

Resolution No. YST-19-17

**RESOLUTION OF THE GOVERNING BODY OF THE YOMBA SHOSHONE TRIBE OF NEVADA**

**WHEREAS**, The Yomba Shoshone Tribal Council is the recognized Governing Body of the Yomba Shoshone Tribe and was established to exercise the privileges and powers of self-government, to conserve and develop the Tribe's resources for the social and economic well-being of its members, and to preserve and protect the civil rights of its members; and

**WHEREAS**, The Yomba Shoshone Tribe is federally recognized by the United States Government and the Secretary of the Interior as a Native American Tribe, and by the power vested in the Tribal Constitution and Bylaws the Council has the authority to enter into contracts and administer any funds within the control of the Tribe; and

**WHEREAS**: The Yomba Shoshone Tribal Council enacted Enrollment Ordinance No. YST-2014-01 on October 10, 2014, as a result of the Secretarial Election in May of 2014.

**WHEREAS**: The duly accepted members of the Enrollment Committee failed to meet and when they did meet in 2016 the Enrollment committee petitioned the Council to change wording in Ordinance No. YST-2014-01.


**WHEREAS**, after approving the changes, the Council found that the wording had to have the approval of the Secretary of the Interior.

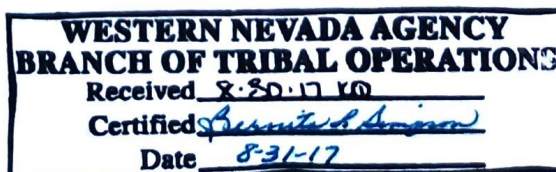
**NOW THEREFORE BE IT RESOLVED**: that the attached altered Enrollment Ordinance No. YST-19-17 be forwarded by the Operations of the Western Nevada Agency of the BIA, to the Secretary of the Interior for acceptance.

**C-E-R-T-I-F-I-C-A-T-I-O-N**

**CERTIFICATION**

It is hereby certified that the Yomba Shoshone Tribal Council is the governing body of the Yomba Shoshone Tribe of Nevada and is composed of six members of whom 5 constitute a quorum and were present at a duly held meeting on the 14<sup>th</sup> of July, 2017 and that the foregoing resolution was adopted by an affirmative vote of 4 for, 0 against and 1 abstentions. (Chairman presiding, not voting)

  
Darryl Brady, Chairman  
Yomba Shoshone Tribe



**YOMBA SHOSHONE TRIBE**  
**ENROLLMENT ORDINANCE NO. YST-19-17**

BE IT ENACTED BY THE TRIBAL COUNCIL OF THE YOMBA SHOSHONE TRIBE: That this Enrollment Ordinance is enacted pursuant to Article II, Section 3 of the Tribal Constitution as amended, and shall be the official document governing the procedures of Tribal Enrollment for the Tribe.

**SECTION 101- SHORT TITLE AND PURPOSE**

This Ordinance shall be cited as the Enrollment Ordinance for the Yomba Shoshone Tribe (hereinafter the Tribe) and all previous ordinances and amendments shall be rescinded and no longer in effect.

The purpose of this Ordinance is to establish an orderly flow of procedures for all enrollment functions of the Tribe: affording proper due process to all persons applying for membership, relinquishment, disenrollment and adoption; that an Enrollment Committee is appointed to implement the enrollment process fairly, orderly, confidentially, and recommending to the Tribal Council for action; and to employ an administrative office for conducting initial enrollment reviews for the Tribe.

The Tribe recognizes their sovereign status as a federally recognized Tribe enacting laws pursuant to Federal Laws, Federal Court Decisions, and the Tribal Constitution.

**SECTION 102- AUTHORITIES:**

This Enrollment Ordinance is governed by the authorities of the Tribal Constitution, Article II, Sections 1, 2, 3, 4, and 5 as follows:

1. Section 1(a), all persons of at least one-half degree Shoshone Indian blood who may be designated by the Secretary of the Interior as eligible for residence on lands purchased therefore or hereafter for the benefit of landless Shoshone Indians.
2. Section 1(b), any other person of at least one-half degree of Shoshone Indian blood whose name appears on the Carson Agency census of the Yomba Shoshone Indians who applies in writing to the Yomba Tribal Council.
3. Section 1(c), all persons of at least one-quarter degree Shoshone Indian blood descended from any member listed on the approved Base Roll and Census Rolls of the Yomba Shoshone Tribe.
4. Section 2, the Tribal Council shall cancel the membership of any enrolled member who makes application to relinquish their tribal membership, and thereafter, such person shall cease to hold membership in the Tribe.
5. Section 3, the Yomba Shoshone Tribal Council shall have the power to promulgate an enrollment ordinance governing all enrollment functions of the Tribe.



6. Section 4, persons of less than one-quarter degree Shoshone Indian blood descended from a member listed on the Base and Census Rolls of the Yomba Shoshone Tribe may be adopted into the tribe by a majority vote of the Tribal Council, voting at a meeting called for that purpose. Persons adopted into the Tribe, also fall under honorary member, shall be enrolled with no rights and privileges.
7. Section 5, Dual Enrollment. A member of the Yomba Shoshone Tribe who is found to be enrolled with another Indian Tribe. Any member who refuses to relinquish membership in either tribal entity after being notified on their dual enrollment status shall be subject to disenrollment.

#### SECTION 103- DEFINITION OF TERMS:

1. Honorary adoption means the granting of tribal membership to a person that does not meet the regular membership requirements under Article II, Section 1 (a), (b), and (c) of the Tribal Constitution and who may qualify for adoption under Article II, Section 4. The honorary adopted member shall have no standing, no right to vote, run for office, share in tribal assets, or participate in tribal government.
2. Adopted Child means a child that is adopted into a family pursuant to a court order and who may or may not meet the membership requirements of the Tribe.
3. Appeal means a process where a person that has applied and been denied membership by the Tribal Council may appeal to the Tribal Court on the enrollment decision.
4. Application means a Tribal Council approved form used to apply for membership.
5. Applicant means a person seeking enrollment with the Tribe.
6. Appellant means a person appealing a decision made by the Tribal Council.
7. Base Roll means the official Base Roll of the Yomba Shoshone Tribe on file at the Western Nevada Agency.
8. Census Roll means the official Census Roll of the Yomba Shoshone Tribe on file at the Western Nevada Agency.
9. Confidentiality Procedures means an official Tribal Council approved document that provides for confidentiality of the tribal enrollment files and documents.
10. Disenrollment means the loss of membership of an enrolled member based on a decision of the Tribal Council for purposes as outlined in this Enrollment Ordinance.
11. Dual Enrollment means a person enrolled with one or more tribes.
12. Enrollment Committee means a recommending body consisting of tribal members appointed by the Tribal Council to oversee enrollment functions of the Tribe.
13. Enrollment Program means a program within the tribal administration to implement initial enrollment functions.
14. Member means a duly enrolled member of the Tribe.
15. Membership Roll means an approved listing of tribal members who are approved by the Tribal Council.
16. Relinquishment means a right of the tribal member requesting to remove his membership from the Yomba Tribe. Relinquishment is subject to approval of the Tribal Council.
17. Sponsor means an applicant's parent, legal guardian, next of kin, or other persons authorized by a court of competent jurisdiction.



SECTION 104- PROHIBITING DUAL ENROLLMENT PROVISION PURSUANT TO ARTICLE II, SECTION 5 OF TRIBAL CONSTITUTION:

Dual enrollment is prohibited by the Tribe. A member that is found to be dually enrolled is subject to disenrollment by the Tribal Council, but, has a right to a hearing. The hearing is scheduled by notifying the member at least thirty (30) days in advance of a meeting, thus, due process is provided. A member that is found to be dually enrolled is given an option to remain a member of the Tribe, or, relinquishing from the other Tribe.

SECTION 105- CONFIDENTIALITY PROCEDURES:

All enrollment files and documents are subject to the Confidentiality Procedures of the Tribe. No person is allowed to review or inspect a file except the enrolled member. The exception to this rule is the individual's parents, guardian, the enrollment program, and the enrollment committee.

SECTION 106- DETERMINING SHOSHONE INDIAN BLOOD PURSUANT TO ARTICLE II, SECTION 1(a), (b), and (c) OF THE TRIBAL CONSTITUTION:

1. Section 1(a), a person has to prove at least one-half degree Shoshone Indian blood and prove residency on the Yomba Shoshone reservation.
2. Section 1(b), a person has to prove at least one-half degree of Shoshone Indian blood whose name appears on the Carson Agency census of the Yomba Shoshone Indians and who applies in writing to the Tribal Council.
3. Section 1(c), a person of at least one-quarter degree Shoshone Indian blood who is descended from any member listed on the approved Base and Census Rolls of the Yomba Shoshone Tribe.

SECTION 107- ENROLLMENT PROGRAM AND FUNCTIONS:

1. There shall be an Enrollment Program (hereinafter the program) within the Tribal Administration. The program may be contracted from the Bureau of Indian Affairs or tribally supported. The program shall operate administratively by the Enrollment Director and be supervised by Tribal Chairman or Tribal Administrator.
2. The program conducts initial enrollment activities for the Tribe. The program conducts reviews of enrollment applications and support documents and requests additional information if necessary. A file is generated and forwarded to the Enrollment Committee with findings and recommendations. The program shall be the central location of all enrollment files and documents.
3. The program shall have a true copy of the Tribal Constitution, the official Base and Census Rolls, Membership Roll and all enrollment files. All original files shall be a permanent record and stored in a safe records center or archives.
4. Proper records management shall be exercised by the Tribe in accordance with approved tribal records management procedures.

SECTION 108- ENROLLMENT COMMITTEE DUTIES AND RESPONSIBILITIES:



1. There shall be an Enrollment Committee (hereinafter committee) appointed by the Tribal Council. Committee members will serve three (3) year terms. The Chairperson presides over all Enrollment Committee meetings. The Vice-Chairperson shall conduct meetings in the absence of the Chairperson.
2. The Committee shall meet on a monthly basis and three (3) members constitute a quorum to conduct business. The Committee shall be required to keep records of all meeting transactions and records are kept in the program office.
3. The Committee shall be a recommending body to the Tribal Council and have no other authority.
4. Committee members may be removed for cause or unexcused absences from three (3) meetings. The Tribal Council has the authority for all removals.
5. The Committee shall receive the official file from the program and conduct meetings to determine eligibility for all enrollment functions.
6. The Committee determines the  $\frac{1}{4}$  Shoshone Indian blood degree as required by Article II, Section 1(a), (b), and (c) of the Constitution.
7. The Committee reviews all applications for regular and honorary adoption membership.
8. The Committee reviews the Membership Roll on an annual basis and recommends corrective action to the Tribal Council. All corrective actions to the Membership Roll shall be by Tribal Council Resolution. Corrective action means to add new members for regular membership and for honorary adoption membership, to keep updated records of names of the deceased, updated records of names for relinquishments, and updated records of names for disenrollment.

#### SECTION 109- APPLICATION FOR ENROLLMENT:

1. Regular Membership Application Procedures as required for Article II, Section 1(a), (b), and (c) of the Tribal Constitution:
  - A. Any person who feels qualified may file an application for membership with the Tribe. The application shall be filed with the program and the burden of proof is on the applicant. The application must also furnish a birth certificate and family chart, or other documents showing proof of eligibility. A number shall be assigned to the application when filed.
  - B. The qualification for determining the  $\frac{1}{4}$  degree Shoshone Indian blood is the use of the Base and Census Rolls of the Yomba Shoshone Tribe.
  - C. The program stamps the application and takes the initial steps to review the application, support documentation, and conducting research if possible. If there is an indication that there are documents missing, the program shall make a request for the information in writing, providing thirty (30) days for response. If after the thirty (30) days, no response has been made, the program will recommend to the Committee that the application lacks proper information, therefore, should be disapproved.
  - D. A sponsor may submit an application on behalf of a minor, incompetent person, a member of the Armed Forces, a member of other services of the United States Government, or a person that is attending college or vocational school.



- E. Following the initial program review, the application is submitted to the Committee for final review based on recommendations from the program. The Committee shall review the application, supporting documents, and recommendations from the program and make a determination.
  - F. The Committee shall submit their recommendations to the Tribal Council for approval or disapproval. The Tribal Council shall at the next regular council meeting place the Committee recommendations on the agenda for action. If the application is approved, it will be completed by the Tribal Council Resolution and the person shall become a member effective immediately. If the application is disapproved, this shall require a Tribal Council Resolution and a letter will be sent to the applicant providing due process and an opportunity to appeal (see appeal procedures). An appeal is optional.
2. Adoption Application Procedures as required by Article II, Section 4 of the Tribal Constitution.
- A. The Tribal Council has the authority to adopt members into the Tribe by a majority vote. The applicant shall be notified in writing and the decision is not appealable.
  - B. A person may file an application for membership by adoption into the Tribe if they don't meet the regular membership requirements of Article II, Section 1(a), (b), and (c) of the Tribal Constitution. The application is filed pursuant to Article II, Section 4 of the Tribal Constitution. An application is filed with the program.
  - C. The program shall use the adoption membership requirements of Article II, Section 4 of the Constitution to determine the applicant's eligibility and shall complete a file. If additional information is required, a certified return mail receipt letter shall be sent to the applicant requesting the information. If no response is made thirty (30) days after the certified return mail receipt letter and an effort to reach the applicant by phone, then a recommendation for disapproval is made to the Committee.
  - D. The Committee shall review the file and recommendations from the program. A recommendation shall be forwarded to the Tribal Council for action.
  - E. The Tribal Council shall review the recommendation, request information from the committee if necessary, and enact a Tribal resolution with a decision. For adoptions, the Tribal Council decision is final. The appeal provision of this Ordinance do not apply to adoptions.

#### SECTION 110- REQUEST FOR HEARING:

- 1. If an application for membership has been denied, the applicant may request a hearing for reconsideration prior to filing an appeal. The appeal is optional to the applicant.
- 2. The Tribal Council may grant a hearing for correct reconsideration if the applicant has provided proper documents proving his eligibility for membership. The hearing may be held at least thirty (30) days after the Tribal Council decision on his membership application. If the Tribal Council decision is upheld, the person has the right to appeal the decision to Tribal Court following the appeal procedures.



#### SECTION 111- REQUEST FOR APPEAL AND PROCESS:

1. Request for appeal if an enrollment application has been disapproved pursuant to Article II, Section 1(a), (b), and (c) of the Tribal Constitution by the Tribal Council and only after a reconsideration hearing process has been heard.
  - A. Within thirty (30) days following the Tribal Council decision to disapprove an enrollment application, the applicant may appeal to the Tribal Court.
  - B. The Tribal Court's decision shall follow the Constitution, Census and Base Rolls. Enrollment Ordinance, and any support documentation in the application file.
2. Request for appeal regarding the Tribal Council's decision on disenrollment.
  - A. Within thirty (30) days following the Tribal Council's decision disapproving a disenrollment decision, the applicant may appeal to the Tribal Court for a decision. The Tribal Court may hear the appeal at the next scheduled court date.
  - B. If the Tribal Court rules in favor of the Tribal Council's decision, the applicant has a right of appeal to the Appellate Court following the appellate court procedures. The decision of the appellate court shall be final.

#### SECTION 112- RELINQUISHMENT PROCEDURES PURSUANT TO ARTICLE II, SECTION 2 OF THE CONSTITUTION:

1. Any enrolled member of the Tribe shall file a Relinquishment Form (application) if they desire to relinquish from the Tribe. The right to relinquish is not a decision of the Tribe, but, the enrolled member's right and choice.
2. A relinquishment is conditional upon enrollment with another Tribe. If the person does not enroll with another Tribe, the relinquishment shall be effective sixty (60) days from the Tribal Council decision by Resolution. The relinquished member cannot again file for membership with the Tribe.
3. A minor that is relinquished can file a new application for membership within five (5) years after reaching the majority age of eighteen (18) if they so desire. This provision shall not apply after the five (5) year period.
4. A Relinquishment Form (application) shall be filed with the Program. The Program shall complete the initial reviews and forward the file to the Committee for determination.
5. The Committee shall call a meeting, review the application, and forward their recommendation to the Tribal Council for relinquishment.
6. The Tribal Council shall act on the request for relinquishment and enact a resolution. The documents shall be forwarded to the Program to mail by returned receipt certified mail. Once a decision is made, the person relinquished cannot retract or remove their application.

#### SECTION 113- DISENROLLMENT (LOSS OF MEMBERSHIP) PROCEDURES PURSUANT TO ARTICLE II, SECTION 5 OF THE TRIBAL CONSTITUTION:

1. The loss of membership is determined and acted upon by the Tribal Council. If the Tribal Council determines that a tribal member has obtained membership rights by



- fraud, deceit, dual membership, or misrepresentation, they have the authority to act on the disenrollment. The burden of proof rests with the Tribal Council.
2. The Tribal Council shall obtain proof of the enrollment in question and schedule a hearing to provide the member proper due process and equal protection. A certified return mail receipt letter shall be sent to the member scheduling a hearing thirty (30) days in advance to assure that the member has adequate time to obtain the information to support the question on his membership.
  3. If the hearing results are in favor of the Tribe, the Tribal Council shall schedule the disenrollment on the meeting agenda. If the hearing results are in favor of the member, no further action will be required and the case dismissed.
  4. The member may appeal the Tribal Council's decision for disenrollment to the Tribal Court. The Tribal Court shall place on the calendar for their next hearing the disenrollment matter. The Tribal Court decision may be further appealed to the Appellate Court. The Appellate Court decision shall be final. Once a decision is made, the person disenrolled cannot retract or they can no longer apply for membership.

#### SECTION 114- MEMBERSHIP ROLL:

1. The Membership Roll is a listing of approved enrolled or adopted members. The Tribal Council has the authority to approve the Membership Roll and subsequent amendments by Resolution form.
2. The Membership Roll shall be corrected annually to add new members, keep ongoing documentation of deceased members, keep ongoing documentation of relinquished members and keep ongoing documentation of disenrolled members. The Tribal Council shall enact a resolution approving any corrections or amendments.
3. The Membership Roll shall be formatted to meet tribal needs and include names, gender, date of birth, date approved for membership and authority of Tribal Constitution and Bylaws.
4. The approved Membership Roll shall be on file in the Program office and kept secured pursuant to the Confidentiality Procedures of the Tribe.

#### SECTION 115- AMENDMENTS TO ENROLLMENT ORDINANCE:

Amendments to this Enrollment Ordinance shall be enacted by Tribal Council Resolution pursuant to the authority provided in Article II, Section 3 of the Tribal Constitution. All amendments shall reference the Enrollment Ordinance Number YST-19-17.

#### SECTION 116- HONORARY MEMBERSHIP:

Notwithstanding any requirement of this Ordinance, the Tribal Council may adopt any person as an honorary adopted member of the Tribe. The honorary adopted member shall have no rights and privileges.

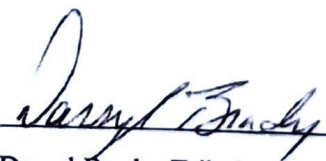
#### SECTION 117- SEVERABILITY:




The act by which any section or provision of the Enrollment Ordinance is declared invalid by a court of competent jurisdiction, the remaining sections or provisions are capable of maintaining a complete independent existence and continue to be in full force and effect.

#### CERTIFICATION

It is hereby certified that this foregoing Ordinance enacted by the Yomba Shoshone Tribal Council, composed of six members, of whom 5 constituting a quorum, were present at a duly called meeting on the 14 day of July, 2017, was adopted by the affirmative vote of 4 for, 0 against, 1 abstentions, pursuant to authority contained under Article II, Section 3 of the Constitution of the Yomba Shoshone Tribe.

  
Darryl Brady, Tribal Chairman

  
Daniel Hooper, Tribal Secretary