

**ENROLLMENT  
CODE  
OF  
THE IIPAY  
NATION OF  
SANTA YSABEL  
2011**

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| <b>ARTICLE 1.</b>  | <b>TITLE</b>                                   |
| <b>ARTICLE 2.</b>  | <b>PURPOSE</b>                                 |
| <b>ARTICLE 3.</b>  | <b>AUTHORIZATION</b>                           |
| <b>ARTICLE 4.</b>  | <b>DEFINITIONS</b>                             |
| <b>ARTICLE 5.</b>  | <b>DEPARTMENT OF ENROLLMENT</b>                |
| <b>ARTICLE 6.</b>  | <b>REQUIREMENTS FOR ENROLLMENT</b>             |
| <b>ARTICLE 7.</b>  | <b>INELIGIBLE FOR ENROLLMENT</b>               |
| <b>ARTICLE 8.</b>  | <b>APPLICATION FOR MEMBERSHIP</b>              |
| <b>ARTICLE 9.</b>  | <b>APPLICATION REQUIREMENTS &amp; APPROVAL</b> |
| <b>ARTICLE 10.</b> | <b>VOLUNTARY RELINQUISHMENT OF</b>             |
| <b>ARTICLE 11.</b> | <b>MEMBERSHIP BLOOD DEGREE CORRECTION</b>      |
| <b>ARTICLE 12.</b> | <b>LOSS OF MEMBERSHIP</b>                      |
| <b>ARTICLE 13.</b> | <b>TRIBAL COURT REVIEW</b>                     |
| <b>ARTICLE 14.</b> | <b>TRIBAL MEMBERSHIP LIST</b>                  |
| <b>ARTICLE 15.</b> | <b>CODE APPROVAL AND AMENDMENTS</b>            |
| <b>ARTICLE 16.</b> | <b>REGULATIONS</b>                             |
| <b>ARTICLE 17.</b> | <b>SANTA YSABEL BASE ROLL OF 2007</b>          |
| <b>ARTICLE 18.</b> | <b>SEVERABILITY</b>                            |

## **ARTICLE 1. TITLE**

The following Code shall be known as the "Enrollment Code of the Iipay Nation of Santa Ysabel ("Code"). This Code shall govern all enrollment matters of the Iipay Nation of Santa Ysabel.

## **ARTICLE 2. PURPOSE**

The purpose of this Code is twofold. First, the Code establishes a procedure and process of enrolling new tribal members. Secondly, the Code allows for ensuring enrollment is protected and kept current.

## **ARTICLE 3. AUTHORIZATION**

This Code is authorized under the Constitution of the Iipay Nation of Santa Ysabel Article III, Membership, Section 3 Enrollment Process and under Article V. Legislative Branch Section 2. (a) Powers.

## **ARTICLE 4. DEFINITIONS**

- A. Wherever used in this Code the terms defined in this Code shall have the following meaning:
- I. "BIA" means the Bureau of Indian Affairs;
  2. "Conditional Relinquishments" means a formal request for removal from the membership roll of a Tribe or Band in anticipation of approval of an application with the Iipay Nation of Santa Ysabel or another Tribe or Band;
  3. "Department of Enrollment" ("Department") means the five person department responsible for implementing the Enrollment Code;
  4. "Executive Branch" means, pursuant to the Constitution of the Iipay Nation of Santa Ysabel, the Tribal Chairperson, Vice-Chairperson and Tribal Departments created by tribal law. Under this Code, actions to be taken by the "Executive Branch" shall mean actions taken by the Tribal Chairperson, or Vice Chairperson in his or her absence;
  5. "Enrolled Member" means:
    - a, all persons who are enrolled Members of the Band as of the date of the adoption of the Constitution of the Iipay Nation of Santa Ysabel; or
    - b. all persons who were properly enrolled as Members of the Band but are no longer enrolled for the sole purpose of allowing their lineal descendants to be eligible for membership in the Band; or

**ENROLLMENT CODE OF THE  
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2011**

AMENDMENT 1

The proposed Enrollment Code of the Iipay Nation of Santa Ysabel 2011, at Page 4; Article 4 Definitions, Section A 11, is amended as follows:

"Properly Enrolled" as used in definitions 5.b and 5.c. above means all persons listed on the 1928 Santa Ysabel Census, California Indian Census of May 18, 1928 Application referencing Santa Ysabel Lineal descendants, the 1940 Santa Ysabel Census as revised in 1952, and their descendants.

- c. all persons who were properly enrolled as Members of the Band but are now deceased for the sole purpose of allowing their lineal descendants to be eligible for Membership in the Band pursuant to Section 1(d) of the Constitution of the Iipay Nation of Santa Ysabel; and
  - d. all lineal descendants of any person listed in subsections (a), (b), or (c) above; provided, such descendants possess at least one-eighth degree Indian blood from a federally-recognized Indian tribe located in the United States.
6. "General Council" means all duly enrolled tribal members of the Iipay Nation of Santa Ysabel who are eligible to vote;
  7. "Immediate family" means father, mother, brother, sister, spouse or child;
  8. "Lineal descendent" means the direct issue of an ancestor (namely the child, grandchild, great-grandchild, etc.).
  9. "Minor" means a person under the age of eighteen (18) years;
  10. "Nation" means the Iipay Nation of Santa Ysabel, as described in the Santa Ysabel Reservation Patent, also known as "The Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California" as listed in the Federal Register.
  11. "Properly Enrolled" as used in definition 5.b and 5.c above means all persons listed on the 1928 Santa Ysabel Census and the 1940 Santa Ysabel Census as revised in 1952 and their descendants.
  12. "Tribal Court" means a court of competent jurisdiction established under the Constitution and laws of the Iipay Nation of Santa Ysabel.
  13. "Tribal member" means a member of the Iipay Nation of Santa Ysabel.

## **ARTICLE 5. DEPARTMENT OF ENROLLMENT**

### **A. COMPOSITION**

The Department of Enrollment shall consist of five (5) members and two (2) alternates. For purposes of this Code, alternates shall abide by the same terms and conditions as members of the Department, unless stated otherwise. The five (5) members and two (2) alternates shall be elected by and from the General Council of the Nation. Nominations must take place at an official General Council meeting. All nominees must be present to accept their nomination at the General Council meeting. If more than one person is nominated at a General Council meeting, the General Council shall vote by show of hands for each nominee. The nominee receiving the most votes shall be seated on the Department.

## **B. ELIGIBILITY FOR APPOINTMENT**

Department members shall not be immediate family members of the Executive Branch or of the existing Department members.

## **C. TERM OF OFFICE; REMOVAL**

### 1. Term of Office

- a. Department Members shall serve for a period of two (2) years. All Department members seated at the time this Code is adopted will be automatically seated for a two year ten. At the conclusion of this initial term, three (3) Department Members will run for a three (3) year term, the remaining two (2) Department Members, as well as the two (2) alternates, will run for a two (2) year term. Thereafter all elections will be for two (2) year terms.

### 2. Removal

- a. The following shall constitute grounds for removal from the Department:
  - i. Any Department Member or Alternate who is convicted of a felony, theft or embezzlement in any jurisdiction while serving on the Department shall be removed and such office shall be deemed vacant.
  - ii. The Department may initiate the process for removal of any Department Member that has missed more than three (3) consecutive meetings without good cause, as determined by the Department;
  - iii. The Department of Enrollment may initiate the process for removal of any Department Member for a breach of confidentiality by any Department Member.
- b. The Department shall initiate a removal action and serve the Department Member subject to removal a "Notice of Removal" setting forth the grounds for his or her removal. The Notice shall also inform the Department Member that the removal will be submitted to the Legislature for decision and that she or he has a right to appear before the Legislature to present his or her defense and present evidence and witnesses on his or her behalf.
- c. The removal action shall be submitted to the Legislature who will notify the Department Member subject to removal of when the Legislature will be considering his or her removal. After reviewing all of the evidence, the Legislature will vote on whether to remove the Department member. Department Members may be removed by a majority vote of the Legislators.

present at any Legislative meeting in which a quorum has been established.

- d. The final decision about whether a Department Member is removed shall be made by the General Council. Upon approval by the Legislature, the removal action shall be placed on the agenda of the next Regular Council Meeting where a vote utilizing secret written ballots by a majority of the General Council Members in attendance at such meeting shall determine whether the subject is removed.

#### **E. REPLACEMENTS**

1. A vacancy on the Department shall be filed by one of the Alternates.
2. The Alternate selected to replace a removed Department Member shall serve the unexpired term of the office.
3. Any Department Alternate vacancy shall be filled by the General Council.

#### **F. DUTIES AND RESPONSIBILITIES**

1. The Department's main function is to review membership applications and reach an objective and impartial recommendation on the applicant's eligibility for membership.
2. The Tribal Chairperson shall nominate from among the Department Members an Executive Director and said nomination will be subject to confirmation by the Legislature.
3. The Executive Director shall preside at the meetings of the Department, oversee the business of the Department and ensure compliance with this Code.
4. The Department shall select from among Department Members a Deputy Executive Director and a Secretary.
  - a. The Deputy Executive Director shall perform the duties of the Executive Director in his or her absence.
  - b. The Secretary shall keep the minutes of all meetings of the Department. Minutes of the meetings are confidential.
3. No enrollment business shall be conducted with fewer than three (3) members of the Department present.
4. All Department members are expected to attend all regularly scheduled Department meetings.
5. Alternates are expected to attend meetings as often as possible, however,

alternates will not be penalized for missing regular meetings that they are not noticed to attend. The Department Executive Director, or his/her designee, must provide alternates at least twenty-four (24) hour notice before they are expected to attend an Department meeting.

6. The Department shall submit, on a regular basis, the Membership List to the Executive Branch outlining enrollments and/or removals from the membership list that occurred during the presiding month.
7. Among other duties the Department shall dispense information regarding membership eligibility requirements and the enrollment process, distribute application forms, and receive and review completed membership applications.
8. All Department Members and guests at Department meetings shall be required to sign a "Confidentiality and Privacy Statement" so as to protect the privacy of information provided to the Department by applicants and members of the lipay Nation.

#### **G. ENROLLMENT SPECIALIST**

1. There shall be a position entitled "Enrollment Specialist". This shall be a part or full *time* position, based on the needs and economic resources of the Department. The position shall be posted by the Executive Branch in accordance with the usual job positing standards for other tribal employees. The Enrollment Specialist shall be a tribal employee and subject to the same rights and responsibilities as all tribal employees.
2. The Enrollment Specialist shall have the following duties:
  - a. Provide day to day administrative functions of the Enrollment Office such as; answering phones, preparing agendas, and preparing and/or updating other documents as directed by the Department;
  - b. Receive and/or copy documents from applicants, as required under this Code and the Policies and Procedures of the Department;
  - c. Correspond with applicants or their representatives without approval of the Department.
3. The Enrollment Specialist shall not;
  - a. Sit on the Department;
  - b. Make determinations on Enrollment applications;

#### **H. SECURITY**



1. All enrollment private data shall be kept in a secure room in locked cabinets with limited access.
2. Secure room access shall be limited to the Department, the Tribal Chairperson, Vice Chairperson and not more than two (2) applicants escorted by the Enrollment Specialist.

#### **I. DEPARTMENT OF ENROLLMENT COMPUTER AND SOFTWARE**

1. The Department shall have a computer solely for its use in carrying out the business of the Department (the "Department Computer").
2. Any and all data on the Department Computer is confidential and shall be accessed by Department members who have received training and are competent to operate the Department Computer and the enrollment software loaded to administer enrollment data.
3. All safeguards employed in the enrollment software, including without limitation, password, revision time and date stamp and revision purpose shall be used.
4. On at least a monthly basis, the Department shall enter data in the enrollment software reflecting the addition and deletion of members to the "Tribal Membership List." Changes to the Tribal membership list will only occur with two (2) members of the Department in attendance. The un-revised "Tribal Membership List" will be archived. The revised "Tribal Membership List" shall be copied and stored in the tribal safe. Hard copy tribal membership lists will be provided to the Nation for use in tribal business.

#### **J. SIGNATORY AUTHORITY**

Only the Executive Director and other designated Department Members or Enrollment Specialist, are authorized to sign Tribal Enrollment Certifications, letters to applicants and/or members, and any other documents related to enrollment, in accordance with the decisions and/or directives of the Department.

### **ARTICLE 6. REQUIREMENTS FOR ENROLLMENT**

#### **A. Eligibility**

In order to be enrolled in the Nation, the applicant must meet the following requirements:

1. Be a lineal descendant of an Enrolled Member of the Iipay Nation of Santa Ysabel; and
2. Possess a minimum of 1/8 (one eighth) degree of Indian blood from a federally recognized Indian tribe.

## **B. Lineal Descendancy**

The burden of proof of lineal descendancy lies with the applicant. Acceptable proof of lineal descendancy can be in the form of birth certificates, baptismal certificates, DNA test results, and other certifiable documents.

## **C. Blood Degree**

1. All applicants for enrollment must establish that he or she has 1/8 (one eighth) degree of Indian blood from a federally recognize Tribe in the United States of America. This may be established through blood degrees listed on an official census of the United States Government ("Official U.S. Census") and such census records will be given first priority in the calculation of blood degree.
2. If there is no Official U.S. Census to derive blood degree from, other certifiable documents, listed below, shall be considered to determine such blood degree if verified by the Department:
  - a. "Certificate/Statement of Degree of Indian Blood" from the BIA;
  - b. Other official correspondence from the BIA; or
  - c. Official Tribal correspondence, such as that being on letterhead and/or that containing a Tribal seal that documents the degree of Indian blood of the applicant, or the ancestor of the applicant, that the blood is being claimed from.

## **ARTICLE 7. INELIGIBLE FOR ENROLLMENT**

- A. No persons identified in the categories below shall be eligible for enrollment.
  1. Any person who has previously relinquished membership tights in the Nation as a competent adult. This sub-Article does not apply to persons whose enrollment was relinquished while he or she was incompetent or a minor.
  2. Any person who is enrolled in another federally recognized Indian Tribe, unless and until they provide a conditional relinquishment or proof that they are no longer: (1) enrolled; (2) considered a member; (3) registered; or (4) in any way recognized as a person entitled to benefits as a member of that Tribe. Such proof must accompany an application for enrollment before an application shall be deemed complete. An allotment or Interest in an Allotment acquired through inheritance shall not be a bar to Enrollment with the Nation.

## **ARTICLE 8. APPLICATION FOR MEMBERSHIP**

- A. Any person who desires to be enrolled must file, or have filed on his or her behalf (if a minor or incompetent), an official Application for Enrollment with the Department.
- B. Minors and Incompetents. Application forms may be filed on behalf of a minor, a mentally incompetent person, or others in need of assistance by an immediate family members or competent adult who has authority to make decisions for such individuals.
  - 1. In circumstances where the minor is a ward of a Tribal or state court, the Santa Ysabel Social Services Department or a representative of the Nation, may submit an application on behalf of a minor that is eligible for enrollment in the Nation.
  - 2. In circumstances where an incompetent person's legal guardian(s) or minor's parent(s) is/are incapable or unwilling to enroll a minor or incompetent, who is determined to be eligible for enrollment in the Iipay Nation of Santa Ysabel, a representative of the Nation, the Santa Ysabel Social Services Department, or other authorized Tribal entity or representative, shall be authorized to enroll minor or the incompetent person.
- C. Application forms for enrollment may be obtained by making a written request to the Santa Ysabel Enrollment Office. All written requests for an enrollment application will be date stamped. An application form must be provided the person requesting the fom1 within five (5) working days from the date of his or her request.

**ARTICLE 9. APPLICATION REQUIRMENTS & APPROVAL**

- A. Application Requirements/Eligibility.** Each enrollment application must be completed in its entirety and must contain acceptable evidence to properly determine the applicant's eligibility for enrollment, as follows:
  - 1. The current legal name and all names by which the applicant has been known;
  - 2. The applicants Social Security number;
  - 3. The physical or mailing address of the applicant;
  - 4. A family tree chart showing all ancestors from which eligibility is being claimed which shows:
    - a. At least one (1) ancestor who is/was an Enrolled Member; and
    - b. Proof of Indian blood degree as stated in Article 6 (C).
  - 5. The printed name and signature of the applicant;
  - 6. The application filing date; and

7. The applicant's original or certified birth certificate. The original certificate(s) will be returned when the processing of the application is completed and a copy will be retained for the enrollment files. Baptismal certificates may be submitted in lieu of a birth certificate if said document was issued prior to 1940.

#### **B. Approval or Disapproval of Applications**

1. The Department shall make recommendations on whether to approve or disapprove all membership applications. Such recommendations shall be based on the documents provided by the applicant to the Department. The Department's recommendation will be submitted to the Tribal Chairperson, or the Vice Chairperson if so directed by the Chairperson, for final decision.
2. The Tribal Chairperson shall approve or disapprove enrollment applications submitted to him or her by the Department twice a year- on January 10<sup>th</sup> and July 10<sup>th</sup>. The Tribal Chairperson shall promptly provide written notice of his or her decisions, with respect to each application, to the Enrollment Specialist. The Enrollment Specialist shall then notify the applicant of the decision by U.S. certified mail, return receipt requested, to be received by the applicant only, or their legal representative, if a minor or incompetent. Applicants rejected for membership shall also be- advised, through the above referenced notification, of his or her right to file, pursuant to Article 13, a "Notice of Appeal" within ten (10) days from receipt of the Tribal Chairperson's decision.

#### **ARTICLE 10. VOLUNTARY RELINQUISHMENT OF MEMBERSHIP**

- A. Any adult member of the Nation may voluntarily relinquish his or her membership. A request for relinquishment or Conditional Relinquishment must be in writing and the signature must either be notarized or witnessed by\_ two (2) persons and submitted to the Department, who shall notify the Tribal Chairperson in writing and update the Santa Ysabel Base Roll of 2007 and Current Tribal Membership List.
- B. Whenever a relinquishment is submitted for a minor member or incompetent, care will be taken to determine that the individual who signed the form has the legal authority to take action on behalf of the minor or incompetent affected. No relinquishment for a minor or incompetent shall be deemed final until the Department has determined that said minor or incompetent has been enrolled in another federally recognized Tribe.

#### **ARTICLE 11. BLOOD DEGREE CORRECTION**

- A. Only tribal members enrolled after 2007 may have their blood degree decreased. Corrections of a blood degree (both increase and decrease) shall be initiated by the Department or upon receipt of a request from an applicant seeking a correction for her

or his own blood degree. If initiated by a tribal member, the request shall be in writing, signed and have attached at least two supporting documents. The request will be time and date stamped upon receipt.

- B. The Department shall notify all tribal members, known to the Department, who may be affected by the blood degree correction within thirty (30) days from receipt of the request for the correction. The notice shall inform the tribal member of the basis upon which the correction is sought and copies of the request and supporting documents will be included in the notice. The tribal member will also be informed that he or she may submit to the Department any documentation he or she may want the Department to consider in making its recommendation.
- C. In making its recommendation the Department shall review the supporting documentation submitted with the request, documents submitted from tribal members who are affected by the blood degree correction, other relevant documentation and may use such experts as necessary (anthropologist, historian, etc.) After such review, the Department shall make its recommendation to the Tribal Chairperson in writing and set forth the facts and documentation supporting the recommendation. The Tribal Chairperson shall review the recommendation of the Department and issue a decision within ten (10) working days. The Tribal Chairperson's decision shall be served (personally or certified mail) on all interested parties and inform the person that if he or she disagrees with the decision, he or she may file a "Notice of Appeal" within ten (10) working days from receipt of the decision with the Tribal Court pursuant to Article 13.
- D. If no appeal is taken or the decision of the Tribal Chairperson to make a blood degree correction is affirmed on appeal, the Tribal Chairperson shall notify the Department, who shall make such corrections as to blood degree on the Tribal Membership List.

## **ARTICLE 12. LOSS OF MEMBERSHIP**

- A. Only tribal members enrolled after 2007 may be subject to loss of tribal membership. A tribal member may be subject to disenrollment under the following circumstances:
  - 1. It is determined that an individual is enrolled in more than one Tribe. In such cases the Department will take the following steps:
    - a. A written notice will be sent to the tribal member informing him or her that the Nation is aware of the existence of his or her enrollment in another Tribe and that such enrollment is specifically prohibited under this Code.
    - b. The individual will have sixty (60) days from receipt of the written notice to provide the Department proof of relinquishment of membership from the other Tribe.
    - c. If the individual has not provided such proof required in subsection (b) above within the sixty (60) day-period, the Nation will initiate disenrollment.

proceedings.

2. The Department determines that there was a mistake on a tribal member's enrollment application that when corrected makes him or her ineligible for enrollment.
  3. The Department determines that a tribal member has fraudulently submitted information on his or her enrollment application and when such information is no longer considered or removed from the application the tribal member is no longer eligible for enrollment.
- B. Disenrollment may be initiated by the Department if the Commission discovers sufficient documentation demonstrating that a tribal member should not have been enrolled. The Department is charged with investigating and processing all disenrollments. .
- C. If the Department determines that an investigation is warranted, it will notify the tribal member(s) whose enrollment is being challenged and provide him or her with the request challenging the enrollment (if applicable), supporting documents and other relevant information. The tribal member shall be given thirty (30) days to present the Department with documents and evidence to support his or her enrollment. The Department may grant an extension of this time period if so requested by the tribal member.
- D. At the conclusion of the investigation, the Department shall present its recommendation in writing to the Tribal Chairperson for final decision. The Tribal Chairperson shall make a decision only after considering the written recommendation of the Department and evidence submitted on behalf of the affected Tribal Member.
- E. If the Tribal Chairperson determines that a tribal member should not have been enrolled then the tribal member whose enrollment is at issue shall be notified and provided with the Tribal Chairperson's and Department's written findings and all supporting documentation. The tribal member shall also be informed that the Department will be filing a "Petition for Disenrollment" with the Tribal Court, pursuant to Article 13, within ten (10) days from the tribal member's receipt of the Department's findings. The Department shall meet and confirm with the Tribal Chairperson on its findings and that the matter is being referred to the Tribal Court. The Tribal Court shall make all disenrollment decisions pursuant to Article 13.

### **ARTICLE 13. TRIBAL COURT REVIEW**

- A. Notice of Appeal" and "Petition for Disenrollment": The form of all "Notice of Appeals" and "Petitions for Disenrollment" shall be in compliance with, to the extent applicable, any "Rules of Court" or "Code of Civil Procedure" of the court in which the action is filed. The "Notice of Appeal" shall have attached the decision which is

being appealed.

B.

Service of Process": All persons or the Department filing a "Notice of Appeal" or "Petition for Disenrollment" shall be called the "Petitioner." The Petitioner shall serve a copy of the "Notice of Appeal" or "Petition for Disenrollment" on the adverse party, herein "Respondent", within thirty (30) days from when it is filed with the Court. Service may be conducted pursuant to the applicable "Rules of Court" for the court in which the action is being filed. Upon receipt of the "Notice of Appeal" or a "Petition for Disenrollment" the Respondent will have thirty (30) days to file his or her response with the Tribal Court and shall serve the response on the Petitioner in a manner that is in compliance with the applicable "Rules of Court" for the court in which the action was filed.

C.

Notice of Hearing": Upon the filing of Respondent's response, the Tribal Court shall issue and serve a "Notice of Hearing" on all parties to the action which set forth the hearing date, time, and location. The notice shall also inform the parties that they may bring witnesses to the hearing, have legal representation at his/her own expense, and may submit any documents relevant to his/her case. Either party may submit his or her documents to the Tribal Court for review up to (14) days prior to the hearing to permit the Tribal Court to be familiar with the content prior to the hearing. The "Notice of Hearing" may be served either by personal service or by certified mail with a return receipt requested. Either party may request that the hearing date be changed by filing a request with the Tribal Court. The Tribal Court may grant the request to change the hearing date upon a showing of good cause.

D.

Discovery": The Department shall produce, upon written request, from the Petitioner and/or the Tribal Court, all documents the Tribal Chairperson relied upon in making his or her decision being appealed. In a case of disenrollment case, the Department will produce for the parties and the Tribal Court all documents previously submitted by the parties during the Department's investigation and all documents relied upon by the Department and the Tribal Chairperson in making their respective findings.

E. Hearing Before the Tribal Court":

1.

All hearings before the Tribal Court shall be conducted in fair and orderly manner. Hearings before the Tribal Court shall be civil in nature, informal and may be subject to rules and procedures as may from time to time be prescribed by the Tribal Court.

2.

Each party shall be allowed to call witnesses and present evidence in support of his or her position. The Tribal Court as well as each party will be

allowed to question the witnesses called by the opposing party.

3. At the close of the case, the Tribal Court may either issue a decision at that time or take the case under advisement. In all cases the Tribal Court shall evaluate all of the evidence and testimony and render a decision on whether the Bill of Rights under Article VIII of the Iipay Constitution and the Enrollment Code has been complied with and whether there is a preponderance of the evidence to support the Tribal Chairperson's enrollment decision or in a case of disenrollment, to disenroll the Respondent. The Tribal Court shall issue its written decision setting forth its finding within five (5) days from the date of the hearing and the decision will be served on all parties by personal service or certified mail with a return receipt requested. The Tribal Court decision shall be final.

## **ARTICLE 14, TRIBAL MEMBERSHIP LIST**

### **A. CURRENT TRIBAL MEMBERSHIP LIST**

1. After final action has been taken on all application forms, the Department shall prepare a list of all approved members of the Nation. This list will be known as the "Tribal Membership List." The list shall include the member's full name, birth name (if different), date of birth, sex, blood degree and any other information desired by the Department. The Department shall affix and sign a certification as to the correctness of the "Tribal Membership List." The original "Tribal Membership List" shall be maintained at the Enrollment Office and not be subject to public review. A copy of the certified "Tribal Membership List" will be forwarded to the Executive Branch as the official list of members of the Nation.
2. A modified "Tribal Membership List" will be created by the Department that contains only the name of the enrolled member of the Nation. No further identifying information shall be revealed on the modified copy. A copy of the modified "Tribal Membership List" shall be kept at the Tribal Office and available to Nation members for reference purposes only. The Tribal Office copy shall not be removed from the office nor shall copies be permitted.

### **B. UPDATING THE CURRENT TRIBAL MEMBERSHIP LIST**

1. The Enrollment Specialist shall be responsible for revising the current "Tribal Membership List" on a monthly basis by:
  - a. removing the names of persons who have relinquished their membership in the Band;
  - b. removing a person's name that has died;
  - c. removing the name of a person who has been disenrolled, upon receipt of a



final Tribal Court decision if the former tribal member appealed his or her disenrollment;

- d. adding the names of persons approved for membership; and
  - e. making any non-substantive corrections to the list, including corrections to misspelled names, dates of birth, family relationships, etc. provided that such corrections are supported by satisfactory evidence
2. All names removed from the Tribal Membership List shall be maintained on a separate list entitled "Former Members of the Nation" for purposes of establishing lineal descendency

### **C. USE OF THE TRIBAL MEMBERSHIP LIST**

After it has been certified by the Department and approved by the Executive Branch, the list shall be used for official purposes of the Nation, including, the distribution of Tribal assets.

### **ARTICLE 15. CODE APPROVAL AND AMENDMENTS**

The Enrollment Code will become effective upon completion and compliance with the Legislative Process as set forth in Section 3, Article V- Legislature Branch in Iipay Nation's Constitution.

Notwithstanding the supremacy of the Constitution of the Iipay Nation of Santa Ysabel, approval of this Code repeals all previous Enrollment Codes, tribal laws, or Resolutions regarding enrollment.

All enrollment applications pending at the time this Code is approved will be processed and governed by this Code, unless otherwise stated under this Code.

All future amendments shall be subject to the Legislative Process set forth in Section 3, Article V- Legislature Branch in Iipay Nation's Constitution.

### **ARTICLE 16. REGULATIONS**

Within 180 days of passage this Code, the Department shall develop written regulations, as deemed appropriate and necessary by the Department, to carry out the duties and responsibilities of the Code.

### **ARTICLE 17. SANTA YSABEL BASE ROLL OF 2007**

- A. In accordance with the Constitution of the Iipay Nation of Santa Ysabel and passage of this Code, there shall be created a Santa Ysabel Base Roll of 2007 that shall consist of all persons who are enrolled Members of the Band as of the date of the adoption of the Constitution of the Iipay Nation of Santa Ysabel

## **Attachment 1**

### **Section 1. RESERVATION ENACTMENT**

The Santa Ysabel Patent is the result of an Act of the United States Congress to provide relief for the Mission Indians of California, enacted January 12, 1891.

The Act created a commission of three (3) disinterested persons to go to California and establish reservations for the Indian people. The commission of three (3) people was led by Albert K. Smiley that later became known as the "Smiley Commission". One of the Act directives was to include existing Indian villages within the boundaries of the new reservation "if at all possible".

### **Section 2. MEMBERSHIP IDENTIFICATION PROCESS**

In order to understand the process used to identify direct lineal descendants of this document one must know the people of the SANTA YSABEL VILLAGE and the people of the area surrounding the SANTA YSABEL VILLAGE and the living environment (travel, communication, etc.) in the days and months before, during, and after February 10, 1893.

### **Section 3. CIRCA 1893**

During this period the people who lived in the SANTA YSABEL VILLAGE known by the Indian name of "ELLYKWANAN" (7) (Crowded Knolls) and the area surrounding SANTA YSABEL was the Indian Tribe calling themselves IIPAY (The people).

The IIPAY lived in an area surrounding the SANTA YSABEL VILLAGE at places known by the IIPAY names of KUMEHALL, (1) TEKEMAK, (2) HENATT, (3) TAWHEE, (4) MATAAHWAY, (5) EWIINALLY, (6) EHAA CHAAKAAL, (8) and KAWEER, (9). TEKEMAK was a Village of IIPAY. It was the home of Sinon Matewir (Duro), the last chief of the !IPAY who died in 1907 at the age of 87. Sinon Matewir is interned at TEKEMAK.

When the SANTA YSABEL RESERVATION boundaries were established by the Smiley Commission, TEKEMAK (2) was the only IIPAY village included within the boundaries of the newly created SANTA YSABEL INDIAN RESERVATION.

Map I shows the SANTA YSABEL INDIAN RESERVATION and IIPAY habitat (highlighted ( )) in 1893. Examine the boundaries of tract 2 of map 1. Note the Eastern three fourths (3/4's) of tract 2 is a rectangle containing three (3) square miles of mountain top (East to West) Sections 25, 26, 27, in township 11 South, Range 2 East. Please note the Western boundary. The Western boundary shifts North one half (1/2) Section into Section 21 to encompass

TEKEMAK (2), the village of Chief Sinon Matewir. Did the Smiley Commission make the boundary shift to avoid trouble with Chief Sinon Matewir?

It should be noted that the IIPAY is one of a family of four (4) tribes; the IIPAY, TIIPAY, METIIPAY, and KUMEYAAY.

The TIIPAY occupied an area of South Central San Diego County along the San Diego River. The METIIPAY occupied an area of South East San Diego County that includes part of Imperial County. The KUMEYAAY occupied area along the Mexican border to the coast. All four tribes speak a common language with minor differences.

Please refer to Map 1, the village of ELLYKWANAN (7) in 1893 was 1 1/2 to 2 days travel by foot, wagon, or horseback to the highlighted area of the San Diego River Valley, ancestral home of the TIIPAY. The closest distance tribe in the family of four (4) tribes. (Note: BARONA and VIEJAS RESERVATION, did not exist until 1932). Four (4) to eight (8) hours North of ELLYK.WANAN (7) at HAAKUPIN (Agua Caliente, Spanish, Warner Springs Ranch, English,) live the CUPA, part of the KAWIYA (the people) tribe of Indians originating in the North that now occupy Reservations at Los Coyotes, Cahuilla, Santa Rosa, Soboba, Morongo, et al. To the Northwest live the PAYOMKAWICHUM (People of the West, Western people) tribe of Indians that now occupy Reservations at La Jolla, Rincon, Pauma, Pala, Pechanga, et al.

The KAWIYA and PAYOMKAWICHUM are not related to the IIPAY.

Both tribes speak a completely different language from each other and from the IIPAY, as evidenced in their tribal names, each invoking the English word "People".

In 1893, the Indians spoke their own language, Spanish (because they were under Hispanic influence for 15 generations) and a few Indians had a vague understanding of English, the language of the New Government.

Considering the location of IIPAY villages and areas of IIPAY habitat in the Santa Ysabel area in 1893, the distances to other tribes in the North, South, and West in 1893, and the isolation of language conclude the SANTA YSABEL BAND OF INDIANS described in the SANTA YSABEL PATENT to be the Indian tribe called IIPAY. (The people)

#### **Section 4. THE YEARS FROM 1893 TO 1900**

During this period of time the IIPAY remained in their ancestral villages even though the environment surrounding their villages became increasingly hostile by the ranchers who owned the land the villages occupied. The ranchers wanted the IIPAY to vacate their villages and move to the mountain tops within the boundaries of the newly created reservation, of course the IIPAY did not want to leave their ancestral homes. This intense situation erupted in the fall at the turn of the century when the militia was sent to relocate the IIPAY to the newly created reservation.

The people of HENATT were driven into Tract 2.

The people of TAWHEE were driven into tract 1 at HAPYAAL.

The people of KAWEER were driven into tract 2 and 3.

The people of MATAAHWAY and EWIINALLY were driven into tract 3.

The people of ELLYKWANAN were driven into tract 3 and tract 1.

The people of KUMEHALL were driven into tract 2.

An account by one ancestor, verified by his mother, testified that they were allowed to take whatever they could carry and leave the village. He testified that his job was to herd goats up the mountain on to tract 3. Partially up the mountain he looked back down into the village of MATAAHWAY and saw the militia setting fire to all the buildings of MATAAHWAY. All that remains of the village today is our ancestors cemetery of unmarked graves and one old Adobe building. Old cemeteries attest to the IIPAY villages of EWIINALLY, ELLYKWANAN, KUMEHALL, and TEKEMAK.

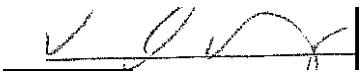
**ARTICLE V - SEVERABILITY**

5.01. Severability. If any provision of the Enrollment Ordinance of the Iipay Nation of Santa Ysabel is held to be void, invalid, or unenforceable, it shall be considered deleted and the invalidity of such provision shall not affect the validity or enforceability of any other provision which shall be given effect in the absence of the invalid provision. The remaining provisions shall continue in full force and effect without being invalidated.

SO ENACTED this 15<sup>th</sup> day of 2011, by the Legislature of the Iipay Nation in the 4th Session, by a vote 4 FOR, 0 AGAINST, 0 ABSTAIN 2 NOT PRESENT as follows:

|                 |                     | <u>FOR</u> | <u>AGAINST</u> | <u>ABSTAIN</u> | <u>NOT PRESENT</u> |
|-----------------|---------------------|------------|----------------|----------------|--------------------|
| Paul Gonzalez   | Legislative Speaker | 1          |                |                |                    |
| Sunni Dominguez | Legislator          | 1          |                |                |                    |
| Ashley Koda     | Legislator          |            |                |                | 1                  |
| Brenda Osuna    | Legislator          |            |                |                | 1                  |
| Andy Wilson     | Legislator          | 1          |                |                |                    |
| Arlene Linton   | Legislator          | 1          |                |                |                    |
| Vacant          | Legislator          |            |                |                |                    |

**LEGISLATIVE HISTORY**

|   |  |
|---|--|
| Data of Formal Introduction                       | <u>4/13/11</u>   |
| Date of Reading the Legislative Record            | <u>4/13/11</u>   |
| Date of Publication into the Legislative Calendar | <u>4/13/11</u>   |
| Date of Legislative Hearing                       | <u>5/18/11</u>   |
| Date of Approval by the Legislature               | <u>6/1/11</u>  |
| Date of the Chairman's Signature                  | <u>6/2/11</u>  |
| Date of Chairman's Veto                           | _____  |
| Date of the Legislature's Veto Override           | _____  |
| Deadline of Receipt Petition to General Council   | _____  |
| Date of Receipt of Verified Petition              | _____  |
| Date of General Council Repeal                    | _____  |
| Chairman's Signature                              |  |

**FIRST LEGISLATURE OF THE  
IIPAY NATION OF SANTA YSABEL  
4th Legislative Session**

**BILL**

To Enact an Enrollment Ordinance to be used to enroll new Members of the Nation

**BILL NO:** LB 03-11

**DATE INTRODUCED:** 04/13/2011

**SPONSORING LEGISLATOR(S):** ALL LEGISLATORS

**SUBJECT:** Enrollment Ordinance

**ENROLLMENT ORDINANCE OF THE IIPAY NATION OF SANTA YSABEL**

**ARTICLE I - TITLE.**

1.0L Title. This law shall be referred to as the "Enrollment Code of the Iipay Nation of Santa Ysabel".

**ARTICLE II. FINDINGS.**

2.01. Findings. The Legislature finds:

- (a). This Ordinance is authorized under the Constitution of the Iipay Nation of Santa Ysabel Article II, Membership, Section 3 Enrollment Process and under Article V, Legislative Branch Section 2. (a) Powers.

**ARTICLE III. PURPOSE.**

3.01 Purpose. The purpose of this Ordinance is to establish a procedure and process of enrolling new tribal members and to ensure that enrollment in the Nation is protected and kept current.

**ARTICLE IV -ENACTMENT OF THE SAJ'ITA YSAB'EL ELECTION LAW.**

4.01. Enactment.

- (a). The Legislature hereby enacts the attached document entitled the "*Enrollment Code of the Iipay Nation of Santa Ysabel*".
- (b). All acts, laws or customs and traditions in conflict with this Law are hereby repealed.