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ARTICLE 1

MEMBERSHIP

(NOTE: Except as otherwise noted, the provisions of Article 1 of the Government Code were enacted on July 8, 1983 by Section 2 of Ordinance No. 83-4.)

CHAPTER 1. GENERAL PROVISIONS

Section 1-101. Definitions.

(A) "Burden of Proof" means (1) the job of persuading someone that something is true, or not true; and, (2) the job of producing evidence.

(B) "Enrollment Committee" means the committee established by the Tribal Council with the authority to make decisions on enrollment matters as more particularly set forth in this Article.

(C) "Enrollment Department" means those persons employed by the Colorado River Indian Tribes who are responsible for the maintenance of an Enrollment Office.

(D) "Member" means a person whose name appears on the certified membership roll of the Colorado River Indian Tribes.

(E) "Petitioner" means a person who seeks a review of an enrollment decision.

(F) "Quorum" means all members of the Enrollment Committee.

(G) "Relinquishment" means the voluntary, total withdrawal from membership in an Indian tribe, including the Colorado River Indian Tribes.

(H) "Sponsor" means a person who has filed an application for enrollment on behalf of another person.

(I) "Tribal Council" means the Tribal Council of the Colorado River Indian Tribes.

Section 1-102. Notice.

(A) Any notice to any person which is required to be or may be given under the provisions of this Article shall be given in writing by certified mail, return receipt requested. Service of such notice shall be deemed effected five (5) days after deposit in the United States mail.

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(B) In the event a return receipt is not signed and returned within ten (10) days after mailing, or if returned in such a manner as to indicate that the person entitled to receive notice may no longer reside at the address stated, the Enrollment Department shall use its best efforts to determine the address or location of said person and give actual notice as may be appropriate.

(C) Any person giving notice under this Section shall execute a proof of service certifying in writing as to each notice, the date, place, method of delivery and upon whom it was made.

(D) Nothing contained in this Section shall in any way operate to change or be deemed to affect the time limitations hereafter set forth in this Article.

Section 1-103. Right to Counsel.

Any applicant for enrollment or any person affected by an enrollment decision shall have, at all stages of the decision making process, the right to representation by legal or other counsel at their own expense.

Section 1-104. Failure to Appear at Hearing.

Failure of a petitioner or other affected person to appear at a duly scheduled hearing shall in no way affect the power of the Tribal Council to conduct said hearing. Such failure shall be deemed to be a waiver of the right of personal appearance and the Tribal Council shall conduct the hearing and issue a final decision based on the record and evidence properly presented.

Section 1-105. Confidentiality.

(A) The Tribal Council, Enrollment Committee and Enrollment Department shall maintain the highest degree of confidentiality and integrity of all enrollment information as is consistent with full performance of all duties and responsibilities prescribed by this Article.

(B) All meetings of the Enrollment Committee shall be closed to the public.

(C) All computer enrollment programs shall be restricted and access shall be by the Enrollment Department only.

(D) An alphabetical listing with enrollment numbers may be made available for access by other departments upon written permission granted by the Tribal Council. All requests shall be submitted in writing to the Enrollment Committee, shall clearly set forth the uses to which the listing will be put and shall justify the need for primary access. The Enrollment Committee shall make a written recommendation thereon to the Tribal Council concerning each request.

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CHAPTER 2. MEMBERSHIP

Section 1-201. Membership Criteria.

The membership of the Colorado River Indian Tribes shall consist of those persons specified in Article II, Section 1, of the Constitution of the Colorado River Indian Tribes.

Section 1-202. Tribal Membership Roll.

(A) A Tribal membership roll shall be maintained containing the names of all enrolled members of the Colorado River Indian Tribes, arranged in alphabetical order. The roll shall also indicate each members enrollment number, sex, date of birth, degree of Indian blood, and a column for remarks indicating date of enrollment, the name and base roll of the person's parents and any other pertinent information.

(B) The Tribal Council shall cause the Tribal membership roll to be kept current and shall semi-annually certify the roll. The names of all persons who are deceased and all persons who have relinquished in writing their membership in the Colorado River Indian Tribes or any other tribe shall be noted on the roll, and the names of all persons whose applications for enrollment have been approved by the Tribal Council shall be added to the roll.

(C) In accordance with Article II, Section 1.a. of the Constitution of the Colorado River Indian Tribes, corrections may be made to the official base roll subject to the approval of the Secretary of the Interior. Errors apparent on the record of the current membership roll shall not require Secretarial approval for correction.

(D) The Tribal Council shall furnish the Superintendent of the Colorado River Agency with a copy of any resolutions indicating approval or rejection of applicants for enrollment.

CHAPTER 3. ENROLLMENT COMMITTEE; ENROLLMENT DEPARTMENT

Section 1-301. Appointment of Enrollment Committee.

The Tribal Council shall by resolution establish an Enrollment Committee, appoint members and a Chairman for the committee, and make such additional provisions concerning committee structure and function as are appropriate, consistent with this Article.

Section 1-302. Powers and Duties of Enrollment Committee.

(A) The Enrollment Committee shall have the authority to review all enrollment matters, including, but not limited to, eligibility for membership, dual enrollment and disenrollment.

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(B) The Enrollment Committee shall render a written decision based on all information gained during the course of committee investigation in each enrollment matter presented for review.

(C) All enrollment matters which have been reviewed and decided by the Enrollment Committee shall be presented without undue delay to the Tribal Council.

(D) The Chairman of the Enrollment Committee shall be responsible for presentation of all enrollment matters to the Tribal Council.

Section 1-303. Powers and Duties of Enrollment Department.

(A) The Enrollment Department shall review, research and make written recommendations to the Enrollment Committee on the eligibility of applicants for membership or other enrollment matters. Recommendations concerning eligibility shall be based solely upon the criteria contained in Section 1-201 of this Article.

(B) Recommendations made by the Enrollment Department shall be based on documents provided by the applicant or member and such other information as may be obtained by the Department in the normal course of inquiry concerning enrollment matters.

(C) The Enrollment Department shall be responsible for handling all written and oral communications relating to enrollment matters.

(D) The Enrollment Department shall be responsible for the maintenance of all enrollment records.

(E) The Enrollment Department shall be available to lend appropriate assistance in all enrollment matters.

CHAPTER 4. APPLICATION FOR ENROLLMENT

Section 1-401. Application Form; Filing.

(A) Application for enrollment as a member of the Colorado River Indian Tribes shall be filed with the Enrollment Department in writing on a form approved by the Tribal Council.

(B) Application for enrollment may be made by any person on his or her own behalf or may be made by a sponsor on behalf of the following:

- (1) a minor;
- (2) a deceased person;
- (3) an incapacitated, incompetent or other person otherwise in need of assistance;

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(4) a member of the Armed Services or other service of the United States Government who is stationed outside the Continental United States;

(5) any person by a member of his or her immediate family.

Section 1-402. Application Identification Number and Date.

Upon receipt of an enrollment application, the Enrollment Department shall record the date of receipt and assign such application an identification number.

CHAPTER 5. PROCESSING OF APPLICATION

Section 1-501. Review by Enrollment Department.

(A) The Enrollment Department shall review each enrollment application, and shall, as appropriate, research, interview, and request in writing from the applicant any additional information deemed pertinent in establishing the enrollee's eligibility for membership. An applicant shall have the burden of coming forward with evidence supporting eligibility.

(B) The Department shall, based upon its review, make a written recommendation concerning the eligibility of the applicant for enrollment, citing the reasons therefor.

(C) All applications received by the Enrollment Department and the Department's recommendation thereon shall be presented to the Enrollment Committee at the next regularly scheduled Enrollment Committee meeting after receipt of the application. An application received less than thirty (30) days prior to a regularly scheduled meeting may be presented at the next subsequent regularly scheduled meeting.

Section 1-502. Review by Enrollment Committee.

(A) The Enrollment Committee shall review all applications and recommendations received from the Enrollment Department and shall render a written decision on the eligibility of each applicant for enrollment.

(B) Decisions on eligibility shall be made only upon a quorum of the Committee being present and voting.

(C) When reviewing applications, the Enrollment Committee shall permit the applicant to appear before the Committee and may request that any person, including the applicant, appear before the Committee for the purpose of providing additional information pertinent to the eligibility decision.

(D) The Committee may, at its discretion, allow any interested individual to appear before it to present any information that person believes pertinent.

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Section 1-503. Compilations to be Prepared by Enrollment Committee;
Notice to Applicant.

(A) The Enrollment Committee Chairman, with the assistance of the Enrollment Department shall compile two (2) lists, one specifying each applicant who was determined eligible for membership by the Committee; the other specifying each applicant who was determined ineligible for membership by the Committee. The Committee Chairman shall without undue delay transmit each list to the Tribal Council in the form of proposed resolutions and shall make available to the Tribal Council all application files.

(B) Notice of the Committee's decision on eligibility shall be given to the applicant within three (3) working days of the date of the decision. The notice shall be on a form approved by the Tribal Council and shall state, at minimum, the decision of the Committee, the basis for the decision, the fact that the Tribal Council makes the final determination of eligibility and that the applicant will be given reasonable opportunity to have a hearing before the Tribal Council.

Section 1-504. Action by Tribal Council.

(A) The Tribal Council shall review and consider the proposed resolutions and files presented by the Chairman of the Enrollment Committee. The Council shall approve or disapprove an application for enrollment by acting upon the proposed resolutions presented by the Chairman of the Enrollment Committee.

(B) The decision to approve or disapprove an application for enrollment shall be subject to review as set forth in Chapter 8 of this Article.

Section 1-505. Notice to Applicant.

(A) Each applicant approved for enrollment by the Tribal Council shall be given written notice, on a form to be approved by the Tribal Council, indicating such approval, the authority for enrollment, the resolution number and date of adoption.

(B) Upon determination by the Tribal Council that an applicant is not eligible for membership, the applicant shall be given written notice on a form to be approved by the Tribal Council, that he failed to meet the Constitutional requirements for membership. The notice shall further advise the applicant of the review procedures set forth in Chapter 8 of this Article.

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Section 1-506. Publication and Posting.

Each resolution passed by the Tribal Council concerning the enrollment status of named individuals shall be published in a newspaper of general circulation on the Colorado River Indian Reservation at least once (1) during the fifteen (15) day period following the date of passage of the resolution. The Enrollment Department shall certify to the Tribal Council the publication date and contents of the notice. Each such resolution shall be posted in various conspicuous locations throughout the Reservation. Said posting shall be made within five (5) days following date of passage of the resolution and shall be certified to the Tribal Council by the Police Department.

CHAPTER 6. DUAL ENROLLMENT

Section 1-601. Dual Enrollment Prohibited.

Names of persons enrolled as members of other tribes, bands or groups of Indians shall not be included on the Tribal membership roll.

Section 1-602. Notice of Dual Enrollment; Request for Relinquishment.

(A) Any person found to be enrolled with the Colorado River Indian Tribes and any other tribe shall be notified in writing of such dual enrollment.

(B) Any person found to be dually enrolled shall be allowed sixty (60) days from the effective date of notice of dual enrollment to furnish the Enrollment Committee with satisfactory proof of relinquishment or initiation of relinquishment of membership with any tribe other than the Colorado River Indian Tribes. Failure to furnish such proof within the allowed sixty (60) days will result in initiation of disenrollment proceedings pursuant to Chapter 7 of this Article.

(C) Any person found to be enrolled with the Colorado River Indian Tribes and any other tribe shall be immediately suspended from the membership roll of the Colorado River Indian Tribes pending final resolution of the dual enrollment issue. While suspended from the membership roll under this Section, no person shall be entitled to any privilege, right, interest, or claim based on membership in the Colorado River Indian Tribes.

CHAPTER 7. REMOVAL FROM MEMBERSHIP

Section 1-701. Removal.

Any person may voluntarily or involuntarily have his or her name removed from the membership roll of the Colorado River Indian Tribes.

Section 1-702. Relinquishment.

(A) Any person may voluntarily have his or her name removed from the membership roll of the Colorado River Indian Tribes by relinquishing membership in the Colorado River Indian Tribes.

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(B) Relinquishment of membership shall be accomplished by submitting to the Enrollment Department either:

(1) a written statement evidencing an intent to no longer retain membership in the Colorado River Indian Tribes; or

(2) a statement of relinquishment on a form to be approved by the Tribal Council.

(C) Requests for relinquishment of membership shall be processed in the manner specified for enrollment applications in Chapter 5 of this Article.

Section 1-703. Effect of Relinquishment; Finality.

Once accepted by resolution of the Tribal Council, relinquishment of membership in the Colorado River Indian Tribes shall be total and irrevocable. No right of review shall exist.

Section 1-704. Disenrollment.

(A) Any person may involuntarily have his or her name removed from the membership roll of the Colorado River Indian Tribes by disenrollment in accordance with the provisions of this Chapter.

(B) All disenrollment actions shall be brought by the Enrollment Committee and may be commenced by request of any Tribal member or on the initiative of the Enrollment Department.

Section 1-705. Grounds for Disenrollment.

The grounds for disenrollment shall be:

(1) Dual enrollment as proscribed by Section 1.a. of Article II of the Constitution of the Colorado River Indian Tribes.

(2) Enrollment based on false information, a forged document, or administrative error.

Section 1-706. Notice of Disenrollment.

Any person who is the subject of a disenrollment action shall be notified of the pendency of such action and the facts alleged to support the action.

Section 1-707. Disenrollment Hearing.

A hearing before the Tribal Council shall be conducted in any disenrollment action.

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Section 1-708. Scheduling of Disenrollment Hearing.

(A) The notice required by Section 1-706 shall specify a hearing date and time not less than twenty (20) nor more than fifty (50) days after mailing of the notice unless the notice is mailed to an address outside the Continental United States, in which case the hearing date shall be set not less than fifty (50) nor more than sixty-five (65) days from the date of mailing.

(B) The Tribal Council or Tribal Chairman may reschedule a hearing upon a showing that circumstances exist which require an extension of time. Requests for extension of time shall be made to the Enrollment Department which shall immediately refer them to the Tribal Council or Tribal Chairman. The Tribal Council or Tribal Chairman shall respond in writing to the request for extension of time within three (3) days of receipt of the request by the Enrollment Department.

Section 1-709. Conduct of Hearing; Burden of Proof.

(A) At the disenrollment hearing, the person who is the subject of the action shall have the right to present evidence, to be heard on his or her own behalf and to examine witnesses.

(B) The Tribal Council shall consider any matter or information relevant and material to the circumstances alleged to be grounds for disenrollment.

(C) The burden of proving grounds for disenrollment shall be on the party who initiated the disenrollment proceeding.

Section 1-710. Decision of Tribal Council.

(A) The Tribal Council shall consider the record and evidence presented at the hearing and shall by resolution decide the question of disenrollment.

(B) A decision on disenrollment shall be subject to review as set forth in Chapter 8 of this Article.

(C) The person that is the subject of a disenrollment action shall be notified of the disenrollment decision within three (3) working days after it is rendered.

CHAPTER 8. REVIEW OF THE TRIBAL COUNCIL

Section 1-801. Right of Review.

Any affected or interested party shall be entitled to a review hearing before the Tribal Council with respect to any enrollment decision made by the Tribal Council, excluding acceptance of relinquishment.

Section 1-802. Scheduling of Review Hearing.

(A) Each Notice of Rejection required to be served in accordance with Chapter 5 of this Article, shall specify a date and time for a review hearing before the Tribal Council on the issue of the applicant's eligibility for membership. The review hearing shall be conducted not less than twenty (20) nor more than fifty (50) days after the Notice of Rejection is mailed, unless the Notice of Rejection is mailed to an address outside the Continental United States, in which case the hearing shall be set not less than fifty (50) nor more than sixty-five (65) days from the date of mailing.

(B) Any person entitled to review of an enrollment decision, for which no review hearing date and time has been specified, may file with the Enrollment Department a written request for a review hearing on that decision. No hearing shall be set and the person shall be deemed to have waived any right to review of the enrollment decision unless the written request is received by the Enrollment Department no later than thirty (30) days after the date of mailing of notification of the decision, or not later than sixty (60) days after the date of the mailing, if the notification is mailed outside the Continental United States. Upon the timely filing of a written request, the Enrollment Department shall notify the Enrollment Committee and the Tribal Council. The Tribal Council shall conduct a review hearing not less than twenty (20) nor more than fifty (50) days after the date the request is received by the Enrollment Department. Notice of such hearing shall be served upon the petitioner, not less than ten (10) days prior to the hearing date.

(C) The Tribal Council or Tribal Chairman may reschedule a review hearing upon a showing that circumstances exist which require an extension of time. Request for extension of time shall be directed to the Enrollment Department, who shall immediately refer them to the Tribal Council or the Tribal Chairman. The Tribal Council or Tribal Chairman shall respond in writing to the request for extension of time within three (3) days of receipt of the request by the Enrollment Department.

Section 1-803. Supporting Statements and Data.

(A) Each petitioner, other than the person who is the subject of an action, shall be required to specify in writing the reasons for challenge of an enrollment decision and shall submit all data in support thereof. Such written statement and supporting data shall be submitted to the Enrollment Department no later than ten (10) days prior to the hearing date set.

(B) The Enrollment Department shall serve notice upon all affected parties of the filing of such written statement and supporting data and shall further advise of the availability of these materials for examination at the Enrollment Department.

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Section 1-804. Review Record.

(A) Upon the setting of a time and date for a review hearing, the Enrollment Committee shall transmit to the Tribal Council copies of the complete record pertaining to the enrollment decision.

(B) Review shall be limited to the record established and a petitioner shall not be allowed to submit any additional evidence or testimony unless such is newly discovered evidence which by due diligence could not have been discovered earlier or is being presented by a petitioner who had no opportunity to participate in the action prior to review.

Section 1-805. Burden of Proof.

(A) In any action challenging an eligibility or other enrollment decision, the burden of proof shall be on the petitioner.

(B) In any action challenging a decision of the Tribal Council to disenroll, the burden of proof shall be upon the Colorado River Indian Tribes.

Section 1-806. Decision of Tribal Council.

(A) In reaching a decision, the Tribal Council shall consider the record presented, such additional evidence that is deemed admissible and any oral presentation or argument made.

(B) If evidence presented for the first time on review forms a basis for the decision reached, the Tribal Council shall so state.

(C) The decision of the Tribal Council on review shall be final and conclusive.

(D) The petitioner and affected parties shall be notified of the review decision within three (3) working days after it is rendered.

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