

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



**RINCON MEMBER BURIAL FUND PROGRAM
ORDINANCE**

RINCON TRIBAL CODE § 17.200

Adopted on January 26, 2012

RINCON MEMBER BURIAL FUND PROGRAM ORDINANCE

Rincon Tribal Code § 17.200

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§ 17.200 **PURPOSE**

(a) The Tribal Council is committed to making sure that all Band Members and their families are respected, recognized and provided with assistance at the time of death of a Band Member or Band Member Spouse.

(b) The purpose of this Ordinance is to provide a social benefit program for the promotion of the general welfare of the Band by establishing a Burial Fund Program to ensure a Band Member, Band Member Spouse or a surviving family member of either a Band Member or Band Member Spouse receives financial assistance from the Tribe to pay for costs associated with funeral arrangements for and burial of a Band Member or Band Member Spouse.

§ 17.201 **DEFINITIONS**

(a) “**Band**” means the Rincon Band of Luiseño Indians of the Rincon Reservation, California, a federally-recognized Indian tribe exercising jurisdiction over the Rincon Reservation in Valley Center, California.

(b) “**Band Member**” means any enrolled member of the Band and shall have the same meaning as Tribal Member.

(c) “**Band Member Spouse**” means a man or woman in a marriage, civil union, domestic partnership, cohabitant, or common-law marriage with a Band Member.

(d) “**Burial Fund**” means that certain fund maintained by the Tribe to off-set costs incurred for the funeral arrangements for and burial of a Band Member and Band Member Spouse.

(e) “**Burial Fund Program**” means the financial assistance program provided by the Band to a Recipient pursuant to Section 17.202 of this Ordinance.

(f) “**Business Committee**” is the five-member committee established under Section 3 (a) of the Rincon Band’s Articles of Association. "Business Committee" shall be synonyms with "Tribal Council" as used in any existing or future tribal ordinance.

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(g) “**Cemetery Committee**” means that certain committee of Band Members appointed from time to time by the Tribal Council to administer and coordinate the funeral arrangements and burial procedures described in this Ordinance.

(h) “**Death Certificate**” means a document issued by a medical practitioner certifying the deceased state of a Band Member or Band Member Spouse or a registrar of a recognized governmental entity or bureau of vital statistics certifying the deceased state of a Band Member or Band Member Spouse.

(i) “**Recipient**” means a Band Member, a Band Member Spouse, or a surviving family member of a Band Member or Band Member Spouse who is eligible to receive financial assistance from the Burial Fund Program described in Section 17.202 of this Ordinance.

(j) “**Rincon Cemetery**” means certain land within the exterior boundaries of the Rincon Reservation dedicated to cemetery use.

(k) “**Tribal Administrator**” means the Tribal Administrator appointed by the Tribal Council to execute administrative functions on behalf of the Tribal Government.

(l) “**Tribal Council**” means the same as the Business Committee, the elected body of the Band authorized to exercise the executive powers of the Band pursuant to Section 6 of the Articles of Association.

(m) “**Tribal Government**” means the Rincon Tribal Government, its arms, agencies, departments, committees, instrumentalities, entities, and enterprises.

§ 17.202 BURIAL FUND PROGRAM

(a) Upon the death of a Band Member and presentation of a Death Certificate, Recipients may be provided with financial assistance in the form of a grant to off-set costs associated with the funeral arrangements and burial of a Band Member.

(b) The Tribe may provide financial assistance, up to a maximum amount of \$10,000, to a Recipient to pay for or reimburse the costs and expenses of hosting or attending wakes, funerals, burials, or other similar bereavement events upon the death of a Band Member or Band Member Spouse.

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(c) Each Recipient will be required to provide written receipts or other documented evidence of costs to establish the amount of reimbursement up to the maximum amount set forth in 17.202(b).

(d) Recipients will have up to fourteen (14) months from the date of death of a Band Member to submit receipts for reimbursement from the Tribal Government.

§ 17.203 CEMETERY BURIAL PLOTS

(a) The burial site of a Band Member and a Band Member Spouse shall be in the section of the Rincon Cemetery previously designated for their family unless other sites are available and arrangements are made with the Rincon Cemetery Committee.

(b) Nothing in this Ordinance requires a Band Member and Band Member Spouse to be buried at the Rincon Cemetery in order to receive financial assistance pursuant to Section 17.202 of this Ordinance, however, due to limited space availability at the Rincon Cemetery, burial plots are reserved for Band Members and Band Member Spouses.

§ 17.204 CUSTOM AND TRADITIONS

Each Recipient shall be entitled to exercise his or her discretion with respect to the funeral arrangements for and internment or burial of a Band Member or Band Member Spouse at the Rincon Cemetery.

§ 17.205 PROCEDURES FOR FINANCIAL ASSISTANCE

(a) To receive financial assistance pursuant to this Ordinance, a Recipient must contact the Cemetery Committee Chairperson and the Tribal Administrator within fourteen (14) days of the death of a Band Member or a Band Member Spouse.

(b) Each Recipient must provide a certified Death Certificate for the deceased Band Member or Band Member Spouse to the Cemetery Committee Chairperson and the Tribal Administrator.

(c) Each Recipient is solely responsible for coordinating all funeral and burial arrangements.

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(d) Each Recipient may use the Rincon Tribal Hall as a gathering place before or after the funeral of a Band Member or Band Member Spouse provided the Recipient makes arrangements with the Cemetery Committee Chairperson.

§ 17.206 **CONTACT INFORMATION**

All Recipients may direct inquiries about this Ordinance to the Cemetery Committee Chairperson. The contact information for the Cemetery Committee Chairperson shall be made available to Recipients upon calling the Tribal Government main office.

§ 17.207 **SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held unconstitutional or invalid by the Tribal Council, only the invalid provision shall be severed and the remaining provisions and language of this Ordinance shall remain in full force and effect.

§ 17.208 **SOVEREIGN IMMUNITY**

All inherent sovereign rights of the Band as a federally recognized Indian tribe with respect to provisions authorized in this Ordinance are hereby expressly reserved, including sovereign immunity from unconsented suit. Nothing in the Ordinance shall be deemed or construed to be a waiver of the Band's sovereign immunity from unconsented suit.

§ 17.209 **EFFECTIVE DATE**

This Ordinance shall become effective upon approval by majority vote of the Tribal Council of the Band at a duly noticed meeting thereof.

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