

**RINCON BAND OF LUISEÑO MISSION INDIANS  
RINCON INDIAN RESERVATION, CALIFORNIA**



**RINCON CODIFICATION ORDINANCE  
RINCON TRIBAL CODE § 2.900**

Adopted on May 8, 2012

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

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**Table of Contents**

§ 2.900 Authority And Purpose ..... 3

§ 2.901 Definitions ..... 3

§ 2.902 Establishment Of A Tribal Codification System..... 3

§ 2.903 Organization Of The Rincon Tribal Code ..... 4

§ 2.904 Organization Of Ordinances And Other Governing Documents: Ordinance  
Numbering..... 12

§ 2.905 Recordkeeping; Attorney General ..... 13

§ 2.906 Legal Effects Of Formatting ..... 15

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

§ 2.900    **AUTHORITY AND PURPOSE**

The purpose of this ordinance is to establish a system of codification for the Ordinances and other governing documents of the Rincon Band of Luiseño Indians of California. This codification system is designed to provide for a logically consistent ordering of the Ordinances and other governing documents of the Tribe, and also contains a format and referencing system to ensure that there is one consistent, authoritative version of the Rincon Tribal Code. The authority for this Ordinance is the Articles of Association Covering Procedures for Administering the Affairs of THE RINCON, SAN LUISEÑO BAND OF MISSION INDIANS, California.

§ 2.901    **DEFINITIONS**

For the purposes of this Ordinance, the following definitions shall apply:

(a) "**Footer**" shall mean standardized, formatted text that appears at the bottom of every page of a document.

(b) "**Governing documents**" shall mean those documents, other than Tribal Ordinances, that have a binding legal effect on the Tribe, tribal members, Committees or Departments of the Tribe, or tribal officials and employees, and shall include but not be limited to, the Tribe's Articles of Association [INSERT OTHER ORGANIC GOVERNING DOCUMENTS].

(c) "**Header**" shall mean standardized, formatted text that appears at the top of every page of a document.

(d) "**Attorney General**" shall mean the Attorney General of the Tribe, or such other Tribal official or person as may from time to time be designated recordkeeping responsibility by the Tribal Council pursuant to §2.115 of this Ordinance.

(e) "**Tribal Council**" shall mean the Business Committee of the Rincon Band of Luiseño Indians.

(f) "**Tribe**" shall mean the Rincon Band of Luiseño Indians.

§ 2.902    **ESTABLISHMENT OF A TRIBAL CODIFICATION SYSTEM**

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

There is hereby established a codification system for the organization of and reference to all Rincon Tribal Ordinances and other governing documents. This codification system and the persons responsible for its maintenance are set out in the sections below. All Ordinances previously adopted by the Tribe shall, within a reasonable time from the adoption of this Ordinance, be reformatted and renumbered to be consistent with the codification system set out herein, and to the extent practicable other governing documents.

**§ 2.903    ORGANIZATION OF THE RINCON TRIBAL CODE**

**(a) Name of Code.** The codification of Ordinances and other governing documents pursuant to this Ordinance shall be referred to as the "Rincon Tribal Code."

**(b) Organization by Subject Matter.** The Rincon Tribal Code shall be organized in groups of ordinances and/or governing documents with similar subject matter. Each subject matter grouping shall be designated as a chapter of the Rincon Tribal Code, and shall be identified by a whole number. For example, the second chapter of the Rincon Tribal Code, covering Tribal Government, shall be designated as Chapter 2.

**(c) Numbering of Ordinances and Governing Documents.** Ordinances and other governing documents shall be identified by the following numbering system: Each Ordinance or governing document shall be identified by the Chapter number followed by a decimal point and a three-digit number designated for the first section of that Ordinance. Subsequent sections of the Ordinance shall be numbered consecutively after the first section. Additional ordinances within each subject matter chapter shall begin their numbering sufficiently far from the last section number of the previous ordinance to permit room for amendment of existing Ordinances and to add new sections. For example, the first section of the Limited Waiver of Sovereign Immunity Ordinance, entitled "Purpose and Intent," shall be identified as Rincon Tribal Code §2.100, the second section entitled "Authority," shall be identified as Rincon Tribal Code §2.101, and so on.

**(d) References and Citations.** When referencing or citing a provision of the Rincon Tribal Code, such provision shall be referenced or cited as follows: The letters "RTC" followed by the appropriate chapter and section number, and where applicable, the letters and numbers of the relevant subsection in parentheses. For example, when citing to this section of the Codification Ordinance, the citation will read "RTC

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

§2.903(d)." Whenever a reference is made to the Rincon Tribal Code, or to any portion of the Code, or to any Ordinance or governing document of the Rincon Band of Luiseño Indians, codified therein, the reference shall apply to all amendments, corrections and revisions made at the time this Ordinance is originally adopted or any time thereafter.

**(e) Establishment of Subject Matter Chapters and Numbers:** This Ordinance hereby establishes the following subject matter chapters, which shall include the ordinances and/or governing documents set out beneath it identified by the numbering system following this section. Not all of the Ordinances listed below have been adopted yet by the Tribe. Those not yet adopted are listed as "reserved," meaning that the chapter and number so designated shall be reserved for the Ordinance named, if such Ordinance is thereafter adopted by the Tribe.

Chapter 1: Articles of Association [INSERT ALL ORGANIC GOVERNING DOCUMENTS]

§1.100 Articles of Association

Chapter 2: Tribal Government

§2.100 Limited Wavier of Sovereign Immunity Ordinance

§2.200 Tribal Organization and Management (reserved)

§2.300 Tribal Council Code of Conduct and Ethics

§2.400 Rincon Election Ordinance

§2.500 Enrollment Ordinance

§2.600 Committee Policy Ordinance

§2.700 Delegates Ordinance

§2.800 Tribal Consultation Policy Ordinance

§2.900 Codification Ordinance

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

§2.1000 Enrollment Administration Policy

§2.2000 Rincon Government Organization Ordinance

Chapter 3: Tribal Court

§3.100 Tribal Court Jurisdiction Ordinance

§3.200 Rincon Tribal Bar Ordinance

§3.300 Tribal Court Rules of Civil Procedure

§3.400 Tribal Court Rules of Evidence (reserved)

§3.500 Tribal Arbitration Enforcement Ordinance

§3.600 (reserved)

§3.700 (reserved)

§3.800 Appellate Ordinance- Tribal Court Governing Document

Chapter 4: Finance and Revenue

§4.100 Budget Procedures Ordinance (reserved)

§4.200 Administration and Finances Ordinance (reserved)

§4.300 Garnishment Ordinance (reserved)

§4.400 Tribal Taxation Ordinance

§4.500 Bond Ordinance (reserved)

§4.600 Tribal Investment Policy Ordinance

§4.700 Rincon Non-Gaming Revenue Allocation Ordinance

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

Chapter 5: Employment

- §5.100 TERO Ordinance (reserved)
- §5.200 Personnel Policy (reserved)
- §5.300 Employment Relations/Right to Work Ordinance (reserved)
- §5.400 Prevailing Wage Ordinance

Chapter 6: Gaming

- §6.100 Patron Tort Claim Ordinance
- §6.200 Gaming Ordinance
- §6.300 Amended Restated Ordinance Revenue Allocation Plan
- §6.400 Community Contributions Ordinance (reserved)
- §6.500 Tribal Uniform Commercial Code
- §6.600 (reserved)

Chapter 7: Business & Economic Development

- §7.100 Limited Liability Corporation Ordinance (reserved)
- §7.200 Business Licensing Ordinance (reserved)
- §7.300 Indian Preference Ordinance (reserved)
- §7.400 Alcohol Control Ordinance
- §7.500 Tobacco Ordinance (reserved)
- §7.600 Business Leasing Regulations

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

Chapter 8: Natural Resources

- §8.100 Hunting Ordinance
- §8.200 Fowl Ordinance
- §8.300 Environmental Enforcement Ordinance
- §8.400 Tribal Environmental Policy Ordinance
- §8.500 Illegal Dumping of Waste Matter Ordinance
- §8.600 Hazardous Material Control Ordinance
- §8.700 Land Assignment Ordinance
- §8.800 Land Use Ordinance (reserved)
- §8.900 Water Use and Protection Ordinance

Chapter 9: Domestic Relations

- §9.100 Children's/Juvenile Ordinance
- §9.200 Family Law Ordinance (reserved)
- §9.300 Probate Ordinance (reserved)
- §9.400 (reserved)

Chapter 10: Tribal Culture and Heritage

- §10.100 Cultural Resources Protection Ordinance
- §10.200 Archeological Protection (reserved)
- §10.300 Graves Protection (reserved)



RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

§10.400 Elders Ordinance (reserved)

§10.500 (reserved)

Chapter 11: Health and Human Services

§11.100 Foster Care for Indian Children Ordinance (reserved)

§11.200 Health and Sanitation (reserved)

§11.300 Contract Health Services Ordinance (reserved)

§11.400 General Assistance (reserved)

§11.500 Social Services Ordinance (reserved)

§11.600 (reserved)

Chapter 12: Education

§12.100 (reserved)

§12.200 Adult Vocational Training Ordinance (reserved)

§12.300 JTPA Ordinance (reserved)

§12.400 Education Ordinance (reserved)

§12.500 (reserved)

Chapter 13: Criminal Code

§13.100 (reserved)

§13.200 Rincon Violence Against Women Ordinance (reserved)

§13.300 (reserved)

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

Chapter 14: Housing

- §14.100 Rincon Luiseno Housing Authority Ordinance (Repealed)
- §14.200 Mortgage Lending Ordinance
- §14.300 HIP Program (reserved)
- §14.400 Emergency Interim Residential Ordinance
- §14.500 Rincon Utilities Ordinance
- §14.600 (reserved)

Chapter 15: Public Safety

- §15.100 Curfew Ordinance
- §15.200 Peace and Security Ordinance
- §15.300 Emergency Services Ordinance (Repealed)
- §15.400 Parental Responsibility (reserved)
- §15.500 Eviction and Removal of Persons or Property Ordinance
- §15.600 Registration, Census & Exclusion Ordinance
- §15.700 Emergency Services Ordinance (reserved)
- §15.800 Electrical Service Ordinance
- §15.900 Sign Ordinance
- §15.1000 Canine Control Ordinance
- §15.2000 Commercial Building Codes Ordinance (reserved)

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

§15.3000 Fire Hazard Abatement Ordinance

§15.4000 Rincon Bovine and Livestock Ordinance

§15.5000 Rincon Targeted Picketing Ordinance

Chapter 16: Civil Offenses

§16.100 Civil Offense Ordinance (reserved)

§16.200 (reserved)

Chapter 17: General Welfare

§17.100 Rincon Education Scholarship Program Ordinance

§17.200 Burial and Cemetery Ordinance

§17.300 Rincon Elder and Senior Assistance Program Ordinance

§17.400 Rincon Minor's Clothing Allowance Program Ordinance

§17.500 Rincon Tribal Member General Welfare Assistance Program Ordinance

**(f) Authority to Expand Rincon Tribal Code.** The Rincon Tribal Council shall establish such additional subject matter chapters at any time as the Tribe develops its set of governing laws, and shall insert other Ordinances and/or governing documents in the existing or additional subject matter chapters as needed. This Ordinance shall not be construed as requiring the Tribe to enact any specific Ordinance.

**(g) Rincon Tribal Codes Books.** Copies of the Rincon Tribal Code shall be kept in volumes that organize the code in numerical order as set out above. The Rincon Tribal Council may create as many copies of the Rincon Tribal Code books and distribute them as it deems necessary. Code books shall be made available to any tribal member or other person who requests one. The Tribe may charge a nominal fee to cover reproduction and binding costs to persons who request a copy of the code. A copy of the

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

Rincon Tribal Code shall be available for inspection free of charge at Rincon Tribal Hall and electronically at <http://rinconmembers.net/tribalordinances/>.

§ 2.904    **ORGANIZATION OF ORDINANCES AND OTHER GOVERNING DOCUMENTS: ORDINANCE NUMBERING**

**(a) Ordinance Numbering.** Each Ordinance or other governing document shall be designated an identifying number within the system described above. As new Ordinances or governing documents are added to certain chapters, they shall be designated identifying numbers that follow sequentially from the Ordinances/governing documents already identified in that Chapter, leaving room for expansion or amendment of existing Ordinances. For example, if Chapter 2 has three Ordinances in it, the first Ordinance shall be designated RTC §2.100 et seq., the third Ordinance shall begin at RTC §2.300 or RTC §2.330, and a fourth Ordinance added to that Chapter would begin a sufficient number of Sections beyond that number to provide for expansion and amendment of the third Ordinance in that Chapter.

**(b) Section, Subsection, and Subpart Identification.** Major sections in each Ordinance shall be designated sequentially in alphabetical order by section numbers. Subsections to these major sections shall be designated sequentially in alphabetical order by small letters. Subparts of these subsections shall be designated sequentially by Arabic numerals in sequential order. Subparts of these subparts shall be designated sequentially by small Roman numerals. Each Ordinance shall be formatted by indenting each successive sublevel further to the right than the previous level. An example follows:

§2.100 Major section

    (a) Subsection

        (1) Subpart

            (A) Subpart

            (B) Subpart

                (i) Sub-subpart

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

---

**(c) Title Page.** Every Ordinance shall have a title page containing the following information centered evenly on the page: the Tribe's logo, the title of the Ordinance, the Ordinance number and date of enactment or, if any, the date of the most recent legislative amendment to the Ordinance.

**(d) Table of Contents.** Every Ordinance shall have a Table of Contents that identifies major sections of the Ordinance and corresponding page numbers.

**(e) Header Information.** Every page of every Ordinance or governing document shall have a header containing the following information: the name of the Ordinance/governing document centered at the top; the words "Rincon Tribal Code" followed by the designated beginning section number for that Ordinance/governing document below that, followed by an underline that separates the header from the rest of the text.

**(f) Footer Information.** Every page of every Ordinance or governing document shall have a footer containing the following information: The date the Ordinance/governing document was adopted in the left margin; the date of its most recent amendment, if applicable, in the right margin; the page number centered on the following line; and a line above the footer text separating it from the rest of the text.

**(g) Inconsistent Ordinances or Governing Documents.** If there are two or more inconsistent copies of an Ordinance or other governing document, the document with the more recent date of amendment shall be presumed to be controlling. All volumes of the Rincon Tribal Code shall contain only the most recently amended version of the Ordinances and governing documents that comprise the Rincon Tribal Code.

**(h) Renumbering Existing Ordinances and Governing Documents.** All existing Ordinances and governing documents, as of the date this is enacted, shall be renumbered to be consistent with the organization system set out in this Ordinance.

**§ 2.905 RECORDKEEPING; ATTORNEY GENERAL**

**(a) The Attorney General.** The Attorney General, or such other person designated specifically by the Tribal Council, is hereby designated primary responsibility for recordkeeping and updating regarding the Rincon Tribal Code. The Attorney General shall be responsible for obtaining an accurate and complete copy of any Ordinance or other governing document adopted or amended by the Rincon Tribe, and for formatting

## RINCON CODIFICATION ORDINANCE

### Rincon Tribal Code § 2.900

---

that document in accordance with the requirements of this Ordinance. The Attorney General shall then cause copies of the new document to be incorporated into the Master Volumes in accordance with Section 2.905(b).

**(b) Master Volumes of the Rincon Tribal Code.** The Attorney General shall maintain at least three Master Volumes of the Rincon Tribal Code: One copy designated for the Rincon Tribal Council, one for the Tribal Administration (Director or Chief Executive Officer), and one for the Tribal Court. The Master Volumes shall be maintained so as to keep as complete a legislative record of such Ordinance and governing documents as possible.

**(1) Contents.** The Master Volumes shall contain the following: The current, official versions of each Ordinance or governing document, and along with these versions, a complete and orderly legislative history (when available) of each governing document in the Rincon Tribal Code, including drafts of an Ordinance or governing document, resolutions adopted, amending or repealing an ordinance or other governing document, earlier adopted versions of an Ordinance or governing document, any correspondence or memorandums related to the adoption or amendment of an Ordinance or governing document and, where available and practical, written transcripts of the proceedings in which adoption or amendment of that Ordinance or governing document was considered and discussed. Documents may be excluded from such record if they are confidential or subject to a privilege, such as the attorney-client privilege.

**(2) Organization.** Ordinances and other governing documents in each master Volume shall be arranged in the same numerical order as the other volumes of the Rincon Tribal Code.

**(3) Validity.** The absence of any or all of the above required documents in the Master Volume for an Ordinance or governing document shall have no effect on the validity and authority of the Ordinance or governing document.

**(4) Certification.** Each valid document of legislative history in the Master Volume shall be certified as such by the Attorney General.

RINCON CODIFICATION ORDINANCE

Rincon Tribal Code § 2.900

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**(c) Attorney General's Power of Certification.** The Attorney General is hereby empowered to certify as conformed, true copies any copies made for official purposes of any Ordinance, governing document, or other official document on file in the offices of the Rincon Tribe. Certification can be done by any method that makes it clear that the Attorney General has certified the document as a conformed, true copy of the document on file, so long as the Attorney General's signature is included as part of the certification.

**§ 2.906    LEGAL EFFECTS OF FORMATTING**

The use of the format and organization required by this Ordinance shall, in and of itself, have no legal effect, and shall not be construed to influence in any way the force and effect of Rincon Tribal Ordinances and governing documents.

**[END OF DOCUMENT]**