

TITLE 7 - ENROLLMENT, COMMITTEES, ELECTIONS AND REFERENDUMS

CHAPTER 7-1 ENROLLMENT

7-1-0 GENERAL PROVISIONS

7-1-1 Purpose and Authority

The purpose of this Code is to provide for the development and maintenance of the Membership Roll of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians. Authority for this section is vested in the Tribal Council by Article III, entitled "Membership Section" of the Constitution of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (hereinafter Tribes), which was adopted on May 23, 1987, and approved by the Assistant Secretary of Indian Affairs, Department of the Interior, on June 23, 1987.

7-1-2 Findings

The Tribes' Tribal Constitution provides for the terms upon which membership in the Tribes will be granted, forfeited, or denied and empowers the Tribal Council to regulate membership. Accordingly, the Tribal Council finds it in the best interest of all members and potential members to provide specific written rules and regulations governing the procedure to be used in determining membership.

7-1-3 Burden of Proof and Standard of Proof

The burden of proof shall be upon the Applicant to establish all elements of the Applicant's entitlement to enrollment under the Tribal Constitution and rules and regulations of this Chapter. Any matters required to be proved under this Chapter unless specifically stated must be proved to the satisfaction of Committee or the Tribal Council as provided herein by clear and convincing evidence.

7-1-4 Definitions

- (a) "Adoption" - admission to membership in the Tribes by the procedure for adoption in the Tribes set out below.
- (b) "Adult" - any person eighteen years of age or older.
- (c) "Applicant" - any person who has applied formally for membership in the Tribes prior to approval or denial of the application.
- (d) "Committee" - the Enrollment Committee of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

- (e) “Court” - the Tribal Court of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.
- (f) “Days” - all calendar days. However, when any deadline date established by this Chapter falls on a Saturday, Sunday or any day designated a legal holiday by federal or Tribal law or by Tribal administrative action, the deadline date shall be extended to the next Tribal workday following the Saturday, Sunday or holiday.
- (g) “Enrollment” - admission to membership in the Tribes by the procedure for enrollment set out below.
- (h) “Enrollment Coordinator” - the person employed by the Tribes to direct the operations of the Tribal Enrollment Office.
- (i) “Executive Department” – Tribal Administrator, the Tribes’ Enrollment Office, Office of Tribal Attorney or other designated department of the Tribes.
- (j) “Family Tree Form” - form drafted by and available from the Tribes’ Enrollment Office which shall request from applicants for membership in the Tribes important information about the applicant and the applicant’s heritage upon which decisions regarding the applicant’s eligibility for membership as a member may be based. The Family Tree Form shall not be considered to define all acceptable or relevant data regarding membership which may be considered in making decisions under this Chapter.
- (k) “Permanent Residence” - true, fixed, permanent home to which one has intention of return whenever absent therefrom. Minors shall be considered to reside with any parent who is a member of the Tribes.
- (l) “Person” - any human being of any age or sex whether or not an enrolled member of the Tribes.
- (m) “Political Mailing” - a properly authorized and signed written statement submitted by an individual Tribal Member that, in the opinion of the Tribes, directly and exclusively discusses Tribal political or policy issues, complies with all requirements for a political mailing as defined by this Chapter, does not contain language or messages that could be inflammatory, “name calling”, potentially libelous, or potentially abusive, and that otherwise complies with Tribal law.
- (n) “Political Mailing Submission” - a proposed written statement submitted for consideration as a Political Mailing.
- (o) “Political Mailing Author” - the individual Tribal Member that signs the Political Mailing Submission and signs the Request for Political Mailing Form.

- (p) “Request for Political Mailing Form” - the form provided by the Enrollment Coordinator to initiate the process for a Political Mailing Submission. The Form must be signed and completed in full by the Political Mailing Author before a Political Mailing Submission can be processed. The Form will provide relevant information regarding the number of Tribal recipients eligible to receive a Political Mailing.
- (q) “Roll” - the census roll of the Tribes as kept and updated by the Tribes Enrollment Office as provided for below.
- (r) “Secretary” - the Secretary of the Interior of the United States or a duly authorized representative.
- (s) “Tribal Member” and “Member” - any person who is a duly enrolled member of the Tribes unless the context clearly indicates otherwise.
- (t) “Tribes” - the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

7-1-5 Membership Requirements

The Tribes have the right to determine its own membership and interpret its own documents consistent with the Tribal Constitution. The membership of the Tribes shall consist of all persons who are living and who apply, and:

- (a) Whose name is listed as Coos, Lower Umpqua or Siuslaw on the Public Domain Census Roll of January 1, 1940, prepared by the Grand Ronde-Siletz Agency Bureau of Indian Affairs; or
- (b) Who is a lineal descendant of a public domain allottee of Western Oregon who was a member of the Coos, Lower Umpqua or Siuslaw Indians; or
- (c) Who is a lineal descendant of a person listed as a Coos, Lower Umpqua or Siuslaw Indian on the Census Roll of 1940, or any other roll prepared by the Department of Interior prior to the effective date of the Constitution.
- (d) Newborns of lineal descendants of enrolled members shall only be eligible for health, social services, Indian Child Welfare and emergency services for a period of not greater than six (6) months after birth, but shall not be considered an enrolled member during this period. The parent or recognized guardian as set forth in 7-1-21(c)(2) shall submit an enrollment application and the required documents for enrollment. The child must be properly enrolled in order to continue receiving tribal benefits.
- (e) Where the parents of an Applicant were not married at the time of the birth of the Applicant, the Committee may require appropriate blood tests or court decrees in order to make a determination regarding the identity of the natural parents of the applicant.

The Enrollment Coordinator, through the Committee, may petition the Court to obtain information necessary to make decisions they are required to make under this Chapter.

7-1-6 Dual Membership Prohibited

In accordance with the Constitution, Article III, Sections 2 and 3, the following provisions apply:

(a) No person who is a member of any other Indian tribe, whether such other Indian tribe is Federally recognized or not, shall be eligible for membership in the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians until he/she has relinquished his/her membership in the other Indian tribe(s). The Committee, by majority vote, may decide questions of membership in other Indian tribes after evidence has been presented. Any person who while a member of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians is a member or becomes a member of another Indian tribe shall be subject to loss of membership in the Tribes under the provisions of 7-1-41 of this Code

(b) A minor will not be subject to loss of membership in the Tribes if it has been found by the Committee that the other Tribal Membership occurred when (1) the person was under the age of eighteen (18); (2) the person did not consent to enrollment in the other tribe; (3) one of the parents did not consent to enrollment in the other tribe; (4) upon the age of eighteen (18), the person relinquishes enrollment in the other tribe; and (5) the Enrollment Office has received a resolution or other official document from such other tribe approving such person's relinquishment of membership in that tribe prior to that person's nineteenth (19th) birthday.

(c) No person shall be eligible for membership in the Tribes who has received any payment in compensation for land claims through any other Indian tribes whether federally recognized or not, or whose lineal ancestor through whom such person is claiming eligibility for membership in the Tribes has received any payment in compensation for land claims through any other Indian tribes whether federally recognized or not. For the purposes of this section 7-1-6(c), the phrase "lineal ancestor through whom such person is claiming eligibility" means any lineal ancestor who actually received such payment. If such an ancestor received such a payment, all descendants of that person are barred from Tribal Membership.

Notwithstanding the above, this section 7-1-6(c) will not disqualify from membership any person who filed an enrollment application prior to June 23, 1987, or any descendants of such a person(s) who filed an application prior to June 23, 1987 who file(s) thereafter.

7-1-7 Enrollment Procedure

All enrollments into the Tribes shall take place under the provisions of this Section.

(a) Applicants who prove under the rules and standards set out in this Chapter that they meet all qualifications for enrollment shall have a right to enroll in the Tribes.

(b) Applicants applying for enrollment shall file a short, written Application for Enrollment as stated in Section 7-1-20 with the Tribes which shall contain relevant evidence and documentation showing that the person is entitled to enrollment in the Tribes. The Enrollment Office shall record the date of first contact with Applicants, as the date of filing the Application for Enrollment.

(c) When an Application for Enrollment is received, the Tribes shall send by mail to the applicant, at his or her last known address, a comprehensive list of the kinds of evidence and data utilized by the Tribes to make decisions on enrollment and a completed Family Tree Form with a place on the Form for the person's verified signature or that of their parent or guardian if the applicant is a minor or incompetent, stating that the Applicant has supplied all relevant data that he or she intends to submit to the Tribes on the issue of the Applicant's enrollment. Review of an enrollment Application shall not begin until the Application for enrollment and the verified, completed Family Tree Form have been returned and date stamped received by the Tribes.

(d) The Committee shall establish the nature and type of acceptable evidence, which shall include, but not limited to: notarized photo copies of court documents, state or federal records, hospital medical records, full birth certificates and marriage licenses, Family Tree forms, affidavits of friends, neighbors, and/or tribal elder(s), family Bible records and other genealogical information. The Committee, recognizing that there will be situations in which the safety of the Applicant or Member may be at risk due to domestic violence, may accept evidence that has been provided under victim shield laws or applicable federal law.

(e) After the filing of the completed Application Form with the Tribes, the Enrollment Coordinator shall make a written presentation for consideration of enrollment or recommendation of denial of enrollment, along with written reasons to the Committee.

(f) The Committee shall, within sixty (60) days of the filing with the Enrollment Committee of the written recommendation of the Enrollment Department, approve or disapprove the recommendation, in writing, by majority vote of the Committee.

(g) A vote by a majority of the Committee against a recommendation by the Enrollment Department to permit enrollment of an Applicant shall cause, at the direction of the Committee either (1) the applicant to be denied enrollment on the date of the Committee vote; or cause (2) the recommendation of the Enrollment Department to be returned to the Enrollment Department for no more than thirty (30) days for further review and, if warranted, the Enrollment Department's resubmission of the Application for consideration to the Committee.

(h) If the Applicant is denied enrollment, the Enrollment Coordinator shall present this finding and decision to the Tribal Council at the next regularly scheduled Regular Tribal Council meeting for final action.

(i) When the Tribal Council denies by a majority vote, enrollment of an Applicant, the Tribal Council shall issue findings of fact and conclusions of law in writing. These findings of fact and conclusions of law shall constitute a final denial of enrollment.

(j) A person admitted to membership by majority vote of the Tribal Council shall be entitled to exercise Tribal rights on the date of favorable enrollment action by the Tribal Council.

7-1-8 Enrollment Records

(a) Once the applicants' records enter the Enrollment Office, they are the official property of the Tribes.

(b) Changing and/or correcting the Membership Roll will be handled as follows:

(1) The member will send in the requested change (e.g., name change because of marriage, divorce, adoption, etc.) to the Enrollment Office Coordinator, along with the supporting legal documentation;

During the processing period for legal name changes, the Tribal member shall be entitled to all Tribal rights, including voting rights, pending the final action by the Tribal Council and subsequent notification to the BIA.

(2) The Enrollment Coordinator gives the changes (including any corrections required due to current errors on the Roll) to the Enrollment Committee; and

(3) The Enrollment Committee will take action and make appropriate recommendation to the Tribal Council for final action and subsequent notification to the BIA (Refer to 7-1-10 entitled, "Levels of Responsibility").

(c) Basic Roll

The Enrollment Coordinator will develop a Basic Roll for the Tribes. This Roll will contain all the names in alphabetical order of those members who were enrolled from the date of Restoration until the Constitution was adopted on May 23, 1987. Numbers will be assigned on an alpha/numerical basis of this Basic Roll (i.e., the first person on the Roll will have the number 0001, and the tenth member will have the Roll number of 0010, etc.). All members added after the date of the adoption of the Constitution will have his/her name put on the Roll in alphabetical order, but will be given a Roll number consistent with his/her entry into the Tribes as a certified tribal member.

(d) Certified Roll

The Enrollment Coordinator shall prepare a current, up-to-date membership Roll to be reviewed by the Enrollment Committee at the November Enrollment Committee meeting. The current Roll will then be presented to the Tribal Council in January for annual certification and subsequent notification to the BIA.

(e) The Enrollment Coordinator shall maintain appropriate records to support the recommendations of the Tribal Council and will maintain an accurate Tribal Roll. The Enrollment records shall include copies of documents received to support applications for membership. The records shall be available to the Tribal Council upon request to the Enrollment Coordinator. Request for enrollment records shall be provided on a “need to know”, case-by-case basis and the Enrollment records used strictly for enrollment purposes. Enrollment records shall not be released or used for any non-enrollment purposes, but only for review of applications and other enrollment procedures and audit of the integrity of enrollment files and records. Revealing information in the enrollment records shall be deemed grounds for termination of employment with the Tribes.

(f) Upon a written request by an enrolled member of the Tribes, the Enrollment Coordinator may release to that person, a list of the names of enrolled members in the Tribes. The Enrollment Coordinator shall only release those names of enrolled members in the Tribes who have submitted written consent to the release of their names under this Section.

(g) The Tribal Administrator shall have the authority to release the names, addresses and phone numbers of enrolled members in the Tribes to staff within the divisions and departments of the Tribes responsible for notifying members of necessary services and functions.

(h) In Indian Child Welfare cases, the Family Services Department, may, by written request to the Enrollment Coordinator, request a search of extended family member’s contact information for determining foster care and/or adoptive placement of tribal children. The Enrollment Coordinator shall release contact information to the Family Services Department for this specific purpose. No further release of this contact information by the Family Services Department to any outside agency shall be made without the written consent of the party involved.

(i) In domestic violence situations, upon request of the Applicant or Member, all information in the record shall be sealed and marked “Protected Information under Tribal Law.” No disclosure of any information in the applicant or member’s file will be disclosed without the express written release with a notarized signature of the applicant or member or by order of the Tribal Court upon a showing beyond a reasonable doubt of the need for such information.

7-1-9 Committee

(a) Enrollment Meetings:

(1) The Committee shall meet in February, May, August and November of each year, and at other times as deemed necessary by the Committee. Absence from three (3) regularly scheduled meetings (not special meetings) in consecutive order shall constitute removal from the Committee.

(2) Special meetings of the Committee may be called by the Chairman, and may also be called upon request of three (3) members of the Committee. If members call for a meeting, the Chairman will notify all members of the Committee, and the meeting will be scheduled.

(3) *The Enrollment Coordinator shall take the minutes of each meeting of the Committee.*

(4) The Committee shall present a list of applicants and their recommendations regarding membership to the Tribal Council four (4) times a year; in the months of January, April, July and October, for action by the Tribal Council.

(b) The Committee shall have five (5) Committee members. One member of the Committee shall be a member of the Tribal Council, one member from each of the three (3) Tribes (if possible) and the rest at random from the membership. If five (5) members constitute the Committee, three (3) will make a quorum to hold a meeting and conduct business.

(c) The Committee functions directly under the auspices of the Tribal Council. Both the Committee and Tribal staff will work and abide by the regulations and procedures contained in the Enrollment Code.

7-1-10 Levels of Responsibility

(a) The Enrollment Coordinator (Staff) is responsible for the day-to-day operations only. The Enrollment Coordinator shall regularly report to the Tribal Council any action taken by the Enrollment Committee.

(b) The Committee is responsible for presenting a list of applicants and their recommendations regarding membership to the Tribal Council four (4) times a year; in the months of January, April, July and October, for their action. This would also include Name Changes of Tribal members, as well as moving Active Members to the Historical file.

(c) The Tribal Council is responsible for enacting laws and policy. The Tribal Council shall certify membership of Applicants by resolution. Once each year, in the month of

January, the Tribal Council shall certify the Tribal Membership Roll and subsequent notification to the BIA-Siletz Agency.

7-1-11 Political Mailings

(a) No Unconditional Right to Political Mailing

Pursuant to policies and procedures adopted by the Tribes, Political Mailings may be submitted to authorized Tribal recipients, consistent with the discretionary approval of the Tribes, and the schedule and available resources of the Tribes and its personnel. No right exists to demand that a Political Mailing be distributed, that a particular message or word in a Political Mailing be distributed, or that a particular deadline for processing or mailing a Political Mailing must be met. Further, no appeal may be made, to Tribal Court or otherwise, to a final decision of the Tribes to deny a particular Political Mailing.

(b) Political Mailing Author Obligations for Processing a Political Mailing

Nothing contained in this Section 7-1-11 shall be interpreted as granting or permitting a right to the identity of a mailing address for a particular Tribal Member. Upon approval of a Political Mailing Submission, the Political Mailing Author shall be responsible for submitting to the Tribe the proper number of envelopes for all authorized Political Mailing recipients, the proper postage for each Political Mailing envelope, and the proper number of copies of the Political Mailing. No Political Mailing will be processed until all proper envelopes, postage, and content copies have first been submitted to the Tribe.

(c) Authorized recipients of Political Mailings

Political Mailings will only be mailed to current Tribal Members meeting age and all other requirements for Tribal voting rights that have not submitted to the Tribe a current request to “opt out” of receiving Tribal Mailings.

(d) Initiation of a Political Mailing Submission

(1) An individual Tribal Member will initiate the process for a Political Mailing Submission by completing in full a Request for Political Mailing Form provided by the Enrollment Coordinator. This Form shall include a release from the Political Mailing Author, releasing the Tribe and its actors and agents from any and all damages or claims relating to the Political Mailing Submission.

(2) A Political Mailing Submission shall not be considered for processing if it does not contain the printed full name and signature of the Political Mailing Author.

(3) The Enrollment Coordinator may request, upon receipt of a completed Political Mailing Submission, assurance from the Political Mailing Author that the

Author has sufficient basis to pay all necessary postage, prior to the Coordinator beginning the process for review of the Political Mailing Submission.

(4) Political Mailing Submissions shall be approved if the Tribes determines, in its discretion, that the Submission relates directly and exclusively to Tribal political or policy issues, contains no inflammatory language or message, contains no profanity or name calling, contains no potentially abusive or libelous communication, contains no commercial message, and otherwise complies with this Chapter and Tribal law. To the extent a Political Mailing Submission contains in whole or part any improper content as defined herein, the Submission shall be returned to the Political Mailing Author.

(5) The Tribe shall affix to the envelope of each Political Mailing, a stamp or statement communicating that the contents of the Mailing are a Tribal Political Mailing, that the Mailing is the sole opinion of the Political Mailing Author, and that the Tribe takes no responsibility nor opinion on the statements within the Mailing, including the accuracy of its content.

(e) Addresses for Political Mailings

The Tribe shall make reasonable efforts to transcribe the proper mailing address for each Tribal Mailing recipient but will not be responsible for the accuracy or validity of any mailing address affixed to a Political Mailing.

7-1-12 to 7-1-19 RESERVED FOR EXPANSION

7-1-20 APPLICATION FOR MEMBERSHIP

7-1-21 Procedures for Membership Application

(a) Application Form

The Committee shall develop an application form to be approved by the Tribal Council, and this form must be used when making application for enrollment. The application form shall be entitled, "Application for Enrollment", and shall contain the following:

- (1) Name and address of the applicant.
- (2) All names by which the applicant is or has been known.
- (3) Date of birth and a certified birth certificate.
- (4) The applicant must designate how membership is being claimed, according to Section 7-1-5.

(5) Signature of applicant or recognized guardian. In case of guardian signing application for membership, current address of guardian must be included with application. (See also, this Section, (c)(2))

(6) Date.

(7) Application number.

(8) Dual membership information.

(9) Adoption information.

(10) A copy of the applicant's Social Security Card.

(11) A Family Tree Form

(b) Required Forms

(1) A numbered Application form reflecting date sent and date received by the Enrollment Coordinator. A Family Tree Form with the Application number. The Family Tree Form should reflect the direct lineal descendant ancestor through whom the applicant is claiming membership rights.

(2) These forms shall be issued by the Enrollment Department to any person seeking membership for himself or another person.

(c) Who May Apply

(1) Adult Individual

Any person who believes he or she meets the requirements for membership in the Tribes as set forth may request an application from the Enrollment Coordinator.

(2) Minor Children and Those Incapacitated

Application for persons such as minor children and those who may be incapacitated may be filled out by a parent, next of kin or recognized guardian. In the case of application by recognized guardian, documentation verifying guardianship must be included with application. In the case of emancipated youth, they may sign for themselves after providing proof by court documents.

(3) Indian Child Welfare Emergency Enrollment:

(A) Application for membership of a child who is the subject of any action for foster care placement or termination of parental rights shall be presented directly to the Tribal Council for final action.

(B) In case of application for membership of a child who is the subject of any action for foster care placement or termination of parental rights, a majority vote by no less than five (5) members of the Tribal Council shall be required for final action.

(C) The requirements of the Enrollment Committee for processing applications for membership enumerated in subsections (d) through (f) of this section shall be waived for the purposes of application for membership of a child who is the subject of any action for foster care placement or termination of parental rights.

(d) Processing Application:

(1) The Enrollment Coordinator shall process each application and present all information to the Enrollment Committee in the months of February, May, August and November. (See also 7-1-7(b) and (c) of this Code.)

(2) In the event the Enrollment Coordinator or Committee needs further information to facilitate their decision-making process, the applicant shall be requested by certified mail to provide that information.

(e) Committee Recommendations for Membership

(1) The Committee recommendation for applicant's membership shall be published in the Tribal Newsletter thirty (30) days before presentation to Tribal Council.

The paragraph (g)(1) of this section, under Members' Right to Protest, will be published in the Newsletter along with the new applicant's name; lineal descendant; and tribe.

(2) After appearing in the Tribal Newsletter, the Committee shall make their recommendation to the Tribal Council for a Resolution of Acceptance.

(f) Tribal Resolution for Enrollment

(1) When the Tribal Council makes a resolution approving enrollment, the applicant shall be notified by mail.

(2) Each name shall be officially listed on the Tribal Rolls in proper alphabetical order.

(3) A roll number shall be assigned to each member.

(4) A Tribal identification card shall be issued for each member.

(5) The name and number will be sent to the Bureau of Indian Affairs-Siletz Agency, and the Indian Contract Health Service in January as previously stated in 7-1-8(d).

(g) Members' Right to Protest:

(1) Tribal members shall have the right to protest the recommendation of the Committee regarding applications and must file a written, signed protest with the Committee stating his/her reasons for believing that an applicant(s) is not entitled to enrollment. This filing must be done within thirty (30) days after being published in the Tribal Newsletter.

(2) If a protest is filed, the Committee shall reconsider the applications(s), taking into consideration the information submitted. The review of protests shall not delay the processing of other recommendations to Tribal Council while the Committee reviews such protests.

(3) If the Committee finds a legal basis for the protest action that would preclude enrollment, the Committee shall provide this information as a part of the record to Tribal Council for final action.

(4) If the Committee determines that the Applicant is eligible for membership, then the Committee shall submit the Applicant's application to the Tribal Council for final action. A tribal member who has filed a protest against the Committee's recommendation for enrollment has no right of appeal.

7-1-22 to 7-1-29 RESERVED FOR EXPANSION

7-1-30 ELIGIBILITY STANDARD

7-1-31 Adoption

(a) Article III, Section 6 of the Constitution states, that "Only persons qualifying for membership under Section 1 of this Article who are adopted shall have the rights and privileges of tribal members, and shall be eligible for tribal services". (See also Article III, Section 1 of the Constitution entitled, "Membership Requirements", and 7-1-2 of this Enrollment Ordinance.)

(b) Article III, Section 6 of the Constitution further states, that "All other persons adopted into the Tribes shall be honorary members". Therefore, honorary members shall not be eligible for tribal services, nor be eligible to have membership voting rights, and shall not be considered enrolled members. In order to avoid misunderstandings and mistakes, honorary members shall not be assigned roll numbers.

7-1-32 Paternity and Maternity

- (a) The Enrollment Clerk or Committee may inquire into the paternity or maternity of an Applicant where a reasonable basis exists to question the parentage of an Applicant.
- (b) A sworn, notarized statement of paternity in an affidavit must be submitted if the father is not listed on the birth certificate or his signature is not on the birth certificate, along with the results of a DNA test confirming parentage.
- (c) In the case that the tribal member is not able or willing to confirm parentage, either through a notarized paternity statement or with a DNA test, the Applicant must submit additional documentation proving tribal parentage, including but not limited to, affidavits by tribal member's family confirming tribal parentage, state records, wills, probate records.
- (d) Should parentage be contested by a tribal member, all parties will submit to a DNA test. These test results, along with a notarized photocopy of the certified birth certificate, affidavits, records, shall be submitted to the Enrollment Committee for review and subsequent denial or approval of enrollment.

7-1-33 to 7-1-39 RESERVED FOR EXPANSION

7-1-40 LOSS OF MEMBERSHIP

7-1-41 Disenrollment

- (a) No person shall be disenrolled from the Tribes except on the following grounds:
 - (1) the person is a member of any other Indian tribe, whether such other Indian tribe is Federally recognized or not and is not subject to the child member exemption as more fully described in 7-1-6(b); or
 - (2) enrollment of the person in the Tribes was procured by fraud.
- (b) The Executive Department of the Tribes may file a written Petition for Disenrollment with the Committee. The Petition shall state upon what grounds disenrollment is sought and a brief summary of the facts upon which the Petition is based.
- (c) The Committee shall cause the Petition to be served upon the person whose disenrollment is sought by registered mail or verified, personal service. The Committee shall allow the person against whom the Petition is filed not less than sixty (60) days nor more than one hundred eighty (180) days to file a written response to the claims of the Executive Department.

(d) The Committee shall hold an open hearing not less than twenty (20) days nor more than sixty (60) days after the receipt of the response of the person whose disenrollment is sought to hear all evidence and decide by majority vote of the Committee on disposition of the Disenrollment Petition.

(e) At the hearing, all relevant evidence, written or oral, shall be considered by the Committee. The Executive Department of the Tribes shall have the burden of proving by preponderance of the evidence that the Petition should be granted. The person whose disenrollment is sought may be represented by counsel of his or her choosing at his or her own expense.

(f) Upon a finding by the Committee that the Petition for Disenrollment shall be granted, the Enrollment Coordinator shall present this finding to the Tribal Council at the next scheduled Tribal Council meeting for final action.

(g) When the Tribal Council, by a majority vote, disenrolls a member, the Tribal Council shall issue findings of fact and conclusions of law in writing. These findings of fact and conclusions of law shall constitute a final action for purposes of this Chapter.

7-1-42 Relinquishment of Membership

(a) Any adult member may relinquish membership in the Tribes by a notarized, verified statement expressing a desire to relinquish all of the member's rights in the Tribes to the Committee. The Committee shall immediately convey the Request for Relinquishment to the Tribal Council with an appropriate resolution permitting relinquishment of all rights and directing the Enrollment Department to remove the relinquished member from the roll. Approval of requests for relinquishment of all tribal rights shall be by majority vote of the Tribal Council.

(b) No one who relinquishes his/her membership shall be admitted again to the Tribes or be placed on the Roll. Where the member requesting relinquishment of all tribal rights is intending to enroll in another Indian tribe, the member may request and the resolution to allow relinquishment may state that the member shall not be removed from the roll until the member has been enrolled in the tribe in which the member seeks membership.

7-1-43 Reconsideration

(a) An applicant may file a petition to the Committee to reconsider a final denial of enrollment with a showing that the Applicant has available for immediate presentation substantial, credible and new evidence. Any petition for reconsideration must be filed upon the Committee within one year of a final denial of enrollment unless the Committee finds good cause to the contrary.

(b) Upon consideration of the evidence, a finding by the Committee that substantial, credible and new evidence does not exist to reconsider an enrollment application is a final decision not subject to any further appeal.

7-1-44 Deceased Members

The notification of death of a person on the Tribal Membership Roll shall be accomplished by written evidence given to the Enrollment Committee in the form of a Certificate of Death, published death notice, obituary, or memorial service brochure. The Enrollment Coordinator will handle the paperwork and furnish it to the Enrollment Committee for action. The Committee will make a recommendation to the Council to remove the deceased person's name from the Roll. The deceased person's name will then be removed from the Roll by resolution of the Tribal Council. Proper notification will be made to the Bureau of Indian Affairs and Indian Health Services. The name will then be entered in to the Tribal Historical File for a permanent record.

7-1-45 Appeals

(a) This section applies only in cases where (1) a person has applied for enrollment and has been denied by majority vote of the Tribal Council; (2) or a person has been disenrolled under this chapter by majority vote of the Tribal Council.

(b) The Tribal Court of the Tribes shall have exclusive jurisdiction to hear all appeals of disenrollment or enrollment decisions in the manner set out in this Chapter. No jury trial shall be allowed in disenrollment or enrollment matters.

(c) To the extent necessary for the hearing of appeals under this Chapter, and as limited by this Chapter, the Tribes hereby makes a limited waiver of its immunity from suit in the Tribes' Tribal Court for the purpose of hearing appeals from disenrollment and denial of enrollment final decisions of the Tribal Council.

(d) An Applicant denied the right to enroll shall not, under any circumstances, be compensable in damages of any type, monetarily or otherwise against the Tribes, its employees or officers.

(e) A Tribal Member who has been disenrolled shall not, under any circumstances, be compensated in damages of any type, monetarily or otherwise against the Tribes, its employees or officers.

(f) Appeals from disenrollments or denials of enrollment by the Tribal Council shall proceed in the Tribal Court as specifically provided for in this Chapter. No appeal may be brought under this section unless it is filed within sixty (60) days of the final decision of the Tribal Council to disenroll or deny enrollment.

(g) The only grounds for appeal of an disenrollment or enrollment decision under this section shall be that (1) the findings of fact of the Tribal Council is unsupported by

substantial evidence as reflected on the record; or (2) the Tribal Council has by its actions, violated the Constitution of the Tribes.

(h) In matters appealed under this section the Court is limited to declaratory relief and remand to Tribal Council for reconsideration.

(i) There shall be, in all appeals under this Chapter, a presumption, rebuttable by the appellant, that the Committee has acted properly, consistent with the facts of the case, this Chapter and the Constitution of the Tribes.

(j) Proceedings for review under this Chapter shall be instituted by filing a Petition in the Tribes' Tribal Court which shall be filed and served on the Tribal Council Secretary with a copy to the Office of Tribal Attorney within sixty (60) days after service of Tribal Council's final decision.

(k) The Tribal Council Secretary shall prepare and transmit to the Tribal Court an original and certified copy of the entire record of the proceeding before Tribal Council within sixty (60) days of receipt of the petition.

(l) The review shall be conducted without a jury and shall be confined to the issues raised in the petition for review.

(m) The Tribal court, upon its own motion, may hear oral argument and receive written briefs, the time and length, to be set by the Tribal Court.

(n) Tribal Court, in ruling on an appeal, shall strictly construe provisions of this Chapter.

(o) The filing of a petition shall not stay enforcement of a Tribal Council decision.

(p) If the Tribal Court rules against an appellant in any appeal under this Chapter, the appellant shall pay all the court costs and the reasonable attorney fees of the Tribes expended in defending against the appeal. If the Court rules for an appellee in any appeal under this section, each party shall bear his or her own expenses unless there is a finding that the Tribes acted in bad faith in disenrolling or refusing to enroll.

7-1-46 Severability

If any provision of this Enrollment Ordinance, shall in the future, be declared invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remaining provision shall continue in full force and effect.

APPENDIX A
LEGISLATIVE HISTORY AND EDITORIAL CHANGES

ENROLLMENT

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved and enacted the amended "Enrollment" Ordinance at a regular Tribal Council meeting on September 9, 2007; Resolution 07-100, Ordinance No. 50B. Vote was 6 (for), 0 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the amended "Enrollment" Ordinance at its fifth reading. Resolution 05-108, Ordinance No. 050A, at a regular Tribal Council meeting on December 11, 2005. Vote was 6 (for), 1 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the additional changes of the Enrollment Code 7-1 at its second reading. Additional changes were made in red and green or removed by being crossed out. Posted for another 30 days. Resolution 05-093 at a regular Tribal Council meeting on October 9, 2005. Vote was 6 for, 0 against and 1 abstaining.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the amendments to the present Enrollment Code 7-1, Ordinance 050, at its first reading. Changes were made with blue additions or areas removed by being crossed out. Posted for 30 days. Resolution No. 05-064 at a Tribal Council business meeting on July 25, 2005. Vote was 6 for, 0 against and 1 abstaining.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes) Revised the Enrollment Ordinance No. 16, after reviewed by Michael Taylor, Attorney, to become Ordinance No. 50. Resolution 02-062, Ordinance No. 050, November 10, 2002.

The "Enrollment" Ordinance was codified for the Tribal Court in December 2001.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes) Revised and Renumbered the "Enrollment" Ordinance, stating that Ordinance 006 contained some inappropriate and outdated information. Resolution 95-044, Ordinance No. 016, August 28, 1995.

The Tribal Council of the Tribes revised Ordinance 006. Ordinance 006 excludes lateral descendants of persons on the 1940 Indian Census that were on the base roll. Amendment to read as follows: "Whose names are listed, or whose names are entitled to be listed, or descendant thereof, on the Public Domain Census Roll of January 1, 1940, prepared by the Grand Ronde-Siletz Agency, Bureau of Indian Affairs (BIA), or" Resolution No. 89-069, September 21, 1989.

The Tribal Council of the Tribes on July 10, 1988, Resolution 88-043, clarified the intent of Council in to a specific section of the Ordinance. Amended as follows: “

Part I, Section 6 -

(E) The Enrollment clerk and staff needs to have available to them the following rolls for use in determining an applicant’s eligibility for membership in the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians:

- (1) 1940 Grand Ronde-Siletz Agency Census Rolls
- (2) Contact all local, i.e., surrounding, tribes; or any other rolls as deemed by Council on a case-by-case basis.

The Tribal Council of the Tribes enacted the "Enrollment" Ordinance No. 004 on December 13, 1987.