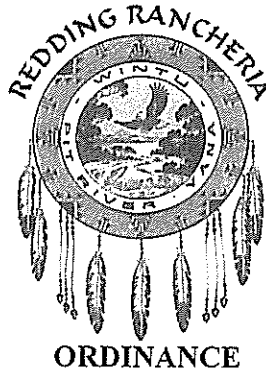


**Redding Rancheria
Enrollment Ordinance**



REDDING RANCHERIA ENROLLMENT PROCEDURES ACT 2009

Statement of Purpose: An ordinance to define and regulate membership in the Redding Rancheria in accordance with tribal requirements, and to establish an orderly enrollment procedure which affords due process of tribal law to all persons applying for enrollment as a member of the Redding Rancheria, Redding, California.

Now Therefore:

BE IT ENACTED BY THE COUNCIL of the Redding Rancheria of Redding, California, as follows:

MEMBERSHIP REQUIREMENTS

Regular Membership

- a. All of the seventeen (17) original distributees listed on the plan of distribution of the Redding Rancheria, dated October 8, 1959.
- b. All lineal descendants of the seventeen (17) original distributees listed on the plan of distribution of the Redding Rancheria, dated, October 8, 1959.

ADOPTION REQUIREMENTS

At this time the Redding Rancheria does not acknowledge persons as members who were adopted by members of the tribe unless the adopted person satisfies one of the requirements listed in the **Membership Requirements** section.

ARTICLE I

TITLE, DEFINITIONS, AND REGULATIONS

Section 1 - Short Title

This ordinance may be cited as the Redding Rancheria Enrollment Act.

Section 2 - Definition of Terms

For the purpose of this ordinance, the word or words underlined below shall have the following definitions:

- a. Applicant: A person seeking to be enrolled as a Tribal Member. The applicant shall present supporting evidence that he or she satisfies the membership requirements.
- b. Appellant: A person who is appealing from the Redding Rancheria Tribal Council's decision to reject an application for enrollment.
- c. Enrollment Committee: A committee established by the Redding Rancheria Tribal Council with the authority to recommend to the Council whether an application for enrollment should be approved or rejected. The Enrollment Committee will receive a reasonable honorarium for one committee meeting a month.
- d. Minor: A living person under the age of 18 years.
- e. Newborn Applicant: A living person six (6) months old or younger on the date application for membership is filed with the Redding Rancheria Enrollment Committee, who is the natural child of a Tribal Member living on the date of that child's birth. In determining whether a person shall be treated as a Newborn Applicant, the Enrollment Committee and the Tribal Council shall construe the term liberally in accordance with the intent of the Tribal Constitution and the Tribal Council to protect the welfare of Tribal Members and their children.
- f. Regulations: The Tribal Council shall have the authority to promulgate regulations to further the purposes of this Act. Such regulations shall include without limitation the situations under which an applicant shall be deemed a Newborn Applicant and other matters the Tribal Council may deem necessary or desirable in the public interest in carrying out the duties of the Enrollment Committee and the Tribal Council as defined by this Act. Regulations shall be effective from the date of the approval of the Tribal Council Resolution promulgating such regulations.
- g. Sponsor: The executor or administrator of the applicant's estate, the applicant's parents, recognized guardian, next of kin, or other Tribal Member relative; the applicant's spouse or other person authorized to file an application for the enrollment on behalf of another person as the applicant; or the Tribal Member authorized by the Tribal Court to care for the applicant's welfare.
- h. Tribal Member: Any person, regardless of age, who is an enrolled member of the Redding Rancheria for the entire month in which per-capita benefits are paid, set aside pursuant to the plan, as defined in the Redding Rancheria Distribution Ordinance 2009 as may be amended, or contributed to custodial trusts.

**ARTICLE II
APPLICATION FOR ENROLLMENT**

Section 1 - Written application to be filed with Enrollment Committee

A separate written application for enrollment or a form approved by the Council shall be filed with the Enrollment Committee by or on behalf of each person applying for enrollment as a member of the tribe.

Section 2 - Sponsoring an application for enrollment on behalf of another person

If the person sought to be enrolled is deceased, a minor or other person in need of assistance, a member of the Armed Services or other services of the United States Government and/or members of their immediate families who are stationed outside the continental United States, an application for enrollment may be completed and filed by the executor or administrator of the applicant's estate, the applicant's parents, recognized guardian, next of kin, other Tribal Member relative, the Tribal Member authorized by the Tribal Court to care for the applicant's welfare, or by the applicant's spouse as the sponsor or such person.

Section 3 - Applications to be numbered and dated

The Enrollment Committee shall assign an identifying number and shall record the date of each enrollment application received.

******ARTICLE III
PROCESSING ENROLLMENT APPLICATIONS**

Section 1 - DNA Testing

When the Enrollment Officer receives an enrollment application the Enrollment Officer will compile the information and order a DNA test if the person satisfies Article VI.

Section 2 - Enrollment Committee Meetings

The enrollment committee will meet on the second Wednesday of every month to consider all completed applications submitted in the prior month. If an application is not completed by the date that the Enrollment Committee meets then the application will not be considered until the following month. The next possible council meeting the Enrollment officer will present the prior months completed applications and any other evidence that has been gathered. The Enrollment Officer will give a written recommendation to the Council that the application be rejected or denied.

Section 3 - An Enrollment Committee shall review applications and make recommendations to the Redding Rancheria Tribal Council.

The Enrollment Committee shall review all enrollment applications, petitions and shall consider information provided in such applications, together with all other available evidence concerning the applicant's eligibility for membership and make its written recommendation to the Redding Rancheria Tribal Council as to whether the application should be approved or rejected. In making recommendations on approval or rejection of applications from Newborn Applicants, the committee shall follow regulations promulgated under this Act whereby persons are deemed to be Newborn Applicants. Where the committee considers additional information from the person filing the application and may request such person to appear before the committee for a personal informal interview. The content and form for such written recommendation shall be approved by the Redding Rancheria Tribal Council.

Section 4 - Council shall determine applicant's eligibility for enrollment

- a. Reviewing applicant's eligibility. The Redding Rancheria Tribal 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 member of the Redding Rancheria of Redding, California. The person filing an application has the burden of proof of establishing to the satisfaction of the Redding Rancheria Tribal Council that the applicant meets all of the requirements for tribal membership. The Redding Rancheria Tribal Council shall consider all relevant evidence regarding the applicant's eligibility for enrollment, but the relevancy, weight, and sufficiency of such evidence shall be determined by the Redding Rancheria Tribal Council.
- b. Final Determination of applicant's eligibility as to whether an application for enrollment is approved or rejected by the Redding Rancheria Tribal Council shall be reduced to writing and signed by the Chairman of the Redding Rancheria Tribal Council regarding each application for enrollment filed with the Enrollment Committee. Such determination shall also set forth the findings of fact indicating whether the Enrollment Committee recommended that the application be approved or rejected, the date of the applicant's birth, and the membership requirement(s) which Tribal Council found the applicant failed to establish. The form of the Tribal Council's written determination shall be approved by the Tribal Council.

Section 5- Notice of the Redding Rancheria's Tribal Council determination of applicant's eligibility.

- a. Notice required for every person filing an application for enrollment shall be given written notice of whether Tribal Council rejected or accepted the application for enrollment.
- b. Content of Notice or Rejection by Tribal Council, the written notice shall:
 1. Indicate that the application was rejected and set forth the tribal membership requirement(s) which Tribal Council found the applicant failed to establish.

2. Provide that the rejection of the application for enrollment may be appealed to the Tribal Council in accordance with the appeal procedures established by this ordinance. The rejection of the application may be appealed to a meeting of the general membership sitting as a committee of the whole. A majority vote of the Tribal Council quorum present and voting shall be the final appeal. The notice shall indicate the time within such an appeal must be commenced and the

procedure for commencing such appeal. The content and form of the notice of rejection shall be approved by the Tribal Council.

- c. Content of Notice of Approval. If Tribal Council approves the application for enrollment, the written notice shall indicate that the application was approved and the tribal resolution number and the date of its enactment whereby the approval of such application was commemorated. The content and form of the Notice of Approval shall be approved by the Tribal Council.
- d. Manner of giving notice is required to be given promptly under this section after the Tribal Council makes its final determination as to whether the application for enrollment is approved or rejected, and shall be sent by certified mail with postage thereon fully prepaid, with a return receipt requested, address provided by such person in the application form or at such different address as may be subsequently provided the Enrollment Committee in writing. (Article III amended by General Membership date)

Section 6 – Establishment of Enrollment Pool of Eligible Applicants.

Following any Tribal Council determination under Section 4 of this Article, of approval of an application for membership of a person who is not a Newborn Applicant, Tribal Council shall direct the enrollment committee to place the name of such applicant on a list of persons eligible for enrollment on the Redding Rancheria membership rolls (Enrollment Pool of Eligible Applicants).

Section 7 – Annual Reports to Tribal Council from Chief Financial Officer

Every five years commencing on or before September 1, 2015 the Chief Financial Officer of the Redding Rancheria shall provide a report to the Tribal Council including (1) a projected budget for the following five (5) calendar years based on current year income and projected future year incomes and (2) projected income and expenditures for the following five (5) years, together with the recommendation of the executive team as to whether funds are available for enrollment of one or more persons from the Enrollment Pool of Eligible Applicants.

Section 8 – Based on the report and recommendation in Section 7 of this Article, Tribal Council shall determine in its sole discretion whether any applicants from the Enrollment Pool of Eligible Applicants shall be enrolled as members of the Redding Rancheria commencing the following year. If the Tribal Council determines that sufficient funds

are available and finds it in the interest of the Tribe and its membership, the Tribal Council shall direct the enrollment committee whether to add any eligible Applicants to the membership roll of the Redding Rancheria, selection to be based on eldest eligible persons first.

Section 9 – In the event that Tribal Council determines that funds are not available or that it is not in the best interest of the Tribe or its membership to enroll new eligible Applicants, Tribal Council shall be authorized to approve by resolution a moratorium on enrollment of new members for up to five years, such a resolution to specify whether it applies to all applicants or whether its effect shall not extend to Newborn Applicants.

Section 10 – Tribal Council shall have the authority to determine whether any new members who are not Newborns shall be eligible for Tribal program benefits, provided that no retroactive benefits may be conferred on any members enrolled after the effective date of this 2009 Enrollment Procedures Act Amendment.

ARTICLE IV APPEALS TO THE TRIBAL COUNCIL

Section 1 - Right of Appeal

Any person filing an application for enrollment which has been rejected by the Tribal Council may appeal such a rejection may be appealed to the membership at a regular meeting on the General Council.

Section 2 - Commencing an Appeal

To commence an appeal, such person must clearly express an intent to appeal such rejection to the Tribal Council, or to a regular meeting of the General Council in a written instrument, a copy of which must be served on the Tribal Council before the close of business on the 30th day after the Notice of Rejection is received by the person filing the Application for Enrollment, unless such notice is delivered to an address outside the Continental United States in which case three shall be 60 days rather than 30 days in which to file such an appeal.

Section 3 - Appellate Review

Upon an appeal being commenced, the Tribal Council shall transmit the complete record pertaining to the application for enrollment, together with all evidence presented concerning the applicant's eligibility to the Tribal Council, or to a general meeting of the membership. The burden of proof of establishing eligibility is on the appellant. The appeal should include any supporting evidence not previously furnished and may include a copy of or reference to any bureau or tribal records having a direct bearing on appellant's eligibility. Appellant may furnish affidavits from persons having personal knowledge of the facts at issue. An appellant may request additional time to submit

supporting evidence. A period considered reasonable for such a submission may be granted by the Tribal Council if the appeal is taken to the General Membership.

Section 4 - Decision of Tribal or General Membership

The Tribal Council or General Membership will consider the record as presented, together with such additional information that may be considered pertinent and the Court of General Membership may, in its own indiscretion, allow oral presentations to be made. Any such additional information shall be specifically identified in the decision. The decision of the Tribal Council or General Membership on appeal shall be final and conclusive and written notice of the decision shall be given to appellant.

***ARTICLE V RECONSIDERATION OF ENROLLMENT**

Section 1 - Reconsideration of Application

If the Enrollment Committee or Tribal Council discovers after an application for membership has been approved or denied that a member may have misrepresented or omitted facts which might have made him/her application was first approved or denied, his/her application shall be reconsidered in accordance with the procedure for processing an original application. The Enrollment Committee or Tribal Council may re-evaluate disapproved applications after time limitations for appeals have expired, if the applicant can produce evidence which apparently would have made him/her eligible when the application was filed or during the appeal period. Corrected applications will be submitted to the Enrollment Committee in accordance with Article II of the Redding Rancheria Enrollment Procedures Act. (Article V added by Tribal Council on November 4, 1994)

**** ARTICLE VI DNA TESTING**

Section 1 - DNA testing on Applicant.

If the Applicant being considered for enrollment is claimed to be the child of a male member of the Redding Rancheria, a DNA test must be conducted and submitted along with the enrollment application and supporting documents. The results of the DNA must be conclusive that the male Redding Rancheria member is the father of the child.

If the Applicant being considered for enrollment is the child of a female member of the Redding Rancheria a DNA test is unnecessary. (Article VI added by General Membership on Date)

**ARTICLE VII
MISCELLANEOUS**

Section 1 - List of applicant's names to be provided to superintendent

The Tribal Council shall furnish the Superintendent of the Bureau of Indian Affairs with a list of applicant's names and their application numbers indicating those applications which were approved and those rejected. A separate statement shall accompany such list stating the reason for the rejection on each rejected application.

Section 2 - Tribal Membership Roll

Tribal membership roll shall contain the names of all enrolled members of the Redding Rancheria, Redding California, arranged in alphabetical order. For each such member, the roll shall also indicate the person's enrollment number, sex, date of birth, address and a column for remarks, (i.e., date of enrollment). The remarks column should also indicate the name and base roll number of person's parents any notations made upon such roll shall indicate by whom such notations were made, the date, and the authority for making such notations.

Section 3 - Tribal Membership Roll to be kept current

The Tribal Council shall cause the tribal membership roll to be kept current and shall annually review the roll for such purpose. The name of all persons who have relinquished their membership in the tribe in writing shall be noted in the roll and the names of all persons whose applications for enrollment have been approved by the Tribal Council shall be promptly added to the roll.

Section 4 – Interpretation of Act.

The Tribal Council shall have the exclusive authority to interpret the meaning of this Redding Rancheria Enrollment Procedures Act.

Section 5 - Repeal of prior conflicting ordinances and resolutions

Any ordinance or resolution in conflict herewith shall be repealed to the extent of such conflict.

Section 6 - Effective date of ordinance

Shall be the date that the Enrollment Procedures Act amendment of 2009 was enacted by the Tribal Council.

Section 7 – Referendum as to 2009 Amendments.

In accordance with the Redding Rancheria Constitution Article 9 Section 2 Tribal Council determined that amendment of the enrollment procedures act was an important issue which should be considered by the membership at a special or general meeting. A majority vote of the membership present at the general meeting on December 14, 2009 voted to approve a decision of the Tribal Council regarding the amendment of the ordinance to include additional definitions in Article 2, additional procedures for processing enrollment applications for adults under Article 3, and Tribal Council interpretation of the ordinance and the effective date of the ordinance in Article 7.

CERTIFICATION

We, the undersigned duly elected officials of the Redding Rancheria, do hereby certify that on February 5, 1987, the foregoing Ordinance was adopted at a duly called meeting of the Tribal Council of the Redding Rancheria with a quorum present by a vote of 6 for, 0 against, 0 abstaining and 0 absent.

Leland Foreman (signed February 5, 1987, original on file)
Redding Rancheria, Chairperson

Carla Maslin (signed February 5, 1987, original on file)
Redding Rancheria Secretary

*CERTIFICATION

The Redding Rancheria Enrollment Procedures Act was amended to add the "Reconsideration of Enrollment" Article by a vote of and approved 6 for 0 against on November 11, 1994 at a duly called Tribal Council Meeting.

Edward R. Foreman (signed November 4, 1994, original on file)
Redding Rancheria Chairperson

Betty Benner (signed November 7, 1994, original on file)
Redding Rancheria Secretary

**CERTIFICATION

The Redding Rancheria Enrollment Procedures Act was amended by amending Article III, Processing Enrollment Applications and adding Article VI on "DNA Testing" by a majority vote of the General Membership on July 7, 1997 at a duly called General Council Meeting.

Edward R. Foreman (signed July 7, 1997, original on file)
Redding Rancheria Chairperson

Debbie Sarot (signed July 7, 1997, original on file)
Redding Rancheria Secretary

Present Council

- | | |
|-------------------------------------|-----------------------------------|
| 1. Chairman – Edward R. Foreman | 6. Council person – Gary Hayward |
| 2. Vice Chairperson - Tracy Edwards | 7. Council person – Stacey Greer |
| 3. Secretary – Debbie Sarot | 8. Alternate – Leon Benner |
| 4. Treasurer – Carla Maslin | 9. Alternate – Bobby Foreman |
| 5. Council person – Hope Wilkes | 10. Alternate – Glen Hayward, Sr. |
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*****CERTIFICATION**

The Redding Rancheria Enrollment Procedures Act was amended by amending Article I, Definition of Terms, Article II, Defining Sponsorship, Article III, Processing Enrollment Applications and Article VII, Miscellaneous by a vote of and approved 5 for 0 against on November 19, 2009 at a duly called Tribal Council Meeting.

Jason Hart (signed February 9, 2010, original on file)
Redding Rancheria Chairperson

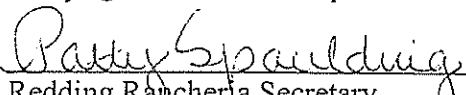
Patty Spaulding (signed February 9, 2010, original on file)
Redding Rancheria Secretary

******CERTIFICATION**

The Redding Rancheria Enrollment Procedures Act was amended by amending Article III, Reports to Tribal Council from Chief Financial Officer, Article III, Section 9 by a vote of and approved 6 for 0 against on July 22, 2014 at a duly called Tribal Council Meeting.



Redding Rancheria Chairperson



Redding Rancheria Secretary

**ENROLLMENT PROCEDURES ACT
ADOPTED ON FEBRUARY 5, 1987
*FIRST AMENDED NOVEMBER 4, 1994
**SECOND AMENDED ON JULY 7, 1997
***THIRD AMENDED NOVEMBER 3, 2009
**** FOURTH AMENEDED JULY 22, 2014**