of the information.

SECTION III. FILING MEMBERSHIP APPLICATIONS

All Indian persons desiring membership with the Blue Lake Rancheria, shall file written applications on forms authorized by the Business Council. An application may be filed on behalf of anyone in need of assistance by a sponsor meaning, a parent, guardian, relative, attorney, friend, Tribal or State Social worker.

A filing period for applications for enrollment in the Blue Lake Rancheria at the Blue Lake Rancheria Tribal Office is hereby annually established as follows:

June 1 to the close of business
on August 31

SECTION IV. ACTION ON APPLICATIONS FOR MEMBERSHIP

The Business Council shall approve or disapprove applications for enrollment. Such action shall be based upon the recommendations of the Enrollment Committee and any other information or evidence available from official records or presented for inclusion to an application package. All applicants shall be notified in writing of the Business Council determination. Applicants whose membership applications have been disapproved shall be notified by certified mail-return receipt with information regarding reason(s) for such disapproval and the right to appeal the adverse determination.

SECTION V. APPEALS

Adverse determinations on any issue pertaining to the enrollment status of a tribal member or an application for membership may first be appealed to the **Tribal Enrollment Committee.** An appeal shall be in writing and must be received by the Tribal Office within thirty (30) days after receipt of such notice. If the **Tribal Enrollment Committee,** by a majority vote, votes in favor of the applicant for membership, this recommendation for enrollment of the applicant shall be forwarded to the **Business Council** for action. Should the **Tribal Enrollment Committee** uphold their initial decision to deny enrollment, the applicant shall be notified in writing of this decision and the reasons for it. This notice shall be send certified mail, return receipt requested. The applicant will have fifteen days in which to appeal this decision to the **Business Council,** who upon receipt of such written appeal shall schedule a meeting to consider the matter within fifteen days. Notice of such appeal meeting will be posted at the Tribal Office and shall state the date, place, time and matter being considered. The **Business Council** will meet for this duly notice appeal meeting to consider and decide the matter and the appellant shall be informed of the decision within five working days by certified mail, return receipt requested. The decision of the **Business Council** shall be final.

SECTION VI. RELINQUISHMENT

Any member may relinquish their membership with the Blue Lake Rancheria by submitting a statement in writing to the Business Council. The Business Council shall accept said relinquishment at their next duly scheduled meeting and confirm the action, notifying the individual requesting relinquishment by certified mail, return receipt requested.

Special consideration and appropriate legal review shall be given to requests for relinquishment of minors to ensure that their birthrights are protected to the greatest extent possible by the Blue Lake Rancheria.

SECTION VII. GROUNDS FOR DISENROLLMENT

A person shall be subject to disenrollment by the Blue Lake Rancheria **Business Council** for the following reasons:

1. An individual obtained membership through error or on the basis of false information.

2. If any or all of the provisions of ARTICLE III - MEMBERSHIP, Section 2. Enrollment Prohibition are applicable to an enrolle.

An enrolle will be noticed by certified mail-return receipt requested of a meeting to act upon their proposed disenrollment. The notice shall inform the person of the right to be present at said meeting to state why they should not be disenrolled. If after consideration of all testimony is the decision of the **Business Council** to disenroll a member, the **Business Council** shall enact a resolution officially disenrolling the member and forward copies of that document to the member and the Bureau of Indian Affairs for their information.

Adverse determinations pertaining to the disenrollment status of a tribal member may first be appealed to the **Tribal Enrollment Committee.** An appeal shall be in writing and must be received by the Tribal Office within thirty (30) days after receipt of such notice. If the **Tribal Enrollment Committee,** by a majority vote, votes to rescind the disenrollment action, this recommendation to rescind the action disenrolling a member shall be forwarded to the **Business Council** for action. Should the **Tribal Enrollment Committee** uphold their initial decision for disenrollment, the appellant shall be notified in writing of this decision and the reasons for it. This notice shall be by certified mail, return receipt requested. The applicant will have fifteen days in which to appeal this decision to the **Business Council,** who upon receipt of such written appeal shall schedule a meeting to consider the matter within fifteen days.

Notice of such appeal meeting will be posted at the Tribal Office and shall state the date, place, time and matter being considered. The **Business Council** will meet for this duly notice appeal meeting to consider and decide the matter and the appellant shall be informed of the decision within five working days by certified mail, return receipt requested. The decision of the **Business Council** shall be final.

SECTION VIII. ANNUAL CERTIFICATION OF MEMBERSHIP ROLL

The Tribal roll shall be updated as of October 31st each year by:

1. Adding the names to the roll of applicants who were enrolled in accordance with the requirements of this Ordinance.

2. Striking the names of persons who relinquished their membership, were disenrolled or of deceased persons upon receipt of documentation of death.

SECTION IX. USE OF MEMBERSHIP ROLL

The membership roll, when duly certified and approved, shall be used for all official purposes, except that when used for the distribution of tribal assets, it shall first require the approval of the Secretary of the Interior or his authorized representative.

SECTION X. AMENDMENTS

This ordinance, or any section herein, may be amended by a majority vote of the **Business Council** at a duly called regular or special meeting, and the amendment will become effective on review and approval of the Secretary of the Interior or his authorized representative.

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

As the Chairperson of the Business Council for the Blue Lake Rancheria, I hereby certify that the Business Council adopted this ordinance at a duly called, noticed, convened and held meeting of the Business Council by a vote of____for____against on this___day of _____, 1993.

_____ _____

Chairperson Blue Lake Rancheria Date

_____ _____

ATTESTED: Signature and Title Date

ACKNOWLEDGED:

_____

Superintendent, Bureau of Indian Affairs
Northern California Agency

APPROVED: _____

Area Director, Bureau of Indian Affairs
Sacramento Area Office

B L U E L A K E R A N C H E R I A

ORDINANCE No. 91-01

ORDINANCE OF THE BLUE LAKE RANCHERIA
HUMBOLDT COUNTY, STATE OF CALIFORNIA

SUBJECT: RULES AND PROCEDURAL REQUIREMENT GOVERNING ENROLLMENT ACTIVITIES OF THE MEMBERS OF THE BLUE LAKE RANCHERIA.

WHEREAS: The Assistant Secretary - Indian Affairs has approved the Constitution governing the affairs of the Blue Lake Rancheria; and

WHEREAS: Article III, Section 4 of the Constitution, empowers the Business Council to regulate the enrollment of tribal members through the adoption of an enrollment ordinance consistent with the constitution.

NOW THEREFORE BE IT KNOWN, that the Blue Lake Rancheria hereby adopts the following requirements and procedures to govern their enrollment activities of members, subject to review and approval by the Secretary of the Interior or his authorized representative.

D E F I N I T I O N S

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

ADOPTION: Means granting tribal membership to individuals who meet specific requirement prescribed in this ordinance.

ADOPTED CHILD: A child who is not the biological child of a parent but who has had the parent/child relationship established by court decree who is of Indian Ancestry.

AREA DIRECTOR: The Area Director of the Sacramento Area Office, Bureau of Indian Affairs.

BUSINESS COUNCIL: The duly elected Business Council of the Blue Lake Rancheria.

ENROLLMENT COMMITTEE: An appointed group of persons whose responsibility it is to screen membership applications for the Blue Lake Rancheria.

SUPERINTENDENT: The Superintendent of the Northern California Agency, Bureau of Indian Affairs.

SECRETARY OF THE INTERIOR: The Assistant Secretary for Indian Affairs of the United States Department of the Interior.

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TRIBAL MEMBER: An enrolled member of the Blue Lake Rancheria.

TRIBE: The Indians of the Blue Lake Rancheria.

SECTION I. ELIGIBILITY

Adopted members in the Blue Lake Rancheria shall consist of persons in the following category:

> Indian person's that are permanent residents of the Rancheria that have provided Indian decendancy to the satisfaction of the Business Council and received a 2/3 vote from the Business Council members to become a member of the Tribe.

SECTION II. ENROLLMENT COMMITTEE

As set forth in the Tribe's Enrollment procedures, the Business Council shall appoint a three (3) member Enrollment Committee from the General Council. One member shall be designated as the Chairperson and the remaining two (2) shall serve as committee members. The Committee shall serve for a period of two (2) years, but members may be reappointed upon the expiration of their two (2) year term. The Committee shall be directly responsible to the Business Council and shall dispense information regarding membership eligibility requirements and the enrollment process, distribute and receive application forms, review completed applications and present its recommendations to the Business Council for approval or disapproval.

C O N F I D E N T I A L I T Y

The Enrollment Committee will protect the privacy of tribal members and of individuals applying for enrollment. Meetings of the Committee or portions of the Committee's meeting during which individual applications are discussed shall be closed. However, the person whose application is under consideration may attend the meeting as may anyone whom they wish to be present to represent them or testify on their behalf. If a minor or incompetent is the person whose application is under consideration, the person making application on their behalf may also be present. The Enrollment Committee shall not provide its enrollment application records or information contained therein to persons other than those involved in the enrollment process without the written authorization from the applicant authorizing the release of the information.

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SECTION III. FILING MEMBERSHIP APPLICATIONS

All Indian persons desiring membership with the Blue Lake Rancheria, shall file written applications authorized by the Business Council. An application may be filed on behalf of anyone in need of assistance by a sponsor meaning, a parent, guardian, relative, attorney, friend, Tribal or State Social worker, or a member of the Business Council or Enrollment Committee. Applications shall be filed with the Enrollment Committee within sixty (60) days after May 30th of each year.

SECTION IV. APPROVAL OR DISAPPROVAL OF MEMBERSHIP APPLICATIONS

The Business Council shall approve or disapprove applications for enrollment. Such action shall be based upon the recommendations of the Enrollment Committee and any other information or evidence available. All applicants shall be notified in writing of the Business Council determination. Applicants whose membership applications have been disapproved shall be notified by certified mail-return receipt with information regarding their right to request the reason(s) for such disapproval and the right to appeal the adverse determination.

SECTION V. APPEALS

Adverse determinations on applications for membership may be appealed to the General Council. An appeal shall be in writing and must be received by the Tribal Office within thirty (30) days after receipt of the notice of ineligibility. If the General Council by a majority vote, votes in favor of the applicant for membership, then the applicant shall become a member of the tribe.

SECTION VI. RELINQUISHMENT

Any member may relinquish their membership with the Blue Lake Rancheria by submitting a statement in writing to the Business Council.

SECTION VII. DISENROLLMENT

The following shall be grounds for disenrollment of any member:

A person obtained membership through error or on the basis of false information.

Written notice by certified mail-return receipt shall be given to the person being disenrolled. The notice shall inform the person of the right to explain in a hearing on a date of his or her choice why they should not be disenrolled. If after the hearing it is the decision of the Business Council to disenroll a member, the Business Council shall pass a resolution of the official disenrollment. The person shall be notified by certified mail-return receipt of the action taken and of the right to appeal the decision within thirty (30) days to the General Council. The appeal shall be filed with the Tribal Office for forwarding to the General Council for a General Council vote.

SECTION VIII. KEEPING MEMBERSHIP ROLL CURRENT

The Tribal roll shall be updated as of May 30th of each year by:

1. Adding the names to the roll of applicants who were enrolled in accordance with the requirements of this Ordinance.

2. Striking the names of persons who relinquished their membership, were disenrolled or of deceased persons upon receipt of documentation of death.

SECTION IX. USE OF MEMBERSHIP ROLL

The membership roll, when duly certified and approved, shall be used for all official purposes, except that when used for the distribution of tribal assets, it shall first require the approval of the Secretary of the Interior or his authorized representative.

SECTION X. AMENDMENTS

This ordinance, or any section herein, may be amended by a majority vote of the General Council at a duly called regular or special meeting, and the amendment will become effective on review and approval of the Secretary of the Interior or his authorized representative.

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ADOPTED THIS _____ DAY OF _____, 19___

_____ _____

Chairperson Blue Lake Rancheria Date

_____ _____

ATTESTED: Signature and Title Date

ACKNOWLEDGED:

_____

Superintendent, Bureau of Indian Affairs
Northern California Agency

APPROVED:

_____

Area Director, Bureau of Indian Affairs
Sacramento Area Office

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