

Ordinance Number 2.300

Original Adoption Date: February 19, 1980

Subject: Enrollment

ENROLLMENT ORDINANCE

Siletz Tribal Code § 2.300

AMENDMENTS TO THE ENROLLMENT ORDINANCE

1. Resolution dated April 21, 1980;
2. Resolution No. 81-13A, November 18, 1980;
3. Resolution No.81-100 September 3, 1981;
4. Resolution No. 84-75, February 18, 1984;
5. Resolution No. 86-135, March 15, 1986;
6. Resolution No. 90-136, May 19, 1990;
7. Resolution No. 94261, November 5, 1994;
8. Resolution No. 95-025, January 21, 1995;
9. Constitutional Election, July 14, 1995;
10. Resolution No. 96-107, April 20, 1996;
11. Resolution No. 99-136, May 15, 1999.
12. Resolution No. 2000-087, March 18, 2000.
13. Resolution No. 2000-257, August 26, 2000;
14. Resolution No. 2002-358, October 18, 2002;
15. Resolution No. 2003-327, July 25, 2003;
16. Resolution No. 2005-361, September 16, 2005;
17. Resolution No. 2009-161, April 17, 2009;
18. Resolution No. 2009-252, June 12, 2009;
19. Resolution No. 2009-368, September 18, 2009;
20. Resolution No. 2011-408, December 16, 2011;
21. Resolution No. 2012-369, November 15, 2012;
22. Resolution No. 2016-200, June 17, 2016
23. Resolution No. 2020050, February 21, 2020

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 02/21/2020

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[Added by Resolution No. 2020-050, February 21, 2020]

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PART I GENERAL PROVISIONS

§2.300 PURPOSE AND AUTHORITY; POLICY

(a) **Purpose and Authority.** 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; amended by Resolution No. 2020-050, February 21, 2020].

(b) **Policy.**

(1) **History.** Because of the Siletz Tribe's history, in particular the historical relationship between the various tribes and bands and individual Indians who were confederated together as the Confederated Tribes of Siletz Indians and settled on the 1855 Siletz Coast Reservation, the calculation of members' blood quantum has not been uniform. The United States, acting through its officers, employees and agents, recorded the bloodlines of Siletz members, ancestors, and families and often in confusing, contradictory, and inaccurate fashion. At various times during the Siletz Tribe's history the federal government counted only "Siletz" blood in determining members' blood quantum; at other times the Federal Government included Indian blood from other Indian tribes and bands; and often the Federal Government deliberately or negligently omitted or ignored Indian blood in compiling census and other rolls of Siletz Indians that listed Indian blood quantum.

(2) **Tribal Council Public Policy.** While the Tribal Council has a constitutional duty under Article I, Section 1(A) to correct blood quantum levels of Siletz members listed on the official Siletz Tribal Membership Roll "as necessary," and subject to the approval of the Secretary of the Interior, the Tribal Council also has a constitutional duty to protect Siletz tribal members and families who have been on Siletz tribal membership rolls or records for generations or who plan to enroll their children as members of the Siletz Tribe. Siletz families and members who have long participated in the Siletz community and culture also have a constitutional right to rely on previous membership and blood quantum determinations in making long-term family decisions that could be adversely affected by continuing membership or blood quantum changes or challenges.

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- (3) **Base Restoration Tribal Membership Roll.** The Siletz Restoration Act, 25 U.S.C. §711b, required establishment of a new official Siletz Tribal Membership Roll, using the final Tribal Membership Roll dated July 12, 1956 and approved by the BIA pursuant to the Western Oregon Indians Termination Act, 25 U.S.C. §693, as the base roll and providing for changes or corrections to that Termination Act membership roll based on errors that might exist, including descendancy, age and blood quantum. The Bureau of Indian Affairs had final approval authority over all corrections made, in finalizing the official Siletz Tribal Restoration Membership Roll. The official Siletz Restoration Act Tribal Membership Roll was finalized and certified by the Bureau of Indian Affairs after notice to Siletz members and other interested persons, and after an opportunity for a hearing and appeal of initial determinations.
- (4) **Declaration of Official Tribal Membership Roll.** The Siletz Tribal Council as a policy matter adopts the official Siletz Restoration Act Tribal Membership Roll¹ as the official, final determination of Siletz blood quantum for Siletz members, and declares that it is not necessary to engage in additional blood quantum corrections of that roll, *provided*, that an individual member of the Tribe may petition for a change in his or her blood quantum² as set out in §2.311 of this Enrollment Ordinance.

[§2.300(b), (1) – (4) amended by Resolution No. 2016-200, dated June 17, 2016]

§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, band or community or have been removed from membership by another tribe and such relinquishment or removal has been accepted and finalized by such other Tribe

¹ The Siletz Constitution refers to the “official tribal roll dated May 16, 1978,” Art. I, Section 1(A), but no official Tribal membership roll with this date exists. The Tribe submitted what it certified as the final corrected membership roll to the BIA on that date, but that roll was not officially approved until after the BIA made additional corrections to the roll. A Siletz Membership Roll with an official certification of approval from Vincent Little, BIA Area Director, with a date of April 4, 1979, does exist, and this roll appears to the Tribal Council to be the final, official Siletz Membership Roll. That Tribal Membership Roll was published in the Federal Register on May 4, 1979 as the official Restoration Act Tribal Membership Roll of the Siletz Tribe. 44 Federal Register 26169. This final Tribal Membership Roll was modified by the BIA on June 11, 1979 by adding two additional names. See 44 Federal Register 36264 (June 21, 1979). The Tribal Council hereby officially adopts this final Restoration Act Membership Roll as the official Siletz Restoration Act Tribal Membership Roll referenced in the Siletz Constitution. In addition, several appeals of blood quantum determinations made as part of the Restoration Act Tribal Membership Roll process were not completed by the BIA until after April 4, 1979, some as late as 1984. The Tribal Council declares that all such blood quantum corrections that are directly connected with finalization of the official Siletz Restoration Act Tribal Membership Roll are hereby incorporated into the official Restoration Act Membership Roll of May 4, 1979.

² A family member can apply for a change of another person’s blood quantum in the specific narrow circumstances as set out in this ordinance.

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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before an Application for Enrollment can be submitted and: [amended by Resolution No. 2020-050, February 21, 2020]

- (1) Whose names validly appear on the official Tribal Membership Roll dated May 4, 1979, as described in §2.300(b)(4), n.1. [Amended by Resolution No. 2016-200, dated June 17, 2016]; or,
- (2) Who possess one-sixteenth (1/16) 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 by Article I, Section 1 of the Siletz Constitution as all Indian blood³ derived from a direct ancestor who was named on any roll or records⁴ 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; amended by Resolution No. 2016-200, dated June 17, 2016] 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 Membership Roll. [Added by Resolution No. 96-107, dated April 20, 1996].
- (4) **Biological parentage.** Applicants for Enrollment must have a biological tie to the Confederated Tribes of Siletz Indians to be eligible for Enrollment. DNA testing is required for all Applications for Enrollment effective April 11, 2020, see §2.309(e)(3) for additional information. [Added by Resolution No. 2020-050, February 21, 2020]

§2.302 ENROLLMENT COMMITTEE

- (a) **Establishment.** The Tribal Council shall appoint an Enrollment Committee composed of at least three (3) 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, *provided*, that as set out in §2.500 of the Standing Committee Ordinance, the provisions of the Standing Committee Ordinance apply to the Enrollment Committee "only to the extent not inconsistent with the duties and responsibilities of the Enrollment Committee set out in the Enrollment Ordinance."

³ "Indian blood" for purposes of the Siletz Constitution is defined by the Tribal Council as Indian blood from any federally-recognized Indian tribe, or from a tribe or band of Indians that is part of the Siletz Tribal confederation, whether federally-recognized or not, as listed in §7.203 of the Siletz Geographic Areas of Tribal Interest Ordinance.

⁴ The Enrollment Committee, with the assistance of Enrollment Staff, shall compile a list of all records and rolls that qualify as a "roll or record of Siletz tribal members prepared by the Department of the Interior prior to June 13, 1979." This list, as it may be amended from time to time, shall be approved by Resolution of the Tribal Council.

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Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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(b) **Review of Department Forms:** The Enrollment Committee is generally responsible for reviewing the forms used within the Enrollment Department and developed by Enrollment Staff. The Committee will provide input to Enrollment Staff on changes that are found to be determined necessary for accurate and complete information to be provided for recommendations, decisions, and actions. Such forms include but are not limited to;

- (1) Application for Enrollment (Form # ENROLL-001)*
- (2) Address & Contact Information Update (FORM # ENROLL-002)
- (3) Designation of Death Benefit Beneficiary (FORM # ENROLL-003)
- (4) Request for Name Change (FORM # ENROLL-004)*
- (5) Blood Quantum Correction Request (FORM # ENROLL-005)*
- (6) Request for Relinquishment of Siletz Tribal Membership (FORM # ENROLL-006A for Adults and FORM #ENROLL-006B for a Minor)*
- (7) Certification of True and Accurate Duplication (FORM # ENROLL-007)
- (8) Siletz Identification (ID) Request

*Forms that are referred to as “Application/Request” throughout this Ordinance that are submitted by/on behalf of Tribal Member to initiate an action to change the Tribal Membership Roll that requires a recommendation by the Enrollment Committee and a decision by the Tribal Council.

[§2.302 (b), (1)-(8) added by Resolution No. 2020-050, February 21, 2020]

(c) **Duties and Powers.** The Enrollment Committee is generally responsible for reviewing all policies and actions affecting the Tribal Membership Roll that may occur pursuant to this Ordinance. The Enrollment Committee will review any action (completed Application for Enrollment, name changes, blood quantum corrections, removals) that affects the Tribal Membership Roll and will recommend to the Tribal Council either acceptance or rejection of each action. The Enrollment Committee serves as a review board of the Tribal enrollment process as set forth in this Ordinance. The Enrollment Committee shall exercise other duties as set out in this Ordinance. Timeframes for each of the Committee’s duties are set out within the Ordinance. [Amended by Resolution No. 2009-161, dated April 17, 2009; Amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

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Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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§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 policies 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 Actions.** The Enrollment Staff shall review and evaluate all actions that affect the Tribal Membership Roll, will assist Tribal members as appropriate in the enrollment processes, and will work with an Applicant/Tribal member to assemble a complete Application/Request, *provided*, that each person is responsible for his or her Application/Request. The Enrollment Staff shall prepare an initial recommendation to the Enrollment Committee for final recommendation to Tribal Council of approval or rejection of each action affecting the Tribal Membership Roll. The Enrollment Staff shall have the authority, before an Application for Enrollment and/or other Request is forwarded to the Enrollment Committee for further review and recommendation, to require the Applicant to furnish such written 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; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

(2) **Tribal Member Addresses.** The Enrollment Staff is responsible for acquiring and maintaining the correct mailing and 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 & Contact Information Update (FORM # ENROLL-002) or other notice of address change received appears to be 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; amended by Resolution No. 2020-050, February 21, 2020].

(3) **Public Posting.** In addition to specific requirements regarding public posting set out in §2.316(i) of this Ordinance the Enrollment Staff shall post notice of any

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proposed or Tribal Council action under this Ordinance, including but not limited to Applications for Enrollment, petitions or other actions for disenrollment, removal from the Tribal Membership Roll, name changes, and correction of blood quantum. [Added by Resolution No. 2012-369, Nov. 15, 2012; amended by Resolution No. 2016-200, dated June 17, 2016; moved and amended by Resolution No. 2020-050, February 21, 2020].

- (4) **Notice.** Enrollment Staff shall send notice by Priority Mail® to each person who is the subject of any final action under this Ordinance recommended for rejection or who may be adversely affected by such final action, within ten (10) days of the date of such action. Enrollment Staff shall send a copy of all final blood quantum corrections made by the Tribal Council to the Administrator of the Siletz Tribal Court, so that the Tribal Court may issue any certification required under §2.311(g) of this Ordinance. [Amended by Resolution No. 2016-200, dated June 17, 2016; moved and amended by Resolution No. 2020-050, February 21, 2020]
- (c) **Reports and Meetings.** The Enrollment Staff shall make at minimum a quarterly report to the Tribal Council of its activities, the activities of the Enrollment Committee, a demographics statistical report, the status of pending enrollment actions and other enrollment matters. The demographics report will be prepared, published and provided to Tribal Council and will include at minimum the total current number of enrolled Tribal members, the number of enrolled Tribal members by 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. The Enrollment Committee shall prepare minutes of its meetings and actions then provide a copy of those minutes to Tribal Council. The Enrollment Committee may keep confidential minutes of its deliberations and actions in executive session. [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; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].
- (d) **Records Management.** The Enrollment Staff and Enrollment Committee shall maintain appropriate records to support its recommendations and shall maintain the Tribal Membership Roll as accurately as possible. Tribal Enrollment records shall be preserved in the same manner as the Indian Affairs Records Schedule (IARS) 3700 Series, Tribal Government in regards to maintenance and destruction with the exception the retired records will remain within the control/storage of the Tribe and not sent to the BIA Records Center or National Archives and Records Administration (NARA). Tribal enrollment records and confidential Enrollment Committee minutes are confidential records under Tribal and federal law and as such are subject to the requirements of applicable law except that Tribal enrollment records and confidential Enrollment Committee minutes 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

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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. Individual Tribal membership files are not public records. 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, provided that this restriction shall not apply to temporary use of such records for official business purposes by Tribal employees or departments. [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; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

- (e) **Confidentiality.** 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 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, no longer needs it. [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 participate in review or deliberations or 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].

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PART II

ELIGIBILITY STANDARDS

[Moved by Resolution No. 2020-050, February 21, 2020]

§2.304 **ADOPTION** [Moved by Resolution No. 2020-050, February 21, 2020]

- (a) The Siletz Constitution, Article I, Section 3, provides for the adoption of members. Persons adopted by Tribal 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. 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; amended by Resolution No. 2016-200, dated June 17, 2016].
- (b) A person who has been adopted and believes they may be of Siletz descendency, may submit an Application for Enrollment. The Application will be processed in accordance with §2.309 of this Ordinance. Records obtained or used in support of such determination shall not be released to the Applicant except as provided for in §2.303(d) of this Ordinance. [Amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2020-050, February 21, 2020].

§2.305 **PATERNITY AND MATERNITY; DNA TESTING** [Moved by Resolution No. 2020-050, February 21, 2020]

- (a) When DNA has not been provided with an Application for Enrollment, 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. [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; amended by Resolution No. 2020-050, February 21, 2020].
- (b) In any matter arising under this Ordinance where the documentation that has been submitted or developed and which is authorized under this Ordinance is insufficient to establish the truth or falsity of the matter for which it is submitted, the Enrollment Committee or Enrollment Staff may Request that the Tribal Council order that any person associated with an Application for Enrollment, removal from the Tribal Membership Roll, or blood quantum correction submit to a DNA test from a provider approved by the Enrollment Staff, at that person's own expense, for purposes of resolving the matter. Relatives who share alleged blood association with such person may have to voluntarily consent to a DNA test to establish a blood connection. The Tribal Council, upon Request by the Enrollment Committee or Enrollment Staff, or on its own initiative, shall have sole

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and exclusive authority to order or Request a DNA test pursuant to this Ordinance. The Enrollment Staff and Committee shall give appropriate weight to the results of any such DNA test(s). [Added by Resolution No. 2012-369, Nov. 15, 2012; amended by Resolution No. 2020-050, February 21, 2020].

§2.306 **ENROLLMENT IN ANOTHER TRIBE** [Moved by Resolution No. 2020-050, February 21, 2020]

- (a) **Other Tribal Enrollment/Relinquishment.** Applicants who are members of or have relinquished their membership within the six (6) months prior to the application date in 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; amended by Resolution No. 2020-050, February 21, 2020].
- (b) **Exception.** 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 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) **Dual Enrollment.** Persons who are currently 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) above, will be given written notification by Priority Mail® with tracking that they have 30- days to relinquish their membership from either Tribe. If, after 30-days, the relinquishment process in the other Tribe has not been initiated, the Enrollment Staff shall begin Loss of Tribal Membership proceedings outlined in §2.313 of this Ordinance. [Added by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

PART III

ACTIONS AFFECTING THE TRIBAL MEMBERSHIP ROLL

[Moved by Resolution No. 2020-050, February 21, 2020]

§2.307 QUARTERLY DEADLINES

The deadline for Applications for Enrollment and other Requests affecting the Tribal Membership Roll is the 1st Friday in the months of January, April, July, and September annually. For an Application and/or Request to be considered for action for that quarter's deadline it must be determined complete by the Enrollment Committee by the deadline date and DNA results (if required) must be available for review by the Enrollment Committee when they meet to review the Application for Enrollment and/or other Requests. [Added by Resolution No. 2020-050, February 21, 2020]

§2.308 BLACKOUT PERIOD

The Tribal Council shall not take any action on an Application for Enrollment or any other Requests affecting the Tribal Membership Roll; name change or removal from the Tribal Membership Roll Request each year between December 1st and the conclusion of election day the following calendar year which is generally the first Saturday of February to comply with §2.404(d) of the Election Ordinance with the one (1) exception as outlined in §2.318(a). [Added by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]

§2.309 APPLICATION FOR ENROLLMENT

(a) **Application For Enrollment.** The Enrollment Staff shall develop an application form and the form shall be approved by Tribal Council Resolution for use. The form shall be available in all Tribal offices and on the public side of the Tribal website. The most recent version must be used when making application for enrollment. Enrollment Staff will notify the Applicant by Priority Mail® when an outdated application form is submitted to resubmit the current version. The application form shall be entitled "Application for Enrollment" and shall contain space for the following information at minimum:

- (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;

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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- (4) Signed declaration that the Applicant is not already enrolled in another federally recognized Tribe;-[Added by Resolution No. 2020-050, February 21, 2020]
- (5) The names of the biological parents of the Applicant and at least one 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; [Amended by Resolution No. 2020-050, February 21, 2020]
- (6) 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; and
- (7) Certification by the Applicant or person submitting the application on behalf of the Applicant that the information is true.

[§2.309(a), (1)-(7) 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, amended by Resolution No. 2020-050, February 21, 2020].

- (8) The Enrollment Staff and/or Committee may Request additional information in the Application for Enrollment, as it determines appropriate. When the Application for Enrollment is distributed, an instruction 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; amended by Resolution No. 2020-050, February 21, 2020].

(b) **Social Security Card for the Applicant.** It is recommended, not required, that a clear color copy of the Applicant’s United States Social Security Card is provided if they are a US Citizen. For tax purposes regarding per capita and other Tribal benefits/payments it is important the name that will potentially be on the Siletz Tribal Membership Roll match the US Internal Revenue Service (IRS). All Tribal Members names are checked with the IRS to confirm the names match. Other Tribal Ordinances require the Tribal Member’s social security card/number to be on file with the Enrollment Department. By the Social Security Number not being provided at the time of Application, this may limit available services upon approval of enrollment. [Added by Resolution No. 2020-050, February 21, 2020]

(c) **Who may apply.** Any person who believes he or she meets the eligibility requirements for membership in the Siletz Tribe as set forth herein may submit an Application for Enrollment to the Enrollment Staff. [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. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

(d) **Who may act on behalf of another person.** A parent, next of kin, recognized guardian, representative of the Siletz Tribal Indian Child Welfare (ICW) Department or other person responsible for their care, is allowed to file an Application for persons such as minor children and incompetents. Wherever in this Ordinance, it uses the term “person,”

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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“Applicant” or “Tribal member,” that term includes another person acting on behalf of the person, Applicant, or Tribal member as described in this subsection. [Added by Resolution No. 2020-050, February 21, 2020]

(e) **Required documents.** Each Application for Enrollment must include the following at minimum:

- (1) **Date of Birth:** An original of the state issued birth certificate listing the biological Tribal member parent (long form);
- (2) **Legal Name:** Documentation (i.e. marriage license, divorce decree, legal name change, printout from the Social Security Administration showing the name history for the social security number, etc.) showing any name changes between the birth certificate and current legal name if they do not match.
- (3) **DNA Test Results.** When an Application for Enrollment has been received, whether complete or incomplete, the Enrollment Staff will work with the Lab and the Applicant to schedule the DNA testing.
 - (A) The Tribe will pay for the cost for the DNA test for a first time Applicant from a provider approved by the Enrollment Staff. If the Applicant has previously applied with the cost of DNA tests being paid for by the Tribe, the Applicant or person applying on their behalf shall bear the cost of the DNA testing.
 - (B) The Applicant or person applying on their behalf is responsible for contacting the parties that need to participate in the DNA testing. In cases when the Applicant is an adult, the Enrollment Staff can assist in contacting potential family members if their parent is unavailable for testing.
 - (C) The DNA results will be sent directly to the Tribe and included as part of the review packet that is provided to the Enrollment Committee and Tribal Council. The costs for any other DNA tests required for any other actions within this Ordinance will be at the cost of the Tribal member.
 - (D) If the biological mother of the Applicant is a member of the Siletz Tribe, the Applicant shall be deemed to possess one-half (1/2) the Siletz blood quantum possessed by the mother if the Application is accompanied by certification of maternity based on genetic parentage (DNA) testing of mother and Applicant establishing the mother of the Applicant at a cumulative maternity index of at least 99%.

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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- (E) If the biological father of the Applicant is a member of the Siletz Tribe, the Applicant shall be deemed to possess one-half (1/2) the Siletz blood quantum possessed by the father if the Application is accompanied by certification of paternity based on genetic parentage (DNA) testing of father and Applicant establishing the father of the Applicant at a cumulative paternity index of at least 99%.
- (F) In the event genetic testing is impossible to conduct because the parent is deceased, then parentage may be established by a preponderance of the evidence using affidavits of the living parent and Tribal members familiar with the parent-child relationship and use of genetic testing of siblings and/or other relatives, if available.
- (G) The Siletz Indian Child Welfare department shall provide to the Enrollment Department any information about parentage of children in its care or custody or being considered for the same that is in the Enrollment Application process.
- (H) Persons adopted by members of the Tribe or by the Tribe are not eligible for enrollment unless they independently meet the requirements set out in this Ordinance.

[§2.309(e)(3), (a)-(h) added by Resolution No. 2020-050, February 21, 2020]

- (4) **Dual Enrollment.** If the Applicant has previously been enrolled with another federally recognized Tribe, they must submit verification that they have relinquished their membership or been removed from enrollment and the effective date of the relinquishment or removal from the other Tribe. [Added by Resolution No. 2020-050, February 21, 2020]
- (f) **Incomplete Application.** In the event the Enrollment Staff needs further information necessary to compile a complete review packet for the Enrollment Committee, it shall inform the Applicant via Priority Mail®, with a Request for the information needed. The Applicant shall have until the following quarterly deadline or 30-days following the date of the letter of notification of an incomplete Application, whichever is later, to provide the Requested information. If the Requested information is not received by the stated deadline, the Enrollment Staff shall return the Application to the Applicant by Priority Mail® with tracking, and take no further action. At any time, the Applicant may submit an updated Application for Enrollment with supporting documentation, and Application processing will restart. The Applicant has the responsibility of proving his or her Application with written documentation. [amended by Resolution No. 2020-050, February 21, 2020]
- (g) **Complete Application.** The Enrollment Staff shall make an initial recommendation when an Application for Enrollment is complete with the required supporting

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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documentation and will forward the completed application and recommendation for review by the Enrollment Committee. [Amended by Resolution No. 2020-050, February 21, 2020]

- (h) **Review packet.** The review packet for applications will be provided to the Enrollment Committee for recommendation to Tribal Council, and will include the following;
- (1) The Application for Enrollment with all supporting documentation submitted by the Applicant;
 - (2) The family tree on file with the Enrollment Department that contains information regarding which Siletz ancestral tribes and/or bands of Indians the Applicant is descended from and the names of their Siletz ancestors.
 - (3) Any relevant information that may be necessary from the records of direct ancestors.
 - (4) A recommendation by the Enrollment Staff as to the eligibility of the Applicant for enrollment with a draft of the proposed recommendation to Tribal Council by the Enrollment Committee.

[§2.309 (h) 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; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

- (5) **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 Application for Enrollment comes within the following categories:
- (A) The current official Tribal Membership Roll and/or any roll or records of Siletz Tribal members prepared by the Department of the Interior prior to June 13, 1979, as compiled by the Enrollment Committee and approved by the Tribal Council as set forth in §2.301(a)(2), n. 4. [Amended by Resolution No. 2016-200, dated June 17, 2016]
 - (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 (DNA) to establish maternity and/or paternity.

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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- (E) Certified copies of court documents from any court of competent jurisdiction.
 - (F) Sworn statements/Affidavits of Tribal members, which can be used in conjunction with other evidence.
- (6) The Enrollment Committee is free to grant whatever weight it deems appropriate to each item of evidence before making its recommendation.
- (7) If a Tribal member has Requested a blood quantum correction pursuant to §2.311 of this Ordinance and the Enrollment Committee's recommendation to approve or reject an Application for Enrollment may be affected by such Requested blood quantum correction, the Enrollment Committee shall postpone their recommendation. Once the blood quantum correction Request has been finalized pursuant to this Ordinance and the Siletz Constitution, the Enrollment Committee shall proceed to review the postponed Application for Enrollment. [Added by Resolution No. 96-107, dated April 20, 1996; amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

§2.310 NAME CHANGE REQUEST [Moved by Resolution No. 2020-050, February 21, 2020]

- (a) **Request.** A Tribal member may Request to change their legal name on the Tribal Membership Roll by submitting the appropriate Request form with the original or certified copy of the legal document that changed their name and a clear color copy of their social security card showing their name has been changed with the Social Security Administration. [Amended by Resolution No. 2016-200, dated June 17, 2016, Amended by Resolution No. 2020-050, February 21, 2020]
- (b) **Committee Packet.** The Enrollment Staff shall make an initial recommendation to the Enrollment Committee with their quarterly review packet for other proposed actions that affect the Tribal Membership Roll. [Added by Resolution No. 2020-050, February 21, 2020]
- (c) **Committee Recommendation.** The Enrollment Committee will review and make a recommendation to Tribal Council to approve or reject the Request. The proposed name change will be posted and provide notification in the same manner as §2.316(f) and §2.316(i). [Added by Resolution No. 2020-050, February 21, 2020]
- (d) **Tribal Council Action.** Tribal Council shall not change the name of any Tribal member that would violate §8.700, Name Change Ordinance. Enrollment Staff shall change the Tribal member's name in Tribal records upon a Resolution of the Tribal Council. [Amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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§2.311 **SILETZ BLOOD QUANTUM CORRECTION** [Moved by Resolution No. 2016-200, dated June 17, 2016]

- (a) **Eligibility Criteria.** The Siletz Constitution restricts eligibility for Siletz membership to 1/16th or more Siletz blood quantum. The Siletz Tribal Constitution defines “Siletz blood” 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].” This means that you can claim all Indian blood from a direct ancestor named on one of the appropriate rolls or records. This definition means that all the Indian blood of a person listed on any such roll – both Indian blood derived from the bands and tribes that make up the Confederated Tribes of Siletz Indians, whether federally-recognized or not, and Indian blood from another federally-recognized tribe – is used to determine “Siletz blood” quantum of a person descended from that ancestor for purposes of determining eligibility for Siletz membership. List all such ancestors and Indian blood you think you are entitled to count. The Enrollment Staff and Enrollment Committee will review that information and determine the correct Siletz blood quantum for the Tribal member and their minor children. [Added by Resolution No. 2020-050, February 21, 2020]
- (b) **Initiation of Blood Quantum Correction Request.** Corrections of Siletz blood quantum on the current Tribal Membership Roll shall only be initiated by an individual Tribal member submitting such Request in writing to Enrollment Staff on a form approved by the Tribal Council. The Enrollment Staff may submit a request on behalf of a deceased, relinquished and/or removed Tribal member and children in the custody of ICW/DHS. Each individual Tribal member on the current Tribal Membership Roll, or an adult acting on behalf of a minor or incompetent Tribal member, shall initiate his or her own Request for a Siletz blood quantum correction. Genetic testing that measures “genetic markers” to identify percentage/amount of Native American heritage/blood are not acceptable as documentation for a blood quantum correction. [Amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]
- (c) **Review by Enrollment Department and Enrollment Committee.** The Enrollment Staff will assemble a review packet containing the birth certificate on file, a family tree constructed from the Enrollment Department database system, and any other pertinent records on file within the Enrollment Department for review by the Enrollment Committee. The Enrollment Committee shall make a recommendation to the Tribal Council with supporting reasons and evidence. Upon receipt of a Request for blood quantum correction, Enrollment Staff will review that Request and determine whether any other Tribal member may be adversely affected – in terms of their own Siletz blood quantum – by such Request. The Enrollment Staff shall provide notice by Priority Mail® to any such Tribal member of the pending blood quantum correction Request and their right to participate in the review of such Request, to Request a hearing before the Enrollment Committee, or to appeal any adverse action taken by the Tribal Council on such Request to the Tribal Court. This right of notice and participation applies to any

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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ancestor, living relative, or descendant of the person requesting a blood quantum correction whose blood quantum may be adversely affected by such a request. [Amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]

- (d) **Right to Hearing.** Persons who are subject to a blood quantum correction as set forth in this section, and other Tribal members who may be adversely affected by any proposed change or who may disagree with the Enrollment Committee's recommendation to change Siletz blood quantum for an individual Tribal member, shall have the right to a hearing as set forth in §2.320 of this Ordinance. Following such hearing, the Enrollment Committee shall make a recommendation on the Requested blood quantum correction to the Tribal Council. Any action taken on a blood quantum correction Request, shall be made by Tribal Council Resolution.[Amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]
- (e) **Tribal Council Action.** The Tribal Council shall vote on whether to accept or reject the Enrollment Committee's recommendation for a blood quantum correction and, if approved, shall forward its decision to the Siletz Tribal Court for consideration of any appeals that may be filed with regard to such action pursuant to §2.320. [Amended by Resolution No. 2016-200, dated June 17, 2016]
- (f) **Notification of Tribal Council Decision.** Notice of the Tribal Council's action shall be sent via Priority Mail® with tracking to the person Requesting the blood quantum correction, and to any other Tribal member who may be adversely affected by such action, and shall be posted pursuant to §2.316(i). [Amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]
- (g) **Tribal Court Review and Certification.** Upon expiration of the time for appeal of a Tribal Council action under this Section as provided for by §2.321 of this Ordinance and by Siletz Tribal Court Rules and Procedures Ordinance, §3.009(a), or upon Resolution of any appeal of such action that has been timely filed, the Administrator of the Tribal Court shall certify in writing to the Tribal Council either that the appeal period has expired or any appeal that was filed has been decided by the Court. [Amended by Resolution No. 2016-200, dated June 17, 2016]
- (h) **Review and Approval by the Bureau of Indian Affairs.** Once the Tribal Court's written certification under subsection (g) has been received by the Tribal Council, the Tribal Council shall pass a Resolution substantially in the form of the Resolution attached to this Ordinance as Exhibit A and incorporated herein by reference and, if required by Article I, Section 1(A) of the Siletz Constitution, shall forward the Resolution to the Bureau of Indian Affairs (BIA), Northwest Regional Office (NWRO), Regional Director, for approval of the Tribal Council's blood quantum correction. Upon receipt by the Tribal Council of the BIA's Certificate of Approval of the Tribal Council's action, the Tribal Council shall direct the Enrollment Staff and Enrollment Committee to make the necessary corrections as to Siletz blood quantum on the official Siletz Tribal Membership

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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Roll. [Amended by Resolution No. 2016-200, dated June 17, 2016]

- (i) **Blackout.** Action under this section is subject to the blackout period set out in §2.308. [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; amended by Resolution No. 2016-200, dated June 17, 2016]

§2.312 **RELINQUISHMENT OF MEMBERSHIP** [Moved by Resolution No. 2020-050, February 21, 2020]

- (a) **Adult.** Any adult member of the Siletz Tribe over the age of eighteen (18) may relinquish their membership in the Tribe by written notarized notice to the Tribal Council. Upon receipt of a notarized Request to relinquish Tribal Membership and verification by the Enrollment Staff, the Request will be forwarded to the Enrollment Committee for a recommendation. Upon approval by the Tribal Council, by Resolution, the Enrollment Staff shall remove that person's name from the Tribal Membership Roll. Notification of the relinquishment of member benefits will be provided to all Tribal Administration and Clinic Departments. [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; amended by Resolution No. 2020-050, February 21, 2020].
- (b) **Minor.** Tribal Membership of a Tribal member under the age of eighteen (18) may be relinquished only for purposes of enrolling in another federally recognized Tribe. If the parent(s) or legal custodian(s) of a Siletz minor desire to enroll such child in another federally recognized Tribe, they shall submit a Request for relinquishment in writing to the Siletz Tribe. The Enrollment Committee shall review the Request. The Siletz Indian Child Welfare (ICW) Staff will submit a written recommendation on the proposed relinquishment to the Enrollment Committee and Tribal Council by the date of review by the Enrollment Committee. The Tribal Council shall decide whether to accept or reject the relinquishment Request for said minor child, and the Council's decision will be final for the Tribe. The relinquishment decision shall be final once approval for enrollment in the other tribe is approved. [Added by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

§2.313 **LOSS OF MEMBERSHIP** [Moved by Resolution No. 2020-050, February 21, 2020]

- (a) **Grounds.** The Enrollment Committee shall recommend to the Tribal Council removal from the Tribal Membership Roll any person who becomes ineligible for Tribal membership because of enrollment in another federally recognized Tribe or whose application, after approval is found to contain 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 §2.306 of this Ordinance. [Amended by Resolution No. 86-135, dated March 15, 1986; amended by Resolution No. 90-136, dated May 19, 1990; amended by Resolution No.

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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2009-161, dated April 17, 2009; amended by Resolution No. 2011-408, December 16, 2011; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

- (b) **Loss of Membership Based on Blood Quantum Correction.** In any case where loss of membership is proposed on the basis that an Applicant, Tribal member or ancestor's Siletz blood quantum is incorrect, the Enrollment Committee will postpone action under this section until a blood quantum correction action has been completed pursuant to §2.311. [Amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]
- (c) **Right to Hearing.** In any case, where the Enrollment Committee proposes to recommend removal from the Siletz Tribal Membership Roll, the Enrollment Staff shall notify the person by Priority Mail® of the recommended action. The Tribal member who is being recommended for removal shall have the right to a hearing before the Enrollment Committee in accordance with §2.320.[Amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]
- (d) **Tribal Council.** The Tribal Council shall, by Resolution, order removal from the Tribal Membership Roll of any person it finds to be ineligible for Tribal 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 in each case 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].

§2.314 DECEASED TRIBAL MEMBERS

- (a) The death of a Tribal member shall be noted in the database of record for the Enrollment Department with supporting written documentation within their Tribal Membership file. The name of the Tribal member shall be removed from the current Tribal Membership Roll by the Enrollment Staff upon a Resolution by Tribal Council directing such action following the public posting of the recommendation as set out in §2.316(i). The Enrollment Staff shall maintain a roll of deceased Tribal members, known as the Honored Ancestors Roll, which may be published from time-to-time as determined by the Tribal Council. [Amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]

§2.315 REVIEW BY THE ENROLLMENT COMMITTEE [Moved by Resolution No. 2016-200, dated June 17, 2016]

- (a) **Committee Review Packet.** Enrollment Staff will forward to the Enrollment Committee the review packet fifteen (15) days prior to the next scheduled regular Enrollment Committee meeting. [Amended by Resolution No. 2020-050, February 21, 2020]

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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(b) **Quarterly Meeting.** Upon receipt of a review packet from Enrollment Staff, the Enrollment Committee shall have a committee meeting quarterly and within ninety (90) days of receipt of the packet to examine the information included therein and develop a recommendation on the complete Application of any Applicant and/or Request submitted by a Tribal member for a name change, relinquishment and/or blood quantum correction. 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 actions at the Tribal Council meeting before the blackout period set out in §2.308 begins. As part of its review process, the Enrollment Committee may take any or all of the following actions: [amended by Resolution No. 2020-050, February 21, 2020]

(1) If the Committee determines that the review packet is not complete or does not contain sufficient reliable information to make a recommendation to Tribal Council, the Committee may return the Application/Request to the Enrollment Staff with directions to obtain specific additional information. Any such Request shall include a time limit for return of the Application/Request to the Enrollment Committee for further review and action;

(A) DNA results must be received by the regularly scheduled Enrollment Committee meeting for review of an Application for Enrollment in order for a recommendation to be made to the Tribal Council. If it is not received, the Application will be returned to the Applicant as incomplete.[Amended by Resolution No. 2012-369, dated November 15, 2012; amended by Resolution No. 2020-050, February 21, 2020].

(B) 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 by Priority Mail® of the initial determination and provide the Applicant the opportunity to submit any additional information the Applicant thinks may aid in review of his or her Application for Enrollment. The Committee shall have the authority, in its discretion, on its own motion or upon the Applicant's Request, to hold a hearing pursuant to §2.320 to decide whether an Applicant meets the eligibility criteria for Tribal enrollment as set out in §2.301. [Amended by Resolution No. 2016-200, dated June 17, 2016, amended by Resolution No. 2020-050, February 21, 2020]

(C) Any other action the Committee determines necessary in carrying out its duties to review and process actions affecting the Tribal Membership Roll 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; amended by Resolution No. 2016-200, dated June 17, 2016, amended by Resolution No. 2020-050, February 21, 2020].

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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§2.316 ENROLLMENT COMMITTEE RECOMMENDATION[Moved by Resolution No. 2016-200, dated June 17, 2016]

- (a) **Recommendation to Tribal Council.** After the Enrollment Committee has completed its review of an Application/Request, within 30-days the Enrollment Committee shall prepare a written recommendation for the Tribal Council.
- (b) **Application for Enrollment.** The recommendation will include the biological parent and grandparent from whom an 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. Should neither the parent and/or grandparent be enrolled with Siletz, the recommendation will list the name of the ancestor that was on a roll and/or record of the Siletz Tribe. [Amended by Resolution No. 2020-050, February 21, 2020]
- (c) **Name Change.** The recommendation will include the current name on the Tribal Membership Roll, their roll number, the Requested name change and whether they are an adult or a minor. [Added by Resolution No. 2020-050, February 21, 2020]
- (d) **Blood Quantum Correction.** The recommendation will include the current name on the Tribal Membership Roll, their current blood quantum, the blood quantum it is to be corrected to, the ancestor they claim eligibility for a blood quantum correction through and their relationship to the ancestor unless there is a sealed adoption record on file in which case the relationship will not be listed. [Added by Resolution No. 2020-050, February 21, 2020]
- (e) **Removal from the Tribal Membership Roll.** The recommendation will be separated for those that are deceased, requesting relinquishment and loss of membership. All recommendations will list their name and roll number as listed on the current Tribal Membership Roll. The deceased list will also include their date of birth and date of death. Loss of membership will also include the reason for the loss of membership as simply as possible. [Added by Resolution No. 2020-050, February 21, 2020]
- (f) **Notification.** The Enrollment Staff shall mail one copy of the Enrollment Committee's recommendation by First Class Mail® to the Applicant when the recommendation is for approval. Should the recommendation be for rejection, the notice shall be sent by Priority Mail® for tracking purposes. [Amended by Resolution No. 2020-050, February 21, 2020]
- (g) **Burden of Proof.** The Applicant has the responsibility of proving his or her eligibility for enrollment.
- (h) **Consent to Jurisdiction.** Any person submitting an Application for Enrollment in the Siletz Tribe for him or herself, submitting an Application on behalf of another person, or submitting information, documentation or a statement of support or opposition for any Application for Enrollment expressly consents to the jurisdiction of the Siletz Tribal

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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Court for any matter or appeal arising out of or under this Ordinance. [Added by Resolution No. 2012-369, Nov. 15, 2012].

- (i) **Public Posting.** The Enrollment Staff shall publicly post the Enrollment Committee's recommendations on publicly accessible bulletin boards in each of the Siletz Area Offices, on the Tribal member's page of the Tribal website, and at other appropriate places designed to afford notice of the Enrollment Committee's recommendation to the Tribal members. The public posting shall occur approximately every three (3) months, and at least twenty (20) days before the regular Tribal Council meeting at which the recommendation will be voted on. The public posting shall include notice of when the Applications and Requests 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 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; amended by Resolution No. 2020-050, February 21, 2020].
- (j) **Protest.**
- (1) **Approval.** If the Enrollment Committee's recommendation is for approval of the Application/Request, 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 the public posting, may file a written and 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].
- (2) **Rejection.** If the Enrollment Committee's recommendation is for rejection of the Application/Request, the Applicant or a family member or relative may, within fifteen (15) days from the public posting of the notice, file a protest with the Enrollment Committee, stating the reasons he or she believes the Application/Request should be approved; *provided*, that the Applicant may always choose to submit additional information to the Enrollment Staff instead pursuant to §2.319. [Amended by Resolution No. 86-135, March 15, 1986; Amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2016-200, dated June 17, 2016].
- (3) **Protest Received.** If a protest is submitted in writing and signed by the person submitting it, the Application/Request will be pulled by Enrollment Staff for action by Tribal Council. The Enrollment Committee shall reconsider the Application/Request at its next regular Committee meeting in light of the information submitted with the protest. Following the reconsideration, the final recommendation shall be publicly posted with the next regular quarterly public posting. The Enrollment Committee in its sole discretion may decide whether to accept additional documentation during such reconsideration and/or to hold a

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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hearing on the protest pursuant to §2.319 and §2.320. [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; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

- (4) **No Protest Received.** 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 the public posting of 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 the public posting of the final recommendation described in subsection (2) above. [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; amended by Resolution No. 2016-200, dated June 17, 2016].

§2.317 TRIBAL COUNCIL ACTIONS

All Tribal Council actions shall be enacted in the form of a Resolution.

- (a) **Approval.** When the Tribal Council approves an Application for Enrollment and/or other Request affecting the Tribal Membership Roll, the Applicant/Tribal member shall be notified by Priority Mail® with tracking, the action shall be publicly posted as required by §2.316(i) and the Enrollment Staff shall enter the name of the Applicant or make the correction to the official Tribal Membership Roll.
- (b) **Rejection.** If the Tribal Council votes to reject an Application for Enrollment, the Applicant shall be notified by Priority Mail® and advised of his or her right to appeal in accordance with §2.321 of this Ordinance or to Request reconsideration of the decision in accordance with §2.319 of this Ordinance.
- (c) **Contradiction to Recommendation.** If the Tribal Council's action contradicts the recommendation of the Enrollment Committee, Enrollment Staff shall publicly post the Tribal Council's action in a manner consistent with §2.316(i) and in the Tribal newsletter, so as to notify the Tribal membership of the Tribal Council's action.
- (d) **Notification.** Enrollment Staff shall notify the Applicant and any interested parties by Priority Mail® of the Tribal Council's action. Any appeal period for Tribal members who do not receive notice directly by mail of the Tribal Council's action approving or rejecting an Application for Enrollment shall commence ten (10) days after notice of such action pursuant to this section was received.

[§2.317 9A)-(D) Amended by Resolution No. 86-135, March 15, 1986; Amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

§2.318 EMERGENCY ELIGIBILITY DETERMINATIONS

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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[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) **Justification.** In any case, where the Tribal Council determines 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 §2.308 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) **Procedure.** The Enrollment Staff and/or 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 §2.301, but the parent(s) have not enrolled the child, the Enrollment Staff or Indian Child Welfare (ICW) Staff shall file an Application for Enrollment on behalf of said child. The Tribal Council shall act on an emergency enrollment Request at its next regular or special Tribal Council meeting. An emergency enrollment approval by the Tribal Council pursuant to this subsection shall result in temporary enrollment of the child in question. Permanent enrollment shall occur and continue pursuant to the public posting set out in §2.316(i)The permanent enrollment determination by the Tribal Council shall constitute the final enrollment action with regard to said child and 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; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020].

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

PART IV

RECONSIDERATION, HEARINGS & APPEALS

§2.319 RECONSIDERATION OF APPLICATION

- (a) **Previously Rejected Application.** At its discretion, the Enrollment Committee may review a previously rejected Application for Enrollment when new and substantial evidence is submitted to support an Applicant's position in favor of Tribal enrollment or an interested or potentially adversely affected person's position in opposition to eligibility for Tribal enrollment, and when the Enrollment Committee determines that justice requires such reconsideration.
- (b) **Notification.** Staff shall provide notice to the Applicant of the Enrollment Committee's date and time of the meeting when the Application will be taken into reconsideration. The Enrollment Committee may also choose to hold a hearing as provided in §2.320 of this Ordinance with notice to and participation by all interested or potentially adversely affected parties, on any matter under this subsection.
- (c) **Recommendation.** At the conclusion of the Enrollment Committee meeting where the previously rejected application is taken into reconsideration, within ten (10) business days, the Enrollment Committee shall submit its recommendation regarding reconsideration of Tribal enrollment to the Tribal Council. Enrollment Staff shall publicly post the recommendation as required in §2.316(i).
- (d) **Tribal Council Action.** The Tribal Council shall act on any such recommendation at its next regular Council meeting, subject to the blackout period as listed in §2.308. Unless the Tribal Council determines otherwise, Tribal membership granted after reconsideration under this Section shall be prospective and not retroactive.

[§2.319 (A) – (D) 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; amended by Resolution No. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]

§2.320 HEARINGS BEFORE THE ENROLLMENT COMMITTEE

- (a) **Notification.** In the event the Committee decides to hold a hearing, notice of the scheduled hearing will be publicly posted. A person who is the subject of the hearing, a Tribal member protesting an enrollment action, or a Tribal member who may be affected by an enrollment action shall be provided written notice by the Enrollment Staff via Priority Mail® of their rights to a hearing and to submit documentation/ evidence in favor/opposition to the Application for Enrollment. A time limit shall be established for submission of additional information and the date the hearing will be held..

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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- (b) **Rights.** At the hearing, those persons (interested parties) receiving written notification shall have the right to appear and to hear the evidence against him or her, to confront witnesses, to be represented by counsel at his or her own expense, and to present evidence to the Enrollment Committee. The hearing shall be a closed hearing, except at the option of the person who is the subject of the hearing, *provided*, that interested parties may appear as witnesses at the hearing in order to testify and present evidence in favor or opposition to a proposed enrollment related action.
- (c) **Timeline.** Any such hearing shall be held within 30-days after the enrollee's receipt of notice from Enrollment Staff.
- (d) **Burden of Proof.** The burden of proof in any hearing shall be on the Applicant opposing the Enrollment Committee's initial recommendation. If an interested person challenges the eligibility of an Applicant and/or Tribal member requesting a change to the Tribal Membership Roll, the burden of proof shall be on the party opposing the Application/Request.
- (e) **Final Recommendation.** Upon conclusion of the hearing, the Committee shall issue its final recommendation on enrollment actions within 30 calendar days after the conclusion of any hearing. Enrollment Staff shall publicly post the final recommendation of the Enrollment Committee as outlined in §2.316(i). Tribal Council shall take action as outlined in §2.317.
- (f) **Tribal Council Action.** The Tribal Council shall act on the Committee's final recommendation at its next regular Council meeting, subject to the blackout period set out in §2.308.

[§2.320 (A) – (F) 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. 2016-200, dated June 17, 2016; amended by Resolution No. 2020-050, February 21, 2020]

§2.321 **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 person's Application for Enrollment under §2.309 of this Ordinance, or a removal or denial of removal of any person from the Tribal Membership Roll under §2.313 of this Ordinance, or a modification or denial of correction of a Tribal member's blood quantum by the Tribal Council under §2.311 of this Ordinance. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 2009-161, dated April 17, 2009].

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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- (b) **Standing.** Any person whose Application for Enrollment has been rejected, any person whose blood quantum has been corrected, any person who has been removed from the Tribal Membership Roll, and any Tribal member or extended family member who disagrees with the enrollment of any person, the correction of blood quantum of any person, or the denial of removal of any person from the Tribal Membership Roll, may file an appeal as an interested party. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2020-050, February 21, 2020].
- (c) **Filing.** The appeal shall be filed pursuant to the Tribal Court Rules of Procedure adopted by the Tribal Council for review of Tribal Council action, STC §3.009(a). 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 §2.319 of this Ordinance. The record of the hearing before the Enrollment Committee, and the record of any proceedings before the Tribal Council shall support all appeals. Decisions of the Court shall be final except as provided for in §2.319. [Amended by Resolution No. 86-135, March 15, 1986; amended by Resolution No. 2009-161, dated April 17, 2009; amended by Resolution No. 2016-200, dated June 17, 2016]
- (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) **Evidence.** 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 Application for Enrollment 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].

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

PART VI OTHER PROVISIONS

§2.322 SEVERABILITY CLAUSE

If any provisions of this Ordinance, or its application to any person or legal entity or circumstance, are held invalid by a court of competent jurisdiction, the remainder of the 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].

§2.323 APPENDIX

The Tribal Council may by motion, attach examples of forms, or 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]

§2.324 PUBLICATION

The Enrollment Staff shall publish on an annual basis all additions, deletions, and corrections to the Tribal Membership Roll occurring in the previous year. 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; amended by Resolution No. 2020-050, February 21, 2020].

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

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[Added by Resolution No. 2020-050, February 21, 2020]

Adopted 2/19/80

Amended: 4/21/1980; 11/18/1980; 9/3/1981; 2/18/1984; 3/15/1986; 5/19/1990; 11/5/1994; 1/21/1995; 7/14/1995; 4/20/1996; 5/15/1999; 3/18/2000; 8/26/2000; 10/18/2002; 7/25/2003; 9/16/2005; 4/17/2009; 6/12/2009; 9/18/2009; 12/16/2011; 11/15/2012; 06/17/2016, 01/17/2020

Resolution No. 2020 - 050

Date Approved: February 21, 2020

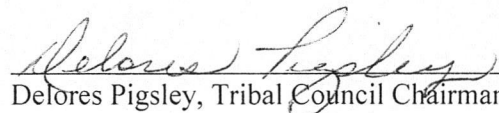
Subject: Enrollment Ordinance
Amendment #23

SILETZ TRIBAL COUNCIL

Resolution

- WHEREAS,** the Siletz Tribal Council is empowered to exercise the legislative and executive authority of the Confederated Tribes of Siletz Indians of Oregon pursuant to Article IV, Section 1 of the Siletz Constitution approved June 13, 1979, by the Acting Deputy Commissioner of Indian Affairs; and
- WHEREAS,** the Siletz Constitution, Article 1, governs the Tribe's membership process and requires the Tribal Council to enact an Enrollment Ordinance governing procedures for processing membership patterns for all actions affecting the Tribal Membership Roll; and
- WHEREAS,** the issue of pre and post adoption birth certificates are indistinguishable to know with certainty who the biological parent is of an Applicant; and
- WHEREAS,** Siletz Tribal Membership is based on biological lineage to an ancestor on a Siletz Roll or record; and
- WHEREAS,** the Enrollment Committee and Siletz Tribal Council wishes to comply with the requirements of the Siletz Constitution while minimizing disruption to and impact on the Tribal membership, and to make other technical changes to the Enrollment Ordinance ; now
- THEREFORE BE IT RESOLVED,** the Siletz Tribal Council hereby approves the attached amendments to the Siletz Enrollment Ordinance, and instructs the Enrollment Committee and Enrollment Staff to apply said amendments effective 04/11/2020.

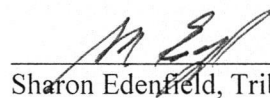
Confederated Tribes of Siletz Indians
By


Delores Pigsley, Tribal Council Chairman

CERTIFICATION

This Resolution was adopted at a Regular Tribal Council Meeting held on February 21, 2020, at which a quorum of the Tribal Council was present, and the Resolution was adopted by a vote of 8 FOR, 0 AGAINST, and 0 ABSTAINING, the Chairman or Vice Chairman being authorized to sign the Resolution.

By


Sharon Edenfield, Tribal Council Secretary