



HABEMATOLEL POMO OF UPPER LAKE
ENROLLMENT ORDINANCE

Adopted: 11-02-2018, Resolution No. 11-18-01

MONTH-DAY OF MONTH-YEAR

MONTH YEAR # SEQUENCE

Ordinance Number

2018-11-01

YEAR-MONTH - # SEQUENCE

SECTION I – TITLE

This Ordinance shall be cited as the Habematolel Pomo of Upper Lake Enrollment Ordinance.

SECTION II – AUTHORITY

The authority for this Ordinance is Article III, section 4, of the Constitution and Bylaws of the Habematolel Pomo of Upper Lake.

SECTION III – ENROLLMENT COMMITTEE

- A. **Appointment and Composition.** The Habematolel Pomo of Upper Lake Executive Council shall establish an Enrollment Committee consisting of five (5) members appointed by the Executive Council, who shall serve until their voluntary resignation, or their removal for cause, as described below.
- B. **Leadership.** The Enrollment Committee shall appoint a Chairperson and any other position from within the Committee, as reasonably necessary to fulfill its duties under this Ordinance.
- C. **Removal.** An Enrollment Committee member may be removed for cause, by the Executive Council on recommendation of the Enrollment Committee as follows. For purposes of this provision, cause for removal shall exist in the event of: (i) violation of duties as outlined in this Enrollment Ordinance; (ii) violation of the Confidentiality Agreement signed by the committee member, or of the terms relating to confidentiality and access of information set forth in this Ordinance; (iii) violation of the Tribe's policies with regard to committees and members; or (iv) any other misconduct that indicates a lack of honesty or trustworthiness by the individual member at issue. The procedure for removal of a member from the Enrollment Committee shall be as follows, absent a showing of Good Cause for modification: (i) the Enrollment Committee will provide the Committee member at issue with at least ten business days' advance written notice of the alleged violation(s) and of the Committee's intention to recommend removal to the Executive Council; (ii) the Enrollment Committee will simultaneously provide a copy of the same written notice to the Executive Council; (iii) the Committee member at issue may provide a written response to the allegations and shall submit any such written response to the Enrollment Committee and the Executive Council, simultaneously, within three business days of receiving the written notice; and (iii) the Executive Council will ultimately decide whether removal is appropriate.

SECTION IV – CONFIDENTIALITY AND ACCESS OF INFORMATION

The Tribe recognizes that records concerning an individual's enrollment contain sensitive, personal and familial information. These records are also critical in determining an individual's eligibility for Tribal Membership. It is therefore required that the Enrollment Committee establish, implement, and maintain policies and procedures to protect and preserve the confidentiality of an individual's enrollment records while also permitting legitimate access to information, in a timely manner, when appropriate.

The procedures to request and obtain Enrollment File-related information from the Enrollment Committee are as follows:

- A. A Request for Information - Enrollment (RFI-E) form shall be submitted by the person requesting the information to the Enrollment Chairperson, or Enrollment Committee stating: (i) the specific enrollment file(s) at issue (by name of the applicant); (ii) the specific information requested from the enrollment

- file(s); (iii) the basis for the request (why it is needed); and (iv) a description of how the information is going to be used.
- B. Only certain information may be given without consent of the person/persons whose Enrollment File information is sought, and all other personal information may only be given if the person/persons whose Enrollment File information is sought has signed an Authorization Statement before the information is released. When necessary, for identification purposes only, the Enrollment Committee shall compare signatures, date of birth, and shall sign off on the request to such confirmation; all other information is classified confidential and shall not be released without a signed Authorization Statement.
- C. Any enrolled Tribal Member of the Habematoel Pomo of Upper Lake may request information pertaining to their own enrollment records or that of a minor or other person for whom they are the legal guardian as follows:
1. The Enrollment Chairperson, or Enrollment Committee, shall approve or disapprove the individual's request, and process the request for formal notice to the individual via the form entitled Response to Information Request;
 2. Items that may be approved for release are: (i) items supplied by the Tribal Member/applicant or the guardian; and (ii) letters/correspondence sent to the Tribal Member/applicant or the guardian;
 3. Items that may not be approved for release are: (i) Enrollment Committee or Executive Council documentation, notes, internal correspondence; and (ii) items supplied from outside the Enrollment Committee (unless supplied by the Tribal Member/applicant or guardian);
 4. The Enrollment Committee upon receipt of said request shall determine if the request is able to be fulfilled and if so, provide a copy of the requested data to the individual;
 5. If the request is to review the records, an Enrollment Committee member must be in attendance when a person is reviewing the record. Absent a showing of Good Cause (as determined by the Enrollment Committee), the files are only available for review in the Enrollment Office or if prior arrangements are made the Tribal Administrative Office conference room.
- D. No records from any Enrollment File, whether originals or copies, shall be removed from the Enrollment or Tribal Administration offices by the requesting party or reviewed outside the presence of an Enrollment Committee member (or a designee of the Enrollment Committee), except as specified in this Ordinance (e.g., in the context of an appeal to the Grievance Review Board). On a showing of Good Cause (as determined by the Enrollment Committee), an Enrollment File or portions thereof may be removed from the Enrollment or Tribal Administration offices, but they must remain in possession of an Enrollment Committee member (or its designee), unless the materials are copies going to the Grievance Review Board, and they must be returned to the Enrollment office as soon as possible and a proper chain of custody with the Enrollment Committee (or its designee) must be strictly maintained.
- E. In the event that the Executive Council is requesting information, a request must also be made in writing to the Enrollment Committee stating why it desires information from files and the purpose for such information. The Enrollment Committee will review the request and will determine the appropriate response based upon the criteria set forth in this Ordinance.

SECTION V - DELEGATION OF AUTHORITY

For the purpose of reviewing Enrollment Applications, making recommendations of acceptance or denial of an Enrollment Application, and otherwise administering this Ordinance, the Executive Council hereby delegates authority to the Enrollment Committee to make such review and recommendation on Applications for Membership with the Habematoel Pomo of Upper Lake, based on the criteria set forth in this Enrollment Ordinance, and to administer this Ordinance in the interests of the Tribe.

SECTION VI - DUTIES OF ENROLLMENT COMMITTEE

In addition to other duties set forth in this Ordinance, the Enrollment Committee shall, upon receipt of an Enrollment Application for membership into the Habematoel Pomo of Upper Lake and within the timelines set forth in this Ordinance, including but not limited to Section XI:

- A. Date and initial all Applications;
- B. Prepare file folder for each Applicant;
- C. Review Applications for adequacy of documentation;

- D. Determine whether an Application is complete as set forth herein;
- E. Inform Applicants of any missing or supplemental documents required, using a Supplemental Information Form – Enrollment, to determine applicant's eligibility in accordance with this Ordinance and in the discretion of the Enrollment Committee;
- F. Upon receipt of the requested supplemental information for the applicant's Enrollment File information, the Enrollment Committee shall review the supplemental information to determine whether it is relevant to the request for missing information and take appropriate action based upon the same;
- G. Research family background and other details when more information is needed to establish an Applicant's eligibility for membership in the Tribe;
- H. Maintain files on all applicants and enrolled Tribal Members, and do so in a secure manner, whether materials are in hard-copy or electronic format;
- I. Prepare all written correspondence regarding enrollment matters, including, for example; (i) Acknowledgment letters; (ii) Acceptance/Denial letters; (iii) Request for More Information; (iv) Resolutions (proposed, for adoption by the Executive Council); and (v) other materials as appropriate;
- J. Review Complete Applications in order to recommend action for the Executive Council to take (approval or denial of Application);
- K. When the Enrollment Committee believes it is going to be recommending denial, prior to such recommendation the Enrollment Committee may request the Applicant to meet with them in an informal meeting to obtain additional information to establish Applicant's eligibility; and
- L. Prepare recommendations for action on Enrollment Applications to the Executive Council pursuant to Section V, of this Ordinance, as well as related materials (e.g., draft Resolutions memorializing formal action by the Executive Council).

SECTION VII -TRIBAL ROLL DATABASE

- A. The Enrollment Committee shall maintain an official Tribal Roll Database containing information relating to Tribal Members based upon the criteria and procedures set forth in this Enrollment Ordinance.
- B. The following information shall be maintained in the Tribal Roll Database, for each enrolled Tribal Member at any time going forward:
 - 1. Full name (including any known alias)
 - 2. Sex
 - 3. Date of birth
 - 4. Place of birth
 - 5. Date of Enrollment
 - 6. DNA-related information (test results and related documentation)
 - 7. Enrollment Number
 - 8. Social Security Number
 - 9. Resolution Number
 - 10. Name of biological mother and tribal affiliation (if any)
 - 11. Name of biological father and tribal affiliation (if any)
 - 12. Name of children (if any)
 - 13. Date of birth for children (if any)
 - 14. Date of death for children (if any)
 - 15. Signature for adult Tribal Members
 - 16. Picture of Tribal Member
 - 17. Tribal Affiliation
 - 18. Mailing Address
 - 19. Physical Address
 - 20. E-mail Address
 - 21. Phone Number
 - 22. Date of relinquishment, if any
 - 23. Date of disenrollment, if any
 - 24. Date of death

SECTION VIII - CORRECTIONS OF TRIBAL ROLL DATABASE RECORDS

Any name or other information in the Tribal Roll Database shall be maintained and corrected by the Enrollment Committee. Any Tribal Member may request that the Enrollment Committee correct or supplement information contained in their own Enrollment File, or the files of their minor children or ward, contained in the Tribal Roll Database. A request for name change must be accompanied by legal documentation establishing that the name has, in fact, legally been changed (e.g., marriage license, court order, driver's license or state-issued identification card, passport, etc.). Further, it is the duty of Tribal Members to notify the Enrollment Committee, in a timely manner, of any appropriate updates concerning information in the Tribal Roll Database for themselves and for any other Tribal Members over whom they have legal guardianship. Tribal Members shall provide such requests and notices of updates in writing by submitting the form entitled Notice of Updated Tribal Roll Database Information to the Enrollment Committee, along with any evidence and documentation related to the requested change or illustrating the need for the change.

SECTION IX - CRITERIA FOR ENROLLMENT

- A. As provided in Article III of the Constitution of the Habematolel Pomo of Upper Lake the membership of the Tribe consists of all persons who, in compliance and accordance with this Enrollment Ordinance and the Constitution, have met all enrollment requirements (including submission of a complete and compliant Application, receipt of the Enrollment Committee's recommendation of the Application for approval to the Executive Council, and approval of that Application by the Executive Council), and who have not relinquished or otherwise lost their Membership status as provided in Article III, Section 3 of the Constitution.
- B. As provided in Article III, Section 2 of the Constitution, the following individuals shall be eligible for enrollment in the Tribe, provided they comply with all existing requirements of the Enrollment Ordinance:
 - 1. All persons listed as individuals whose names appear on the partial summary judgment in Upper Lake Pomo Association, et al., v. Cecil Andrus et. Al., No. C-75-0181 SW, entered May 15, 1979 (the "Base Roll");
 - 2. Persons who are lineal descendants of individuals listed in Article III, Section 2A of the Constitution may apply for membership regardless of whether the ancestor through whom eligibility is claimed is living or deceased, provided the ancestor is not ineligible under the terms of Article III Section 3 of the Constitution.

SECTION X - DUTY TO APPLY FOR MEMBERSHIP ENROLLMENT

Each individual, either individually or through their parents or guardian in the case of a minor shall be responsible for providing an Enrollment Application for their membership in the Habematolel Pomo of Upper Lake. A complete Enrollment Application must be submitted to the Enrollment Committee, and typically must be submitted by the actual Applicant, though it may also be submitted (or "sponsored") by the persons set forth in Section XII.

SECTION XI - ENROLLMENT PROCEDURE AND COMPLETION OF APPLICATION

- A. Process Overview. Enrollment in the Tribe shall be requested by submission of a complete Application, on template forms prepared by the Enrollment Committee and approved by the Executive Council. A blank Enrollment Application and related forms may be obtained from the Enrollment Committee or the Tribal Administration office upon request.
- B. Application Forms. Each Enrollment Application shall contain a statement, signed under the penalty of perjury, affirming that: (i) the Applicant has supplied all relevant data that is intended to be submitted to the Tribe on the issue of enrollment, (ii) the information contained on the Enrollment Application form and in accompanying documents is true and correct to the best knowledge and belief of the Applicant; and (iii) the Applicant has not intentionally omitted any relevant information, as set forth on the form entitled HPUL Form E-4 Enrollment Application Verification.
 - 1. Enrollment Applications are deemed submitted on the date they are determined to be complete, as determined by the Enrollment Committee, in its sole judgment and based upon the criteria set forth in this Ordinance. Applicants must plan ahead for any deadlines to ensure completion.
 - 2. Incomplete Applications are not considered to have been submitted and will be returned to the applicant (or Sponsor, if applicable) if no action is taken by the applicant to correct any deficiencies within 60 calendar days of issuance of written Notice of Deficiency, which notice will be mailed by the Enrollment Committee via First Class certified mail, return receipt requested or

other method which provides for confirmation of actual delivery to Applicant or Applicant's representative.

3. Presently, a completed Enrollment Application consists of the following items:
 - i. Enrollment Package Checklist, signed by the applicant;
 - ii. Enrollment Application Verification, signed by the Applicant, guardian, or sponsor, as appropriate;
 - iii. All items on the application checklist, in a complete and legible format;
 - iv. Signed Application;
 - v. Family Tree that is completed for both maternal and paternal lines, unless there is a showing of Good Cause to exclude any portion of those maternal and paternal lines, with any tribal affiliations stated for all applicable persons, using the Family Tree – Enrollment form;
 - vi. Original certified copy of the birth certificate (to be returned to applicant upon final disposition of application), listing both mother's and father's name absent a showing of Good Cause;
 - a. In the event of a generational gap in membership an Original Certified Copy of the birth certificate will be required for each qualifying person in the lineage.
 - b. In the event that a father's name is omitted from the birth certificate, any claim regarding the father's identity made in connection with the Application must be verified to the satisfaction of the Enrollment Committee and in a manner consistent with the standards of this Ordinance (i.e., such that it is more likely than not that the person identified as the father is, in fact, the biological father of the Applicant). Examples of verification include, but are not limited to, Affidavits signed by all involved parties, and certified DNA test results from a Tribally approved DNA testing lab establishing the relationship between the father and Applicant.
 - vii. Social Security Card (copy);
 - viii. Certified DNA test results, from a Tribally approved DNA testing lab;
- C. Filing of Enrollment Application. Enrollment Applications and supporting documents shall be filed by the Applicant with the Enrollment Committee at the Tribal Administration Office in person or by mail. The Enrollment Committee strongly encourages, but does not require, Applicants to submit Enrollment Application materials using a method that allows for verification of delivery and related details, such as FedEx, UPS, or Certified/Registered U.S. Mail. Appropriate Tribal Administration staff shall stamp all Enrollment Applications with the date on which it was received. The Applicant shall notify the Enrollment Committee in writing of any change in address or other relevant information while the application is pending. A copy of the Enrollment Application is available to the applicant/guardian upon request, the procedures for which are set forth above.
- D. Voluntary Withdrawal of Pending Application. Before a final action is taken on any Application, an applicant may voluntarily withdraw his or her pending application (or that which they have sponsored), and such withdrawal shall be without prejudice to any right to file a future Application. Such a withdrawal shall be on the form entitled Notice of Voluntary Withdrawal of Application, which shall be notarized and shall be personally delivered to the Enrollment Committee or mailed via a form that allows for verification of delivery and related details, which verification and details must be provided by Applicant upon request of the Tribe
- E. Review of Enrollment Application by Enrollment Committee. As soon as practically and reasonably possible, but no later than the next occurring Enrollment Committee meeting, the Enrollment Committee shall review the papers to determine whether the Application is complete.
 1. If the Enrollment Committee determines the Application is complete, it shall date-stamp the materials at that time and process them as set forth below.
 2. If the Enrollment Committee determines the Application is incomplete, it shall timely mail a Notice of Deficiency to the applicant (or his or her legal guardian or sponsor) as set forth above and the applicant shall resolve all such deficiencies within 60 calendar days of the date of such Notice of Deficiency, absent a showing of Good Cause.
 3. Once the Enrollment Application is determined to be complete, the Enrollment Committee shall review it, substantively, as soon as reasonably possible, but in no event any more than thirty (30) calendar days following its determination that the Application is complete.

4. After any applicable deadlines have expired, and upon review of an Application and determination it is complete (or upon the expiration of applicable deadlines and the Applicant's failure to sufficiently address any Notice of Deficiency), the Enrollment Committee shall recommend approval or denial of the Application to the Executive Council, and it shall do so in writing within 10 business days of reaching that recommendation, stating the reasons for its recommended approval or denial of the Application.
- F. Executive Council Action. At the next Executive Council meeting following receipt of the recommendation of the Enrollment Committee, and absent Good Cause for additional delay, the Executive Council shall approve or deny the Application, or request more information of the Enrollment Committee
1. The factual basis for the Enrollment Committee's recommendation shall not be reopened by an Applicant before the Executive Council without a showing that the Applicant has available for immediate presentation certain evidence which could not with reasonable diligence have been presented to the Enrollment Committee, or that this Ordinance has been violated.
 2. At the next Enrollment Committee meeting following the Executive Council's decision, the Enrollment Committee will make arrangements to notify the Applicant by personal service or registered mail of the Executive Council's decision.
 3. Any action to approve an Application must be taken via formal Resolution of the Executive Council.
 4. The Executive Council's decision to approve or deny an Application shall be final, subject only to the appellate procedures related to Grievance Review Board as set forth in this Ordinance.
- G. Effective Date of Council Action. Upon enactment by the Executive Council of a Resolution approving enrollment, a new Tribal Member shall be entitled to exercise Tribal rights on the effective date of that Resolution, subject only to any restrictions set forth in this Ordinance (e.g., See Section XV – Dual Enrollment and Holding Period for terms regarding the applicable holding period in the case of relinquishment of membership in another tribe).
- H. Actions to Temporarily Limit Acceptance and/or Processing of Enrollment Applications.
1. Enrollment is open to all eligible people as outlined in Section IX – Enrollment Criteria of this Ordinance, and Article III – Membership of the Constitution of the Habematolel Pomo of Upper Lake. However, the Tribe may limit the processing of Applications for enrollment, and thus the approval or denial of such Applications, under the procedures set forth herein. Such actions are the only exceptions to full open enrollment under Section IX of this Ordinance and Article III of the Constitution. Further, such actions shall only be valid if they are implemented pursuant to either the Initiative or Referendum procedures set forth in Article XIV of the Constitution, and any related Constitutional provisions. Finally, to be valid, any restriction on accepting and/or processing enrollment applications pursuant to the terms and procedures otherwise set forth in the Constitution and this Enrollment Ordinance must specify: (1) the expiration date of any limitation(s); (2) the specific limitation(s); and (3) the basis for such limitation(s), which must be grounded in protection and advancement of the Tribe's best interests.
 2. With respect to the current restrictions on processing Enrollment Applications, as adopted pursuant to a motion (Motion #5) and a vote of the General Membership on December 14, 2002 (limiting processing of applications to newborns, young adults who file within one year of turning 18, and applications submitted by December 13, 2002), it shall expire in its entirety on the one-year anniversary of the 2018 amendments to this Ordinance, as reflected in the required and related Resolution. As of that date, and unless there is a successful action in the form of either an Initiative or Referendum that complies with the above-stated terms, there shall be no restrictions of any nature on the acceptance and processing of enrollment applications that conform with the Constitution and this Ordinance.
 - i. To the extent any person has filed an application or other related materials seeking Membership in the Tribe during the restrictions described directly above, from December 14, 2002 through the enactment of this amended Enrollment Ordinance, and to the extent his or her Application for Membership has not been granted (i.e. their status has been, and remains, pending), he or she must comply with all terms of this amended Enrollment Ordinance, including but not limited to those set forth in Section XIV.

SECTION XII - SPONSORING THE ENROLLMENT APPLICATION

In certain instances, persons other than the potential Tribal Member may submit an Enrollment Application on behalf of the Applicant. The specifics of such a "sponsored" Enrollment Application are as follows:

Qualifying Event	Eligible Sponsor(s)
Deceased applicant	Executor or Administrator of applicant's estate.
Minor applicant	Biological parent or legal guardian of applicant.
Ward applicant	Legal guardian of applicant or person approved by the Enrollment Committee.
Foreign-stationed armed services member and family	Spouse, biological parent, or biological adult child of applicant, with applicant's written approval on appropriate notarized form.
Foreign-stationed government employee and family	Spouse, biological parent, or biological adult child of applicant, with applicant's written approval on appropriate notarized form.
Incarcerated applicant	Spouse, biological parent, or biological adult child of applicant, with applicant's written approval on appropriate notarized form.

SECTION XIII- BURDEN OF PROOF

- A. The burden of proof will be upon the individual Applicant to establish every element of their claim regarding enrollment under the Constitution of the Habematolel Pomo of Upper Lake and this Ordinance, unless otherwise stated herein. Any matter to be proven under this Ordinance must be proven to the satisfaction of the Enrollment Committee by a Preponderance of the Evidence available, including but not limited to the evidence provided in the Application, unless otherwise noted (e.g., DNA testing standards).
- B. Enrollment Evidence will be defined as any relevant evidence that may assist in review of the Application, including, but not limited to: certified copies of birth certificates; statistics; historical society records; adoption agency records; results of DNA tests; military records; affidavits concerning lineage as defined under this Enrollment Ordinance; newspapers; affidavits from elders as verification of origins.

SECTION XIV – DNA TO PROVE LINEAL DESCENDANCY

To protect the Tribe by ensuring that only those persons who are eligible as set forth in the Constitution become Tribal Members, the Tribe shall use universal DNA testing as follows. Any DNA test that does not conform to these standards in any manner shall not be used to determine eligibility for Tribal Membership.

- A. All Applicants for Tribal Membership:
 1. A DNA test will be required to establish lineal descendancy and each Applicant's eligibility for Tribal Membership is based on the criteria set forth in the Constitution.
 2. Applicants shall pay the Tribe for all testing, as established by the Tribe, before any testing may be performed.
 3. DNA test results must be submitted by the testing laboratory directly to the Enrollment Committee before an Application for Tribal Membership will be processed.
 4. In the event of a generational gap in membership, a DNA test is required for each successive qualifying person from the point of an established Tribal Member or base roll absent a showing of Good Cause.
- B. All Currently-Enrolled Tribal Members:

1. Considering inconsistent past practice and enforcement of testing standards, and to finally and definitively establish lineal descendancy and each person's eligibility for Membership in the Tribe based on the criteria set forth in the Constitution, all persons who are currently-enrolled Tribal Members as of the time of adoption of the 2018 amendments this Ordinance shall submit to DNA testing as set forth herein, regardless of age, length of Tribal Membership, or any other factor.
2. The Habematolel Pomo of Upper Lake shall pay for all DNA testing for all currently-enrolled Tribal Members.
3. Absent a showing of Good Cause, all currently-enrolled Tribal Members shall submit to such testing by the deadline provided to them, via written notice, from the Enrollment Committee.
4. If any currently-enrolled Tribal Member fails to meet the deadline for DNA testing as set by the Enrollment Committee, then, unless there is a showing of Good Cause for such a failure, they may be sanctioned as determined by the Executive Council.

C. Terms Applicable to All DNA Testing:

1. All persons requiring DNA testing under this Ordinance shall utilize the DNA testing lab(s) and collection facilities approved by the Tribe, as of the time of their actual test. Thus, to initiate DNA testing, all individuals must request testing materials and information from the Enrollment Committee or the Tribal Administrator.
2. The Enrollment Committee shall maintain a list of the currently approved lab(s) and collection facilities, and it shall include that list with the other Enrollment Application materials distributed to Applicants. The Enrollment Committee shall also maintain a separate list of all past approved DNA testing labs, as well as the date ranges of such approval.
3. All DNA testing laboratories and collection facilities approved by the Tribe shall: (i) meet ISO/IEC 17025 (the international standard set for ensuring the technical competency of laboratories, covering every aspect of laboratory management including sample preparation, analytical testing proficiency, record keeping, and reporting); and (ii) be certified by independent organizations such as the AABB (American Association of Blood Banks), ANAB (ANSI-ASQ National Accreditation Board), CAP (College of American Pathologists), state and/or federal departments of health, CLIA (Clinical Laboratory Improvement Amendments), or organizations applying equally stringent certification standards.
4. To establish a complete chain of custody, all specimens must be collected by a Tribally-approved collection facility and tested by labs utilizing protocols such that each test is an AABB accredited test that is court admissible (e.g., direct collection of specimen, use of a neutral witness, verification of identity through government-issued photo identity, fingerprints, etc.).
5. The approved labs shall determine what type of specimen is to be collected as well as the method of collection to achieve the most accurate results based on the current state of art and scientific testing capabilities, and any change in the same shall have no effect on past DNA tests or resulting actions.
6. All test results shall be sent by the approved lab(s) directly to the Enrollment Committee.
7. The method of testing by comparison, whether maternity, paternity, sibling, grandparent, avuncular, or Y-Chromosome (also called Y-STR, and only done in addition to autosomal DNA testing, not as a standalone test per AABB accreditation standards), will vary depending on factors specific to each family and beyond the control of each individual submitting to the testing, i.e., who is available within the bloodline for comparison testing. However, the test(s) that will be used in any individual scenario is the one (or more) that will yield the most definitive results based upon the highest level test possible in the specific familial context as determined by the Enrollment Committee, in consultation with the DNA lab personnel if necessary. The order of preference, from most to least preferred is maternity, paternity, sibling, grandparent, avuncular, or Y-Chromosome. For example, if an individual's father's DNA is available, it shall be used for comparison instead of a sibling, grandparent, aunt, uncle, or cousin's DNA. Similarly, if an individual's father's DNA is not available, but a sibling's DNA is available, it shall be used for comparison instead of a grandparent, aunt, uncle, or cousin's DNA.
8. All DNA testing must include a minimum of 20 markers recommended by a lab that meets the criteria set forth herein for that specific type of comparison test, and yield an accuracy level of at least the following levels for each of the types of testing:

Type of Test	Probability of Relationship Level (minimum)
Maternity	99%
Paternity	99%
Sibling	91%
Grandparent	91%
Avuncular	Typically 91%*
Y Chromosome (Y-STR)	TBD*

**These shall be determined on a case by case basis, in consultation with the then-approved DNA testing lab, with the intent being to balance the interests of protecting the Tribe and protecting the rights of those who appear to have a legitimate claim to Membership based upon the information reasonably available and application of that information to the then-existing best practices and scientific capabilities applicable to DNA testing.*

9. As part of the Enrollment Application, all DNA testing and related results are confidential and will not be disclosed to any person(s) or entity unless they have a legitimate need to know the information in connection with performing their duties as set forth in this Enrollment Ordinance or other applicable law and follow the procedures set forth herein.

SECTION XV – DUAL ENROLLMENT & HOLDING PERIOD

In accordance with Article III, Section 3 of the Constitution of the Habematolel Pomo of Upper Lake, an application will not be approved for an applicant who has not relinquished all rights in another band, tribe, colony, pueblo, rancheria, reservation, group or similar organization (at least conditionally, conditioned solely upon approval of the application for Tribal Membership). Further, any applicant who has previously been enrolled in another federally recognized Indian tribe, voluntarily relinquished that enrollment and is then subsequently enrolled as a Member of this Tribe will be subject to a five (5) year holding period during which they will not be eligible for Tribal benefits absent a showing of Good Cause.

SECTION XVI – DISENROLLMENT

- A. Any person subject to disenrollment proceedings will be afforded due process in compliance with all applicable legal standards. The specific procedures shall be established by the Enrollment Committee, subject to approval by the Executive Council. However, key aspects of the required due process include: (i) a minimum of 30 calendar days' advanced written notice, sent by registered mail to the address on file with the Tribal Administrator, identifying the action proposed to be taken as well as a statement of the basis for that proposed action; (ii) an opportunity to review the evidence related to that proposed action before any hearing regarding the proposed action; (iii) an opportunity for the Tribal Member subject to the proposed action to present evidence, including through the direct and cross examination of witnesses, in the context of a hearing before a panel convened for that purpose; (iv) written notice of any decision on the proposed action, with a statement of the basis for the same; and (v) the opportunity to appeal any decision to the Executive Council, whose decision shall be final, subject only to the processes and decisions involving the Grievance Review Board as set forth herein.
- B. Grounds for disenrollment include, but are not limited to:
 1. Fraud or misrepresentation of any evidence in support of an enrollment application or data relevant to enrollment eligibility that is presented in connection with this application;
 2. The person is listed on a membership roll or final termination roll of another federally recognized tribe or band and has not relinquished membership in that other tribe;

3. Evidence or proof submitted to the Enrollment Committee by a third party regarding membership eligibility for another person that is found to be credible and meet the evidentiary standard set forth herein;
 4. DNA test results that do not satisfy the standards set forth in this Enrollment Ordinance;
 5. Errors in processing any part of the Enrollment Application; or
 6. Receipt of a verified request of an adult Tribal Member, or guardian of an incompetent Tribal Member, or parent or guardian of a minor Tribal Member, relinquishing Membership; provided the verification request is accompanied by satisfactory proof that the incompetent Tribal Member or minor is being relinquished to permit the enrollment of that incompetent Tribal Member or minor in another Indian Tribe.
- C. Tribal Benefits and Rights Pending Disenrollment Action:
1. The Executive Council may, upon issuance of a notice by the Enrollment Committee that good cause exists to proceed with a disenrollment action (described above in Section XVI(A)(1), immediately suspend and hold any Tribal benefits and rights otherwise available to a Member whose enrollment is challenged pending final disposition of the disenrollment action. Notwithstanding the above, the Member shall, if already there, continue to reside in Tribal housing under the terms of a lease or other rental agreement pending final disposition of the disenrollment action. In addition, the Member shall continue to receive those benefits available to the Member under Tribal health and education programs (including financial benefits under those programs) to the extent he or she was receiving such benefits at the time the disenrollment action commenced. The Executive Council shall notify the Member, Enrollment Committee, and Tribal Administrator in writing of the suspension of Tribal benefits.
 2. If the Executive Council votes for disenrollment, all Tribal benefits otherwise available to a Member whose enrollment is challenged shall be suspended pending the disposition of any appeal to the Grievance Review Board of the Executive Council's decision. Notwithstanding the above, the Member shall, if already there, continue to reside in Tribal housing under the terms of a lease or other rental agreement pending final disposition of the disenrollment action. In addition, the Member shall continue to receive those benefits available to the Member under Tribal health and education programs (including financial benefits under those programs) to the extent he or she was receiving such benefits at the time the disenrollment action commenced.
 3. If the Member at issue does not appeal the Executive Council's decision to disenroll before the applicable deadline, or if that decision is affirmed on appeal by the Grievance Review Board, all benefits held in suspension will be released to the Tribe and the disenrolled person's eligibility for all Tribal Member benefits shall cease.
 4. If the Executive Council votes against disenrollment, or if an Executive Council decision to disenroll a Member is reversed on appeal by the Grievance Review Board, any suspension of Tribal benefits will be lifted and all amounts held in suspension will be paid to the Member, without interest, with an accounting for the same.
 5. A Member subject to a disenrollment action is ineligible to vote in any Tribal matter for so long as that action is pending. Further, while he or she may attend meetings otherwise open to the General Membership, a Member subject to a disenrollment action may not participate in these meetings for so long as the action is pending. If there is a final decision to disenroll, the person may not vote in any Tribal matter or attend any further Tribal meetings, except to the extent such meetings are open to the general public (i.e., non-Tribal members).

SECTION XVII - RELINQUISHMENT

In accordance with Article III, Section 3 of the Constitution of the Habematolet Pomo of Upper Lake, any adult Tribal Member who decides to relinquish his or her Tribal Membership, or that of a child or other person for whom he or she is a legal guardian, with the Tribe will notify the Enrollment Committee in writing on a notarized form approved and issued for that use, as of that time, by the Enrollment Committee. A conditional relinquishment will become effective (i.e., an actual relinquishment) after the Enrollment Committee receives satisfactory notice and evidence that the person whose enrollment with this Tribe is to be relinquished is a member of another tribe and the Executive Council approves the action, based upon recommendation of the Enrollment Committee. A non-conditional relinquishment will become effective upon approval by the Executive Council, based upon

recommendation of the Enrollment Committee. Relinquishment from the Habematoel Pomo of Upper Lake, by an adult for themselves, will not be subject to reconsideration. Any minor having been relinquished from the Habematoel Pomo of Upper Lake by parent(s) or legal guardian may, when of legal age, request reenrollment with the Tribe, providing he/she can meet the requirements stipulated in this Ordinance. The previous action of a minor's relinquishment will be looked upon as done entirely by the adult(s) and not the minor, and shall have no bearing on review of his or her Application for Membership.

SECTION XVIII – APPLICATION HEARINGS, NOTICE, REMANDS, APPEALS

The Executive Council shall ultimately determine Applicant's eligibility for Enrollment (subject only to the Grievance Review Board procedures set forth herein), and in making that determination it shall consider the Enrollment Committee's recommendation. That recommendation shall be based upon an evaluation of the criteria set forth in this Ordinance.

- A. Hearing to be Held If Enrollment Committee Intends to Recommended Denial: Before making a recommendation that an Application for Enrollment should be denied; the Enrollment Committee shall notice and hold a formal hearing concerning the Applicant's eligibility for enrollment and its intended action.
 1. The person or sponsor filing the application shall be given written notice of the hearing in accordance with the provisions within this Ordinance and on a form entitled Notice of Intent to Recommend Denial.
 2. The manner of conducting such hearing or any other matters pertaining to enrollment procedures (unless otherwise stated herein) shall be as follows:
 - i. A date, time and location for a hearing will be set by the Enrollment Committee (location for any hearing will be at the Tribal Administration office);
 - ii. The Enrollment Committee shall notify the applicant of the hearing via letter to be sent Certified Return Receipt requested from the USPS or other method allowing for delivery confirmation and related details, at least 30 calendar days in advance of the hearing;
 - iii. The Enrollment Committee Chairperson shall conduct the hearing; and
 - iv. The Applicant shall provide information pertinent to the Application that may be used to clarify information or support claims regarding eligibility.
- B. Executive Council's Review of Enrollment Committee's Recommendation for Denial: The Executive Council shall review each Application for Enrollment together with the recommendation of the Enrollment Committee and determine whether the Applicant is eligible to be enrolled as a Tribal Member.
 1. The person or sponsor filing an Enrollment Application has the burden of proof of establishing to the satisfaction of the Enrollment Committee and by a Preponderance of Evidence that the Applicant meets all of the requirements for Tribal Membership.
 2. The Enrollment Committee shall consider all relevant evidence regarding the Applicant's eligibility for Enrollment.
- C. Determination of Applicant's Eligibility: The determination as to whether an Application for membership is approved or denied by the Executive Council shall be in Resolution form and signed by the Chairperson and the Secretary of the Tribe's Executive Council regarding each Application for Enrollment filed with the Enrollment Committee.
- D. Notice of Actual Determination of Applicant's Eligibility by the Executive Council. Every person or sponsor filing an Application for Enrollment shall be served written notice of the Executive Council's actual acceptance or denial of the Application, and such notice shall be provided to the applicant within 30 calendar days of the Executive Council's determination of the same.
 1. If the Application for Enrollment is actually denied by the Executive Council, the written notice shall state
 - i. The Application was actually denied;
 - ii. The specific grounds for actual denial;
 - iii. The Applicant's right to appeal an actual denial by the Executive Council to the Grievance Review Board (GRB) in accordance with the appeal procedures established by the Ordinance and/or the GRB (to the extent such procedures do not conflict with this Ordinance). The notice shall indicate the time within which such an appeal must be commenced and the procedure for commencing such appeal with the GRB.

- iv. The content and form of the written notice shall be approved by the Executive Council, on Form E-16 Notice of Actual Denial.
2. If the Executive Council actually approves the application, any notice regarding that decisions shall:
 - i. Indicate that the Application was approved;
 - ii. State the Tribal Resolution number and the date of its approval, which is the date of enrollment with the Tribe;
 - iii. State any restriction on enrollment (e.g. any holding period associated with an adult's relinquishment of membership in another tribe); and
 - iv. The content and form of the written notice shall be approved by the Executive Council, on Form E-18 Notice of Approval.
- E. Manner of Giving Notice of Determination of Applicant's Eligibility: As stated above in subsection D of this Section XVIII, the notice required to be given under this section shall be given within 30 calendar days after the Executive Council issues its decision as to whether the application for enrollment is approved or denied. It shall be sent by certified mail with postage thereon fully prepaid, with a return receipt requested, or via other method that allows for confirmation of delivery and details related to the same, to the address provided by such person or sponsor filing the application, or at such different address as may be subsequently provided by such person to the Enrollment Committee in writing.
- F. Appeals to the Grievance Review Board. A group of seven (7) Tribal Members who have reached the age of 18 years old, selected by majority vote of the General Membership will serve as representatives of a grievance review board to be in place until a Tribal Court has been established by the General Membership of the Tribe, at which time the Tribal court shall hear any such appeal.
 1. Right of Appeal: Any person or sponsor filing an Application for Enrollment that has been denied, a Petition to Reopen an Application that has been denied, or a Member who has been disenrolled by the Executive Council, may appeal to the Grievance Review Board, or GRB, in the manner herein provided.
 2. Commencing an Appeal:
 - i. To commence an Appeal, such person or sponsor must clearly express in writing an intent to appeal such denial or disenrollment to the GRB by filing Form HPUL E-5, Notice of Appeal and all documentation supporting and/or related to the basis for any such appeal. In signing and filing this Notice of Appeal, the Appellant expressly authorizes the Enrollment Committee to: (1) copy his or her Enrollment File; and (2) provide such copy to the GRB for purposes of handling the appeal.
 - ii. A copy of the Notice of Appeal and supporting/related papers must be personally served by the Appellant (or his/her designee) on the GRB, via the Tribal Administrator or his or her designee (who shall accept personal service on behalf of the GRB) during normal business hours at 9470 Main Street in Upper Lake, California or the then-existing Tribal Administration office, before the closing of business on or before the thirtieth (30th) calendar day after the Notice of Actual Denial or Notice of Disenrollment is received by the person filing the application for enrollment or disenrollment in the event of delivery of such notice within the Continental United States. If such notice is delivered to an address outside the Continental United States, then there shall be sixty (60) calendar days rather than thirty (30) calendar days from the date of receipt in which to file such an appeal.
 - iii. The Appeal is deemed commenced upon the date the Notice of Appeal and supporting Appellate papers are actually served by the Appellant on the GRB, as set forth directly above.
 3. Appellate Review by the GRB:
 - i. Within ten (10) business days of commencement of an Appeal the Enrollment Committee shall transmit copies of all documents pertaining to the Enrollment Application or disenrollment, together with all documentary evidence presented concerning the Applicant's eligibility to the GRB.
 - ii. The burden of proof of establishing eligibility, in accordance with the standards set forth in this Ordinance, remains on the Appellant.

- iii. The Appeal should include any and all supporting evidence, including any not previously furnished, and may include a copy of or reference to any Tribal or other records having any bearing on the appellant's eligibility.
 - iv. Appellant may furnish Affidavits from person(s) having personal knowledge of the facts at issue and may request additional time to submit supporting evidence.
 - v. An extension period of thirty (30) calendar days for such a submission of supporting evidence or Affidavits may be granted by the GRB on showing of Good Cause.
- 4. Hearing by the GRB:
 - i. The GRB shall schedule and notice a hearing which shall, absent a showing of Good Cause for a longer period, commence within thirty (30) business days and conclude within forty-five (45) business days of commencement of an appeal.
 - ii. The GRB will consider the record as presented, together with such additional information that may be considered pertinent.
 - iii. It will allow oral presentations to be made and any such additional information shall be specifically identified in the decision (described below).
- 5. Decision by the GRB:
 - i. The GRB will consider the record as presented together with such additional information that may be considered pertinent and the GRB will allow oral presentations as described in Section XVIII(F)(4)(ii) to be made. Any such additional information shall be specifically identified in the decision.
 - ii. The decision of the GRB, on Appeal, shall be final and conclusive and written notice of the decision and basis for the same, on HPUL Form E-17 Notice of Appellate Decision, shall be given to the Appellant and Executive Council within 30 business days of the hearing conclusion, absent a showing of Good Cause for a longer period of time. For the sake of clarity, any decision by the GRB as to any denial of an Application for Enrollment, petition to reopen an Application, or a disenrollment action is final, even if it conflicts with the Executive Council's decision at issue, subject only to the terms set forth below in Section XIX – Reopening the Application.
 - iii. Upon issuance of the GRB's decision on any Appeal, and in order to protect both the Appellant's privacy and the integrity of the Tribe's Enrollment Files and other sensitive materials, the GRB shall: (1) make an electronic copy of all materials it received in connection with each Appeal as well as the final written decision; (2) identify this electronic copy as the official GRB Appeal file, in a manner that includes the decision date and Appellant name; (3) store the electronic copy of these materials in a secure manner accessible only by members of the GRB and its designee(s) (e.g. its legal counsel and administrative personnel); and (4) destroy all hard and other electronic copies of materials that are not part of the official GRB Appeal file as soon as practically possible following creation of the official GRB Appeal file.
- 6. GRB Meetings and Order of Business
 - i. In order for the GRB to conduct business or take action pursuant to this Ordinance:
 - 1. The GRB must provide written notice, which notice must: (1) state the date, time and location of the meeting; (2) identify the general topic(s) anticipated for discussion and decision, if any, at the meeting; (3) issue to all GRB members and any other person(s) (e.g. applicant or Member) who has a right to appear at the meeting as set forth in this Ordinance; and (4) issue in a manner that is reasonably calculated to ensure delivery to the recipients at least five (5) business days in advance of the noticed meeting date; and
 - 2. A quorum of the GRB must be present, which shall exist if five (5) of the GRB members are present.
 - 3. Matters brought to a vote within the GRB shall be approved by a simple majority (i.e., a simple majority of those present and voting at the meeting, provided there is a quorum present).
 - 4. Voting at all GRB meetings may be by voice or hand, but in any event there shall be a written record of any vote and that shall be stated at least in the minutes of that GRB meeting.

- ii. Until such time as the GRB may adopt its own Rules of Order, it shall utilize the current edition of Robert's Rules of Order in the conducting of all GRB business, except when they are inconsistent with the express provisions of this Ordinance or the Constitution.
- iii. Any action that does not satisfy each of the above elements shall have no effect.

SECTION XIX - REOPENING THE APPLICATION

- A. An applicant may petition the Executive Council, in writing to reopen a denied application on the following grounds:
 - 1. Newly-discovered, substantial, credible evidence that is material to the application, which the applicant could not with reasonable diligence have discovered and given to the Enrollment Committee while the application was pending; or
 - 2. A violation of the Constitution or this Ordinance occurred in the processing of the application; or
- B. Any such petition to reopen the application must be submitted to the Executive Council within 30 business days of petitioner's discovery of the fact(s) supporting the petition. The decision of the Executive Council regarding whether or not the petition to reopen will be granted is final, subject only to appeal to the GRB pursuant to the terms specified above in Section XVIII . Any decision by the GRB as to any denial of an Petition to Reopen an Application is final, even if it conflicts with the Executive Council's decision at issue.

SECTION XX - REGISTRATION OF DEATHS

The Enrollment Committee will maintain an official register of deaths of members of the Tribe. The Enrollment Committee will change the status of any deceased member in the Tribal Membership Roll from "Enrolled" to "Deceased" and record the date of death. Upon receipt of a death certificate the Enrollment Committee will confirm such death details in the Tribal Roll Database. The Enrollment Committee will be responsible for securing a death certificate for the Tribal Roll Database when a death is reported.

SECTION XXI - ENROLLMENT FORMS

The Habematolet Pomo of Upper Lake will use the following census forms to be used where applicable concerning census matters. The Enrollment Committee must maintain sufficient copies of each form and instruct members on the proper form to use. The forms may be revised by resolution of the Executive Council, provided that the revision date must be shown on the face of the revised, adopted form.

<u>Form</u>	<u>Title</u>
HPUL E-1	Application for Membership
HPUL E-2	Official Membership Form
HPUL E-3	Family Tree – Enrollment
HPUL E-4	Enrollment Application Verification
HPUL E-5	Notice of Appeal
HPUL E-6	Enrollment Package Checklist
HPUL E-7	Authorization Statement
HPUL E-8	Request for Information – Enrollment
HPUL E-9	Supplemental Information Form – Enrollment
HPUL E-10	Response to Request for Information – Enrollment
HPUL E-11	Notice of Deficiency
HPUL E-12	Notice of Voluntary Withdrawal of Application
HPUL E-13	Notice of Disenrollment
HPUL E-14	Notice of Updated Tribal Roll & Database Information
HPUL E-15	Notice of Intent to Recommend Denial
HPUL E-16	Notice of Actual Denial
HPUL E-17	Notice of Appellate Decision
HPUL E-18	Notice of Approval

SECTION XXII – AMENDMENTS

This Habematoel Pomo of Upper Lake Enrollment Ordinance may be amended by the Habematoel Executive Council, upon recommendation of the Enrollment Committee or General Membership. Action must be taken by Resolution of the Habematoel Pomo Executive Council.

SECTION XXIII - DEFINITIONS

As used herein, the following terms shall have the following meanings unless otherwise specified, even if they are not capitalized.

Affidavit: A written statement of fact signed by a person who swears it is true under the penalty of perjury.

Appeal: A complaint to a higher court or administrative level that a lower court or administrative body made an error or caused an injustice to be done.

Appellant: A person who asks that a decision of one body be reviewed by a body with authority to change the decision. In the context of this Enrollment Ordinance, this will typically involve an applicant requesting that the Grievance Review Board review the decision of the Executive Council regarding a Notice of Denial or Notice of Disenrollment.

Appellant Review: The re-examination by a higher court or administrative level of a decision made by a lower body to make sure the lower body made the correct decision. See Appeal.

Application: An application, whether complete or incomplete, for membership in this Tribe.

Applicant: A person who seeks to be enrolled in the Tribe as a member and whose name is on the Application.

Base Roll: All persons listed as individuals whose names appear on the partial summary judgment in *Upper Lake Pomo Association, et al., v. Cecil Andrus et. Al., No. C-75-0181 SW*, entered May 15, 1979.

Burden of Proof: The duty to positively prove a fact (or set of facts) in dispute, by a Preponderance of Evidence deemed admissible by the reviewing body for the purposes of this Ordinance, unless otherwise stated herein.

Certify: The act of endorsing or confirming the statement, recommendation, document, or act. Certifications will be represented by signature(s) of the Enrollment Committee or Executive Council, as appropriate.

Collateral Relatives: Descendants from the same ancestor, but not from one another (namely, aunts, uncles, brothers, sisters, cousins, etc.) Common Law

Constitution: The Constitution of the Habematoel Pomo of Upper Lake .

Descendant: When used in enrollment, this term refers to lineal descendants. Lineal descendants are the children of parents, who are children of parents that go back to the Base Roll, as proven by DNA and other acceptable evidence. A person is considered a descendant of a Tribal Member even if a generation between was not enrolled.

Disenrollment: An affirmative action by the Tribe to remove a Member of the right to Tribal membership.

DNA Test(ing): DNA is short for deoxyribonucleic acid testing. DNA testing analyzes the genetic material of two or more individuals to show the probability that they are genetically related.

Documentation: The supplying of evidence to support a statement of fact. No enrollment action should be taken without documentation to support the decision.

Dual Enrollment: Membership in more than one tribe, band colony, pueblo, rancheria, reservation, group or organization.

Due Process: A course of proceedings according to the rules and principles established for the protection of individual rights. The fundamental requirements of due process are notice and an opportunity to be heard. When a government (tribe or tribal organization) makes decisions affecting the life, liberty or property of an individual, the government must provide an opportunity to the individual to defend those rights, and, in reaching a decision, the government must not act unreasonably.

Enrollment Application: Application for enrollment with the Habematoel Pomo of Upper Lake

Enrollment File: The file (electronic and physical) containing an Applicant's enrollment materials, including but not limited to Application and other supporting materials.

Enrollment Committee: An official group of five (5) members appointed by the Executive Council to regularly review enrollment applications and recommend (and sometimes deciding) whether they should be approved or denied.

Family Tree: The relationships or lines of decent through parental lines. A family tree chart is used to trace and demonstrate ancestry.

Federally Recognized Tribe: Indian tribes recognized by the Federal Government as eligible for Federal services, as established by inclusion in the current list published in the Federal Register, entitled "Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs.

General Membership: The group of adult persons who are Tribal Members and eligible to vote on Tribal matters.

Good Cause: The term denoting adequate or substantial grounds or reason to take a certain action, or to fail to take an action prescribed by law, including this Ordinance. What constitutes a good cause is determined on a case by case basis, by the body required to make the determination at issue.

Grievance Review Board: A group of seven (7) Tribal Members who have reached the age of 18 years will be selected by majority vote of the General Membership to serve hearing panel members until a Tribal Court is established by the General Membership.

Guardian: One who has the legal right and duty, as determined by a court or body of competent jurisdiction, to care for a person or property of another.

Lineal Descendant: A person who is in direct line to an ancestor who is a Tribal Member (or was a Tribal Member at the time of death), such as a child, grandchild, great-grandchild, etc. A Lineal Descendant is distinguished from a "collateral descendant," which would be from the line of a brother, sister, aunt or uncle.

Tribal Roll Database: The secure database containing the enrollment and membership information for all Tribal Members, as required under this Enrollment Ordinance, as set forth in Section VII.

Notarize: To have a document attested before or authenticated by a public officer (a notary) who witnesses the signature and certifies that it is authentic (i.e., that the person signing the document is who they claim to be).

Ordinance: This Tribe's Enrollment Ordinance.

Petition: A formal written request addressed to a court or public official.

Preponderance of Evidence: Evidence, as deemed admissible by the reviewing body, that shows the fact at issue is more than 50% likely (i.e., more than 50% of the admissible evidence shows the fact is likely true). A superiority in weight or quantity. More or better evidence or simply the "most good evidence" establishes something.

Relinquishment of Membership: Personal action by a tribal member to sever his tribal relationship, either with this Tribe or another tribe. Relinquishment can be absolute or conditional on acceptance as a member of another tribe. It must be in writing and is effective on receipt by the Enrollment Committee. The tribe cannot refuse relinquishment unless enrollee is legally incompetent.

Resolution: A formal statement by a governing body of a decision to do, or not do, something.

Sponsor: The person who has the authority to do something for someone who, because of age, absence, or incompetence, cannot do it for himself.

Tribal Court: See Grievance Review Board

Tribal Member: An individual who meets the membership requirements specified by the Tribe in its constitution and this Enrollment Ordinance, and is accordingly enrolled in this Tribe.

Tribe: The Habematolel Pomo of Upper Lake.

SECTION XXIV - EFFECTIVE DATE

This Ordinance is effective as of the date it was adopted by the Tribal Membership of the Habematolel Pomo of Upper Lake in 2000. Any amendments to this Ordinance are effective as of the date the Executive Council takes formal action, via Resolution that attaches the amended Ordinance as an exhibit, to adopt them.


{CERTIFICATION ON THE NEXT PAGE}

CERTIFICATION


We the undersigned Officers of the Habematolel Pomo of Upper Lake (the "Tribe"), being the Chairperson and Secretary of the Executive Council (EC) of the Tribe, do hereby certify that the Executive Council is composed of seven (7) Council Members, of which 7 were present, constituting a quorum, at a monthly meeting thereof, duly called, noticed and conducted on this day of November 2, 2018 and that this Resolution was adopted by an affirmative vote of 5 YEAS, 1 NAY, and 1 ABSTENTION. We further certify that since its amended adoption the Resolution and/or Enrollment Ordinance has not been rescinded, amended, or modified in any way.

DATED SIGNED: November 16, 2018

ATTEST:



SHERRY TREPPA,
Executive Council (EC) Chairperson



IRIS PICTON,
Executive Council (EC) Secretary

