

ENROLLMENT COMMISSION ORDINANCE
Ordinance # 23-150-09

Article I. Purpose; Findings

- 1.01. *Purpose.* The Little River Band of Ottawa Indians has determined that it needs an Enrollment Commission Ordinance to work in the best interest of its members to establish procedures for making, reviewing, and acting on tribal membership applications according to the membership standards contained in our Constitution to ensure the integrity of the enrollment rolls.
- 1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians hereby finds that:
- a. the Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility to “...exercise the inherent powers of the Little River Band by establishing laws through the enactment of ordinances and adoption of resolutions not inconsistent with our Constitution:
1. to govern the conduct of members of the Little River Band and other persons within its jurisdiction.
 2. to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members[.]” *Article IV, Section 7(a).*

Article II. Adoption; Amendment; Repeal; Severability

- 2.01. *Adoption.* This Ordinance is adopted by resolution # 23-xxxx-xxx,
- 2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the procedures set forth in the Administrative Procedures Act Ordinances #04-100-07.
- 2.03. *Compliance.* In regard to Compliance with this Ordinance, total and complete compliance shall be mandatory.
- 2.04. *Repeal.* This Ordinance may be repealed by the Tribal Council in accordance with the procedures set forth in the Administrative Procedures Act Ordinances #04-100-07.
- 2.05. *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.

2.06. *Sovereign Immunity.* Nothing in this Ordinance shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

2.07. *Superseding Existing Actions Creating Commissions.* If any provision of this Ordinance or its application conflicts with any provision of an Ordinance or by-laws of a commission, this Ordinance shall govern.

2.08. *Title.* This Ordinance shall be referred to as the “Enrollment Commission Ordinance.”

Article III. Definitions

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

3.02. *Commission* shall mean the Enrollment Commission as created in this Ordinance, with the powers and authority vested therein pursuant to this Ordinance.

3.03. *Commissioner* shall mean a member of the Enrollment Commission.

3.04. *Enrollment Coordinator* shall mean the individual responsible for maintaining the records relating to enrollment in the Enrollment Department.

3.05. *Enrollment Files or Records* shall mean any item or information about or collected from individuals, including, but not limited to, birth certificates, genealogy report, correspondence or other documents that contain the individual’s name and otherwise contained in tribal member’s file.

Article IV. Enrollment Commission

4.01. *Creation of Commission; General Authority.* There is hereby created the Enrollment Commission, which shall consist of five persons selected according to Commissions Ordinance, # 04-150-01. The Commission is created for the purposes described in Article I of this Ordinance. The Commission is charged with the oversight and regulation of Enrollment of the Little River Band of Ottawa Indians within its jurisdiction and shall exercise the powers and authorities described in this Ordinance or by separate ordinance.

4.02. *Membership.* The Enrollment consist of the persons appointed according to the Constitution and the Commissions Ordinance # 04-150-01, a person is eligible to be appointed as a Commissioner if he or she:

- a. is 18 years of age or older;

- b. is a member of the Little River Band of Ottawa Indians;
- c. is not employed in the Enrollment Department.

4.03. *Term of Office.* The term of office for members of the Enrollment Commission shall be limited as follows.

- a. *Commissioners.* The term of office of a Commissioner shall be four years.
- b. *Officer.* The term of office for an officer shall be one (1) year. A commissioner may be elected to successive years in the same office.

4.04. *Removal.* In addition to the reasons for removal from office as set forth in the Commissions Ordinance #04-150-01, a member may be removed for the following additional reasons.

- a. Conviction of a felony in Tribal, state or federal court during a term of office, unless such conviction stems from performance of a legal duty to the tribe;
- b. Fraud, conspiracy to commit fraud or material misrepresentation or malfeasance in the performance of duties and responsibilities under this ordinance.

Article V. Meetings of the Commission

5.01. *Public Informational Meetings.* The Commission shall have public informational meetings, to be held at large, centrally located facilities, at least one time per year at such dates, times and locations as may be designated, subject to the following requirements:

- a. The agendas of such meetings shall be informational in nature.
- b. The commission shall be required to form a quorum at such meetings.
- c. Substantial time shall be set aside at each such meeting to permit the membership the opportunity to provide input on any aspect or issue which is relevant to the purpose and authority of the Commission.
- d. Notice of such meetings shall be published in local periodicals wherever concentrations of members reside no later than two (2) weeks prior to such meeting, such notice to set forth the place, date, time and duration of such meeting and the agenda for such meeting.

- e. Complete minutes of such meetings shall be taken and retained and shall become a part of the legislative history of the Commission.

5.02. *Regular Meetings.* Regular meetings of the Commission shall be held once each month for the purpose of conducting the business of the Commission. Regular meetings will be subject to the following requirements:

- a. Notice of such meetings, including the date, time and location, shall be provided in the annual publication of meeting dates.
- b. Changes to the location or time, shall be presented to each member of the Commission at least seven (7) days prior to the date of the meeting change.
- c. Notice shall be deemed to be provided upon adoption of the annual publication of meeting dates, or if changes to location or time, if sent by email.
- d. Each Commissioner shall have a vote on all issues to be decided by the Commission.
- e. No official action may be taken by the Commission unless a quorum is present. A quorum of the Commission shall consist of an officer and at least two other Commissioners.
- f. Roberts Rules of Order shall govern the conduct of the Commission meetings.
- g. In accordance with the Commission Ordinance #04-150-01, Section 8.03 minutes of meeting shall be attached to the Commissions monthly report to the Tribal Council. Tribal Members may view Commission minutes on the Tribal website.

5.03. *Special Meetings.* Special meetings of the Commission shall be held as needed upon the directive of the Chairperson or any two Commissioners upon receipt of 72 hours' notice in writing delivered to all members of the Commission.

- a. Notice shall be deemed to be provided upon being sent by electronic mail.
- b. All other provisions applicable to regular meetings shall apply to special meetings of the Commission.

5.04. *Conduct of Meetings.* Regular and special meetings shall be conducted pursuant to the following additional rules:

- a. It shall be the standard that all meetings of the Commission shall be open to all members of the Little River Band of Ottawa Indians; however, the Chairperson or a majority of the Commissioners present may direct all or a portion of a regular or special meeting to be closed to everyone except designated participants, when such closed meeting is necessary to deal with personnel issues or to discuss any matters deemed to require a closure.
- b. Minutes of all regular and special meetings of the Commission shall be transcribed, shall be kept on permanent file in the offices of the Tribal Council, and shall be available for inspection by any member of the Little River Band of Ottawa Indians upon reasonable advance notice; provided, however, that as to any closed meeting or closed portion of a meeting, the minutes shall merely reflect that a closure took place.
- c. Minutes of all closed meetings or closed portions of meetings of the Commission shall be transcribed and shall be kept on permanent file in the confidential files of the Commission. Such minutes may be released only upon a majority vote of the Commission explicitly authorizing such release.

Article VI. Powers and Authorities of the Enrollment Commission

6.01. *Primary Responsibilities.* The primary responsibility of the Commission shall be to implement the provisions of this Ordinance, Enrollment Ordinance, other governing ordinances, as well as the Enrollment Regulations and by-laws consistent with our Constitution. The Enrollment Commission shall have the following duties and responsibilities:

- a. *Fair and Equitable Process.* Ensure that the enrollment process is as fair and equitable as possible.
- b. *Application.* Review each application and all documentation along with the recommendations of the Enrollment Department and make its determination in writing stating the reason(s) for acceptance or rejection of the application.
- c. *Audit.* Conduct an audit report as required under Article XV of the Enrollment Ordinance.
- d. *Hearings.* Hold hearings regarding all enrollment determinations and audit recommendations and render a written decision.

- e. Eligibility Criteria. Ensure that the Constitutional Tribal Member eligibility criterion is met by all applicants and members of the Tribe.

6.02. *Review and Provisional Decision by Enrollment Commission.* The Enrollment Commission shall review each application and the recommendations of the Enrollment Coordinator, and make its provisional decision in writing stating the reason(s) for acceptance or rejection of the application. This decision shall be mailed to the applicant by U.S. certified mail, return receipt requested.

- a. A provisional decision does not confer enrollment status, which is conferred only when a final decision is issued. A provisional decision identifies whether an applicant has met all eligibility requirements and offers an opportunity for the applicant to correct blood quantum determinations, or other matters in regard to the enrollment process.
- b. An applicant who has no questions or corrections in regard to a provisional decision may send notice prior to the conclusion of the thirty (30) day waiting period to request that a final decision be issued.

6.03. *Review of Provisional Decision.* All applicants shall be given notice of a thirty (30) day deadline to request an appeal of a provisional decision of the Enrollment Commission. If an appeal is received, the Enrollment Commission shall meet in a hearing with the applicant and identify the reasons why an applicant was determined ineligible or how the degree of Indian 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.

6.04. *Final Decision: Failure to Appeal.* The Enrollment Commission shall issue the final decision after the conclusion of the hearing which shall be forwarded to the applicant by U.S. certified mail, return receipt requested. Failure to file an appeal of a provisional decision to the Enrollment Commission within the thirty (30) day appeal period shall result in the provisional decision being made final and results in forfeiture of the right to appeal the final decision to Tribal Court.

6.05. *Eligible Applicants.* Upon conclusion of the thirty (30) day appeal deadline, or on an applicant's request under Section 6.02(b), persons whose applications for enrollment are accepted shall be assigned an enrollment number and shall be issued an enrollment card by the enrollment department.

6.06. *Additional Powers.* The Commission shall have the following additional powers:

- a. To issue orders and directives not inconsistent with regulations adopted by the Commission, this Ordinance, or ordinances regulating the Enrollment activities of the Tribe not inconsistent with our Constitution.
- b. To adopt, when deemed necessary by the Commission, such emergency regulations not to exceed ninety (90) days in duration.
- c. To promulgate such further regulations as the Commission may deem necessary and desirable to effectuate the powers granted by this Ordinance, subject to the approval of the Tribal Council.

6.07. *Hearing Body.* The Enrollment Commission shall act as the hearing body for the activities listed below in accordance with hearing procedures adopted by the Commission.

- a. All decisions of the Enrollment Commission shall be issued in an order which clearly identifies the parties, issues, facts, rule or law and decision.
- b. Such order shall be adopted by majority vote and an original shall be presented to the affected party.
- c. Decisions of the Enrollment Commission may be appealed to the Tribal Court on an appeal review of an administrative decision and not as an original hearing.

Article VII. Miscellaneous Responsibilities

7.01. *Report to Tribal Council.* The Enrollment Commission shall prepare a monthly report, signed by the Chairperson to be submitted to the Tribal Council. The report shall contain:

- a. A summary of enrollment activities of previous month.
- b. The number of pending enrollment applications.
- c. The number of final acceptance of applications broken down by eligible group.
- d. The number of final rejection of applications.
- e. Any significant problems or accomplishments.

- f. Plans for the future.
- g. Such other information as tribal council shall deem pertinent.

Article VIII. Employees; Liaison

8.01. *Employees.* The Enrollment Commission does not have the power to employ individuals.

8.02. *Liaison.* The liaison for the Enrollment Commission shall be responsible for communications between the Tribal Council and the Enrollment Commission.

- a. *Commission.* The Enrollment Commission shall choose a liaison from among its members who is responsible for interacting with the Tribal Council liaison to bring issues to the Tribal Council, and to bring issues from the Tribal Council to the Commission.
- b. *Tribal Council.* The Tribal Council liaison shall be responsible for identifying a contact number and office location at which the entity may leave documents, messages, requests, and other like information.
- c. *Regulated Area.* The Enrollment Department shall identify a contact person to which correspondence, request, and other like material shall be sent.

CERTIFICATION

I, _____, Tribal Council Recorder, do hereby certify that this is a true and correct copy of the Enrollment Commission Ordinance permanently adopted by the Tribal Council on xx-xx, 2023.

Tribal Council Recorder

Date

[seal]

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