



HOOPA VALLEY TRIBAL COUNCIL

Hoopa Valley Tribe

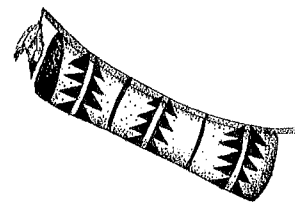
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DEC 27 2022



Chairman Joe Davis

LEGISLATIVE PROCEDURES ACT ROUTING SHEET

- A. PROPOSAL: The Hoopa Valley Tribal Council would like your comments on the proposed **Title 9, Enrollment Ordinance Amendments** that is being routed through the LPA process.
- B. PROPOSED BY: OTA/Enrollment
- C. COMMENTS ARE BEING REQUESTED BY: All Departments, Entities, and Tribal Membership
- D. NOTE: The proposed Title 9, Enrollment Ordinance Amendments was approved to be routed under the LPA Process on December 15, 2022 by the Tribal Council and is set for final approval for referral to referendum vote at the Regular Council Meeting Scheduled for January 19, 2023. The location for the Public Hearing will be at the Neighborhood Facilities in the Council Chambers.

If you would like to participate in the Public Hearing via Zoom, please see below for the Zoom information.

Meeting ID: 830 1459 3040

Passcode: 036192


Dial In: 1.253.205.0468

For a copy of the routing for the proposed Title 9, Enrollment Ordinance Amendments, please contact Amber Turner, Executive Secretary at (530) 625-4211, Ext. 393.

E. SEQUENCE OF EVENTS SHOWING DATES FOR THIS ISSUE.

1. Initial Routing: December 22, 2022
2. Public Hearing: January 10, 2023 @ 5:30 p.m.
3. Deadline for Comments: January 11, 2023 @ 5:00 p.m.
4. Final Approval: January 19, 2023
(for referral to referendum vote)

This notification is pursuant to TRIBAL ORDINANCE NO. 4-89 LEGISLATIVE PROCEDURES ACT. In accordance with Section 6.4, please route your comments, suggestions and recommended amendments to the Executive Secretary on or before the date indicated above.


Amber Turner, Executive Secretary
Hoopa Valley Tribal Council

Proposed Amendments to Title 9 (Enrollment Ordinance), Section 5

SECTION 5. DETERMINATION OF INDIAN BLOOD.

5.1 COMPUTATION. The degree or quantum of Indian blood of an applicant shall be determined by adding one-half the degree of Indian blood of each parent shown on the roll. In the event of a conflict among the roll schedules and enrollment resolutions as to an individual's degree of Indian blood, the most recent resolution regarding enrollment of Indian blood degree possessed shall control.

5.2 MARRIED PARENTS. ~~Where the natural mother of the applicant was married at least nine months prior to the applicant's birth, there shall be a rebuttable presumption that the mother's husband at the time of the applicant's conception is the natural father of the applicant. The presumption may be rebutted by a preponderance of evidence.~~

5.3 UNMARRIED PARENTS. ~~Where the natural mother of the applicant was not married nine months prior to the applicant's birth, the applicant's birth certificate showing the name of the claimed or stated father, or a statement signed by the applicant's natural mother naming the father of the applicant, or both, will not be sufficient to establish paternity. Certified birth certificates shall be sufficient evidence to establish maternity for purposes of enrollment. The Indian blood degree of the natural father of the applicant may be used to compute the applicant's Indian blood degree only if blood-DNA tests, as specified by the Committee, for either or both parents, produce results that tend to confirm that the alleged parent is the natural, biological parent father of the applicant, and other acceptable evidence supports such parentage.~~

5.3.1 5.2.1 Testing Procedures; Enforcement. Costs for tests specified

by the Committee shall be the sole responsibility of the applicant, except that where such tests confirm the applicant's contention about the identity of the natural parents, said costs shall be reimbursed by the Tribe upon submission of receipts and proof of payment. A parent of an applicant shall have a right, enforceable in tribal court if good cause is shown and upon notice to the person to be tested, to compel an alleged parent to submit to the test specified by the Committee.

5.4.5.3 BLOOD DEGREE CORRECTIONS.

~~5.4.1~~5.3.1 Standing, Parties. Only the following may apply to increase or decrease any blood degree presently listed on the roll: The Council or members who desire to have their own blood degree, as listed on the roll, corrected; provided that in this subsection "member" shall mean natural person or the parent or legal guardian of any minor incompetent member. Where a decrease is proposed, the Committee shall endeavor to determine whether any other members will be affected by the correction.

~~5.4.2~~5.3.2 Standard of Proof. In all proceedings regarding blood degree corrections, the person seeking a blood degree correction shall be required to prove by clear and convincing evidence that a blood degree other than that listed on the roll, for the person whose blood degree is at issue, is the correct blood degree, and also to so establish what the precise blood degree to be listed on the roll should be.

~~5.4.3~~5.3.3 Procedure. Requests to make a blood degree correction shall be initiated by filing an application and proceedings shall be handled pursuant to section 7. Such application shall clearly indicate that "Blood

Degree Correction" is the action requested. Affected members, as determined by the Committee, shall be sent copies of the application by personal services or certified mail and shall be given thirty days to indicate in writing whether they intend to become participants in the proceedings regarding the proposed blood degree correction. Participants who timely respond to the notice shall be given an additional thirty days to present to the Committee any written evidence or argument regarding the proposed change.

5.4.45.3.4 Copies. An explanation of the subject blood degrees, before and after a correction, shall be contained in the Council resolution on the matter. Copies of resolutions changing a blood degree shall be submitted to the Bureau of Indian Affairs in a timely manner in order that Bureau blood degree certifications conform with Tribal records.