



**Little River Band of Ottawa Indians**

375 River Street  
Manistee, MI 49660  
(231) 723-8288

**Resolution # 02-0731-02**

*Adoption of Amendments to the Enrollment Ordinance, # 02-200-01*

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.); and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council adopted amendments to the Enrollment Ordinance which superseded the prior ordinance and resulted in renumbering from ordinance # 97-200-01 to # 02-200-01; and

WHEREAS, the adopting resolution, # 02-0529-03, directed the Enrollment Commission to develop regulations to implement the amendments in the new ordinance; and

WHEREAS, as a result of developing regulations, the Enrollment Commission identified corrective amendments to the Enrollment Ordinance and has presented these proposed amendments to the Tribal Council in a work session on July 18<sup>th</sup>; and

WHEREAS, as a result of the work session, the Tribal Council and Enrollment Commission identified additional amendments to the Enrollment Ordinance; and

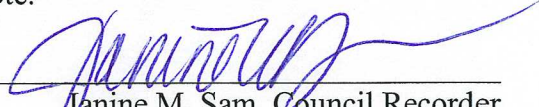
WHEREAS, these amendments have been finalized by the Enrollment Commission and presented to the Tribal Council for review and action;

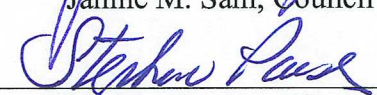
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts the amended Enrollment Ordinance, # 02-200-01 for immediate implementation.



**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 2 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on July 31, 2002, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.

  
\_\_\_\_\_  
Janine M. Sam, Council Recorder

  
\_\_\_\_\_  
Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Legal Department





## ENROLLMENT ORDINANCE

### Ordinance # 02-200-01

#### Section 1. Purpose; Authority

1.01. *Purpose; Authority.* Pursuant to the authority vested in the Little River Band of Ottawa Indians by its Constitution, and particularly by Article II, section 4 which authorizes the Tribal Council to set forth Ordinances for the enrollment of individuals as members of the Little River Band, and in furtherance of the Tribal Council's authority to provide for the health, safety, morals and welfare of the Tribe, the Tribal Council of the Little River Band of Ottawa Indians hereby enacts this ordinance which shall establish the Tribal enrollment procedures and policies.

#### Section 2. Adoption; Amendment; Repeal; Severability

2.01. *Adoption.* This Ordinance is adopted by resolution. The legislative history of actions taken in regards to this ordinance are as follows.

a. *Repeal of Ordinance # 94-1018-01.* The Tribal Council replaced Ordinance # 94-1018-01 with Ordinance # 97-200-01 by adoption on October 12, 1997.

b. *Amendment to Ordinance # 97-200-01.* The Tribal Council amended Ordinance # 97-200-01 on January 31, 2001, 2001 by adoption of resolution # 01-0131-01.

c. *Amendment to Ordinance # 97-200-01.* The Tribal Council amended and superseded Ordinance # 97-200-01 with this Ordinance # 02-200-01 by adoption of resolution # 02-0529-03.

d. *Amendment to Ordinance # 02-200-01.* The Tribal Council amended Ordinance # 02-200-01 on \_\_\_\_\_ by adoption of resolution # \_\_\_\_\_.

2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.

2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

2.04. *Ratification of Prior Enrollment Decisions.* Nothing in this Ordinance is intended to modify or invalidate enrollment decisions made or approved by the Enrollment Officer or Enrollment Commission under authority of Ordinance #94-1018-01 prior to the effective date of this Ordinance.

#### Section 3. Definitions.

3.01. *General.* For purposes of this Ordinance, certain terms are defined in this Section. The word "shall" is always mandatory and not merely advisory.

3.02. *"Clear and Convincing Proof"* means that measure or degree of proof which will produce in the mind of the trier of facts a firm belief or conviction as to allegations sought to be established.

3.03. *"Enrollment Officer"* means the individual responsible for maintaining the records relating to



enrollment in the Enrollment Department. The Enrollment Officer may delegate responsibilities to employees of the Enrollment Department.

3.04. "Records" or "enrollment files" means any item or information about or collected from individuals, including, but not limited to, birth certificates, genealogy reports, or other documents that contain the individual's name, or identifying particulars assigned to the individual, such as photographs, which information is collected for the purpose of determining the eligibility for enrollment in the Tribe of an individual or members of an individual's family.

3.05. "Relinquishment" is an act by which an enrolled member voluntarily and officially gives up the right of Tribal membership. It is an action that can only be taken by the individual.

#### **Section 4. Persons Entitled to Membership**

4.01. *Eligibility for Membership.* An individual is eligible for membership in the Tribe, if he/she possesses at least one-fourth (1/4) degree Indian blood, of which at least one-eighth (1/8) degree must be Grand River Ottawa or Michigan Ottawa blood and:

a. Is a lineal descendant of a member of the historic Grand River Bands who resided in Manistee, Mason, Wexford or Lake Counties in the State of Michigan, who was listed on the schedule of Grand River Ottawa in the Durant Roll of 1908 as approved by the Secretary of the Interior on February 18, 1910; or,

b. Is a lineal descendant of individuals listed on the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan listed under the following Ottawa Chiefs:

Kewacushkum	Pay-quo-tush	Me-tay-wis
Shaw-be-quo-ung	Penayse	Kaw-gay-gaw-bowe
Maw-gaw-ne-quong	Ching-gawa-she	Aken Bell; and,

c. Is not currently enrolled in any other federally recognized Indian Tribe, band, or group.

#### **Section 5. Enrollment Procedure**

5.01. *Application Forms.* Application forms to be filed by or for applicants for enrollment will be furnished by the Enrollment Officer, or other persons designated by the Enrollment Commission, upon written or oral request. All applications for enrollment shall be filed with the Enrollment Office.

5.02. *Separate Application for Each Individual.* A separate application is required for each individual seeking enrollment or for whom enrollment is sought. A parent of a minor under the age of 18 may file an enrollment application on behalf of his/her child(ren). Legal guardians of other legally incompetent persons may file enrollment applications on behalf of such persons; however, the Enrollment Officer may require proof of a guardian's status as a condition of approving an application submitted on behalf of such person. The Enrollment Officer shall assign a control number to each application received.

5.03. *Burden of Proof.* The burden of proof is clear and convincing proof and rests with each person submitting an application for enrollment to establish the applicant's eligibility for enrollment pursuant to Section 4 of this Ordinance.



5.04. *Documentary Evidence.* Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, or affidavits, may be used to support enrollment. Records of the tribe or of the Bureau of Indian Affairs may be used to establish eligibility. The Enrollment Officer may utilize documents submitted on behalf of one family member in determining another family member's eligibility. The Enrollment Commission shall establish, by regulation, standards of evidence that ensure the accuracy of the information being presented.

5.05. *Review of Application; Recommendation by Enrollment Officer.* The Enrollment Officer shall make every effort to complete his/her review of each application within 120 days after receipt of the application. The Enrollment Officer shall, within that 120 day period, make a recommendation to the Enrollment Commission to either accept or reject the application. The Enrollment Officer may request additional information from the applicant prior to submission of a recommendation to the Enrollment Commission. All information requests of this nature shall include a sixty day response deadline, failure to respond within the deadline will result in the application being forwarded to the Enrollment Commission. The Enrollment Officer shall review all information in the application and documentary evidence to verify the accuracy or authenticity of the information or documentary evidence.

5.06. *Review and Provisional Decision by Enrollment Commission.* The Enrollment Commission, with the assistance of any person authorized to assist in the enrollment processes, shall review each application, the recommendations of the Enrollment Officer, and make its provisional decision in writing stating the reason(s) for acceptance or rejection of the application.

5.07. *Review of Provisional Decision.* All applicants shall be given notice of a thirty day deadline to request a review of a provisional decision of the Enrollment Commission. If a request for review is received, the Enrollment Commission shall meet in conference with the applicant and identify the reasons why an applicant was determined ineligible or how the degree of Indian, Grand River or Michigan Ottawa blood was determined; provide a review of the evidence which was both accepted and rejected; and explain what evidence, if any, would assist in the decision making process.

5.08. *Final Decision; Failure to Appeal.* The Enrollment Commission shall then issue the final decision after the conclusion of the conference which shall be forwarded to the applicant. Failure to file an appeal to the Enrollment Commission within the thirty day appeal period shall result in the provisional decision being made final and results in forfeiture of the right to appeal to Tribal Court.

5.09. *Eligible Applicants.* Upon conclusion of the thirty day appeal deadline, persons whose applications for enrollment are accepted shall be assigned an enrollment number and shall be issued an enrollment card signed by the Tribal Ogema.

5.10. *Ineligible Applicants.* If the Enrollment Commission has entered a final decision to reject an application for enrollment, the Commission shall set forth the reason(s) for rejection in writing, including any additional evidence which might be needed to approve such application, and provide written notice to applicant of his/her right to re-submit the application at a later date or, if an appeal has been concluded in accordance with sections 5.07 and 5.08, the right to appeal the decision in accordance with Section 10 of this Ordinance.

5.11. *Increase in Blood Quantum.* If an applicant has appealed the Enrollment Commission's



decision regarding an increase of blood quantum and a final decision has been entered not to increase it, the Commission shall set forth the reason(s) in writing, including any additional evidence which might be needed to approve a higher blood quantum, and provide written notice to applicant of his/her right to re-submit new information at a later date.

## **Section 6. Enrollment Commission**

6.01. *Creation.* An Enrollment Commission consisting of seven enrolled Tribal members shall be appointed by the Tribal Council in accordance with applicable Tribal laws and policies governing the appointment of members of Tribal commissions. The term of office for a member of the Enrollment Commission shall be for four years.

6.02. *Officers; Meetings.* The members of the Enrollment Commission shall select one member to serve as Chairperson, one member to serve as Vice Chairperson and one member to serve as Secretary of the Commission. The Enrollment Commission shall meet at least once a month or as often as necessary. The Enrollment Officer or Commission Chairperson shall call all meetings when it is determined that there is a need for a meeting. All other rules of procedure for the conduct of meetings shall be determined in accordance with any applicable Tribal Ordinances or policies governing the conduct of meetings.

6.03. *Additional Responsibilities.* In addition to the responsibilities described in Section 5 of this Ordinance, the Enrollment Commission shall advise the Enrollment Officer, other pertinent staff and the Tribal Council as to how the enrollment process may be made as fair and equitable as possible. The Enrollment Commission shall also assist in the preparation of any special rolls, including rolls of Tribal members eligible for monetary payments or other benefits that may accrue to Tribal members.

## **Section 7. Maintenance of Roll**

7.01. *General.* The Enrollment Officer shall ensure that the roll of tribal members is kept current.

7.02. *Copies of the Roll.* The Enrollment Officer shall prepare a minimum of four copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain for each person a roll number, name, address, sex, date of birth, date of death, degree of Indian blood and degree of Grand River Ottawa or Michigan Ottawa blood. The membership roll shall be updated periodically or, at a minimum, annually, to add newly enrolled members.

7.03. *Bi-Annual Audit.* In January 2001, and every two years thereafter, starting in September 2002, the Enrollment Officer shall conduct, or cause to be conducted, a Bi-Annual Audit of the Roll. Such audit shall be conducted on any previously unaudited portion of the Roll. The Bi-Annual Audit shall be conducted to accomplish two goals:

- a. To confirm or otherwise verify the accuracy of each member approved for enrollment; and
- b. To review and provide comment on the processes utilized by the Enrollment Officer and Enrollment Commission.

7.04. *Presentation of the Bi-Annual Audit.* The Enrollment Officer shall present to the Enrollment Commission the Bi-Annual Audit which shall contain the following sections:



a. *Corrections to the Roll.* This section shall contain changes identified by the Enrollment Officer in the Bi-Annual Audit. These changes shall be grouped into the following categories. All lists identified in this subsection shall contain the full name of the member, enrollment number, blood quantum, date of birth, and other identifying characteristics as may be necessary as identified by the Enrollment Officer.

1. No corrections are necessary. This shall be a list of those members for which the Enrollment Officer identified no discrepancies.

2. Correction to roll which results in an increase in the blood quantum of a member. This shall be a list of those members for which the Enrollment Officer identified discrepancies in the file which will result in increasing the blood quantum of a member and a short description of the discrepancy identified. This list shall be supplemented by an appendix which identifies with sufficient specificity the reasons why the member's blood quantum should be increased.

3. Correction to the roll which results in a decrease in the blood quantum of a member which may result in disenrollment. This shall be a list of members for which the Enrollment Officer identified discrepancies in the file which will result in decreasing the blood quantum of a member and a short description of the discrepancy identified. This list shall be supplemented by an appendix which identifies with sufficient specificity why the member's blood quantum should be decreased.

b. *Review and Analysis of the Processes.* This section shall identify the list of processes and procedures, including the Enrollment Ordinance, utilized by the Enrollment Officer and Enrollment Commission and any proposed changes or amendments that may be identified by the audit.

7.05. *Action on the Bi-Annual Audit.* The Enrollment Commission shall accept the audit at a regular or special meeting, from the Enrollment Officer. After acceptance, the Enrollment Commission shall rule on each section of the audit.

- a. Approve audited files without change.

- b. Approve, or disapprove corrections to the file which result in increases in blood quantum. Such disapproval shall include written reasons for the disapproval, and may include a recommendation which identifies additional information or authentication which would cause the Enrollment Commission to approve the recommendation.

- c. Approve, or disapprove corrections to the file which result in decreases in blood quantum. Approval shall result in the Enrollment Officer forwarding via personal service or certified mail, return receipt requested, notice to the member of the initial decision of the Enrollment Commission and hearing date for the final decision.

7.06. *Hearings.* The Enrollment Commission shall hold hearings regarding corrections to decrease blood quantum for individual members. Such hearings shall be closed hearings, and all evidence and testimony shall be recorded and collected for the record. The member shall be given at least fourteen calendar days notice of the hearing date, time and place, and shall be notified that he/she may bring additional evidence, witness or other information to the hearing. The Enrollment



Commission shall utilize the following process for hearing, as well as any rules promulgated by the Tribal Court in regards to the receipt of evidence or testimony.

- a. The Enrollment Officer shall present the results of the Bi-Annual Audit in regards to the member and the corrected blood quantum.
- b. The member shall present any evidence or witnesses.
- c. The Enrollment Officer may cross-examine witnesses presented by the member.
- d. The Enrollment Commission may request closing or summary arguments at the completion of the presentations, and may ask questions during any part of the hearing of the Enrollment Officer, member or witnesses.

7.07. *Written Decision.* The Enrollment Commission shall present a written decision, within 45 days of the end of the hearing, which identifies the facts, evidence relied upon, and rule of law in regards to its decision making process to the Enrollment Officer and member. The written decision shall include direction to the Enrollment Officer regarding changes to the blood quantum, as well as notice to the member that he/she may appeal the decision to the Tribal Court as set out in Section 10 of the Enrollment Ordinance. Provided that, the Enrollment Commission, by a showing of good cause, may enter an order extending the 45 day deadline not longer than 30 days.

## **Section 8. Disenrollment**

8.01. *Grounds for Disenrollment.* Grounds for disenrollment from the Tribe include:

- a. Any enrolled member of the Tribe who applies for and becomes an enrolled member of any other federally recognized Indian Tribe, Band or group subsequent to his/her enrollment in the Little River Band of Ottawa Indians, shall thereby forfeit his/her membership in the Little River Band of Ottawa Indians.
- b. Any enrolled member of the Tribe may be disenrolled upon a determination that a prior decision was made based upon a mistake of fact.

8.02. *Mistake of Fact.* If the Enrollment Officer receives information that a person who is an enrolled member of the Tribe has been enrolled based upon a mistake of fact, the allegations must be placed in writing and signed by the person who is alleging the mistake. At the next regularly scheduled Enrollment Commission meeting, the Enrollment Officer shall provide the written information to the Commission.

- a. *Commission Decision.* The Commission shall determine if the information received is credible and decide whether the Enrollment Officer shall conduct an investigation to determine if the allegations in the statement are true.
- b. *Enrollment Officer Investigation.* If the Commission recommends an investigation, the Enrollment Officer shall conduct it in a timely manner.

8.03. *Procedure for Disenrollment.* Upon receiving notice that one or more of the grounds for disenrollment exist, the Tribal Enrollment Officer shall, after authorization from the Enrollment Commission:

- a. Contact the member, or the member's parent or guardian, and inform such person of the fact they will be disenrolled, the reason for such person's disenrollment and opportunity to



- provide arguments and evidence why he/she should not be disenrolled;
- b. The notice required under paragraph (a) shall be mailed to such person's last known address by registered mail, return-receipt requested, at least thirty days prior to disenrolling such person;
  - c. If, after thirty days, there is no response, and the grounds for disenrollment is verified the Enrollment Officer shall submit a certificate of disenrollment to the Enrollment Commission along with a written report;
  - d. If the Enrollment Commission determines that the disenrollment report is correct, the certification of disenrollment shall be entered;
  - e. Upon entering the certification for disenrollment, the Enrollment Officer shall provide the affected person(s), or such person(s)'s parent or guardian, notice of the Enrollment Commission's action and inform such person(s) of the appeals procedure pursuant to Section 10 of this Ordinance.
  - f. An Tribal member who is disenrolled because it has been verified that such person has applied for and become an enrolled member of another federally recognized Indian Tribe, Band or group, that person shall be banned from re-applying for membership for a period of five years.

## **Section 9. Relinquishment of Membership**

9.01. *Relinquishment Procedure.* An individual may relinquish membership by:

- a. Submitting a written and signed statement to the Enrollment Officer requesting that his/her name be removed from the membership roll.
- b. The only acceptable proof of relinquishment is the signed, notarized letter of relinquishment.
- c. Once an individual has relinquished his/her membership, that individual shall be banned from re-applying for enrollment for a period of five years.
- d. Membership of a minor or other incompetent person may be relinquished by the parents or legal guardian; however, in such an event, a minor may re-apply, within the five year period, or upon reaching the age of seventeen. An incompetent person's relinquishment may be corrected by that individual by proving competency.
- e. The Tribal Enrollment Officer may not refuse a competent member's request to relinquish his/her membership, if such person's request is supported by a written, signed and notarized letter making that request.

## **Section 10. Appeal of Enrollment Decisions to Tribal Court**

10.01. *Appeal to Tribal Court.* All appeals from decisions of the Enrollment Commission shall be heard by the Tribal Court.

10.02. *Right to Appeal.* Any person, including the parent or legal guardian of a minor or incompetent, who has been rejected for enrollment, accepted for enrollment but disagrees with the Indian blood quantum calculation, or subject to disenrollment has a right to appeal the final decision



of the Enrollment Commission after expiration of the request for review period in section 5.05.

10.03. *Burden of Proof on Appeal.* The applicant appealing a decision of the Enrollment Commission shall have the burden of proof on appeal.

10.04. *Deadline to Appeal.* All appeals shall be made in writing to the Tribal Court. An applicant shall have thirty calendar days from the date of the adverse decision appealed from to file an appeal with the Tribal Court.

10.05. *Extension.* An applicant shall be granted a thirty day extension to file his/her appeal if a written request for an extension is filed with the Tribal Court within the thirty day period described in section 10.04.

10.06. *Documents to Be Forwarded to Tribal Court on Appeal.* The Enrollment Officer, upon receipt of notice by the Tribal Court Clerk, shall cause to be copied and submitted the following documents.

- a. The application for enrollment and application file, including all evidence and documents contained therein.
- b. The recommendation of the Enrollment Officer to the Enrollment Commission.
- c. The minutes of the Enrollment Commission at which the decision regarding application for enrollment was made.
- d. The letter forwarded to the applicant regarding the decision of the Enrollment Commission.

10.07. *Examination of the Record; Request for Briefs.* The Tribal Court shall permit all parties to examine records submitted on appeal and to provide briefs or other explanatory memorandum or responses to briefs or other explanatory memorandum.

10.08. *Issues Which can be Appealed.* The sole issues on appeal will be to determine if the Enrollment Commission made an error in rejecting the application for enrollment, disenrolling the applicant, or in calculation of an eligible applicant's degree of Indian, Grand River, or Michigan Ottawa blood. The burden of proof shall remain with the individual affected by the decision of the Enrollment Commission.

10.09. *Tribal Court Decision.* The Tribal Court shall have jurisdiction to decide:

- a. To uphold the Enrollment Commission's decision; OR
- b. To remand all cases where:
  1. the Tribal Court determines that the Enrollment Commission has incorrectly interpreted or applied this ordinance or the regulations of the Enrollment Commission; OR
  2. the Tribal Court determines that new evidence is being submitted, OR
  3. the Tribal Court determines that the Enrollment Commission incorrectly calculated the degree of Indian, Grand River or Michigan Ottawa blood.

## **Section 11. Confidentiality**

11.01. *Use of Information; Advice to Individuals.*

- a. Each individual who supplies or is asked to information about himself and his family shall



be informed of the use or uses to which the information may be put, and what the consequences, if any, are of not supplying the information.

b. At minimum, the notice to the individual must state:

1. The authority which authorizes the solicitation of the information and that the disclosure of such information is voluntary;
2. That the principal purpose of such information is to determine the eligibility of that person and/or his relations for enrollment in the Little River Band of Ottawa Indians;
3. That the information may also be used to determine the eligibility of that person and/or his relations for benefits available from the state or federal government which are made available to persons of certain Indian blood quantum;
4. The effect on him and/or his relations, if any, of not providing all or part of the information requested by the Enrollment Officer or Enrollment Commission;
5. The steps which will be taken to keep such information and the procedure for authorizing disclosure of information to persons not authorized to access such information under this ordinance.

11.02. *Assuring Integrity of Records.*

a. *Records Maintained in Manual Form.* When maintained in manual form, enrollment files shall be maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:

1. Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons.
2. During working hours,
  - A. the area in which the records are maintained or regularly used shall be occupied by authorized personnel or
  - B. access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.
3. During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

b. *Records Maintained on Computer.* When maintained in computerized form, enrollment files and records shall be maintained, at a minimum, subject to safeguards based on those recommended in the National Bureau of Standards booklet "Computer Security Guidelines for Implementing Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of records in the system.

11.03. *Conduct of Employees.*

a. *Persons Authorized to Review Records.* Unless disclosure to a particular person or persons is authorized pursuant to subsection (c) of this section, records contained in individual enrollment files may only be handled and reviewed by the following persons:

1. the Enrollment Officer;



2. members of the Enrollment Commission;
  3. members of the Tribal Court reviewing or hearing an appeal regarding a particular enrollment application or file.
- b. *Handling Records.* Employees or members of the Appeals Board or Tribal Court whose duties require handling of records subject to this ordinance shall, at all times, take care to protect the integrity, security and confidentiality of these records.
- 11.04. *Disclosure of Records.*
- a. *Disclosure Prohibited.* No records contained in individual member's enrollment files may be disclosed by any means of communication to any person, or another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.
  - b. *Specific Exceptions.* The prohibition contained in paragraph (a) does not apply where the record would be:
    1. A list of enrolled member's names and address may be included in a Directory prepared by the Enrollment Officer in accordance with Section 12 of this Ordinance. The Directory of members' names and addresses may be provided to any Tribal member or employee of the Tribe requesting a copy of such Directory as a part of employment related responsibilities.
    2. To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code.
    3. To a recipient who has provided the enrollment officer advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the records are to be transferred in a form that is not individually identifiable.
    4. To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual.
    5. Pursuant to the order of the Tribal Court upon a showing of good cause.
    6. To a Tribal program or department where the purposes of the request is for Tribal governmental purposes.
- 11.05. *Indian Child Welfare Information.* The Enrollment Commission shall develop regulations which assist the Binojeeuk Commission in carrying out its responsibilities under the Children's Code.
- 11.06. *Accounting for Disclosures.*
- a. *Maintenance of an Accounting.* Where a record is disclosed to any person, or to another agency, under any of the specific exceptions provided by subsection 11.04, an accounting shall be made. The accounting shall record:
    1. the date, nature, and purpose of each disclosure of a record to any person or to another agency and



2. the name and address of the person or agency to whom the disclosure was made.
  - b. *Access to Accountings.* Accountings of all disclosures of a record shall be made available to the individual to whom the record relates at his request.
- 11.07. *Requests for Access to Records.*
- a. A request for access to records contained in enrollment files shall be made in writing to the Enrollment Officer.
  - b. *Form of Decision.*
    1. No particular form is required for a decision granting access to records. The decision shall, however, advise the individual requesting the record as to where and when the record is available for inspection or, as the as may be, where and when copies will be available. If fees are due for collecting and/or copying records, the individual shall also be notified of the amount of fees due.
    2. A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to the Tribal Court. This appeal must be filed no later than twenty days after the date of the denial.

## **Section 12. Preparation of Tribal Member Directory**

12.01. *Tribal Member Directory.* The Enrollment Officer is authorized to prepare a Directory of Tribal Members. The Directory may include the name and address of each adult member of the Tribe.

12.02. *Notice of Preparation of Tribal Member Directory.* The Enrollment Officer shall send written notice regarding the preparation of the Tribal Member Directory to the last known address of each adult member of the Tribe. Such notice shall inform each adult member Tribe that a directory containing Tribal members' names and addresses will be published not less than sixty days after the date of such notice, unless the member notifies the Enrollment Officer that he/she does not wish to have his/her name and/or address included in such directory. Members shall also be given the option to provide additional information for inclusion in the directory, which may include the member's telephone number and the name and age of such member's minor children.

12.03. *Availability of Tribal Member Directory.* A copy of the Tribal Member Directory shall be provided to any Tribal member or employee of the Tribe requesting a copy. The Enrollment Officer shall keep a record of the name and address of each person to whom a directory has been provided.



**ENROLLMENT ORDINANCE****Ordinance # 02-200-01****Section 1. Purpose; Authority**

1.01. *Purpose; Authority.* Pursuant to the authority vested in the Little River Band of Ottawa Indians by its Constitution, and particularly by Article II, section 4 which authorizes the Tribal Council to set forth Ordinances for the enrollment of individuals as members of the Little River Band, and in furtherance of the Tribal Council's authority to provide for the health, safety, morals and welfare of the Tribe, the Tribal Council of the Little River Band of Ottawa Indians hereby enacts this ordinance which shall establish the Tribal enrollment procedures and policies.

**Section 2. Adoption; Amendment; Repeal; Severability**

2.01. *Adoption.* This Ordinance is adopted by resolution. The legislative history of actions taken in regards to this ordinance are as follows.

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b. *Amendment to Ordinance # 97-200-01.* The Tribal Council amended Ordinance # 97-200-01 on January 31, 2001, 2001 by adoption of resolution # 01-0131-01.

c. *Amendment to Ordinance # 97-200-01.* The Tribal Council amended and superseded Ordinance # 97-200-01 with this Ordinance # 02-200-01 by adoption of resolution # 02-0529-03.

d. *Amendment to Ordinance # 02-200-01.* The Tribal Council amended Ordinance # 02-200-01 on \_\_\_\_\_ by adoption of resolution # \_\_\_\_\_.

2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.

2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

2.04. *Ratification of Prior Enrollment Decisions.* Nothing in this Ordinance is intended to modify or invalidate enrollment decisions made or approved by the Enrollment Officer or Enrollment Commission under authority of Ordinance #94-1018-01 prior to the effective date of this Ordinance.

**Section 3. Definitions.**

3.01. *General.* For purposes of this Ordinance, certain terms are defined in this Section. The word "shall" is always mandatory and not merely advisory.

~~30.23.02.~~ "Clear and Convincing Proof" means that measure or degree of proof which will produce in the mind of the trier of facts a firm belief or conviction as to allegations sought to be established.

3.03. *"Enrollment Officer"* means the individual responsible for maintaining the records relating to



enrollment in the Enrollment Department. The Enrollment Officer may delegate responsibilities to employees of the Enrollment Department.

3.0304. "Records" or "enrollment files" means any item or information about or collected from individuals, including, but not limited to, birth certificates, genealogy reports, or other documents that contain the individual's name, or identifying particulars assigned to the individual, such as photographs, which information is collected for the purpose of determining the eligibility for enrollment in the Tribe of an individual or members of an individual's family.

3.0405. "Relinquishment" is an act by which an enrolled member voluntarily and officially gives up the right of Tribal membership. It is an action that can only be taken by the individual.

#### **Section 4. Persons Entitled to Membership**

4.01. *Eligibility for Membership.* An individual is eligible for membership in the Tribe, if he/she possesses at least one-fourth (1/4) degree Indian blood, of which at least one-eighth (1/8) degree must be Grand River Ottawa or Michigan Ottawa blood and:

- a. Is a lineal descendant of a member of the historic Grand River Bands who resided in Manistee, Mason, Wexford or Lake Counties in the State of Michigan, who was listed on the schedule of Grand River Ottawa in the Durant Roll of 1908 as approved by the Secretary of the Interior on February 18, 1910; or,
- b. Is a lineal descendant of individuals listed on the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan listed under the following Ottawa Chiefs:
 

Kewacushkum	Pay-quo-tush	Me-tay-wis
Shaw-be-quo-ung	Penayse	Kaw-gay-gaw-bowe
Maw-gaw-ne-quong	Ching-gawa-she	Aken Bell; and,
- c. Is not currently enrolled in any other federally recognized Indian Tribe, band, or group.

#### **Section 5. Enrollment Procedure**

5.01. *Application Forms.* Application forms to be filed by or for applicants for enrollment will be furnished by the Enrollment Officer, or other persons designated by the Enrollment Commission, upon written or oral request. All applications for enrollment shall be filed with the Enrollment Office.

5.02. *Separate Application for Each Individual.* A separate application is required for each individual seeking enrollment or for whom enrollment is sought. A parent of a minor under the age of 18 may file an enrollment application on behalf of his/her child(ren). Legal guardians of other legally incompetent persons may file enrollment applications on behalf of such persons; however, the Enrollment Officer may require proof of a guardian's status as a condition of approving an application submitted on behalf of such person. The Enrollment Officer shall assign a control number to each application received.

5.03. *Burden of Proof.* The burden of proof is clear and convincing proof and rests with each person submitting an application for enrollment to establish the applicant's eligibility for enrollment pursuant to Section 4 of this Ordinance.



5.04. *Documentary Evidence.* Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, or affidavits, may be used to support enrollment. Records of the tribe or of the Bureau of Indian Affairs may be used to establish eligibility. The Enrollment Officer may utilize documents submitted on behalf of one family member in determining another family member's eligibility. The Enrollment Commission shall establish, by regulation, standards of evidence that ensure the accuracy of the information being presented.

5.05. *Review of Application; Recommendation by Enrollment Officer.* The Enrollment Officer shall make every effort to complete his/her review of each application within 120 days after receipt of the application. The Enrollment Officer shall, within that 120 day period, make a recommendation to the Enrollment Commission to either accept or reject the application. The Enrollment Officer may request additional information from the applicant prior to submission of a recommendation to the Enrollment Commission. All information requests of this nature shall include a ~~thirty~~ sixty day response deadline, failure to respond within the deadline will result in the application being forwarded to the Enrollment Commission. The Enrollment Officer shall review all information in the application and documentary evidence to verify the accuracy or authenticity of the information or documentary evidence.

5.06. *Review and ~~Determination~~ Provisional Decision by Enrollment Commission.* The Enrollment Commission, with the assistance of any person authorized to assist in the enrollment processes, shall review each application, the recommendations of the Enrollment Officer, and make its provisional ~~determination~~ decision in writing stating the reason(s) for acceptance or rejection of the application.

5.07. *Review of Provisional Decision.* All applicants shall be given notice of a thirty day deadline to request a review of a provisional decision of the Enrollment Commission. If a request for review is received, the Enrollment Commission shall meet in conference with the applicant and identify the reasons why an applicant was determined ineligible or how the degree of Indian, Grand River or Michigan Ottawa blood was determined; provide a review of the evidence which was both accepted and rejected; and explain what evidence, if any, would assist in the decision making process.

5.08. *Final ~~Determination~~ Decision; Failure to Appeal.* The Enrollment Commission shall then issue the final ~~determination~~ decision after the conclusion of the conference which shall be forwarded to the applicant. Failure to file an appeal to the Enrollment Commission within the thirty day appeal period shall result in the ~~initial determination~~ provisional decision being made final and results in forfeiture of the right to appeal to Tribal Court.

5.09. *Eligible Applicants.* Upon conclusion of the thirty day appeal deadline, persons whose applications for enrollment are accepted shall be assigned an enrollment number and shall be issued an enrollment card signed by the Tribal Ogema.

5.10. *Ineligible Applicants.* If the Enrollment Commission has entered a final decision to reject an application for enrollment, the Commission shall set forth the reason(s) for rejection in writing, including any additional evidence which might be needed to approve such application, and provide written notice to applicant of his/her right to re-submit the application at a later date or, if an appeal has been concluded in accordance with sections 5.07 and 5.08, the right to appeal the decision in accordance with Section 10 of this Ordinance.



5.11. Increase in Blood Quantum. If an applicant has appealed the Enrollment Commission's decision regarding an increase of blood quantum and a final decision has been entered not to increase it, the Commission shall set forth the reason(s) in writing, including any additional evidence which might be needed to approve a higher blood quantum, and provide written notice to applicant of his/her right to re-submit new information at a later date.

## **Section 6. Enrollment Commission**

6.01. *Creation.* An Enrollment Commission consisting of ~~five~~ seven enrolled Tribal members shall be appointed by the Tribal Council in accordance with applicable Tribal laws and policies governing the appointment of members of Tribal commissions. The term of office for a member of the Enrollment Commission shall be for four years.

6.02. *Officers; Meetings.* The members of the Enrollment Commission shall select one member to serve as Chairperson, one member to serve as Vice Chairperson and one member to serve as Secretary of the Commission. The Enrollment Commission shall meet at least once a month or as often as necessary. The Enrollment Officer or Commission Chairperson shall call all meetings when it is determined that there is a need for a meeting. All other rules of procedure for the conduct of meetings shall be determined in accordance with any applicable Tribal Ordinances or policies governing the conduct of meetings.

6.03. *Additional Responsibilities.* In addition to the responsibilities described in Section 5 of this Ordinance, the Enrollment Commission shall advise the Enrollment Officer, other pertinent staff and the Tribal Council as to how the enrollment process may be made as fair and equitable as possible. The Enrollment Commission shall also assist in the preparation of any special rolls, including rolls of Tribal members eligible for monetary payments or other benefits that may accrue to Tribal members.

## **Section 7. Maintenance of Roll**

7.01. *General.* The Enrollment Officer shall ensure that the roll of tribal members is kept current.

7.02. *Copies of the Roll.* The Enrollment Officer shall prepare a minimum of four copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain for each person a roll number, name, address, sex, date of birth, date of death, degree of Indian blood and degree of Grand River Ottawa or Michigan Ottawa blood. The membership roll shall be updated periodically or, at a minimum, annually, to add newly enrolled members.

7.03. *Bi-Annual Audit.* In January 2001, and every two years thereafter, starting in September 2002, the Enrollment Officer shall conduct, or cause to be conducted, a Bi-Annual Audit of the Roll. Such audit shall be conducted on any previously unaudited portion of the Roll. The Bi-Annual Audit shall be conducted to accomplish two goals:

- a. To confirm or otherwise verify the accuracy of each member approved for enrollment; and
- b. To review and provide comment on the processes utilized by the Enrollment Officer and Enrollment Commission.

7.04. *Presentation of the Bi-Annual Audit.* The Enrollment Officer shall present to the Enrollment



Commission the Bi-Annual Audit which shall contain the following sections:

a. *Corrections to the Roll.* This section shall contain changes identified by the Enrollment Officer in the Bi-Annual Audit. These changes shall be grouped into the following categories. All lists identified in this subsection shall contain the full name of the member, enrollment number, blood quantum, date of birth, and other identifying characteristics as may be necessary as identified by the Enrollment Officer.

1. No corrections are necessary. This shall be a list of those members for which the Enrollment Officer identified no discrepancies.

2. Correction to roll which results in an increase in the blood quantum of a member. This shall be a list of those members for which the Enrollment Officer identified discrepancies in the file which will result in increasing the blood quantum of a member and a short description of the discrepancy identified. This list shall be supplemented by an appendix which identifies with sufficient specificity the reasons why the member's blood quantum should be increased.

3. Correction to the roll which results in a decrease in the blood quantum of a member which may result in disenrollment. This shall be a list of members for which the Enrollment Officer identified discrepancies in the file which will result in decreasing the blood quantum of a member and a short description of the discrepancy identified. This list shall be supplemented by an appendix which identifies with sufficient specificity why the member's blood quantum should be decreased.

b. *Review and Analysis of the Processes.* This section shall identify the list of processes and procedures, including the Enrollment Ordinance, utilized by the Enrollment Officer and Enrollment Commission and any proposed changes or amendments that may be identified by the audit.

7.05. *Action on the Bi-Annual Audit.* The Enrollment Commission shall accept the audit at a regular or special meeting, from the Enrollment Officer. After acceptance, the Enrollment Commission shall rule on each section of the audit.

a. Approve audited files without change.

b. Approve, or disapprove corrections to the file which result in increases in blood quantum. Such disapproval shall include written reasons for the disapproval, and may include a recommendation which identifies additional information or authentication which would cause the Enrollment Commission to approve the recommendation.

c. Approve, or disapprove corrections to the file which result in decreases in blood quantum. Approval shall result in the Enrollment Officer forwarding via personal service or certified mail, return receipt requested, notice to the member of the initial decision of the Enrollment Commission and hearing date for the final decision.

7.06. *Hearings.* The Enrollment Commission shall hold hearings regarding corrections to decrease blood quantum for individual members. Such hearings shall be closed hearings, and all evidence and testimony shall be recorded and collected for the record. The member shall be given at least fourteen calendar days notice of the hearing date, time and place, and shall be notified that he/she



may bring additional evidence, witness or other information to the hearing. The Enrollment Commission shall utilize the following process for hearing, as well as any rules promulgated by the Tribal Court in regards to the receipt of evidence or testimony.

- a. The Enrollment Officer shall present the results of the Bi-Annual Audit in regards to the member and the corrected blood quantum.
- b. The member shall present any evidence or witnesses.
- c. The Enrollment Officer may cross-examine witnesses presented by the member.
- d. The Enrollment Commission may request closing or summary arguments at the completion of the presentations, and may ask questions during any part of the hearing of the Enrollment Officer, member or witnesses.

7.07. *Written Decision.* The Enrollment Commission shall present a written decision, within 45 days of the end of the hearing, which identifies the facts, evidence relied upon, and rule of law in regards to its decision making process to the Enrollment Officer and member. The written decision shall include direction to the Enrollment Officer regarding changes to the blood quantum, as well as notice to the member that he/she may appeal the decision to the Tribal Court as set out in Section 10 of the Enrollment Ordinance. Provided that, the Enrollment Commission, by a showing of good cause, may enter an order extending the 45 day deadline not longer than 30 days.

## Section 8. Disenrollment

8.01. *Grounds for Disenrollment.* Grounds for disenrollment from the Tribe include:

- a. Any enrolled member of the Tribe who applies for and becomes an enrolled member of any other federally recognized Indian Tribe, Band or group subsequent to his/her enrollment in the Little River Band of Ottawa Indians, shall thereby forfeit his/her membership in the Little River Band of Ottawa Indians.
- b. Any enrolled member of the Tribe may also be disenrolled upon a determination that a prior determination decision was made based upon a mistake of fact.

8.02. *Mistake of Fact.* If the Enrollment Officer receives information that a person who is an enrolled member of the Tribe has been enrolled based upon a mistake of fact, the allegations must be placed in writing and signed by the person who is alleging the mistake. At the next regularly scheduled Enrollment Commission meeting, the Enrollment Officer shall provide the written information to the Commission.

- a. *Commission Decision.* The Commission shall determine if the information received is credible and decide whether the Enrollment Officer shall conduct an investigation to determine if the allegations in the statement are true.
- b. *Enrollment Officer Investigation.* If the Commission recommends an investigation, the Enrollment Officer shall conduct it in a timely manner.

8.03. *Procedure for Disenrollment.* Upon receiving notice that one or more of the grounds for disenrollment exist, the Tribal Enrollment Officer shall, after authorization from the Enrollment Commission:

- a. Contact the member, or the member's parent or guardian, and inform such person of the



fact they will be disenrolled, the reason for such person's disenrollment and opportunity to provide arguments and evidence why he/she should not be disenrolled;

b. The notice required under paragraph (a) shall be mailed to such person's last known address by registered mail, return-receipt requested, at least thirty days prior to disenrolling such person;

c. If, after thirty days, there is no response, and the grounds for disenrollment is verified the Enrollment Officer shall submit a certificate of disenrollment to the Enrollment Commission along with a written report;

d. If the Enrollment Commission determines that the disenrollment report is correct, the certification of disenrollment shall be entered;

e. Upon entering the certification for disenrollment, the Enrollment Officer shall provide the affected person(s), or such person(s)'s parent or guardian, notice of the Enrollment Commission's action and inform such person(s) of the appeals procedure pursuant to Section 10 of this Ordinance.

f. An Tribal member who is disenrolled because it has been verified that such person has applied for and become an enrolled member of another federally recognized Indian Tribe, Band or group, that person shall be banned from re-applying for membership for a period of five years.

## **Section 9. Relinquishment of Membership**

9.01. *Relinquishment Procedure.* An individual may relinquish membership by:

a. Submitting a written and signed statement to the Enrollment Officer requesting that his/her name be removed from the membership roll.

b. The only acceptable proof of relinquishment is the signed, notarized letter of relinquishment.

c. Once an individual has relinquished his/her membership, that individual shall be banned from re-applying for enrollment for a period of five years.

d. Membership of a minor or other incompetent person may be relinquished by the parents or legal guardian; however, in such an event, a minor may re-apply, within the five year period, or upon reaching the age of seventeen. An incompetent person's relinquishment may be corrected by that individual by proving competency.

e. The Tribal Enrollment Officer may not refuse a competent member's request to relinquish his/her membership, if such person's request is supported by a written, signed and notarized letter making that request.

## **Section 10. Appeal of Enrollment Decisions to Tribal Court**

10.01. *Appeal to Tribal Court.* All appeals from decisions of the Enrollment Commission shall be heard by the Tribal Court.

10.02. *Right to Appeal.* Any person, including the parent or legal guardian of a minor or incompetent, who has been rejected for enrollment, accepted for enrollment but disagrees with the



Indian blood quantum calculation, or subject to disenrollment has a right to appeal the final decision of the Enrollment Commission after expiration of the request for review period in section 5.05.

10.03. *Burden of Proof on Appeal.* The applicant appealing a decision of the Enrollment Commission shall have the burden of proof on appeal.

10.04. *Deadline to Appeal.* All appeals shall be made in writing to the Tribal Court. An applicant shall have thirty calendar days from the date of the adverse decision appealed from to file an appeal with the Tribal Court.

10.05. *Extension.* An applicant shall be granted a thirty day extension to file his/her appeal if a written request for an extension is filed with the Tribal Court within the thirty day period described in section 10.04.

10.06. *Documents to Be Forwarded to Tribal Court on Appeal.* The Enrollment Officer, upon receipt of notice by the Tribal Court Clerk, shall cause to be copied and submitted the following documents.

- a. The application for enrollment and application file, including all evidence and documents contained therein.
- b. The recommendation of the Enrollment Officer to the Enrollment Commission.
- c. The minutes of the Enrollment Commission at which the decision regarding application for enrollment was made.
- d. The letter forwarded to the applicant regarding the decision of the Enrollment Commission.

10.07. *Examination of the Record; Request for Briefs.* The Tribal Court shall permit all parties to examine records submitted on appeal and to provide briefs or other explanatory memorandum or responses to briefs or other explanatory memorandum.

10.08. *Issues Which can be Appealed.* The sole issues on appeal will be to determine if the Enrollment Commission made an error in rejecting the application for enrollment, disenrolling the applicant, or in calculation of an eligible applicant's degree of Indian, Grand River, or Michigan Ottawa blood. The burden of proof shall remain with the individual affected by the decision of the Enrollment Commission.

10.09. *Tribal Court Decision.* The Tribal Court shall have jurisdiction to decide:

- a. To uphold the Enrollment Commission's decision; OR
- b. To remand all cases in which new evidence is being submitted, or where:
  1. the Tribal Court determines that the Enrollment Commission has incorrectly interpreted or applied this ordinance or the regulations of the Enrollment Commission-or; OR
  2. the Tribal Court determines that new evidence is being submitted. OR
  3. the Tribal Court determines that the Enrollment Commission incorrectly calculated the degree of Indian, Grand River or Michigan Ottawa blood.

## Section 11. Confidentiality

11.01. *Use of Information; Advice to Individuals.*



a. Each individual who supplies or is asked to information about himself and his family shall be informed of the use or uses to which the information may be put, and what the consequences, if any, are of not supplying the information.

b. At minimum, the notice to the individual must state:

1. The authority which authorizes the solicitation of the information and that the disclosure of such information is voluntary;
2. That the principal purpose of such information is to determine the eligibility of that person and/or his relations for enrollment in the Little River Band of Ottawa Indians;
3. That the information may also be used to determine the eligibility of that person and/or his relations for benefits available from the state or federal government which are made available to persons of certain Indian blood quantum;
4. The effect on him and/or his relations, if any, of not providing all or part of the information requested by the Enrollment Officer or Enrollment Commission;
5. The steps which will be taken to keep such information and the procedure for authorizing disclosure of information to persons not authorized to access such information under this ordinance.

11.02. *Assuring Integrity of Records.*

a. *Records Maintained in Manual Form.* When maintained in manual form, enrollment files shall maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:

1. Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons.
2. During working hours,
  - A. the area in which the records are maintained or regularly used shall be occupied by authorized personnel or
  - B. access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.
3. During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

b. *Records Maintained on Computer.* When maintained in computerized form, enrollment files and records shall be maintained, at a minimum, subject to safeguards based on those recommended in the National Bureau of Standards booklet "Computer Security Guidelines for Implementing Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of records in the system.

11.03. *Conduct of Employees.*

a. *Persons Authorized to Review Records.* Unless disclosure to a particular person or persons is authorized pursuant to subsection (c) of this section, records contained in individual enrollment files may only be handled and reviewed by the following persons:



1. the Enrollment Officer;
  2. members of the Enrollment Commission;
  3. members of the Tribal Court reviewing or hearing an appeal regarding a particular enrollment application or file.
- b. *Handling Records.* Employees or members of the Appeals Board or Tribal Court whose duties require handling of records subject to this ordinance shall, at all times, take care to protect the integrity, security and confidentiality of these records.
- 11.04. *Disclosure of Records.*
- a. *Disclosure Prohibited.* No records contained in individual member's enrollment files may be disclosed by any means of communication to any person, or another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.
  - b. *Specific Exceptions.* The prohibition contained in paragraph (a) does not apply where the record would be:
    1. A list of enrolled member's names and address may be included in a Directory prepared by the Enrollment Officer in accordance with Section 12 of this Ordinance. The Directory of members' names and addresses may be provided to any Tribal member or employee of the Tribe requesting a copy of such Directory as a part of employment related responsibilities.
    2. To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code.
    3. To a recipient who has provided the enrollment officer advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the records are to be transferred in a form that is not individually identifiable.
    4. To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual.
    5. Pursuant to the order of the Tribal Court upon a showing of good cause.
    6. To a Tribal program or department where the purposes of the request is ~~providing information mailings or newsletters to the membership. Provided that, the Enrollment Officer may provide that the member may exclude his or her name from participation in Tribal mailings under this section~~ for Tribal governmental purposes.
- 11.05. *Indian Child Welfare Information.* The Enrollment Commission shall develop regulations which assist the Binojeeuk Commission in carrying out its responsibilities under the Children's Code.
- 11.06. *Accounting for Disclosures.*
- a. *Maintenance of an Accounting.* Where a record is disclosed to any person, or to another agency, under any of the specific exceptions provided by subsection 11.04, an accounting



shall be made. The accounting shall record:

1. the date, nature, and purpose of each disclosure of a record to any person or to another agency and
  2. the name and address of the person or agency to whom the disclosure was made.
- b. *Access to Accountings.* Accountings of all disclosures of a record shall be made available to the individual to whom the record relates at his request.
- 11.07. *Requests for Access to Records.*
- a. A request for access to records contained in enrollment files shall be made in writing to the Enrollment Officer.
  - b. *Form of Decision.*
    1. No particular form is required for a decision granting access to records. The decision shall, however, advise the individual requesting the record as to where and when the record is available for inspection or, as the as may be, where and when copies will be available. If fees are due for collecting and/or copying records, the individual shall also be notified of the amount of fees due.
    2. A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to the Tribal Court. This appeal must be filed no later than twenty days after the date of the denial.

## **Section 12. Preparation of Tribal Member Directory**

12.01. *Tribal Member Directory.* The Enrollment Officer is authorized to prepare a Directory of Tribal Members. The Directory may include the name and address of each adult member of the Tribe.

12.02. *Notice of Preparation of Tribal Member Directory.* The Enrollment Officer shall send written notice regarding the preparation of the Tribal Member Directory to the last known address of each adult member of the Tribe. Such notice shall inform each adult member Tribe that a directory containing Tribal members' names and addresses will be published not less than sixty days after the date of such notice, unless the member notifies the Enrollment Officer that he/she does not wish to have his/her name and/or address included in such directory. Members shall also be given the option to provide additional information for inclusion in the directory, which may include the member's telephone number and the name and age of such member's minor children.

12.03. *Availability of Tribal Member Directory.* A copy of the Tribal Member Directory shall be provided to any Tribal member or employee of the Tribe requesting a copy. The Enrollment Officer shall keep a record of the name and address of each person to whom a directory has been provided.

*End.*



### WordPerfect Document Compare Summary

Original document: \\Admin\D\Legal\jhouse\Ordinances\Enrollment Ordinance - April 16, 2002 - Final for adoption

Revised document: \\Admin\D\Legal\jhouse\Review\Ordinance\Enrollment Ordinance - Enrollment Commission Changes - July 22, 2002

Deletions are shown with the following attributes and color:

~~Strikeout~~, Blue RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, Red RGB(255,0,0).

The document was marked with 17 Deletions, 28 Insertions, 0 Moves.



