



**REGISTRATION, CENSUS &
EXCLUSION ORDINANCE**

Ordinance No. 94-08
Amended June 7, 2007
Amended October 18, 2007

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REGISTRATION, CENSUS AND EXCLUSION ORDINANCE

Section 80.01 TITLE:

This ordinance is adopted to enact and implement regulations governing the development of a reservation census and the creation of procedures for fines and exclusion of persons from the reservation. These regulations shall be known as "Rincon Registration, Census and Exclusion Ordinance".

Section 80.02 AUTHORITY:

This ordinance is established by the Business Committee of the Rincon Band of Luiseño Indians ("Tribal Council") pursuant to the Articles of Association which vest this regulatory authority in the Tribal Council.

Section 80.03 FINDINGS:

The Tribal Council finds and declares.

- 1) The Rincon Band of Luiseño Indians is a federally recognized Indian Tribe with sovereign power to regulate tribal resources, and to safeguard and promote the peace, health, safety, order and general welfare of its tribal members.
- 2) The presence of transients and persons occupying land illicitly presents a clear and present danger to the safety and health of our tribal members. Rincon has experienced numerous dangerous and violent incidents traceable to trespass and loitering;
- 3) The State of California has taken the position that its criminal trespass statutes do not apply to Indian reservations.
- 4) Rincon seeks to assure that tribal resources and services are directed to all tribal members and those non-members residing within the exterior boundaries of the reservation with Rincon's permission.
- 5) Rincon needs to develop an accurate census of tribal members and non-members legally residing on the reservation in order to: a) effectively plan and deliver tribal services; and b) identify and exclude trespassers and others who violate Federal, State and Tribal laws.
- 6) In order to develop an accurate census and provide for health, safety and welfare, Rincon has determined that a registration process must be implemented for non-members who intend to reside within the exterior boundaries of the reservation.
- 7) Rincon does not intend to require enrolled Band members and their families to register with the Tribe. Instead, enrolled Band members shall receive photo identification cards.

The Tribal Council therefore, finds this ordinance is necessary to protect and identify tribal members and non-members legally residing on the reservation.

Section 80.04 EXCEPTIONS TO THE REGISTRATION REQUIREMENTS

The following persons are excepted from these registration requirements:

- 1) Enrolled members of the Rincon Band and their lawful spouses and children; provided, however, non-member spouses must register if that spouse has a felony conviction or three (3) or more misdemeanor convictions for the illegal manufacture of drugs or illegal possession of weapons.
- 2) Patrons of business establishments owned, operated or authorized by the Tribe.
- 3) Invited visitors of members and registered Reservation guests who are visiting for thirty days or less. Any person who has been permanently excluded from the Reservation is not permitted to return as an invited visitor..
- 4) Invited visitors of the Tribal Council.
- 5) Persons traveling through the Reservation on federally or state maintained public highways or roads.
- 6) Tribal or federal government employees or contractors acting pursuant to their scope of authority.
- 7) Casino patrons and employees who do not reside on the reservation.

Section 80.05 GROUNDS FOR SANCTIONS UNDER THIS ORDINANCE

It shall be a civil offense and a violation of this ordinance for any person within the exterior boundaries of the Rincon Indian Reservation to:.

- 1) Fail to register or otherwise comply with the provisions of this or any other duly-enacted tribal ordinance.
- 2) Commit any act or engage in any conduct or activity which constitutes a crime or breach of peace under the applicable laws of the Tribe, United States, or State of California.
- 3) Willfully fail to adhere to tribal laws and regulations and/or fail to correct a violation of such laws and regulations after being ordered by the Tribe to do so.
- 4) Invade the privacy of a reservation resident.
- 5) Without authorization enter Tribal or individual land for any purpose.
- 6) Willfully interfere with businesses authorized by the Tribe.

- 7) For non-members, if, within the previous ten (10) years you have been convicted of any felony as defined by tribal, federal or state laws and/or have been convicted of three or more misdemeanors as defined by tribal, federal or state law which involve the use, possession or manufacture of illegal drugs and/or illegal weapons.

Section 80.06 SANCTIONS FOR VIOLATION OF THIS ORDINANCE:

Any person found to have violated the provisions of Section 80.05 may be assessed a civil penalty of up to \$5,000.00, and may be assessed attorneys fees and costs in addition to any other remedies the Tribe may have. Non-members may be excluded from the reservation.

Section 80.07 ENFORCEMENT PROCEDURES

The procedure for enforcement of this ordinance shall be as follows:

1. The Tribal Council or their authorized representative shall file with the Rincon Tribal Court a complaint requesting an injunction or temporary restraining order enjoining a violator from entering the exterior boundaries of the Rincon Reservation, including traveling across or remaining on the lands or roads of the Reservation. A complaint may also request a fine and/or damages.
2. Notice shall be served upon the alleged violator as provided in the Rules of Civil Procedure for the Intertribal Court of Southern California.
3. The Rincon Tribal Court shall hold a hearing and issue its judgment under the Rules of Civil Procedure for the Intertribal Court of Southern California.

Section 80.08 REGISTRATION:

Section 80.08.01 Definitions

- 1) Resident: Enrolled members of the Rincon Band and their lawful spouses; provided, however, non-member spouses must register if that spouse has a felony conviction or three or more misdemeanor convictions for the illegal manufacture of drugs or illegal possession of weapons.
- 2) Guest: A person shall be considered a guest if that person is present with the intent to remain. This presence with the intent to remain can be demonstrated or determined if that person receives telephone, electric, water, cable television, sanitation or other tribal

services on the Reservation; and/or is present on the Reservation an average of more than once per week in any thirty day period.

3) Visitor: Persons visiting for thirty (30) days or less who have been invited by Rincon tribal members or by registered Reservation guests. Any person who has been permanently excluded from the Reservation is not permitted to return as a visitor.

Section 80.08.02 Registration and Identification

1) All guests shall register, in person, within ten (10) days of entry onto the Reservation. Children under 18 years old must be registered by their parents, legal guardians or foster parents.

2) Each person required to register shall complete a registration form at the Tribal Government Office and shall pay a twenty five dollar (\$25.00) registration fee. Said form shall include all information requested by the Tribe including but not limited to the following:

a. Non Rincon tribal member guests eighteen (18) years of age and older must present at least two (2) forms of current identification; at least one (1) identification shall include a photograph of the person applying for registration.

i. Acceptable forms of current identification may include but not be limited to: a valid drivers' license, passport, original or certified copy of a birth certificate, social security card, school identification card with photo, immigration documents, or other identification cards of similar reliability that can be verified independently.

b. Non Rincon tribal member guests under eighteen (18) years old must register with their parents and must present at least one proof of current identification as described in Section 80.08.02 (c) (a) (i).

c. Non Rincon tribal member guests shall provide their name, date of birth, social security number, residence address or location, mailing address, length of time at current residence (if less than one year, the former residence address or location shall be provided), name and address of current employer(s), reason for presence on the Reservation, number of minor children and adults living with them and shall provide the dates and locations of any felony convictions.

3) Landlords will be held responsible and be liable to assure their guests are registered.

Section 80.09 REGISTRATION CARD

Upon payment of the registration fee and verification of the information provided by the registrant, the Tribal Governmental Office shall issue the registrant a Reservation Guest Permit. This permit may not be transferred, assigned, or used by any person other than the person identified on the permit. Each non-member resident shall be required to

produce his/her permit for inspection, along with additional identification, upon demand by any Tribal, Federal or State law enforcement official.

Section 80.10 RENEWAL:

Each non-member guest shall renew his/her Reservation Guest Permit annually, and shall pay an annual renewal fee, as established by the Tribal Council, for maintaining the registration system.

Section 80.11 PENALTIES FOR NON-COMPLIANCE:

Any person who fails to register or materially misstates or falsifies information may be excluded from the Rincon Reservation, and/or assessed a civil fine of up to \$5,000.00, and may be assessed attorneys fees and costs in addition to any other remedies the Rincon Band may have.

Section 80.12 SEVERABILITY:

If any provisions or clauses of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of the remaining provisions of the Ordinance.

Section 80.13 EFFECTIVE DATE:

This Ordinance shall take effect when adopted by a majority vote of the Tribal Council, and shall rescind, supersede and replace in its entirety any previously adopted tribal ordinance governing this subject matter. All guests who are on the reservation on the date this Ordinance is adopted shall have sixty (60) days in which to register.

Section 80.14 WAIVER OF SOVEREIGN IMMUNITY

Nothing in this Ordinance is intended to, nor should it be construed as, a waiver of the protections of sovereign immunity, including those of suit in any court, other than the Intertribal Court of Southern California.

This Ordinance is not intended to, nor shall it be construed as, establishing or recognizing any rights or interests in any tribal resources, property, lands, or other tribal holdings, to any person to whom a permit may be issued, nor shall this Ordinance be construed as recognizing any authority in any other jurisdiction.

[Certification pages follow]

ORDINANCE NO. 94-08
RINCON REGISTRATION, CENSUS AND EXCLUSION ORDINANCE

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INTRODUCED, PASSED AND ADOPTED by the Rincon Business Committee of the Rincon San Luiseno Band of Mission Indians at its regular meeting held on the 15th day of March, 1995 by following roll call vote:

AYES: Robert G. Calac
Richard Garcia
Patricia Duro
Ruth Calac
Gilbert Parada

NOES: None

ABSENT: None

ATTEST:

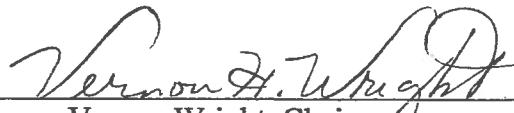


Darrell W. Gentry, Acting Recording Secretary

Date: March 17, 1995

CERTIFICATION OF ORDINANCE 94-08 REVISIONS
JUNE 7, 2007

Adopted by the Business Committee of the Rincon Band of Luiseño Indians at a regular meeting held on the 7th of June, 2007, by a vote of 4 ayes, 0 noes, 1 absent and 0 abstaining.



Vernon Wright, Chairman



Bo Mazzetti, Vice Chairman

Stephanie Spencer, Council Member



Gilbert Parada, Council Member

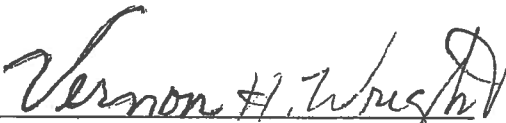


Charlie Kolb, Council Member

RINCON REGISTRATION, CENSUS AND EXCLUSION ORDINANCE

CERTIFICATION OF ORDINANCE 94-08 REVISIONS
October 18, 2007

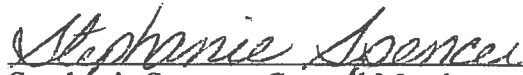
Adopted by the Rincon Business Committee of the Rincon Band of Luiseño Indians at a regular meeting held on the 18th day of October, 2007 by a vote of 4 ayes, 0 noes, 1 absent and 0 abstaining.



Vernon Wright, Chairman



Bo Mazzetti, Vice Chairman



Stephanie Spencer, Council Member



Gilbert Parada, Council Member



Charlie Kolb, Council Member