

TITLE 7- ENROLLMENT, COMMITTEES, ELECTIONS AND REFERENDUMS

CODE 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 (hereinafter Tribes). Authority for this Code is vested in the Tribal Council by Article III of the Constitution of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, 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 Tribal Constitution provides for the terms upon which membership in the Tribes will be granted, forfeited, or denied and empowers the Tribal Council to adopt an ordinance establishing procedures for the processing of membership applications, the loss of membership, and the adoption of persons into the Tribes. Accordingly, the Tribal Council finds it to be in the best interest of all Members and Applicants to provide specific written rules and regulations governing the procedures to be used in determining Tribal 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 eligibility for enrollment under the Tribal Constitution and rules and regulations of this Code. Any matters required to be proved under this Code, unless specifically stated otherwise, 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) "Adult" - any person eighteen (18) years of age or older.
- (b) "Applicant" - any person who has applied formally for membership in the Tribes prior to approval or denial of the application.
- (c) "BIA" - Bureau of Indian Affairs - Siletz Agency.
- (d) "Census Roll of 1940" - the Public Domain Census Roll of January 1, 1940, prepared by the Grand Ronde — Siletz Agency, Bureau of Indian Affairs.

- (e) “Committee” and “Enrollment Committee” - the Enrollment Committee of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.
- (f) “Coos” - the Indian tribe referred to in historical documents as “Coos,” “Coos Bay,” and “Kowes Bay.”
- (g) “Court” and “Tribal Court” - the Tribal Court of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.
- (h) “Days” - all calendar days. However, when any deadline date established by this Code 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.
- (i) “Disenrollment” - the involuntary loss of membership in the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.
- (j) “Enrollment” - admission to membership in the Tribes by the procedure for enrollment provided for by this Code.
- (k) “Enrollment Coordinator” - the person employed by the Tribes to direct the operations of the Tribal Enrollment Department.
- (l) “Executive Department” - the Tribal Administrator, the Tribes’ Enrollment Department, or other designated department of the Tribes.
- (m) “Family Tree Form” - the form drafted by and available from the Tribes’ Enrollment Department, which shall request from each Applicant important information about the Applicant and the Applicant’s heritage upon which decisions regarding the Applicant’s eligibility for membership in the Tribes 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 Code.
- (n) “Has Qualified” - has been found to have met the standards and requirements for and actually received.
- (o) “Lineal Descendant” - a person who is in direct line to an ancestor. A person is a lineal descendant of their parents, their parents’ parents, their parents’ parents’ parents, and so forth back in time. A lineal descendant is distinguished from a collateral descendant, which would be from the line of a brother, sister, aunt or uncle.
- (p) “Listed on the Public Domain Census Roll of January 1, 1940” - listed as a Coos, Lower Umpqua, or Siuslaw Indian on the Public Domain Census Roll of January 1, 1940.
- (q) “Permanent Residence” - the true, fixed, permanent home to which one has the intention to return whenever absent therefrom. Minors shall be considered to reside with

any parent who is a Member of the Tribes.

(r) “Person” - any human being of any age or sex, whether or not a Member of the Tribes.

(s) “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 Code, does not contain language or messages that could be inflammatory, “name calling”, potentially libelous, or potentially abusive, and that otherwise complies with Tribal law.

(t) “Political Mailing Submission” - a proposed written statement submitted for consideration as a Political Mailing.

(u) “Political Mailing Author” - the individual Tribal Member that signs the Political Mailing Submission and signs the Request for Political Mailing Form.

(v) “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.

(w) “Roll” - the census roll of the Tribes as kept and updated by the Tribes Enrollment Department as provided by this Code.

(x) “Secretary” - the Secretary of the Interior of the United States or his or her duly authorized representative.

(y) “Tribal Council” - the Tribal Council of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

(z) “Tribal Member” and “Member” - any person who is a duly enrolled Member of the Tribes unless the context clearly indicates otherwise.

(aa) “Tribes” and “Tribal” - the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

7-1-5 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.

7-1-10 ENROLLMENT DUTIES, GENERALLY

7-1-11 Enrollment Coordinator

- (a) An Enrollment Coordinator shall be employed by the Tribes to carry out the day-to-day operations of the Tribes' Enrollment Department.
- (b) The Enrollment Coordinator is responsible for the Tribes' day-to-day enrollment operations, and for performing the Enrollment Coordinator's duties as set forth in this Code.
- (c) The Enrollment Coordinator, or a Committee member when so designated by the Enrollment Coordinator, shall take the minutes of each meeting of the Committee.
- (d) The Enrollment Coordinator shall regularly report to the Tribal Council on any action taken by the Enrollment Committee.
- (e) The Enrollment Coordinator shall follow and abide by the regulations and procedures contained in this Code.

7-1-12 Enrollment Committee

- (a) The Tribal Council shall appoint an Enrollment Committee to carry out enrollment functions as set forth in this Code.
- (b) The Committee shall have five (5) Committee members. One (1) member of the Committee shall be a member of the Tribal Council, and at least one (1) member of the Committee shall be from each of the three (3) Tribes (if possible). Three (3) Committee members will make a quorum, which shall be required to hold a meeting and conduct business.
- (c) The Committee is responsible for presenting a list of Applicants and the Committee's recommendations regarding their membership to the Tribal Council four (4) times a year, in the months of January, April, July and October, for Tribal Council action. The Committee shall provide additional enrollment-related recommendations and information to the Tribal Council as required by this Code, including but not limited to Name Changes of Tribal Members, as well as moving Active Members to the Historical file.
- (d) The Committee functions directly under the auspices of the Tribal Council.
- (e) The Committee shall follow and abide by the regulations and procedures contained in this Code.

7-1-13 Enrollment Committee Meetings

- (a) 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 be grounds for removal from the Committee.
- (b) Special meetings of the Committee may be called by the Chairperson, and may also be called upon request of three (3) members of the Committee. If members call for a meeting, the Chairperson will notify all members of the Committee, and the meeting will be scheduled.
- (c) The Enrollment Coordinator, or a Committee member when so designated by the Enrollment Coordinator, shall take the minutes of each meeting of the Committee.
- (d) The Committee shall present a list of Applicants and the Committee's recommendations regarding each Applicant's 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.

7-1-14 Tribal Council

- (a) The Tribal Council is responsible for enacting laws and policy for the Tribes, including enrollment-related laws and policy, and for carrying out the Tribal Council's enrollment duties set forth in this Code.
- (b) The Tribal Council shall certify membership of Applicants by resolution.
- (c) Once each year, in the month of January, the Tribal Council shall certify the Tribal Membership Roll and provide subsequent notification to the BIA-Siletz Agency.

7-1-20 REQUIREMENTS FOR MEMBERSHIP

7-1-21 Membership Requirements

The Tribes have the right to determine Tribal membership and interpret Tribal documents, consistent with the Tribal Constitution. In accordance with the Tribal Constitution, a Person shall be eligible for membership in the Tribes if he or she is living and applies, and:

- (a) His or her name is Listed on the Public Domain Census Roll of January 1, 1940, prepared by the Grand Ronde-Siletz Agency, Bureau of Indian Affairs; or
- (b) He or she 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) He or she 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 Tribal Constitution.

7-1-22 Prohibitions on Membership

(a) No person shall be eligible for membership in the Tribes who has qualified, or whose lineal ancestor through whom such person is claiming eligibility for membership in the Tribes has qualified, for any payment in compensation for land claims through any other Indian tribe, whether federally recognized or not. If an ancestor received such payment, no descendant of the ancestor can be eligible for membership in the Tribes through a line of ancestry that includes the paid ancestor.

(b) 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 Tribes until he or she has relinquished his or her membership in the other Indian tribe(s).

(c) Any person who, while a Member of the Tribes, is a member or becomes a member of another Indian tribe, shall be subject to loss of membership in the Tribes.

(d) No person who qualified for membership under the Act of October 17, 1984, Pub. L. 98-481, Section 4, 88 Stat. 2251, and who was enrolled in the Tribes prior to May 23, 1987 shall be subject to loss of membership pursuant to Subsection 7-1-22(a).

(e) A Person will not be subject to loss of membership in the Tribes pursuant to Subsection 7-1-22(c) if it has been found by the Committee that: (1) the other tribal membership occurred when the person was under the age of eighteen (18) years; (2) the Person did not consent to enrollment in the other tribe; (3) one of the Person's parents did not consent to the Person's enrollment in the other tribe; (4) upon reaching the age of eighteen (18) years, the Person relinquishes enrollment in the other tribe; and (5) the Enrollment Department has received a resolution or other official document from such other tribe approving such person's relinquishment of membership in that tribe prior to the Person's nineteenth (19th) birthday.

(f) The Tribal Council, by majority vote, may decide questions of membership in other Indian tribes after evidence and a recommendation regarding membership has been presented to the Tribal Council by the Committee.

7-1-30 ENROLLMENT PROCEDURES

7-1-31 Enrollment Procedures, Generally

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

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

with the procedures set forth in this Code.

(c) The burden is on the Applicant to prove that he or she is eligible for membership in the Tribes. The Enrollment Department does not perform genealogical research for Applicants.

7-1-32 Who May Apply

(a) Any Person who believes that he or she meets the requirements for membership in the Tribes as set forth in this Code may apply for enrollment.

(b) A parent, next of kin, conservator, or legal guardian of a minor child or an incapacitated person may file an application seeking the enrollment of the minor child or incapacitated person.

(c) In the case of an emancipated youth, the emancipated youth may apply for enrollment after providing proof of emancipation in the form of court documents.

7-1-33 Application Form

The Committee shall develop an application form, to be approved by the Tribal Council, to be completed by each Applicant seeking enrollment. The application form shall be entitled, "Application for Enrollment", and shall request the following:

(a) Name and address of the Applicant.

(b) All names by which the Applicant is or has been known and a copy of marriage certificates, if applicable.

(c) The Applicant's date of birth and a certified copy of the Applicant's birth certificate.

(d) How the Applicant's eligibility for membership is being claimed, according to Section 7-1-21 of this Code.

(e) The signature of the Applicant or the signature of the parent, next of kin, conservator, or legal guardian of a minor child or an incapacitated person who is filing an application seeking the enrollment of the minor child or incapacitated person, 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 eligibility for enrollment.

(f) In the case of an application filed by a conservator or legal guardian, documentation verifying the conservatorship or guardianship must be included with application. In the case of an application filed by a minor's next of kin, documentation verifying the relationship must be included with application. The current address of the parent, next of kin, conservator, or legal guardian must be included with application.

- (g) The date the application was signed by the Applicant.
- (h) Application number.
- (i) Information about the Applicant's tribal membership and the membership status of the Applicant's parents.
- (j) Adoption information, if applicable.
- (k) The Applicant's Social Security Number and a copy of the Applicant's Social Security Card.
- (l) A completed 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, and include names, dates, and other identifying information about the Applicant's ancestors.
- (m) Any other document(s) or information that confirms birth and genealogy in support of the Applicant's eligibility for membership in the Tribes.

7-1-34 Applying for Enrollment

- (a) A numbered Application for Enrollment form and Family Tree Form shall be issued by the Enrollment Department to any person seeking membership for him or herself or another person.
- (b) Applicants shall file a completed Application for Enrollment, Family Tree Form, and any supporting documentation with the Enrollment Department.
- (c) The Enrollment Department shall record the date of first contact with each Applicant, the date the Application for Enrollment was provided to the Applicant, and the date of the filing of the Application for Enrollment with the Enrollment Department. The Enrollment Department shall also maintain a record of any additional contacts with the Applicant.
- (d) When an Application for Enrollment is received, the Enrollment Department shall stamp the application with the date it was received.

7-1-35 Paternity and Maternity

- (a) Where the parents of an Applicant were not married at the time of the conception of the Applicant, and the Applicant claims eligibility for enrollment through his or her father, the Committee shall require appropriate DNA tests to make a determination regarding the identity of the natural parents of the Applicant. A sworn, notarized statement of paternity in an affidavit must also be submitted if the Applicant's father is not listed on the Applicant's birth certificate or his signature is not on the birth certificate. The burden is on the Applicant to prove paternity.

(b) In the case that the Applicant's father is not able or willing to confirm parentage in accordance with this Section, the Applicant must submit additional documentation proving Tribal parentage, including but not limited to, affidavits confirming Tribal parentage, state records, wills, and probate records.

(c) 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. The Enrollment Coordinator, through the Committee, may petition the Court to obtain information necessary to make paternity or maternity decisions that the Committee is required to make under this Code.

(d) Should the parentage of an Applicant be contested by a Tribal Member, all parties will submit to a DNA test. These test results, along with a notarized photocopy of the Applicant's certified birth certificate, affidavits, and other applicable records, shall be submitted to the Enrollment Committee for review and a recommendation regarding the subsequent denial or approval of enrollment.

(e) The cost of any DNA tests required pursuant to this Section shall be the obligation of the Applicant; and upon enrollment, the Tribes will reimburse the Applicant for the cost of the DNA test in an amount not to exceed \$200.00.

7-1-36 Review of Applications for Enrollment

(a) Review of an enrollment Application shall not begin until the Application for Enrollment and the completed Family Tree Form have been returned and date stamped received by the Enrollment Department.

(b) The Committee shall establish the nature and type of acceptable evidence for proving eligibility for membership in the Tribes, which shall include, but not be 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 a Member may be at risk due to domestic violence, may accept evidence that has been provided under victim shield laws or applicable Tribal or federal law.

(c) Upon receipt of a completed Application for Enrollment, the Enrollment Coordinator shall review the application, Family Tree form, and supporting documentation. The Enrollment Coordinator shall make a written recommendation regarding the approval or denial of enrollment, along with written reasons for the recommendation, to the Committee. The Enrollment Coordinator shall process each application and present his or her recommendation and all relevant information to the Enrollment Committee in the months of February, May, August and November.

(d) 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) The Committee, within sixty (60) days of the receipt of the Enrollment Coordinator's written recommendation, shall review the Application for Enrollment, Family Tree form, any supporting documents, and the Enrollment Coordinator's recommendation. The Committee shall vote to approve or disapprove the Applicant's enrollment. The Committee may, by majority vote, cause 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 to the Committee for reconsideration.

(f) If the Committee, by majority vote, determines that the Applicant should be denied enrollment, the Enrollment Coordinator shall present this finding and the reasons for the Committee's decision, in writing, to the Tribal Council at the next regularly scheduled Regular Tribal Council meeting for final action.

(g) If the Committee, by majority vote, determines that the enrollment of the Applicant should be approved, the Committee recommendation for the Applicant's membership shall be published in the Tribal Newsletter thirty (30) days before presentation to Tribal Council, along with the Applicant's name, the Applicant's lineal descendant through whom he or she is claiming eligibility for membership, and information about Members' rights to protest. Thirty (30) days after such notice is posted in the Tribal Newsletter, the Committee shall make their recommendation to the Tribal Council for a Resolution of Acceptance.

7-1-37 Members' Right to Protest

(a) 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 their reasons for believing that an Applicant(s) is not entitled to enrollment. The protest must be filed with the Committee within thirty (30) days after notice of the proposed enrollment is published in the Tribal Newsletter.

(b) If a protest is filed, the Committee shall reconsider the protested application(s), taking into consideration the information submitted in the protest. The review of a protest shall not delay the processing of the Committee's recommendations to the Tribal Council regarding other Applicants.

(c) 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.

(d) If the Committee determines that the Applicant is eligible for membership despite the protest, 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.

7-1-38 Tribal Council Review of Applications for Enrollment

- (a) 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. The Enrollment Coordinator shall notify the Applicant of the Tribal Council's decision by mail.
- (b) When the Tribal Council approves, by a majority vote, enrollment of an Applicant, the Tribal Council shall adopt a resolution approving the Applicant's enrollment.

7-1-39 Enrollment of New Tribal Members

- (a) When the Tribal Council makes a resolution approving enrollment, the Enrollment Coordinator shall notify the Applicant of his or her enrollment in the Tribes by mail.
- (b) 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.
- (c) The Enrollment Coordinator shall officially list each newly-enrolled Tribal Member's name on the Roll in proper alphabetical order.
- (d) The Enrollment Coordinator shall assign a Roll number to each new Member.
- (e) The Enrollment Coordinator shall issue a Tribal identification card for each new Member.
- (f) Enrollment Coordinator shall send each new Member's name and Roll number to the BIA-Siletz Agency and the Indian Contract Health Service.

7-1-40 Reconsideration

- (a) An Applicant may file a petition with the Enrollment Coordinator, asking the Committee to reconsider a final denial of enrollment, if the Applicant has available for immediate presentation substantial, credible and new evidence supporting the Applicant's eligibility for membership in the Tribes. Any petition for reconsideration must be filed within one (1) year of a final denial of enrollment, unless the Committee finds good cause to the contrary.
- (b) Upon consideration of the new 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.
- (c) If the Committee determines that the new evidence supports the Applicant's eligibility for membership in the Tribes and the Committee, by majority vote, determines that the

enrollment of the Applicant should be approved, the Enrollment Coordinator shall publish this information and present this finding to the Tribal Council for final action in accordance with this Code.

7-1-50 SPECIAL ENROLLMENT CONSIDERATIONS FOR CHILDREN

7-1-51 Indian Child Welfare Emergency Enrollment:

(a) An 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) The requirements of the Enrollment Committee for processing applications for membership enumerated in this Code shall be waived for the purposes of applications for membership of a child who is the subject of any action for foster care placement or termination of parental rights.

7-1-52 Eligibility of Newborns for Services

(a) Newborn children who are not yet enrolled in the Tribes but who are lineal descendants of an enrolled Member(s) shall be eligible for health, social services, Indian Child Welfare, and emergency services that are provided by the Tribes to Members, for a period of not greater than six (6) months after birth. Such children shall not be considered to be enrolled Members during this period.

(b) Once a child receiving Tribal services pursuant to this Section reaches six (6) months of age, the child must be properly enrolled in order to continue receiving Tribal benefits. The parent or recognized guardian of the child may submit an Application for Enrollment and the required documents for enrollment as set forth in this Code.

7-1-60 to 7-1-80 RESERVED FOR EXPANSION

7-1-90 ADOPTION

7-1-91 Adoption

(a) A Person who is adopted by a Tribal Member(s) shall not be eligible for membership in the Tribes, shall not have the rights and privileges of Tribal Members, and shall not be eligible for Tribal services unless he or she meets the requirements for membership set forth in this Code.

(b) The Tribal Council may, by majority vote, adopt honorary members into the Tribes. Honorary members shall not be eligible for tribal services, shall not 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.

7-1-100 to 7-1-119 RESERVED FOR EXPANSION

7-1-120 LOSS OF MEMBERSHIP

7-1-121 Disenrollment

(a) No person shall be disenrolled from the Tribes unless the person fails to meet the requirements for membership set forth in Article III of the Tribes' Constitution.

(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 shall include 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 by 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.

(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) Following the hearing, the Committee shall decide, by majority vote, on disposition of the Disenrollment Petition.

(g) 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.

(h) 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 Code. The disenrolled Person's name will then be removed from the Roll by resolution of the Tribal Council. The Enrollment Coordinator shall notify to the Bureau of Indian Affairs and Indian Health Services of the disenrollment.

7-1-122 Relinquishment of Membership

(a) Any adult Member may relinquish membership in the Tribes by submitting, to the

Enrollment Coordinator, a notarized, verified statement expressing a desire to relinquish all of the Member's rights in the Tribes.

(b) The Enrollment Coordinator shall immediately convey the Request for Relinquishment to the Tribal Council.

(c) Approval of requests for relinquishment of all Tribal rights shall be by majority vote of the Tribal Council. The relinquished Member's name will then be removed from the Roll by resolution of the Tribal Council. The Enrollment Coordinator shall notify to the Bureau of Indian Affairs and Indian Health Services of the relinquishment.

(d) 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.

(e) No one who relinquishes his or her membership in the Tribes shall be admitted again to the Tribes or be placed on the Roll.

7-1-123 Deceased Members

(a) The notification of the death of a Tribal Member shall be accomplished by written evidence given to the Enrollment Committee in the form of a Certificate of Death, published death notice or obituary, or memorial service brochure.

(b) The Enrollment Coordinator will handle the paperwork and furnish it to the Enrollment Committee for action.

(c) Following review of the relevant paperwork, the Committee will make a recommendation to the Tribal Council to remove the deceased person's name from the Roll.

(d) The deceased person's name will then be removed from the Roll by resolution of the Tribal Council. The Enrollment Coordinator will notify the Bureau of Indian Affairs and Indian Health Services of the action and will enter the deceased person's name in to the Tribal Historical File for a permanent record.

7-1-130 APPEALS

7-1-131 Appeals of Enrollment Decisions

(a) The right to appeal enrollment decisions applies only in cases where: (1) a person has applied for enrollment and has been denied by majority vote of the Tribal Council; or (2) a person has been disenrolled under this Code by majority vote of the Tribal Council.

(b) The Tribal Court shall have exclusive jurisdiction to hear all appeals of disenrollment

or enrollment decisions in the manner set out in this Code. No jury trial shall be allowed in disenrollment or enrollment matters.

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

(d) The only grounds for appeal of a disenrollment or enrollment decision under this Section shall be that: (1) the findings of fact of the Tribal Council are unsupported by substantial evidence as reflected on the record; or (2) the Tribal Council has, by its actions, violated the Constitution of the Tribes.

(e) There shall be, in all appeals under this Code, a presumption, rebuttable by the appellant, that the Committee and the Tribal Council have acted properly, consistent with the facts of the case, this Code and the Constitution of the Tribes.

7-1-132 Enrollment Appeals Procedures

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

(b) Appeals under this Code shall be instituted by filing a petition in the Tribal Court, which shall be served on the Tribal Council Secretary, with a copy to the Tribal Administrator, in accordance with Tribal law.

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

(d) 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.

(e) The Tribal Court's review shall be conducted without a jury and shall be confined to the issues raised in the petition for review.

(f) The Tribal Court, upon its own motion, may hear oral arguments and/or may receive written briefs, the timing and length of which shall be set by the Tribal Court.

(g) The Tribal Court, in ruling on an appeal, shall strictly construe the applicable provisions of this Code.

(h) If the Tribal Court rules against an appellant in any appeal under this Code, the appellant shall pay all of the court costs and the reasonable attorney fees of the Tribes expended in defending against the appeal. If the Court rules for an appellant 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 the appellant.

(i) In matters appealed under this Code, the Court is limited to declaratory relief and remand to the Tribal Council for reconsideration. An Applicant denied the right to enroll shall not, under any circumstances, be awarded damages of any type, monetarily or otherwise, against the Tribes, its employees, Committee members, agents, or officers. A Tribal Member who has been disenrolled shall not, under any circumstances, be awarded damages of any type, monetarily or otherwise, against the Tribes, its employees, Committee members, agents, or officers.

7-1-140 ENROLLMENT RECORDS

7-1-141 Enrollment Records, Generally

(a) Once an Applicant's records enter the Enrollment Department, they are the official property of the Tribes.

(b) The Enrollment Coordinator shall maintain appropriate records to support the recommendations of the Enrollment Committee and the Tribal Council, and will maintain an accurate Roll. The Enrollment records shall include copies of documents received to support applications for membership.

(c) Enrollment records are confidential and shall not be released unless otherwise provided for under Tribal law.

7-1-142 Basic Roll

(a) The Enrollment Coordinator will develop a Basic Roll for the Tribes. This Roll will contain all of the names, in alphabetical order, of those Members who were enrolled from the date of the Tribes' 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).

(b) All Members added after the date of the adoption of the Constitution will have his or her name put on the Roll in alphabetical order, but will be given a Roll number consistent with the order of his or her entry into the Tribes as a certified Tribal Member.

(c) Tribal Member Names, Base Ancestors, and Date of Enrollment shall be posted at all Tribal Offices unless a Tribal member submits a written request to "opt out" of the posting of his/her name.

7-1-143 Certified Roll

The Enrollment Coordinator shall prepare a current, up-to-date Roll to be reviewed by the

Enrollment Committee at the November Enrollment Committee meeting each year. Following review and approval by the Enrollment Committee, the Enrollment Coordinator will present the Roll, along with the Enrollment Committee's recommendation regarding certification, to the Tribal Council in January for annual certification and subsequent notification to the BIA.

7-1-144 Release of Enrollment Records

- (a) Enrollment records shall not be released or used for any non-enrollment purposes. Enrollment records shall be used only for review of applications and other enrollment procedures and to audit the integrity of enrollment files and records.
- (b) The unauthorized release of information contained in the Tribes' enrollment records shall be deemed grounds for termination of employment with the Tribes or removal from the Enrollment Committee.
- (c) The Tribes' enrollment records shall be available to the Tribal Council upon request to the Enrollment Coordinator. Tribal Council requests for enrollment records shall be granted by the Enrollment Coordinator on a "need to know", case-by-case basis, and the enrollment records shall be used strictly for enrollment-related purposes.
- (d) The Tribal Administrator shall have the authority to release the names, addresses and phone numbers of enrolled Members to staff within the divisions and departments of the Tribes responsible for notifying Members of necessary services and functions.
- (e) 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.
- (f) In Indian Child Welfare cases, the Family Services Department may, by written request to the Enrollment Coordinator, seek information about the enrollment status of a child and may request contact information for a child's extended family members for determining potential foster care and/or adoptive placement resources for tribal children. The Enrollment Coordinator shall release such 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(s) involved.
- (g) In domestic violence situations, upon request of the Applicant or Member, all information in the Applicant or Member's enrollment 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 an express written release with the 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.

7-1-145 Changes and Corrections to the Roll

(a) A Member requesting a change or correction to the Roll (e.g., name change because of marriage, divorce, adoption, etc.) shall provide the request, in writing, to the Enrollment Coordinator, along with supporting legal documentation.

(b) The Enrollment Coordinator shall provide the proposed changes (including any corrections required due to current errors on the Roll) to the Enrollment Committee.

(c) The Enrollment Committee will take action and make the appropriate recommendation to the Tribal Council for final action. If approved, the Enrollment Coordinator will make subsequent notification to the member requesting the change or correction and to the BIA.

(d) During the processing period for legal name changes, the 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.

7-1-150 POLITICAL MAILINGS

7-1-151 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.

7-1-152 Authorized Recipients of Political Mailings

(a) 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.

(b) Nothing contained in these Sections 7-1-151 to 7-1-153 shall be interpreted as granting or permitting a right to the identity of a mailing address for a particular Tribal Member.

7-1-153 Initiation of a Political Mailing Submission

(a) An individual Tribal Member may 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 require a copy of the information to be mailed and the signature of the Political Mailing Author. The Political Mailing Author shall also be

required to execute a Hold Harmless and Indemnification Agreement releasing the Tribe and its actors and agents from any and all damages or claims relating to the Political Mailing Submission.

(b) 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.

(c) 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.

(d) 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 Code 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.

(e) The Tribal Council reserves the right to review and reject any mailing for failure to comply with the provisions of this Section, or for previous abuse of the provisions of this Section.

(f) Upon approval of a Political Mailing Submission, the Political Mailing Author shall be responsible for submitting to the Enrollment Coordinator 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 Tribes.

(g) The Enrollment Coordinator will facilitate the mailing of political materials to Tribal Members as follows:

(1) The Tribal Member requesting the mailing of political materials to Tribal Members shall provide the Enrollment Secretary with a sufficient number of copies of the material to be distributed, in sealed envelopes, with first-class postage affixed, and bearing the return address of the Tribal Member.

(2) The Enrollment Coordinator 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 Tribes takes no responsibility nor opinion on the statements within the Mailing, including the accuracy of its content.

(3) The Enrollment Coordinator shall affix mailing labels bearing the names and last

know addresses of all Tribal Members age eighteen (18) or older and meeting all other requirements for Tribal voting rights that have not submitted to the Tribe a current request to “opt out” of receiving Tribal Mailings to the provided, sealed and stamped envelopes. The Tribes 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.

(4) The Enrollment Secretary shall then place the envelopes directly into the U.S. mail.

(h) A Tribal Member shall be limited to six (6) requests for mailings per calendar year.

7-1-1 60 to 7-1-200 RESERVED FOR EXPANSION

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 enacted the amended "Enrollment" Ordinance (NAPOLS' revisions) at a Regular Tribal Council meeting on February 8, 2009, Resolution 09-017, Ordinance No. 50C. 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 amended "Enrollment" Ordinance (NAPOLS' revisions) at a regular Tribal Council meeting on July 13, 2008, Resolution 08-066, Ordinance No. 50C. Vote was 5 (for), 1 (against), and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the amended "Enrollment" Ordinance at a regular Tribal Council meeting on April 13, 2008; Resolution 08-035, Ordinance No. 50C. Vote was 7 (for), 0 (against) and 0 (abstaining).

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.