

Law Offices of Karla D. Bell

4712 Admiralty Way, Suite 580
Marina del Rey, CA 90292
(310) 577-2555 phone
(310) 577-3210 fax
kbelllaw@msn.com

Via U.S. Mail

August 26, 2005

Mr. Troy Burdick, Superintendent
Bureau of Indian Affairs
650 Capital Mall
Suite 8-500
Sacramento, CA 95814

RE: California Valley Miwok Tribe

Dear Mr. Burdick:

Thank you for meeting with me on Friday, July 8th. During this meeting you agreed to provide information regarding the potential members of the California Valley Miwok Tribe ("Tribe") that were identified in my letter dated February 24, 2005. Since this meeting and my prior meeting with Mr. Ray Fry on June 17th, we have been awaiting any information from your office that may be helpful to assist the Tribe with processing and evaluating the potential members that have been identified. To date, we have not received any information regarding the individuals that have been identified. Please provide us with the status of obtaining this information.

In addition, we understand that your office has been in contact with or has the contact information for Mr. Melvin Dixie. The Tribe would greatly appreciate it if your office would forward Mr. Dixie's contact information or last known address to us.

The Tribe looks forward to any information that your office can provide regarding any potential members. If you have any questions regarding enrollment or membership matters, please feel free to contact me. Thank you in advance for your assistance.

Sincerely,


Karla D. Bell

cc: Silvia Burley, Chairperson
Phil Thompson, Esq.
George Steele, Esq.

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Via U.S. Mail

September 28, 2005

Mr. Troy Burdick, Superintendent
Bureau of Indian Affairs
650 Capital Mall
Suite 8-500
Sacramento, CA 95814

RE: California Valley Miwok Tribe

Dear Mr. Burdick:

On August 26, 2005, a letter under my signature was sent you requesting information that you agreed to forward during our July 8, 2005 meeting. To date, I have not received this information or a response to my letter dated August 26, 2005 which also seeks contact information for Mr. Melvin Dixie.

On behalf of the Tribe, we look forward to any information that your office can provide. If you have any questions regarding enrollment or membership matters, please feel free to contact me. Thank you in advance for your assistance.

Sincerely,



Karla D. Bell

cc: Silvia Burley, Chairperson
Phil Thompson, Esq.
George Steele, Esq.

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Via U.S. Mail

November 11, 2005

Mr. Troy Burdick, Superintendent
Bureau of Indian Affairs
650 Capital Mall
Suite 8-500
Sacramento, CA 95814

RE: California Valley Miwok Tribe

Dear Mr. Burdick:

On October 7, 2005 the California Valley Miwok Tribe (the "Tribe") published for the following public notice:

"The California Valley Miwok Tribe, a Federally Recognized Native American Tribe formerly known as the 'Sheep Ranch Rancheria' (the "Tribe") is currently accepting applications for membership. Anyone who (i) has an ancestral connection with the Tribe; (ii) can prove they are of Miwok descent; (iii) is not a member of another Federal or State recognized Indian Tribe (or organized band or community) and (iv) is at least 18 years old, may send a request for an application to enroll in the Tribe"

This public notice was published in The Record, Stockton; The Modesto Bee, Merced Sun-Star, and the Calaveras Enterprise. These local newspapers were selected in an effort to reach and identify the maximum number of individuals that may be eligible to enroll in the Tribe.

Since the publication of the above notice over 30 days ago, the Tribe has received a total of three (3) inquires. Assuming that these individuals submit enrollment applications and are indeed eligible to join the Tribe, the Tribe will again request that your office forward records and information regarding the applicants' Indian heritage and ancestry. In addition to any requests for information of new applicants that may follow, on August 26, 2005, a letter under my signature was sent you requesting information that you agreed to forward during our July 8, 2005 meeting. To date, I have not received this information or a response to my letter dated August 26, 2005 which also seeks contact information for Mr. Melvin Dixie.

In addition, the Tribe has informed the individuals that were identified in a letter dated February 24, 2005 under my signature that your office will not release necessary information to the Tribe without a release. Releases were sent to each of the identified

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individuals to sign and forward to your office. To date, we have not received an update regarding the status of those releases nor the requested information.

Given your office's failure to respond to my requests on behalf of the Tribe and requests directly from the Tribe, it appears that all of the Tribe's efforts towards its enrollment matters have been ignored by your office. It is our hope that your office will not impede the Tribe efforts to move forward with its enrollment efforts and your office will forward information that has been requested.

On behalf of the Tribe, we look forward to any information that your office can provide. If you have any questions regarding enrollment or membership matters, please feel free to contact me. Thank you in advance for your assistance.

Sincerely,

Karla D. Bell

cc: Silvia Burley, Chairperson
Phil Thompson, Esq.
George Steele, Esq.

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested in the above entitled matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue thereof on the following dates, to wit:

OCTOBER 7, 8, 9, 10, 11, 12, 13, 2005

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO, California** on

OCTOBER 13, 2005.


(Signature)

NOTICE:
The California Valley Miwok Tribe, a Federally Recognized Native American Tribe formerly known as the 'Sheep Ranch Rancheria' (the 'Tribe'), is currently accepting applications for membership. Anyone who (i) has an ancestral connection with the Tribe; (ii) can prove they are of Miwok descent; (iii) are not a member of any other Federal or State recognized Indian Tribe (or organized band or community); and (iv) are at least 18 years old, may send a request for application to enroll in the Tribe to the following address:
California Valley Miwok Tribe
Tribal Enrollment Attorney
4712 Admiralty Way, Suite 500
Marina del Rey, CA 90292
OCTOBER 7, 8, 9, 10, 11, 12, 13, 2005

Proof of Publication of

CA Valley Miwok Tribe – Public Notice

PUBLIC NOTICE

The California Valley Miwok Tribe, a Federally Recognized Native American Tribe formerly known as the "Sheep Ranch Rancheria" (the "Tribe") is currently accepting applications for membership. Anyone who (i) has an ancestral connection with the Tribe; (ii) can prove they are of Miwok descent; (iii) are not a member of another Federal or State recognized Indian Tribe (or organized band or community) and (iv) are at least 18 years old, may send a request for application to enroll in the

Tribe to the following address:

California Valley Miwok Tribe
Tribal Enrollment Attorney
4712 Admiralty Way, Suite 580
Marina del Rey, CA 90292
Publish: October 7, 11, 2005CE

Proof of Publication

(2015-5 C.C.P.)

This space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA,

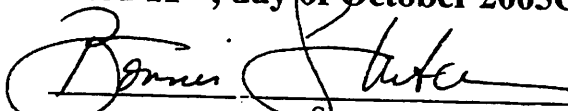
County of Calaveras.

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to or interested in the above matter. I am the principal clerk of the printer of the Calaveras Enterprise, a newspaper of general circulation, printed semi-weekly, in the City of San Andreas, California, County of Calaveras, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, of the County of Calaveras, State of California; that the notice of which the annexed is a printed copy (set in type not smaller than nonparcil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates; to-wit:

October 7, 11, 2005

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated 11th, day of October 2005CE


Signature

**CALAVERAS
ENTERPRISE**

15 North Main Street
P.O. Box 1197, San Andreas, CA 95249-1197
(209) 754-3861 - FAX (209) 754-5135

**PROOF OF PUBLICATION
NOTICE**

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

THE UNDERSIGNED SAYS:

I am a citizen of the United States and a resident of San Joaquin County; I am over the age of 18 years and not a part to or interested in the above-entitled matter. I am the principal clerk of the printer of THE RECORD, a newspaper of general publication, printed and published daily in the City of Stockton, County of San Joaquin and which newspaper has been adjudged a newspaper of general circulation in the City of Stockton and the County of San Joaquin by the Superior Court of the County of San Joaquin, State of California, under the date of February 26, 1952, File No. 52857, San Joaquin County Records; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates,

To wit; October 11, 12, 13, 14, 15, 16, 17,

All in the year, 2005.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/18/ 2005

In Stockton, California.


Sandra Johansen

PUBLIC NOTICE

The California Valley Miwok Tribe, a Federally Recognized Native American Tribe formerly known as the "Sheep Ranch Rancheria" (the "Tribe") is currently accepting applications for membership. Anyone who (i) has an ancestral connection with the Tribe; (ii) can prove they are of Miwok descent; (iii) are not a member of another Federal or State recognized Indian Tribe (or organized band or community) and (iv) are at least 18 years old, may send a request for application to enroll in the Tribe to the following address:

California Valley Miwok
Tribe
Tribal Enrollment Attorney
4712 Admiralty Way,
Suite 580
Marina del Rey, CA 90292
#433634 10/11-17, 2005



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814

IN REPLY REFER TO

FEB - 9 2006

Karla D. Bell
Law Office of Karla D. Bell
4712 Admiralty Way, Ste. 580
Marina del Rey, CA 90292

Dear Ms. Bell:

The purpose of this letter is to acknowledge receipt of your letter dated January 30, 2006, regarding the Consent to Disclosure of Information Forms for individuals seeking membership into the California Valley Miwok Tribe.

In order to begin the research on the Indian ancestry for the individuals seeking membership, the Agency is in need of the following information:

- 1.) Birth Certificate or certified copy (or)
- 2.) Death Certificate or certified copy (or)
- 3.) Marriage Certificate (or)
- 4.) Paternity statement acknowledging paternity which is signed by the father
- 5.) Consent to Disclosure of Information Forms

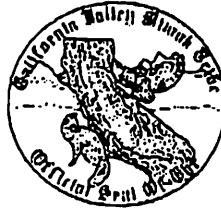
We apologize for not including this information in our previous letter. If you have questions, please do not hesitate to contact Raymond Fry at (916) 930-3794.

Sincerely,

Troy Burdick
Superintendent

CALIFORNIA VALLEY MIWOK TRIBE

10601 Escondido Pl., Stockton CA 95212 Bus: (209) 931-4567 Fax: (209) 931-4333
<http://www.californiavalleymiwoktribe-nsn.gov>



Transmitted Via Fax and Express Mail (Certified Return Receipt)

April 6, 2006

Mr. Troy Burdick
Superintendent
Central California Agency
650 Capital Mall
Suite 8-500
Sacramento, CA 95814

Re: California Valley Miwok Tribe

Dear Superintendent Burdick:

I am writing to you to request a meeting to discuss various issues relating to the Tribe's P.L. 638 Aid-to-Tribal Government's contracts and the assistance the Tribe was supposed to be receiving from the Bureau of Indian Affairs. We would also like to discuss the recent correspondence coming from Mr. Yakima Dixie and Mr. Chad Everone.

As you are probably aware, an On-site Monitoring Visit was conducted by representatives of your office on March 20, 2006. Although we have not seen the final report, the preliminary report we received from the Monitoring Team showed that the Tribe through my leadership was in compliance with all aspects of the P.L. 638 Contract requirements. As a matter of fact, we received a very gracious complement from your monitoring team at the end of the audit process.

Based on these findings, the Tribe believes that it is appropriate for the BIA to reconsider its unilateral decision to change our funding status from quarterly back to annual funding. This action was taken unilaterally and in violation of 25 C.F.R. Part 900. The Tribe has refrained from taking legal action on this issue in the hope that once we completed the on-site monitoring visit, the BIA would reinstate our funding status. We hope that we can discuss this issue with you and see if a solution can be reached.

The other issues we wish to discuss are the Tribe's enrollment efforts and the assistance the BIA has pledged with regard to that effort. The Tribe has over the last three months taken extraordinary efforts to seek out individuals who would be interested in seeking to enroll in the

Tribe. We have placed public notices in newspapers through the aboriginal territory of the Miwok Indians. We have contacted other State recognized tribal groups, including groups located in Calaveras County, to inquire into their desire to seek membership in the California Valley Miwok Tribe. We have also taken the step to forward enrollment information to individuals who claim to be members of the Tribe.

To date, this effort has only yielded requests from 8 individuals who requested an application for enrollment. We have been told by the leadership of the other tribal groups that they appreciate our offer, but, they are moving in their own direction. However, we are still awaiting the information we requested from the BIA regarding the individuals who have forwarded their releases to your office. We must reiterate that we can not effectively make decisions on enrollment applications if the information in those applications is incomplete. We would like to discuss this issue with you and see if we can come up with a process to assist your office in providing the Tribe the necessary information.

Lastly, we received a Notice of Appeal filed by or on behalf of Yakima Dixie and others regarding the Tribe's P.L. 638 contract. First, the Tribe wants to make it explicitly clear that we are not involved in any way with Mr. Everone. As to the individuals listed in that group, we have records that they have received information from the Tribe regarding our enrollment process; to which some have responded and other have not. The Tribe will be providing a detailed response to that appeal.

Under Title 25 of the United States Code, section 450f (a) (1):

The Secretary is directed, upon the request of any Indian tribe by tribal resolution, to enter into a self-determination contract or contracts with a tribal organization to plan, conduct, and administer programs or portions thereof, including construction programs. (Emphasis Added)

Under 25 C.F.R. Section 900.6 a tribal organization is defined as:

Tribal organization means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: provided, that, in any case where a contract is let or a grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

As a result, the fact that the BIA contracts with the Tribe demonstrates that the Tribe has a tribal government. Based on these clear facts, it seems reasonable that the BIA would continue to work with the legitimate tribal

government of the California Valley Miwok Tribe to help the Tribe gain this "organized status" that the federal government has been so adamant in stating that the Tribe does not have.


In that regard, we would also like to discuss how the BIA intends to comply with 25 C.F.R. Section 81.6 (c) which states in clear terms:

If the group is a tribe, or tribes, without a reservation as defined in this part, any duly registered member shall be entitled to vote on the adoption of a constitution and bylaws by either arriving at a polling place or by requesting, properly completing, and timely casting an absentee ballot as determined by the election board pursuant to the relevant Federal Statute; provided, that outside of Alaska and Oklahoma, a reservation shall be established for the tribe before it becomes entitled to vote on the adoption of a constitution. (Emphasis added)

We look forward with meeting with you to discuss these issues. If you have any questions, please do not hesitate to contact the Tribal Office.

Sincerely,


Silvia Burley, Chairperson
California Valley Miwok Tribe


Anjelica Paul, Vice Chairperson
California Valley Miwok Tribe

Cc: Tribal Council
Phillip E. Thompson
Clay Gregory

CALIFORNIA VALLEY MIWOK TRIBE

10601 Escondido Pl., Stockton CA 95212 Bus: (209) 931-4567 Fax: (209) 931-4333

<http://www.californiavalleymiwoktribe-nsn.gov>



May 22, 2006

Mr. Jim Cason
Associate Deputy Secretary
U.S. Department of the Interior
Bureau of Indian Affairs
1849 C Streets, NW
MS - 4600
Washington, D.C. 20240

Dear Associate Deputy Secretary Cason:

I am writing on behalf of and in my capacity as the Chairman of the California Valley Miwok Tribe (Tribe). On or about May 8, 2006, the Tribe met with Mr. Troy Burdick, the Superintendent of the Central California Agency and his staff. During that meeting, we had a wide ranging discussion on a number of topics including the status of the Tribe's P.L. 638 contract payment schedule; the Bureau of Indian Affairs' position regarding the leadership of the Tribe; and the Tribe's pending appeal of the recent United States District Court for the District of Columbia's decision regarding the Technical Correction Amendments to the Indian Reorganization Act.

Although Mr. Burdick was positive in his attitude toward and in support of our current membership and organization efforts, he stated rather clearly that the Bureau of Indian Affairs, namely the leadership in Washington, D.C. and at the Regional Office, were close to making some sort of decision regarding the Tribe. One of our concerns is that although Mr. Burdick has been helpful in providing information regarding the situation to the people who will be involved in making this critical decision, the Tribe wanted to make sure that these individuals have a complete record of what has been occurring with regard to the Tribe's efforts to identify and encourage enrollment and organize the Tribe.

First and foremost on this issue is the enrollment criteria adopted by the Tribe. The Tribe understands that the dogma among many inside and outside the Bureau is that enrollment in the Tribe is limited to the lineal descendants of the current member. That is not correct. The Tribe's enrollment criteria is set out in its Enrollment Ordinance. (Enclosure 1) A copy of this document was forward to the Agency and the Regional offices.

The Tribe wants to emphasize that in an effort to try to bring clarity to the issue of past membership in the Tribe and the history of the Tribe prior to 1935, which includes various lists of people who may or may not have resided on the original 0.9 acres Rancheria, by setting out a clear criteria for enrollment based on who had been recognized by the Federal Government as a Tribal member in the past. As a result, the tribal connection criteria for enrollment are based on the individual(s) who were identified at the Rancheria by the Federal Government and allowed to vote on the organization of the Tribe in 1935. (Enclosure 2 and see Enrollment Ordinance)

With our enrollment criteria outlined in our Enrollment Ordinance, we have been diligently and aggressively seeking out individuals and groups in the Indian Community who may want to submit applications to join the Tribe. The attached enrollment documents provide detailed information regarding the Tribe's current enrollment status. In the interest of confidentiality, we have redacted names and addresses from this document, however, Mr. Burdick was allowed to review this document during our meeting and we are working with his staff on those individuals who have waived their confidentiality.

We sent inquiries to the two identified non-federally recognized Tribes in Calaveras County. Both Tribes have declined our offer, but, have began discussions with us regarding technical assistance on their organization and recognition efforts. We have also run enrollment related ads in four major newspapers in our region. To date, we have only received four inquiries. We have also forwarded applications to all the members of the group who have been challenging the Tribe over the last several years. Some of these individuals responded while others, seeking only to gain control of the Tribe refused to participate in the process.

We are continuing to work with the Agency office to obtain the necessary information to determine our applicant's Indian heritage and connection to our Tribe. We believe that the documentation of Indian heritage and connection to the Tribe should be the baseline element for making determinations on membership no matter what criteria is used for enrollment. Prior to my enrollment in the Tribe, the BIA provided a verified statement of my Indian heritage and my connection the Tribe. (Enclosure 3) This document allowed the former tribal leader to make an informed decision on my inclusion into the Tribe. We have been requesting this same type of documentation on various people who have applied for membership to our Tribe from the BIA and hope to start receiving the information in the near future.

As to the issue of organization of the Tribe, we have and still believe that the Tribe has organized pursuant to its inherent authority and consistent with the 2001 Technical Correction Amendment. Unless the government and the Tribe can come to some sort of reasonable agreement, we intend to further litigate that issue. However, we understand that the BIA's position as of right now is that the Tribe is unorganized. The Tribe is unsure as to how this process can be completed to the satisfaction of the BIA. In addition, as a related question, we are unsure as to how the BIA intends to comply with the requirement in 25 C.F.R. Section 81.6 (c) which states:

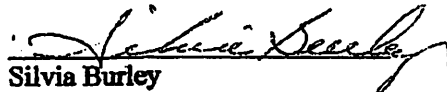
If the group is a tribe, or tribes, without a reservation as defined in this part, any duly registered member shall be entitled to vote on the adoption of a constitution and bylaws by either arriving at a polling place or by requesting, properly completing, and timely casting an absentee ballot as determined by the election board pursuant to the relevant Federal Statute; provided, that outside of Alaska and Oklahoma, a reservation shall be established for the tribe before it becomes entitled to vote on the adoption of a constitution. (Emphasis added)

With the BIA saying the Tribe does not have a valid constitution and this regulation clearly stating that a reservation must be provided before a Constitution can be adopted, it seems that the next step in the process, with the Tribe being landless, is for the BIA to take land in trust for the Tribe, have Reservation Status granted on that land. At that point, a final vote on its Constitution can be conducted. The Tribe would continue to operate pursuant to its P.L. 638 contract and Interium Operating Authority which has been approved by the BIA. The Tribe can then continue to move forward on its enrollment activities and hopefully once land is taken into trust and a Reservation proclamation is granted, the membership can then vote on and approve a Constitution that can be recognized by the BIA.

We hope that this letter and the attached documents will provide a clearer record regarding the Tribe's criteria for enrollment, enrollment efforts and technical assistance requests to the BIA. Although we intend to file an appeal of the recent District Court ruling, we are always amendable to discussions to try to work out the issues between the Tribe and the BIA.

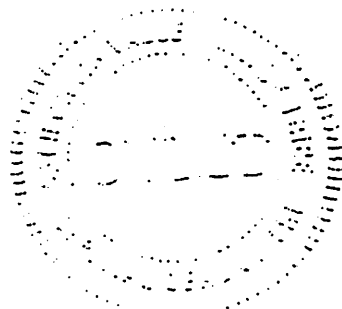
If you or anyone else on your staff or at the Department of the Interior has any additional questions or requires any additional information, please do not hesitate to contact us.

Sincerely


Silvia Burley
Chairperson

Enc: (3)

Cc: Mike Olsen
Mike Smith
Clay Gregory
Troy Burdick
Phillip E. Thompson
Karla Bell



ENROLLMENT ORDINANCE

AS AMENDED ON 3/10/2005

CALIFORNIA VALLEY MIWOK TRIBE

1055 Winter Court, Tracy, California 95376 Bus: (209) 834-0197 Fax: (209) 834-0318
<http://www.californiavalleymiwoktribe.com>



ORDINANCE NO. 2002-01

***AN ORDINANCE ESTABLISHING REGULATIONS AND
PROCEDURES GOVERNING ENROLLMENT OF MEMBERS OF THE
CALIFORNIA VALLEY MIWOK TRIBE***

Approved – January 7, 2002

ORDINANCE NO. 2002-01

AN ORDINANCE OF THE TRIBAL COUNCIL OF THE CALIFORNIA VALLEY MIWOK TRIBE ESTABLISHING REGULATIONS AND PROCEDURES GOVERNING ENROLLMENT AND DISENROLLMENT OF MEMBERS.

The Tribal Council of the California Valley Miwok Tribe does hereby ordain as follows:

Section 1. Declaration of Findings. The Tribal Council of the California Valley Miwok Tribe hereby finds as follows:

1. Under Article III, Section 2 of the Constitution of the California Valley Miwok Tribe ("Constitution"), the Tribal Council is charged with the responsibility of enacting an ordinance establishing procedures for the enrollment and disenrollment of Tribal members.
2. The enactment of a tribal ordinance governing the enrollment and disenrollment of tribal members is necessary in order to maintain a current list of persons who are members of the Tribe eligible to participate in Tribal programs and elections and to ensure that applications for enrollment or disenrollment are processed in an orderly and timely manner.

Section 2. Adoption of Enrollment Ordinance. A new ordinance entitled "An Ordinance Establishing Regulations and Procedures Governing Enrollment and Disenrollment of Members", is hereby adopted which shall provide as follows:

AN ORDINANCE ESTABLISHING REGULATIONS AND PROCEDURES GOVERNING ENROLLMENT OF MEMBERS OF THE CALIFORNIA VALLEY MIWOK TRIBE

Chapters:

- 02 General Provisions
- 03 Definitions
- 04 Enrollment Committee
- 05 Persons Eligible for Enrollment
- 06 Application for Enrollment
- 07 Approval or Disapproval of Application
- 08 Disenrollment
- 09 Hearings
- 10 Certification of Tribal Roll

11 Maintaining a Current Membership Roll

12 Use of Membership Roll

Chapter 02

GENERAL PROVISIONS

Sections:

02.010 Short title

02.020 Purpose

02.030 Sovereign immunity preserved

02.040 Interpretation and findings

02.050 Conflicting provisions

02.010 Short title. This ordinance shall be known and cited as the "California Valley Miwok Tribe Enrollment Ordinance."

02.020 Purpose. To provide uniform procedures for the application, enrollment and disenrollment of members of the California Valley Miwok Tribe.

02.030 Sovereign immunity preserved. Nothing in this ordinance is intended or shall be construed as a waiver of the sovereign immunity of the California Valley Miwok Tribe. No officer or employee of the California Valley Miwok Tribe is authorized, nor shall he attempt to waive the immunity of the Tribe under the provisions of this Ordinance.

02.040 Interpretation and findings. The Tribal Council in the first instance may interpret any ambiguities contained in this Ordinance, and its interpretation shall be conclusive as to the meaning of this Ordinance.

02.050 Conflicting provisions. Whenever any conflict occurs between the provisions of this Ordinance and the provisions of any other tribal ordinance, the provisions of this Ordinance shall take precedence.

Chapter 03

DEFINITIONS

Sections:

03.010 Interpretation

03.020 Applicant

03.030 Base Roll.

03.040 Census roll

03.050 Committee

03.060 Council

03.070 Dependant Member

03.080 Descendants

03.090 Distributee

03.100 Distribution Plan

03.110 Enroll

03.120 Gender

03.130 Non-voting Member

03.140 Parent

03.150 Preponderance of Evidence

03.160 Tribe

03.170 Voting Member

03.010 Interpretation. In construing the provisions of this Ordinance, the following words or phrases shall have the following meanings, unless a different meaning is expressly provided or the context clearly indicates otherwise.

03.020 Applicant. "Applicant" shall mean a person seeking to enroll in the Tribe upon their own behalf.

03.030 Base roll. "Base roll" shall mean Silvia F. Burley, Rashel K. Reznor, Anjelica J. Paulk, Yakima K. Dixie, and Tristian S. Wallace as established in Article III, Section 1(a) of the Tribe's Constitution.

03.040 Committee. "Committee" shall mean the Enrollment Committee established under Section 4 of this Ordinance.

03.050 Council. "Council" shall mean the Tribal Council established under Article V, Section 3 of the Constitution for the California Valley Miwok Tribe as approved and amended, September 2001 ("Constitution").

03.060 Descendants. "Descendant" means a person who is the direct lineal decedent of an ancestor through whom enrollment rights are claimed, namely, the children, grandchildren, great-grandchildren, or vis-a-versa, etc. of that ancestor. "Descendant" does not include adopted children. This term also does not include collateral relatives such as brothers, sisters, nieces, nephews, aunts, uncles, cousins or half or step-siblings.

03.070 Enroll. "Enroll" or "enrolled" means the lawful placement of a person's name upon the tribal roll in accordance with this Ordinance.

03.080 Gender. The terms "he," "him," "his," and the like shall be deemed to include "she," "her," "hers," etc.

03.090 Non-voting Member. "Non-voting member" means any person who is adopted into the Tribe and enrolled into the Tribe in accordance with this Ordinance. Non-voting members shall be ineligible to vote in any tribal election or other vote of the voting members of the Tribe.

03.100 Parent. "Parent" means the natural, biological parent.

03.110 Preponderance of Evidence. "Preponderance of the evidence" means evidence that is superior in weight, importance, or strength, and which is more credible and convincing to the mind than the opposing evidence.

03.120 Tribe. "Tribe" means the California Valley Miwok Tribe.

03.130 Voting Member. "Voting member" means any of the five persons listed in the base roll of the Tribe, and all their future descendants, and (direct lineal forbearers) who may become enrolled in the Tribe.

Chapter 04

ENROLLMENT COMMITTEE

Sections:

04.010 Establishment of Enrollment Committee

04.020 Terms of Office

04.030 Powers

04.040 Conduct of Business

04.050 Records

04.060 Confidentiality

04.010 Establishment of Enrollment Committee. An Enrollment Committee, consisting of three (3) appointees/members, shall be appointed by the Tribal Council immediately after the adoption

of this Ordinance, and may be the Tribal Council. One member of the Enrollment Committee shall be designated to serve as the Chairperson and shall be the Tribal Chairperson.

04.020 Terms of office. The Enrollment Committee will appoint a new member to fulfill the term of any Committee member who cannot fulfill his term. The appointment shall be for the duration of the term of the individual replaced. All Committee members shall be enrolled Tribal members of 18 years of age or older. Members serve at the pleasure of the Council who, by majority vote at a duly called meeting at which a quorum is present, may remove any Committee member before his term expires with or without cause.

04.030 Powers. The Committee shall exercise the powers and perform the duties assigned to it by this Ordinance, and such other duties as may be assigned it by the Council.

04.040 Conduct of business. The Committee may adopt rules of procedure to govern the conduct of its meetings and business as long as the rules do not conflict with any provision of this Ordinance or the Constitution of the Tribe. The Committee shall draft such forms as may be necessary to implement this Ordinance. All rules of procedure and forms must be submitted to and approved by the Council before they become effective, unless the Council is serving as the Committee.

04.050 Records. The Committee shall maintain and safeguard the tribal roll and the records and files of the Tribe relating to enrollment. No change shall be made in the tribal roll except pursuant to a written resolution of the Council or pursuant to this Ordinance. Minutes shall be taken of Committee meetings and a written record shall be kept of all actions taken, and all recommendations to the Council. Transcripts or recordings shall be made of all hearings conducted by the Committee, and these shall be maintained for a period of three years following a final decision after hearing. The Committee may adopt rules pertaining to the maintenance and preservation of records. All such rules must be submitted to and approved by the Council before they become effective.

04.060 Confidentiality. All records, documents, and information submitted by any person pursuant to this Ordinance shall be treated as confidential and maintained in confidential files at the tribal office. Confidential information shall not be disclosed to any person except as is necessary to comply with the provisions of this Ordinance. The Committee may adopt rules pertaining to the maintenance and disclosure of confidential information. The rules shall contain a requirement that each Committee member as a condition of assuming his or her office sign a confidentiality agreement approved by the Committee. The rules must not conflict with the provisions of this Ordinance or the Constitution. All such rules must be submitted to and approved by the Council before they become effective.

Chapter 05

PERSONS ELIGIBLE FOR ENROLLMENT

Sections:

05.010 Criteria for Enrollment

05.020 Initial or base membership roll

05.010 Criteria for enrollment. The following persons are eligible for enrollment in the Tribe:

(a) Voting members.

1. Base enrollees: Silvia F. Burley(D.O.B.7/15/60) Rashel K. Reznor(D.O.B.4/20/79) Anjelica J. Paulk(6/09/83) Yakima K. Dixie(D.O.B.2/01/40) Tristian S. Wallace(2/27/96)

1. All lineal descendants of the persons identified in Section 05.010(1) (Whom are enrolled in the tribe)

1. All lineal forbearers such as parents, grandparents, etc., of the persons identified in section 05.010(1) (Whom are enrolled in the tribe)

1. Any children born after enactment of this ordinance whom are of direct lineal descent to the five base enrollees

1. Any non voting member enrolled pursuant to 05.010 (b) who meet the following criteria
a. Has completed three continuous years as a non voting member in good standing;
b. Has not been convicted of any criminal offense enumerated in 8 U.S.C. 1227(a)(2).”

(b) Non-voting members.

1. The Council/Committee shall determine whether or not to adopt a person as a non-voting tribal member, using the following criteria or any other criteria the Council may adopt by resolution:

1. Applicant verifies to the tribe through BIA certification that he/she possess 's a quarter quantum or more of Miwok blood (and)

1. Further verifies to the Tribe through BIA certification that the before mentioned amount is from direct lineal descendancy to any voting participant/s of the Sheep Ranch Rancheria June 12th 1935 IRA vote

1. Does the person have family or ties to enrolled members of the Tribe?

1. Has the person demonstrated a positive commitment to the tribal community over a substantial period of time? *

1. Will the person contribute to the cultural, social, political or economic life of the Tribe? In a positive way? *

1. Will adopting the person as a tribal member be in the best interests of the Tribe and its members? *

1.* All interpretations of above listed statements shall be solely left to the discretion of the tribal enrollment committee/council

(c) **Disqualification for membership.** Any person who is an enrolled member of another federally recognized tribe, and who has not relinquished membership in the other tribe in accordance with the laws of that tribe is not eligible for membership in the Tribe.

05.020 Initial or base membership roll. The Committee shall prepare the Base Roll by including the base enrollees.

Chapter 6

APPLICATION FOR ENROLLMENT

Sections:

06.010 Application for membership.

06.010 Application for membership. Any person who seeks enrollment shall file a written application with the Committee. Forms adopted by the Committee for this purpose will be furnished by the Committee, Upon their development. And during periods in which enrollment is open.

(a) Application content. Each application shall contain the full name and address of the applicant. The Committee shall send all notices permitted or required by this Ordinance to the address contained on the application form or to a different address contained in a subsequent written notice of address change submitted by the applicant. The application shall contain a statement that the applicant has supplied all relevant data that the applicant intends to submit in support of his enrollment. He must certify that the information contained in the application, including any evidence submitted in support thereof, is true and complete to the best of the knowledge and belief of the applicant and that the applicant has not omitted any information known to the applicant that could have a material affect on the decisions of the Committee or Council.

(b) Evidence in support of application. The burden of proof and producing evidence shall be upon the applicant. He must provide evidence to support every element of his claimed entitlement to enrollment. Any matter to be proven in support of the application must be proven to the satisfaction of the Committee and the Council by a preponderance of the evidence. In proving identity or lineal descent, the applicant may use:

1. Certified copies of birth certificates. If birth certificates are not produced the applicant must affirmatively establish that they are not available by stating what he did to obtain certified copies of relevant birth certificates;
- (2) Baptismal records;
- (3) BIA records;
- (4) Indian Health Service records;
- (5) Adoption records;
- (6) Court records establishing paternity;

(7) Declarations under penalty of perjury or affidavits based on the personal knowledge of the declarant;

(8) School records;

(9) Military records;

(10) Any other evidence the Committee reasonably accepts as relevant to and probative of the facts it is submitted to support.

(c) Time for submitting and acting on applications. The Committee will accept applications for enrollment at any time. The Committee will make a recommendation to the Council, unless the Council is acting as the Committee, on each application received.

Within ninety (90) days after the application has been submitted, the Committee must notify the applicant, if the application is incomplete. If it fails to so notify the applicant, the application shall be deemed complete.

Unless the Committee notifies the applicant within ninety (90) days of the Committee's receipt of any additional information submitted by the applicant that further information is required, the application shall be deemed complete.

Any time the Committee notifies the applicant that the application is incomplete, the applicant shall have thirty (30) days to submit additional information. If he fails to submit additional information within that time, the application shall be denied.

Any time an application is denied, the applicant shall have the right to notice and hearing as provided in Chapter 9.

Chapter 7

APPROVAL OR DISAPPROVAL OF APPLICATION

Sections:

07.010 Action by Committee.

07.020 Action by Council.

07.010 Action by Committee. The Committee shall review and act upon a completed application within ninety days of its receipt. Based on its review of the evidence submitted by the applicant and any other information of a reliable character available to it, the Committee shall recommend approval or disapproval of the application to the Tribal Council, or approve or disapprove it within 10 days of completing its review, if the Council is the Committee.

07.020 Action by Council. If the Council is not the Committee, the recommendations of the Committee shall be immediately forwarded to the Council Secretary who shall place the application on the agenda for the next meeting of the Council. The Council shall vote to either approve or disapprove the application at the meeting. The person shall be considered a member of the Tribe upon the approval of his application within the proceeding ninety days by the Council

and his name added to the Tribal Membership Roll as soon as practical thereafter. If an application is denied by the Council, the appellant shall have the right to a hearing on the decision according to the procedure contained in Chapter 9, if he requests a hearing within thirty (30) days of the Council decision. Alternatively, a rejected applicant may reapply in accordance with this Chapter.

Chapter 8

DISENROLLMENT

Sections:

08.010 Grounds for disenrollment

08.020 Disenrollment procedure

08.030 Voluntary Disenrollment

08.040 Removal of deceased member

08.010 Grounds for Disenrollment. All proceedings for disenrollment shall be pursuant to this section. No person shall be disenrolled except on the following grounds:

- (a) Any untrue statement, false or fraudulent evidence or intentional or negligent omission of material facts or evidence in connection with any application;
- (b) The violation of any Tribal law that specifically provides for disenrollment as a penalty for violation of that law; Or as would have been implemented under custom and tradition, in which the enrollment committee/council shall be the only interpreter.
- (c) Any error in determining eligibility; provided the true facts establish that the person is not eligible for membership in the Tribe;
- (d) Enrollment in any other federally recognized Indian Tribe, band, community or group; provided that a member so enrolled shall have ninety (90) days, from the date the Committee so notifies the member in writing, to effectively relinquish membership in the other Tribe, band, community or group in accordance with the laws of that other tribe. If the Committee fails to receive official notification from the other tribe of the member's disenrollment within said ninety (90) days, it shall proceed to disenroll the member as an involuntary disenrollment; or
- (e) Receipt of a notarized request from the member, or the parent or legal guardian of a minor or incompetent member, voluntarily relinquishing membership in the Tribe.

08.020 Disenrollment Procedure. An involuntary disenrollment proceeding may be initiated by the Committee by serving the member with a written notice of its intent to disenroll the member. The notice shall set forth the grounds for disenrollment and the evidence supporting the proposed disenrollment. It shall inform the member that he has fifteen (15) days to request a hearing on the proposed disenrollment as provided in Chapter 9. If there is no timely appeal or the disenrollment is upheld on appeal, the Committee shall strike the member's name from the roll. It shall provide the former member and the Council with notice of this action.

08.050 Voluntary Disenrollment. Voluntary disenrollment becomes effective upon receipt of the certified request as provided in Section 08.010(e). The Committee shall send notice of disenrollment to the former member within five (5) working days following receipt, and remove the member's name from the roll.

08.040 Removal of Deceased. When the Committee learns that a member has died, the name of the deceased member shall be removed from the roll. Information on the deceased shall be maintained in a list of formerly enrolled members.

08.050 Effect of disenrollment. Involuntary disenrollment on grounds contained in Section 9.010 (a), (b) or (c) shall be final. No persons disenrolled on these grounds shall be eligible for enrollment in the future. Persons voluntarily disenrolled or involuntarily disenrolled for reasons contained in Section 8.010 (d) shall be eligible to seek enrollment in the future under Chapter 7.

Chapter 09

HEARINGS

Sections:

09.010 Notice

09.020 Hearing procedure

09.010 Notice. When an applicant for enrollment or any other person entitled to a hearing under the terms of this ordinance requests a hearing or the Committee or Council sets a matter for hearing under this Ordinance, the applicant or other person shall be given written notice of the hearing by regular first class mail not less than ten (10) days before the hearing. The notice shall state the time, date and place of the hearing. It shall be deemed given 48 hours after it is deposited in the United States mail with proper address and postage affixed thereto. It shall state the reason for the hearing, describe any evidence supporting the decision and advise the applicant or other person of his right to present witnesses or other evidence orally or in writing at the hearing.

09.020 Hearing procedure. At the time scheduled, the Council shall consider the evidence submitted in support of the decision. The Council may continue the hearing from time to time for good cause shown on the application of any party to the hearing or on its own motion. The applicant or other person may present witnesses and other evidence. The chairman or vice-chairman shall preside over the hearing. The hearing shall be electronically recorded on video or audio tape or reported by a certified short hand reporter. Formal rules of evidence shall not apply, but the burden of proof and producing evidence remains with the applicant, except in disenrollment proceedings. The Council shall base its decision on the kind of substantial and reliable evidence relied upon in the conduct of serious affairs. The Council may deliberate in public, in closed session or at a subsequent meeting. The applicant or other person shall receive written notice of the decision within ninety (90) days after the Council makes its decision.

Chapter 10

CERTIFICATION OF TRIBAL ROLL

Sections:

10.010 Committee's Certification of Roll.

10.020 Council Certification of Roll.

10.010 Enrollment Committee's Certification of Roll. The Committee shall affix a certification to the membership roll, certifying that the roll, to the best of its knowledge and belief, contains only the names of those individuals who were determined to meet the requirements of enrollment prescribed by these regulations. The roll shall then be submitted to the Council for its certification, unless the Council is the Committee..

10.020 Council Certification of Roll. Unless the Council is the Committee, the Council, at a duly called meeting, shall review the roll certified by the Committee and certify adoption of the official roll by resolution.

10.030 Copy of Roll to BIA. A copy of the roll shall be sent to the Bureau of Indian Affairs for its records. The official roll shall be maintained at the Tribal Office.

Chapter 11

USE OF MEMBERSHIP ROLL

Sections:

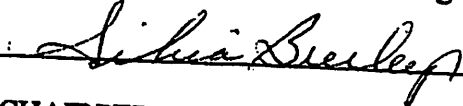
11.010 Use of Membership Roll.

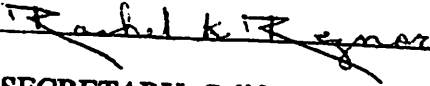
11.010 Use of Membership Roll. Unless otherwise directed by the Council, the certified membership roll shall determine tribal membership for all purposes.

Section 3 Effective Date. This Ordinance shall take effect immediately upon its passage.

CERTIFICATION

We, the undersigned duly elected officials of the California Valley Miwok Tribe, do hereby certify that on January 7, 2002, the foregoing Ordinance was adopted at a duly called meeting of the Tribal Council of the California Valley Miwok Tribe with a quorum present by a vote of 3 for, 0 against, 0 abstaining and 0 absent.


_____ DATED: 01/07/2002
CHAIRPERSON, California Valley Miwok Tribe


_____ DATED: 01/07/2002
SECRETARY, California Valley Miwok Tribe