

Ordinance Number 2.300. Amended by Resolution dated April 21, 1980; Resolution No. 81-13A, dated Nov. 18, 1980; Resolution No. 81-100 dated Sep. 3, 1981; Resolution No. 84-75, Feb. 18, 1984; Resolution No. 86-135, March 15, 1986; Resolution No. 90-136, May 19, 1990; Resolution No. 94261, Nov. 5, 1994; Resolution No. 95-025, Jan. 21, 1995; Constitutional Election, July 14, 1995; Resolution No. 96-107, April 20, 1996; Resolution No. 99-136, May 15, 1999. Resolution No. 2000-087, March 18, 2000. Resolution No. 2000-257, August 26, 2000; Resolution No. 2002-358, October 18, 2002; Resolution No. 2003-327, July 25, 2003; Resolution No. 2005-361, dated September 16, 2005; Resolution No. 2009-161, dated April 17, 2009; Resolution No. 2009-252, dated June 12, 2009; Resolution No. 2009-368, dated September 18, 2009; Resolution No. 2011-408, dated December 16, 2011.

Original Date: February 19, 1980
Subject: Enrollment

ENROLLMENT ORDINANCE

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PART I GENERAL PROVISIONS

§ 2.300 AUTHORITY AND PURPOSE

The purpose of this ordinance is to provide for the development and maintenance of the tribal membership roll of the Confederated Tribes of Siletz Indians of Oregon. Authority for this action is vested in the Tribal Council by Article I, Section 2, of the Constitution of the Confederated Tribes of Siletz Indians of Oregon adopted June 2, 1979, and approved by the Secretary of the Interior June 13, 1979. [Section 1 and 2 consolidated by amendment, Resolution No. 86-135, March 15, 1986].

Adopted 2/19/80

Amended: 4/21/80; 11/18/80; 9/3/81; 2/18/84
3/15/86; 5/19/90; 11/5/94; 1/21/95; 7/14/95; 4/20/96;
5/15/99; 3/18/00; 8/26/00; 10/18/02; 7/25/03;
9/16/05; 4/17/09; 6/12/09; 9/18/09; 12/16/11

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§ 2.301 MEMBERSHIP REQUIREMENTS

(a) The membership of the Confederated Tribes of Siletz Indians of Oregon shall be open to all persons who are not enrolled as members of another federally recognized Indian Tribe and:

- (1) Whose names validly appear on the official tribal roll dated May 16, 1978, provided that where proper evidence so indicates and subject to the provisions of this ordinance, the blood quantum levels listed thereon may be corrected by the Tribal Council as outlined in the Constitution of the Confederated Tribes of Siletz Indians of Oregon. Nothing in this Section shall be construed to limit the power of the Tribal Council to make corrections as to blood quantum levels on any official tribal roll after that date [As amended by Resolution, dated April 21, 1980 (no resolution number); amended by Resolution No. 90-136, dated May 19, 1990]; or,
- (2) Who possess one sixteenth or more degree Siletz blood quantum, and have filed an application for enrollment in accordance with the provisions of this ordinance. [amended by Constitutional Election, July 14, 1995]. "Siletz Blood" is defined as all Indian blood derived from a direct ancestor who was named on any roll or records of Siletz tribal members prepared by the Department of the Interior prior to June 13, 1979; [Moved within Ordinance by Resolution No. 96-107, dated April 20, 1996; amended by Resolution No. 2011-408, December 16, 2011] and
- (3) Applicants for enrollment must be living from the time they make application until the time they are accepted by Tribal Council as members on the Tribal Roll. [Added by Resolution No. 96-107, dated April 20, 1996].

§ 2.302 ENROLLMENT COMMITTEE

(a) Establishment. The Tribal Council shall appoint an Enrollment Committee composed of at least three members, none of whom may be current members of the Tribal Council or employees of the Tribe's enrollment staff. The Enrollment Committee shall be a "Standing Committee" as defined by the Standing Committee Ordinance.

(b) Duties and Powers. The Enrollment Committee will review each completed application for enrollment and will recommend to the Tribal Council either acceptance or rejection of each application. The Enrollment Committee may serve as a review board for tribal enrollment applications, and will review and recommend a determination on any petitions for disenrollment or modification of blood quantum. The Enrollment Committee shall exercise other duties as set out in this Ordinance. Timeframes for each of these duties are set out below.

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[Amended by Resolution No. 2009-161, dated April 17, 2009].

§ 2.303 ENROLLMENT STAFF

(a) **Employment.** The Siletz Tribal Council shall authorize the hiring of such staff as it deems necessary to fulfill the functions identified in this ordinance. The enrollment staff shall be hired in accordance with Tribal personnel policy and shall be subject to all tribal management rules and regulations in the same manner as other tribal employees. [Amended by Resolution dated April 21, 1980 (no resolution number), amended by Resolution No. 86-135, dated March 15, 1986].

(b) **Duties and Powers.**

(1) **Enrollment Applications.** The enrollment staff shall review and evaluate all applications for membership, will assist tribal members as appropriate in the enrollment application process, and will work with an applicant to assemble a complete application. The enrollment staff shall prepare an initial recommendation to the Enrollment Committee for approval or rejection of each application. The enrollment staff shall have the authority to require the applicant to furnish such evidence or proof as is necessary to make appropriate recommendations to the Enrollment Committee.

[Amended by Resolution No. 86-135, dated March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009].

(2) **Tribal Member Addresses.** The enrollment staff is responsible for acquiring and maintaining the correct residential address for all enrolled tribal members, for use for all official tribal purposes. Enrollment staff shall take all necessary and appropriate steps to maintain a correct current address for all tribal members, *provided*, that it is the responsibility of each tribal member to notify Enrollment staff of any changes to his or her residential address. Enrollment staff shall have the authority to accept or reject requests to change addresses by persons other than the person whose address is proposed to change, based on enrollment staff's review of whether the address change request is valid and legitimate. A decision to change or not change a tribal member's address shall be subject to appeal to the Enrollment Committee, whose decision shall be final.

[Amended by Resolution No. 2009-252, dated June 12, 2009].

(c) **Reports and Meetings.** The enrollment staff shall make a monthly report to the Tribal Council of its activities and the activities of the Enrollment Committee, and of the status of pending enrollment applications and other enrollment matters. The monthly report will be prepared, published and provided to Tribal Council and will include a statement which sets out the total current number of enrolled tribal members, the number of enrolled tribal members by

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counties residing in the Tribe's eleven county Service Area and the number of enrolled tribal members residing outside the Tribe's eleven county service area. [Amended by Resolution No. 90-136, dated May 19, 1990. Amended by Resolution No. 2000-257, dated August 26, 2000; amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2011-408, December 16, 2011].

(d) Records. The enrollment staff and Enrollment Committee shall maintain appropriate records to support its recommendations and maintain the roll as accurately as possible. Tribal enrollment records are confidential records under tribal and federal law and as such are subject to the requirements of applicable law except that Tribal enrollment records are not subject to the provisions of the Tribal Public Records Ordinance, STC § 2.900 *et seq.* The records shall be open at all times to inspection by the Tribal Council and Enrollment Committee in the course of their duties. The records shall include originals or copies of any documentation received in support of and considered in support of applications, including addresses, dates of birth, official birth certificates, dates of death, death certificates, change of names, etc. Revealing information in the enrollment records by any person to someone other than members of the Tribal Council, Enrollment Committee or the enrollment staff or for other than official purposes shall be deemed grounds for expulsion or termination. It shall be the policy of the Tribe that enrollment records shall not be released to any person absent the consent of the person, parents or other family members who may be affected by such release, or if such release will violate any intergovernmental agreement entered into between the Siletz Tribe and any other government. [Amended by Resolution No. 86-135, dated March 15, 1986; Resolution No. 94-261, dated November 5, 1994; Resolution No. 2009-161, dated April 17, 2009].

(e) Confidential information in the possession of enrollment staff or the Enrollment Committee may be disclosed to other tribal employees as necessary and appropriate for legitimate tribal purposes, and on a "need to know" basis. Such information shall be returned to enrollment staff or the Enrollment Committee as soon as it is no longer needed by the employee who has received and is using the information, and shall not be disclosed to third persons, including other tribal employees, for any other purpose. [Added by Resolution No. 95-025, dated January 21, 1995, Amended by Resolution No. 2009-161, dated April 17, 2009].

(f) Conflict of Interest. Members of the Enrollment Committee and enrollment staff shall not make a recommendation on any enrollment matter involving an immediate family member as defined by tribal law. A member of the Enrollment Committee will count towards the quorum requirements of that Committee even if that member cannot participate in a recommendation or decision because of a conflict of interest under this sub-section. [Added by Resolution No. 2009-161, dated April 17, 2009].

PART II
APPLICATIONS FOR MEMBERSHIP

§ 2.304 PROCEDURES FOR MEMBERSHIP APPLICATION

Adopted 2/19/80

Amended: 4/21/80; 11/18/80; 9/3/81; 2/18/84
3/15/86; 5/19/90; 11/5/94; 1/21/95; 7/14/95; 4/20/96;
5/15/99; 3/18/00; 8/26/00; 10/18/02; 7/25/03;
9/16/05; 4/17/09; 6/12/09; 9/18/09; 12/16/11

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(a) Application Form. The Enrollment Committee shall develop an application form which shall be available in all tribal offices and must be used when making application for enrollment. The application form shall be entitled "Application for Enrollment" and shall contain space for the following information:

- (1) Name and address of applicant;
- (2) All names by which the applicant is or has been known;
- (3) Date of birth of the applicant;
- (4) The names of the parents of the applicant and all Siletz ancestor(s) through whom "Siletz blood" is traced, and, if known, the Siletz ancestral tribes and bands of Indians from whom the applicant is descended;
- (5) If the applicant is a minor or incompetent, the name, address and relationship of the person making the application on behalf of such minor or incompetent;
- (6) Certification by the applicant or person submitting the application on behalf of the applicant that the information is true.

[Amended by Resolution dated April 21, 1980 (no resolution No.); amended by Resolution No. 86-135, dated March 15, 1986, amended by Resolution No. 2009-161, dated April 17, 2009].

The Enrollment Committee may request additional information in the application form, as it determines appropriate. When the enrollment application form is distributed, a separate explanation sheet will be included that lists the types of documentation that are acceptable to prove eligibility for tribal enrollment. [Added by Resolution No. 2009-161, dated April 17, 2009].

(b) Who may apply; Required Documents. Any person who believes he or she meets the requirements for membership in the Siletz Tribe as set forth herein may submit an application for enrollment to the enrollment staff. Applications for persons such as minor children and incompetents may be filed by a parent, next of kin, recognized guardian, a representative of the Siletz Tribal Indian Child Welfare program or other person responsible for their care. At least one supporting document required to prove eligibility for enrollment other than the affidavit of the applicant shall accompany each application. [Amended by Resolution No. 86-135, dated March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990, amended by Resolution No. 2009-161, dated April 17, 2009].

(c) Processing of Applications. The enrollment staff shall process each application and assemble a complete application package for review by the Enrollment Committee. Enrollment staff will forward the completed application package to the Enrollment Committee

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along with a summary of the information contained therein and an opinion on whether the applicant meets the criteria for enrollment after receiving all necessary supporting documents and within fifteen (15) days of the next scheduled regular Enrollment Committee meeting. The enrollment staff's transmittal of an application packet to the Enrollment Committee will also include information regarding which Siletz ancestral tribes and/or bands of Indians the applicant is descended from. In the event the staff needs further information necessary to compile a complete application packet, it shall inform the applicant in writing, with a request for the information needed. In any case where information indicates that an applicant's Siletz blood quantum may be incorrect, the Enrollment Committee will postpone processing of that application until blood quantum correction action has been completed under § 2.312 . The applicant shall have 30 days following receipt of the letter to provide the information. After 30 days, the staff shall return the application to the applicant by certified mail, and shall take no further action until the requested information is provided. For good cause, the staff may extend the time period for response. The applicant has the responsibility of proving his or her application with written documentation. [Amended by Resolution No. 81-100, Sep. 3, 1981; amended by Resolution No. 86-135, dated March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 96-107, dated April 20, 1996; amended by Resolution No. 2009-161, April 17, 2009; amended by Resolution No. 2011-408, December 16, 2011].

- (1) Supporting Documentation: The Enrollment Committee may consider the following types of documentation in making its recommendation for enrollment. The enrollment staff will ensure that documentation submitted by an applicant in support of an enrollment application comes within the following categories:
 - (A) The current official Tribal roll and/or any roll or records of Siletz tribal members prepared by the Department of the Interior prior to June 13, 1979.
 - (B) Copies of official, certified Birth Certificates from any jurisdiction.
 - (C) Bible records, which could include information recorded on the pages of a family Bible.
 - (D) Certified results of scientific methods to establish maternity and paternity.
 - (E) Certified copies of court documents (any court of competent jurisdiction).
 - (F) Sworn statements/Affidavits of Tribal members, which can be used in conjunction with other evidence.

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- (2) The Enrollment Committee is free to grant whatever weight it deems appropriate to each item of evidence before making its recommendation.

[Added by Resolution No. 96-107, dated April 20, 1996; amended by Resolution No. 2009-161, dated April 17, 2009].

- (d) Action by the Enrollment Committee.

(1) Upon receipt of a completed application packet from enrollment staff, the Enrollment Committee shall have a committee meeting quarterly within ninety (90) days of receipt of the application packet to review the information included therein, as well as the enrollment staff's summary and opinion, and develop a recommendation on the completed application packet of any applicant. The Committee may set a regular time to meet each quarter, *provided*, that the Committee shall meet in time so that the Tribal Council may vote on appropriate enrollment applications at the Council meeting before the blackout period set out in § 2.304(d)(5) starts. As part of its review process, the Committee may take any or all of the following actions:

(A) If the Committee determines that the application package is not complete or does not contain sufficient reliable information to make a recommendation on tribal enrollment of an applicant, the Committee may return the application to enrollment staff with directions to obtain specific additional information. Any such request shall include a time limit for return of the application packet to the Enrollment Committee;

(B) If the Committee determines that the application and supporting documentation does not contain sufficient reliable information for it to be certain whether an applicant meets the criteria for tribal enrollment, the Committee may request that the applicant (and other persons necessary to establish a match) submit to paternity or DNA testing to establish eligibility for tribal enrollment. A time limit shall be established to obtain any such testing;

(C) If the Committee makes an initial determination that an applicant does not qualify for tribal enrollment, the enrollment staff shall notify the applicant in writing of the initial determination and give the applicant the opportunity to submit any additional information the applicant thinks may aid in review of his or her application. The Committee shall have the authority, in its

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discretion, to hold a hearing to decide whether an applicant meets the criteria for tribal enrollment. In such event, notice of the scheduled hearing will be posted, and interested persons shall be given the opportunity to appear at the hearing and submit documents or evidence in favor or in opposition to the application for enrollment. A time limit shall be established for submission of additional information and/or a date to hold a hearing. The hearing shall be a closed hearing except at the option of the applicant for enrollment. The burden of proof shall be on the party opposing an application for enrollment. The Committee shall issue its final recommendation on enrollment within thirty (30) days after the conclusion of any hearing; and

(D) Any other action the Committee determines necessary in carrying out its duties under this Ordinance, *provided*, that any other action taken by the Committee shall include a time limit within which such action will be taken or completed.

[Amended by Resolution No. 2009-161, dated April 17, 2009].

(e) Enrollment Committee Recommendation, Posting, Right to Protest and Tribal Council Action.

(1) After the Enrollment Committee has completed its review of an application, it shall, within thirty (30) days, prepare a written recommendation for the Tribal Council. The recommendation will include a list of all persons from whom the applicant claims eligibility for enrollment, the applicant's Siletz blood quantum, and a list of the tribes and/or bands of Indians from whom the applicant is descended. The Enrollment staff shall mail one copy of the Enrollment Committee's recommendation by certified mail to the applicant. It shall post its recommendation, including blood quantum and all persons from whom the applicant claims eligibility for enrollment and the applicant's birth year, on the bulletin boards in each of the Siletz Area Offices, on the member's page of the tribal website, and at other appropriate places designed to afford notice to the tribal members of the recommendation. The posting shall occur approximately every three months, and at least twenty (20) days before the regular Tribal Council meeting at which the recommendation will be voted on. The posting shall include notice of when the application will be considered by the Tribal Council in the absence of any protest, and point out the rights of the applicant and of tribal members to protest the recommendation of the Enrollment

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Committee. [Amended by Resolution No. 81-100, Sep. 5, 1981; amended by Resolution No. 86-135, March 15, 1986, Amended by Resolution No. 2009-161, dated April 17, 2009; Amended by Resolution No. 2009-368, dated September 18, 2009].

- (2) If the Enrollment Committee's recommendation is for approval of the application, any member of the Confederated Tribes of Siletz Indians of Oregon who believes that the Enrollment Committee's recommendation is in error, within fifteen (15) days of posting, may file a signed protest with the Enrollment Committee, stating his or her reasons for believing that the applicant is not entitled to enrollment. [Amended by Resolution No. 86-135, March 15, 1986; Amended by Resolution No. 2009-161, dated April 17, 2009].
- (3) If the Enrollment Committee's recommendation is for rejection of the application, the applicant may, within fifteen (15) days from the posting of the notice, file a protest with the Enrollment Committee, stating the reasons he or she believes the application should be approved. [Amended by Resolution No. 86-135, March 15, 1986; Amended by Resolution No. 2009-161, dated April 17, 2009].
- (4) If a protest is filed, the Enrollment Committee shall reconsider the application at its next regular Committee meeting in light of the information submitted with the protest and shall post its final recommendation in its next posting after that meeting takes place. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 90-136, May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009].
- (5) Where no protest is filed, the Tribal Council shall act upon the Enrollment Committee's recommendation at its regular monthly meeting following the expiration of twenty (20) days after posting the recommendation. If a protest is filed, the Tribal Council shall act upon the Enrollment Committee's recommendation at its regular monthly meeting following the expiration of twenty (20) days from the date of posting the final recommendation described in subsection (4) above. The Tribal Council shall not take any action on an enrollment application, name change, loss of enrollment, or removal from the roll requests each year between December 1st of each year and the conclusion of election day the following calendar year on the first Saturday of February. [Amended by Resolution No. 85-135, March 15, 1986; Amended by Resolution No. 2002-358, October 18, 2002; Amended by Resolution No. 2009-161, dated April 17, 2009].
- (6) When the Tribal Council approves an application for enrollment, the applicant shall be notified by mail and the Enrollment Committee and enrollment staff shall enter the name of the applicant on the official tribal membership roll. If the Tribal Council decides to reject an application for

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enrollment, the applicant shall be so notified by mail and advised of his or her right to appeal or to request reconsideration of the decision in accordance with Section 2.314 of this ordinance. Such Tribal Council decisions shall be enacted in the form of resolution. [Amended by Resolution No. 86-135, March 15, 1986; Amended by Resolution No. 2009-161, dated April 17, 2009].

- (f) **Burden of Proof.** The applicant has the responsibility of proving his or her eligibility for enrollment.

§ 2.305 **EMERGENCY ELIGIBILITY DETERMINATIONS** [Added by Resolution No. 81-13A, Nov. 18, 1980, as Subsection (6) of § 2.304; amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 2003-327, July 25, 2003].

(a) In any case where the Tribal Council determines that it is in the best interests of the Tribe to intervene in pending state court proceedings involving the custody of a child who is not enrolled in the Tribe - but may be eligible for enrollment - the emergency procedures set forth in subsection (b) shall be followed. The blackout period set out in § 2.304(d)(5) shall not apply to such determinations. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009].

(b) The Enrollment staff and Enrollment Committee shall determine whether the child is eligible for enrollment as soon as possible. If the child is otherwise eligible for enrollment, as set forth in Section 2.301, but the parent or parents have not enrolled the child, the Enrollment staff or Indian Child Welfare advocate shall file an enrollment application on behalf of said child and, if the application otherwise meets the criteria established by this ordinance, all time limitations and posting requirements of this ordinance shall be waived. Any emergency enrollment approval by the Tribal Council pursuant to this subsection shall result in temporary enrollment of the child in question, and permanent enrollment shall occur and continue only pursuant to the regular procedure for membership set out in this Ordinance. The permanent enrollment determination by the Tribal Council shall constitute the final enrollment action with regard to said child, and thereafter, said child shall be subject to all of the provisions of this Ordinance. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2003-327, July 25, 2003; amended by Resolution No. 2009-161, dated April 17, 2009].

PART III
ELIGIBILITY STANDARDS

§ 2.306 **ADOPTION**

(a) Persons adopted by members of the Siletz Tribe or by the Tribe are not eligible for enrollment unless they independently meet the requirements of this ordinance. An honorary membership roster for such persons may be established by resolution by the Tribal Council.

Adopted 2/19/80

Amended: 4/21/80; 11/18/80; 9/3/81; 2/18/84
3/15/86; 5/19/90; 11/5/94; 1/21/95; 7/14/95; 4/20/96;
5/15/99; 3/18/00; 8/26/00; 10/18/02; 7/25/03;
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Honorary membership does not afford any benefits or eligibility for services. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990].

(b) A person who has been previously adopted, and who believes they may be of Siletz descendency, may apply to the enrollment staff to be enrolled in the Confederated Tribes of Siletz Indians of Oregon. The Enrollment staff and Enrollment Committee shall determine whether the person qualifies for membership, and shall certify the person to the Tribal Council for approval if appropriate. Records obtained or used in support of such determination shall not be released to the applicant except as provided for in Section 2.303(d) of this ordinance. [Amended by Resolution No. 2009-161, dated April 17, 2009].

§ 2.307 PATERNITY AND MATERNITY

The Enrollment Committee or the Tribal Council may inquire into the paternity or maternity of an applicant or of anyone through whom an applicant claims eligibility for enrollment in the Tribe, where a reasonable basis exists to question the Siletz ancestry of the applicant. When Paternity or maternity is not established through an official birth certificate or when the descendent through whom the applicant is attempting to enroll does not appear on the birth certificate, then it is the responsibility of the applicant or their guardian to establish his or her Siletz descendency through a paternity order from a court of competent jurisdiction or through a DNA or paternity test, or as outlined in the Domestic Relations Code, prior to processing of the application. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 2000-087, March 18, 2000; amended by Resolution No. 2009-161, dated April 17, 2009].

§ 2.308 ENROLLMENT IN ANOTHER TRIBE

(a) Individuals who are enrolled in or members of another federally recognized Indian tribe, band, Pueblo or Alaska Native Corporation pursuant to 43 U.S.C. § 1601 et seq., shall not be eligible for enrollment in the Siletz Tribe. [Added by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990].

(b) For purposes of this Ordinance, enrollment or membership in another tribe or Alaska Native Corporation does not include participation in a judgment fund or other entitlement where eligibility is based solely on descendency and enrollment is only for purposes of participation in the distribution of the fund or entitlement. [Added by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009].

(c) Individuals who are already enrolled in the Siletz Tribe and are later found to be enrolled in another federally recognized Indian tribe, with the exception of the circumstances outlined in subsection (b) of this Section, will be given thirty (30) days to relinquish membership from either tribe. If, after thirty (30) days, the relinquishment process has not been initiated, the staff shall begin Loss of Membership proceedings outlined in Section 2.310 of this Ordinance. [Added by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009].

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PART IV
LOSS OF MEMBERSHIP

§ 2.309 **RELINQUISHMENT OF MEMBERSHIP**

(a) Any adult member of the Siletz Tribe over the age of eighteen may relinquish membership in the Tribe by written notice to the Tribal Council. Upon receipt of notice and verification by the Tribal enrollment staff and the Enrollment Committee, the Tribal Council, by resolution, shall direct the removal of that person's name from the roll. [Amended by Resolution No. 86-135, dated March 15, 1986; amended and added as subsection by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009].

(b) Membership of an individual under the age of eighteen who is enrolled as a member of the Siletz Tribe may be relinquished only for purposes of enrolling in another Indian Tribe. If the parent(s) or legal custodian(s) of a Siletz minor desire to enroll such child in another Indian Tribe, they shall submit a request for relinquishment in writing to the Tribe. The request shall be reviewed by the tribal Enrollment Committee and Indian Child Welfare staff, who shall submit a written recommendation on the proposed relinquishment to the Tribal Council. The Tribal Council shall decide whether to accept or reject the relinquishment request. [Added by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009].

§ 2.310 **LOSS OF MEMBERSHIP**

(a) Grounds. The Enrollment Committee shall recommend to the Tribal Council removal from the tribal roll of any person who becomes ineligible for membership because of enrollment in another federally recognized Tribe or whose application, after approval is found to contain certain false information that is material to the eligibility for enrollment of that person, or who is already enrolled in another federally recognized Indian tribe as outlined in Section 2.308 of this Ordinance. In any case where loss of membership action is proposed on the basis that an applicant or member's Siletz blood quantum is incorrect, the Enrollment Committee will postpone action under this section until blood quantum correction action has been completed under § 2.312. [Amended by Resolution No. 86-135, dated March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2011-408, December 16, 2011].

(b) Procedure. Prior to removal, a person shall be given notice in writing by the Enrollment Staff of the right to a hearing and to hear the evidence against him or her, confront the witnesses, be represented by counsel at his or her own expense, and, to present evidence to the Enrollment Committee, within thirty (30) days after the enrollee's receipt of notice of his proposed disenrollment. The hearing shall be a closed hearing, except at the option of the person who is the subject of the proposed disenrollment, *provided*, that interested parties may appear as

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witnesses at the hearing in order to testify and present evidence in favor or opposition to a proposed disenrollment. The burden of proof shall be on the party proposing or supporting disenrollment under this Section. Upon conclusion of the hearing, within ten (10) business days, the Enrollment Committee will make a recommendation on proposed disenrollment to the Tribal Council. The Tribal Council shall act on the Committee's recommendation at its next regular Council meeting, subject to the blackout period set out in § 2.304(d)(5) above. [Amended by Resolution No. 86-135, dated March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009].

(c) Tribal Council. The Tribal Council shall, by resolution, order removal from the roll of any person it finds to be ineligible for membership because of enrollment in another federally-recognized Tribe, for filing a false application, or for any other reason under this Ordinance or under the Siletz Constitution. Any removal of tribal enrollment under this Section may be prospective or retroactive, as the Tribal Council decides based on the evidence presented to it. [Amended by Resolution No. 86-135, dated March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009].

§ 2.311 DECEASED MEMBERS

The death of a person on the tribal membership roll shall be noted with supporting written evidence, and that name shall be removed from the roll by the enrollment staff and Enrollment Committee upon a resolution of the Tribal Council directing such action. [Amended by Resolution No. 2009-161, dated April 17, 2009].

§ 2.312 BLOOD DEGREE CORRECTIONS

Corrections of blood degrees on the Tribal roll shall be initiated by the enrollment staff and reviewed by the Enrollment Committee, which shall make recommendations from time to time to the Tribal Council with supporting reasons and evidence. The Tribal Council shall vote on whether to accept or reject the Enrollment Committee's blood quantum correction recommendation and, if approved, shall forward its blood quantum decision to the Bureau of Indian Affairs, Siletz Agency Superintendent, for approval pursuant to the Siletz Constitution. Upon receipt of BIA approval or rejection of the blood quantum correction, the Tribal Council shall direct the enrollment staff and Enrollment Committee to make the necessary corrections as to blood quantum on the tribal roll. The corrected roll shall be the basis for all future Enrollment Committee action. Persons who are subject to adjustment of their blood quantum as set forth in this section shall have the right to a hearing as set forth in Section 2.310(b) of this ordinance, before the Enrollment Committee. Any change in blood degree shall be made by the Tribal Council following such hearing, after the recommended decision by the Enrollment Committee, by resolution directing the enrollment staff and Enrollment Committee to make such changes, subject to the appeals procedure set forth in Section 2.314 of this ordinance, and subject to necessary BIA approval. Action under this Section is subject to the blackout period set out in

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§ 2.304(d)(5). [Amended by Resolution No. 84-75, Feb. 18, 1984; amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2011-408, December 16, 2011].

§ 2.313 PUBLICATION

All additions, deletions and corrections of the Tribal roll shall be published on an annual basis by the Enrollment Committee. An alphabetized list shall be kept in the tribal office at Siletz, with copies in each area office and shall be available for inspection upon the reasonable request of any tribal member. [Amended by Resolution No. 86-135, dated March 15, 1986; amended by Resolution No. 86-136, dated March 15, 1986; amended by Resolution No. 2009-161, dated April 17, 2009].

**PART V
APPEALS**

§ 2.314 APPEAL PROCEDURE [Moved within Ordinance by Resolution No. 86-135, March 15, 1986].

(a) Definition. An appeal is a written request to the Tribal Court for judicial review of a rejection or approval of any individual's application for enrollment under Section 2.304 of this ordinance, or a removal or denial of removal of any person from the Tribal Roll under Section 2.310 of this ordinance, or a modification or denial of modification of a member's blood quantum by the Tribal Council under Section 2.312 of this ordinance. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 2009-161, dated April 17, 2009].

(b) Standing. Any person whose application for enrollment has been rejected, any person whose blood quantum has been adjusted, any person who has been removed from the roll, and any tribal member or extended family member who disagrees with the enrollment of any person, the adjustment of blood quantum of any person, or the denial of removal of any person from the tribal roll, may appeal. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 2009-161, dated April 17, 2009].

(c) Filing. The appeal shall be filed pursuant to the Tribal Court Rules of Procedure adopted by the Tribal Council. Failure to file the appeal within the deadline set forth in Tribal Court Rules of Procedure shall not bar an appellant from the remedy set forth in subsection (e). All appeals shall be supported by the record of the hearing before the Enrollment Committee, and the record of any proceedings before the Tribal Council. Decisions of the Court shall be final except as provided for in subsection (e) of this Section. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 2009-161, dated April 17, 2009].

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(d) **Burden of Proof.** The party filing an appeal pursuant to the provisions of this ordinance shall have the burden of proof in any such appeal. [Added by Resolution No. 2009-161, dated April 17, 2009].

(e) **Reconsideration of Applications.** At its discretion, the Enrollment Committee may reopen old applications when new and substantial evidence is submitted to support an applicant's position in favor of tribal enrollment or an interested person's position in opposition to eligibility for tribal enrollment, and when the Enrollment Committee determines that justice requires such reconsideration. In any case where action under this subsection is proposed on the basis that an applicant's or member's Siletz blood quantum is incorrect, the Enrollment Committee will postpone such action until blood quantum correction action has been completed under § 2.312 . The Enrollment Committee may hold a hearing as provided in Section 2.310(b) of this ordinance with notice to and participation by all interested parties, on any matter under this subsection. Hearings held by the Enrollment Committee shall be closed hearings unless the applicant requests the hearing to be a public hearing. Regardless of whether the hearing is closed or open, parties entitled to notice of the hearing shall be permitted to attend the hearing. At the conclusion of the hearing or other review, within ten (10) business days, the Enrollment Committee shall transmit its recommendation regarding reconsideration of tribal enrollment to the Tribal Council. The Tribal Council shall act on any such recommendation at its next regular Council meeting, subject to the blackout period in Section 2.304(d)(5). Unless the Council determines otherwise, membership granted after such a reconsideration shall be prospective and not retroactive. Any rescission of tribal enrollment under this subsection may be prospective or retroactive, as the Tribal Council decides based on the evidence presented to it. [Amended by Resolution No. 86-135, March 15, 1986; original subsection (d) deleted by same Resolution; amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2011-408, December 16, 2011].

(f) Any documents or records submitted or reviewed in any appeal or hearing held pursuant to the provisions of this Ordinance shall not be made public and will be reviewed "in camera" by the reviewing body. Persons filing protests pursuant to the provisions of this Ordinance to an enrollment application are not entitled to review the applicant's enrollment file and will not be provided copies of the applicant's enrollment file by the Enrollment Committee, enrollment staff or Tribal Council. [Added by Resolution No. 2009-161, dated April 17, 2009].

Part VI
General Provisions

§ 2.315 SEVERABILITY CLAUSE

If any provisions of this ordinance, or its application to any person or legal entity or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the

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ordinance, or the application of the provision to other persons or legal entities or circumstances, shall not be affected. [Added by Resolution No. 2009-161, dated April 17, 2009].

§ 2.316 APPENDIX

The Tribal Council may by motion attach examples of how the blood quantum provisions of the Siletz Constitution and this Ordinance work in specific situations, or on any other issue, to this Ordinance in an Appendix. These examples may be added to, removed, or replaced by motion of the Council from time-to-time without having to amend this Ordinance.

[Added by Resolution No. 2011-408, dated December 16, 2011]

Adopted 2/19/80

Amended: 4/21/80; 11/18/80; 9/3/81; 2/18/84
3/15/86; 5/19/90; 11/5/94; 1/21/95; 7/14/95; 4/20/96;
5/15/99; 3/18/00; 8/26/00; 10/18/02; 7/25/03;
9/16/05; 4/17/09; 6/12/09; 9/18/09; 12/16/11