TITLE X

CHAPTER 1
GENERAL PROVISIONS

Section 10-1-1 Authority. This Ordinance is enacted by the Tribal Council of the Ponca Tribe of Nebraska in accordance with Article II, Section 2 of the Constitution of the Ponca Tribe of Nebraska.

Section 10-1-2 Purpose. The purpose of this Ordinance is to provide rules, regulations, and procedures governing the enrollment of eligible individuals into the membership of the Ponca Tribe of Nebraska.

Section 10-1-3 Definitions. The following definitions apply to this Ordinance:

1. "Applicant" means the individual named on a submitted application for enrollment.

2. "Application" means an application for enrollment approved by the Ponca Tribe of Nebraska Enrollment Committee.

3. "Birth Certificate" means a state certified birth certificate (with raised or stamped seal), signed and certified by the authority issuing it, which is not in any way altered or otherwise illegible.

4. "Chain of Custody" means documentation of a record of individuals who have had physical possession of the evidence and the process used to maintain and document the chronological history of the evidence. (Documents can include, but are not limited to, name or initials of the individual collecting the evidence; each person or entity subsequently having physical possession of it; dates the items were collected or transferred; from where the item(s) were collected; agency and case number; and a brief description of the item.)

5. "Committee" means the Ponca Tribe of Nebraska Enrollment Committee established in accordance to the terms of this Ordinance.

(7) “Death Certificate” means a state certified death certificate, signed and certified by the authority issuing it, which is not in any way altered or otherwise illegible.

(8) “DNA” is the acronym for Deoxyribo Nucleic Acid, which is the nucleic acid that carries the genetic information in the cell and is capable of self-replication and synthesis of ribonucleic acid “RNA” and which may be used to determine parentage or kinship for purposes of this Ordinance.

(9) “Enrollment” means official action taken under the terms of this Ordinance making an individual a member of the Ponca Tribe of Nebraska.

(10) “Incompetent” means an individual eighteen (18) years of age or over who is incapable of managing his or her own legal, financial, and personal affairs as determined by a physician or a court of law.

(11) “Member” means an individual who is enrolled with the Ponca Tribe of Nebraska in accordance with the terms of this Ordinance.

(12) “Minor” means an individual under eighteen (18) years of age.

(13) “Sponsor” means a parent, legal guardian, next of kin, or Tribal Official filing an application for enrollment on behalf of a minor or incompetent.

(14) “Tribal Council” means the governing body of the Ponca Tribe of Nebraska in accordance with Article IV of the Constitution of the Ponca Tribe of Nebraska.

(15) “Tribe” means the Ponca Tribe of Nebraska.

Section 10-1-4 Confidentiality. All records/knowledge related to enrollment and individual membership in the Tribe shall remain confidential. Information contained in any record that is protected by confidentiality may be released only upon a signed release of information from the individual whose record is sought to be reviewed. The Enrollment Office may release information to the departments defined as routine users stated in Section 10-1-5 of this chapter. The Enrollment Office and Committee shall have access to such records only as is necessary to fulfilling duties.
under this Ordinance. Records related to individual enrollment or membership shall not be removed from the enrollment office. Any tribal member or applicant may request information pertaining to his/her enrollment or the enrollment of his/her minor child or incompetent.

Section 10-1-5 Routine Users. The enrollment office may release names, addresses, dates of birth, social security numbers, enrollment numbers, and blood degrees of any enrolled member to the following departments within the Tribe only if the information is necessary for them to carry out their duties:

(1) Tribal Health Department;

(2) Cultural Affairs Department;

(3) Tribal Social Services Department; and

(4) Education Department.

No other departments or parties may obtain enrollment information unless in accordance with Section 10-1-4 of this Chapter.

Section 10-1-6 Enrollment Records. For purposes of maintaining a record of tribal actions on applications, relinquishments, acknowledgments of paternity, deaths, etc., the Committee and Enrollment Office shall use and maintain a “membership index card” file. Family trees will be developed and placed into each member’s file as completed. The membership roll as established and maintained by the Committee shall be the official record of membership in the Tribe and shall be utilized for all tribal purposes.

Section 10-1-7 Corrections to Records. The Enrollment Office shall make any corrections of typographical or other types of errors and new information as required to maintain the membership roll, some corrections/updates include but are not limited to the following:

(1) Date of Birth;

(2) Name change;

(3) Family relationships;

(4) Revisions of degree of blood;

(5) Removal from membership roll due to death; or
(6) Relinquishment from the Tribe.

All corrections/updates made shall have documentation to support the changes being made.

CHAPTER 2
Enrollment Committee

Section 10-2-1 Enrollment Committee. There is hereby established an Enrollment Committee whose duties shall be described in Section 10-2-2 of this Chapter. The Committee may consist of up to six (6) members who shall be appointed by the Tribal Council. The Tribal Council shall delegate a Chairperson to preside over all committee meetings. The Committee shall elect from among its members a Secretary. Members of the Committee must follow the Ponca Tribe of Nebraska Administrative Policy and Procedures entitled “Tribal Council Committees”.

Section 10-2-2 Committee Duties. The duties of the Committee shall be as follows:

(1) To review applications, submitted by the Enrollment Office, at a duly called committee meeting for determination of eligibility in accordance with this Ordinance and the Constitution;

(2) To approve or deny applications in accordance with this Ordinance and the Constitution;

(3) To approve or deny Honorary applications in accordance with this Ordinance and the Constitution;

(4) To sign off on all relinquishments from the Tribe;

(5) To approve all forms created by the Enrollment Office;

(6) To make recommendations to the Tribal Council concerning amendments to this Ordinance;

(7) To approve all amendments to the Enrollment Department Policies and Procedures;

(8) Shall keep a current roll of members of the Tribe;

(9) Shall conduct a census of the members of the Tribe once every year in the month of April;
(10) To ensure that the requirements of this Ordinance and the Constitution are carried and enforced; and

(11) Any other duties as may be delegated by the Tribal Council or required to carry out the duties of the Committee.

Section 10-2-3 Meetings. The Committee shall hold monthly meetings and other meetings as is necessary. If it appears that the Committee has no official business to act on, the monthly meeting may be canceled by the Chairperson of the Committee. The Committee Secretary shall keep minutes of all meetings. All minutes of Committee meetings shall be kept in the Enrollment Office and a copy shall be submitted to the Tribal Council Secretary.

CHAPTER 3
Eligibility for Enrollment

Section 10-3-1 Eligibility for Membership in the Tribe. In accordance with Article II of the Constitution, eligibility for membership in the Tribe shall consist of all individuals who meet either of the following provisions:

(1) All persons listed and their lineal descendants of the tribal rolls of April 1, 1934, January 1, 1935, or June 18, 1965, as compiled by the Bureau of Indian Affairs;

(2) All persons entitled to be listed on the membership roll of June 18, 1965, who were not listed on the roll, notwithstanding the application or appeal deadline dates of P.L. 87-629.

Section 10-3-2 Individuals Not Eligible for Enrollment. The following individuals shall not be eligible for enrollment into the Tribe:

(1) Children of Native American blood of another Indian Tribe or non-Indian children who have been legally adopted by members of the Tribe;

(2) Individuals who at the time of their application for enrollment are currently enrolled with another federally recognized Tribe, Band, or group unless an application for relinquishment is made with the other Tribe contingent upon his/her enrollment with the Ponca Tribe of Nebraska; or
(3) Any individual who does not meet the requirements as set forth in Section 10-3-1 of this Chapter.

CHAPTER 4
Enrollment Office

Section 10-4-1 Enrollment Office. There is hereby established an Office of Tribal Enrollment. The duties of the Office of Tribal Enrollment shall include but not be limited to the following:

(1) To respond to and keep a record of all application requests;

(2) To receive all applications;

(3) To review all applications for contents and completeness;

(4) To notify applicants of missing information needed to complete enrollment;

(5) To research records to obtain adequate documentation for enrollment actions;

(6) To ensure that all applications and documentation are complete before submitting to the Committee;

(7) To meet with the Committee, at a duly called Committee meeting, a minimum of one time per month, unless there is no official business to act on;

(8) To record all actions taken on specific enrollment actions;

(9) To maintain accurate and current enrollment files on each applicant;

(10) To protect the privacy of all applicants and Tribal Members;

(11) To establish policies and procedures in accordance with the Constitution and this Ordinance for its internal operations; and

(12) To perform any other duties which are necessary for fulfilling the purposes of this Ordinance or which may be assigned by the Committee or Tribal Council.
CHAPTER 5
Enrollment Procedures

Section 10-5-1 Applications/Documentation. Any individual who wishes to be considered for enrollment with the Tribe shall file an application with the enrollment office. Each application shall be accompanied by the following documents which shall include but not be limited to:

(1) A birth certificate (or baptismal record if no birth certificate was filed) for the applicant listing the parent with Ponca ancestry;

(2) If the Ponca parent is not listed on the birth certificate, a chain of custody DNA test must be done and the results of the test must be submitted directly to the Enrollment Office from the testing lab; the cost of the DNA test is the sole responsibility of the applicant or sponsor of the applicant;

(3) If father is Ponca and not listed on birth certificate, an Order recognizing paternity from the Ponca Tribal Court and/or any court of competent jurisdiction;

(4) Birth certificate(s) and/or death certificate(s) and/or baptismal record(s) to prove the claim of lineal descent;

(5) If the applicants name has been changed due to marriage, the marriage license(s) showing the name change;

(6) If the applicants name has been changed due to adoption, the court order showing the name change and the biological parents if necessary.

Section 10-5-2 Receipt of Application. Upon receipt of an application with the required documentation, the enrollment office shall review the application to ensure that it is complete and to verify and determine the eligibility of the applicant for enrollment. Every application received shall be stamped received for the date it was received. Upon proper verification, the enrollment office shall submit the application to the Committee for review at its next scheduled monthly meeting. If any application is incomplete the enrollment office shall promptly notify the applicant in writing and suspend further action until
the application and/or documentation is complete and submitted to
the enrollment office.

Section 10-5-3 Notification to Applicant. Every applicant shall
be entitled to notice of action taken at each stage of the
proceeding, including but not limited to:

(1) Receipt of the application;

(2) Notification of request for further
information/documentation;

(3) Action taken by the Committee and Tribal Council;

(4) Notification of rights to appeal if applicant is
rejected; and

(5) Action taken concerning appeals, if filed.

Section 10-5-4 Applications filed on behalf of minors and
incompetents. Applications filed for minors or incompetents may
be made by a parent, legal guardian, next of kin, or a tribal
official on behalf of the minor or incompetent. The individual
filing the application on behalf of the minor or incompetent shall
be responsible to ensure that all procedures required under this
Ordinance for filing applications are followed.

Section 10-5-5 Burden of Proof. The burden of proving eligibility
through documentation for enrollment with the Tribe shall be placed
solely on the individual or sponsor filing the application. The
1934, 1935, or 1965 base official membership rolls of the Tribe
shall be the authoritative document to be used in establishing
eligibility for enrollment.

Section 10-5-6 Review by Committee. Upon receipt of a completed
application and complete documentation with an initial
determination of eligibility by the enrollment office, the
application shall be submitted to the Committee at a duly called
Committee Meeting for review. The Committee shall review the
application and make a determination of the applicants eligibility
in accordance with the eligibility criteria set out in the
Constitution and this Ordinance. If the applicant is found to be
eligible for enrollment, two Committee members shall sign the
Committee Report on Application to recommend that the applicant be
enrolled. If the applicant is found to be ineligible for
enrollment, two Committee members shall sign the Committee Report
on Application to recommend that the applicant be denied
enrollment. The Committee may table applications only when there is insufficient documentation upon which a determination can be made. The recommendation of the Committee shall be submitted to the Tribal Council at the next duly called Tribal Council meeting in accordance with Section 10-5-7 of this chapter.

Section 10-5-7 Approval by Tribal Council. Official enrollment into the Tribe shall be by resolution passed by the Tribal Council. Upon recommendation for enrollment or denial of enrollment by the Committee, the enrollment office shall prepare resolutions for all applicants who are recommended for enrollment and for all applicants who are recommended for denial of enrollment. Resolutions shall be submitted to the Tribal Council at the next duly scheduled Tribal Council meeting. Upon receipt by the Tribal Council of either a resolution enrolling an individual or denying an individual enrollment, the Tribal Council may pass the resolution.

Section 10-5-8 Enrollment Notification. Upon passage of the resolution enrolling an applicant into the Tribe, the enrollment office shall immediately add the individual to the Membership Rolls of the Tribe and assign the member an enrollment identification number. The member shall be immediately notified of the enrollment and provided with a certificate of enrollment. If the applicant is denied enrollment, the applicant shall be immediately notified of the denial, the reasons for the denial, and of the right to appeal in accordance with Chapter 9 of this Ordinance. All denial notifications required under this section shall be in writing and delivered by certified mail.

Section 10-5-9 Enrollment Certificate. Each individual who is enrolled into the Tribe shall be issued a certificate of enrollment. The certificate shall include the following information:

1. full name of member;
2. member’s enrollment number;
3. member’s date of birth;
4. member’s social security number;
5. the member’s degree of Ponca blood if they so chose;
6. the resolution number; and
7. the resolution date.
All certificates shall be signed and dated by the Enrollment Director.

**Section 10-5-10 Re-evaluation of Applications.** Should the Enrollment Office or Committee find that a applicant misrepresented or omitted facts which may have made him/her eligible/ineligible for enrollment when filing their application, his/her application shall be halted and re-evaluated. The applicant shall be notified in writing via certified mail of the steps that will be taken in this action and the information/documentation/mis-representations that needs clarification or is missing from their file. They will also be notified that they have thirty (30) days to submit what has been requested. If the applicant does not return the requested information/documentation when the thirty days has expired the Enrollment Office shall notify the applicant at least fifteen (15) days in advance that membership will be denied at the next Committee meeting and that they may attend to present evidence that they feel will prove their right to membership and that they can still submit the requested information/documentation. The applicant shall be notified in writing via certified mail if they are denied membership with their right of appeal in accordance with Chapter 9 of this Ordinance. The Committee or Enrollment Office may re-evaluate disapproved applications after the time limitations for appeals have expired if the applicant can produce evidence/documentation which would have made him/her eligible when applying but was not available when the original applications was filed or during the appeal period.

**Section 10-5-11 Re-evaluation of a Member.** If it is found that a member misrepresented or omitted facts/documentation the member shall be subject to dis-enrollment. The member shall be notified in writing via certified mail of the steps that will be taken in this action and the information/documentation/mis-representations that needs clarification or is missing from their file. They will also be notified that they have thirty (30) days to submit what has been requested. If the individual does not return the requested information/documentation when the thirty days has expired the Enrollment Office shall notify the member at least fifteen (15) days in advance that their file will be subject to dis-enrollment at the next Committee meeting and that they may attend to present evidence that they feel will prove their right to membership and that they can still submit the requested information/documentation. The member shall be notified in writing via certified mail if they are dis-enrolled with their right of appeal in accordance with Chapter 9 of this Ordinance, or if all
actions have ceased because of submission of proper information/documentation.

Section 10-5-12 Dis-enrollment Without Notification. Notification will be mailed via certified mail if a member is dis-enrolled. If the first notice is returned to sender a second notice will be sent; if the second notice is returned dis-enrollment will proceed without further notification. A final notification will be mailed via certified mail stating that dis-enrollment has taken place.

CHAPTER 6
Dual Enrollment

Section 10-6-1 Dual Enrollment. Any person who is enrolled with another tribe shall not be eligible for enrollment into the Ponca Tribe until they have relinquished all membership rights with the other tribe.

Section 10-6-2 Per-Capita Payments. An individual who is or was enrolled with another tribe and who has received payments from the other Tribe in the form of per-capita payments relating to treaty obligations and/or acts of the United States Congress shall not be eligible for enrollment with the Tribe for a period of three (3) years from the date they received their last per-capita payment. Any person who has received a per-capita payment from another tribe shall not be entitled to receive a per-capita payment from the Ponca Tribe of Nebraska for a period of three (3) years from the official date of enrollment into the Ponca Tribe.

Section 10-6-3 Relinquishment from Other Tribe. An individual who is eligible for membership with the Tribe and is enrolled with another tribe shall relinquish all rights to membership he/she may hold in the other Tribe as a condition to his enrollment with the Ponca Tribe of Nebraska.

CHAPTER 7
Relinquishment

Section 10-7-1 Relinquishment Generally.
1. Any member of the Tribe may voluntarily relinquish his or her membership in the Tribe. Relinquishment of membership shall be accomplished by submitting a signed notice of relinquishment to the Enrollment Office executed and acknowledged before a notary
public. The acknowledgment by the notary public shall be of the kind, under the law of the jurisdiction where notarized, which means:

(a) That the member who will actually be relinquishing membership is named as the relinquishing member on the notice of relinquishment;

(b) That the relinquishing member or person executing the notice of relinquishment on behalf of a minor or incompetent as provided in this Chapter personally appeared before the notary public on the date and in the jurisdiction identified in the notice of relinquishment;

(c) That the relinquishing member or person executing the notice of relinquishment on behalf of a minor or incompetent as provided in this Chapter signed the notice of relinquishment before the notary public;

(d) That the relinquishing member or person executing the notice of relinquishment on behalf of a minor or incompetent as provided in this Chapter signed the notice of relinquishment without coercion; and

(e) That the relinquishing member or person executing the notice of relinquishment on behalf of a minor or incompetent as provided in this Chapter is aware of the content of the notice of relinquishment.

2. The Enrollment Office shall not refuse a relinquishment of membership unless the Enrollment Office determines that:

(a) The relinquishing member is a minor or incompetent and the relinquishment was not submitted by a parent, legal guardian, or other individual with authority to act on behalf of the minor or incompetent as provided in this Chapter; or
(b) The relinquishment otherwise does not comply with the requirements of this Chapter.

3. Any refusal by the Enrollment Office to allow relinquishment shall be subject to appeal in accordance with the procedures of Chapter 9 herein. Nothing in this Section shall be construed as creating a right to appeal an acceptance of relinquishment by the Enrollment Office or to require approval of any relinquishment by the Enrollment Committee or Tribal Council.

(a) The Enrollment Committee may design, prepare, and
approve forms that comply with the requirements of this Chapter for use in relinquishing membership. The Enrollment Committee may require the use of such forms for all relinquishments.

Section 10-7-2 Absolute or Conditional Relinquishment.

1. Relinquishment of membership can be absolute or can be made conditional upon the relinquishing member’s acceptance as a member of another tribe.

2. If a relinquishment of membership is conditional upon acceptance as a member in another tribe, the notice of relinquishment shall:

   (a) Expressly state that it is conditional upon acceptance as a member in another tribe; and

   (b) Specifically identify the other tribe in which the relinquishing member is seeking membership.

3. In the case of a conditional relinquishment, the relinquishing member shall be responsible for informing the Enrollment Office of:

   (a) The status and progress of the relinquishing member’s pending membership in the other tribe; and

   (b) All actions taken regarding the relinquishing member’s pending membership in the other tribe.

4. In the case of a conditional relinquishment, if the relinquishing member’s membership in the other tribe is rejected or denied, the relinquishment shall be null and void and the relinquishing member shall remain a member of the Tribe and shall not be removed from the membership roll of the Tribe.

Section 10-7-3 Effective Date of Relinquishment.

1. An absolute relinquishment of membership shall be effective immediately upon the date a proper notice of relinquishment is received by the Enrollment Office.

2. A conditional relinquishment of membership shall be effective immediately upon the date the relinquishing member is accepted as a member of the tribe identified in the notice of relinquishment.
3. No express action shall be required by the Enrollment Office, Enrollment Committee, or other department or body of the Tribe to make a relinquishment effective and the fact that the name of an individual who has validly relinquished membership remains on the membership roll of the Tribe shall not alter the effectiveness or validity of an otherwise valid relinquishment.

Section 10-7-4 Relinquishment by Minors and Incompetents.

1. A minor’s membership in the Tribe may only be relinquished by the minor’s parent or legal guardian. Relinquishment on behalf of a minor may be absolute or conditional as provided in this Chapter. In addition to the other requirements of this Chapter, a relinquishment on behalf of a minor shall include:

   (a) Proof that the individual submitting the relinquishment has legal custody of the minor;

   (b) In the case of a notice of relinquishment submitted by a legal guardian:

      (i) Proof that the person submitting the relinquishment has been granted permanent legal guardianship of the minor by a court with jurisdiction to grant such guardianship, such as the final order of the court;

      (ii) Any information regarding any limitations of the guardianship, if any, from the court that granted the guardianship that is not included in the other proof required under this subsection; and

      (iii) If parental rights to the minor have been terminated, proof that parental rights have been terminated;

   (c) In the case of a natural parent or in the case of a legal guardian where parental rights to the minor have not been terminated, proof that each natural parent whose parental rights have not been terminated approves of the relinquishment; and

   (d) A sworn statement that there is no pending or anticipated child custody proceeding involving the minor, whether a voluntary or involuntary proceeding and including foster care placement, adoptive placement, termination of parental rights, and divorce.
2. The membership in the Tribe of an incompetent individual may only be relinquished by the incompetent’s legal guardian. Relinquishment on behalf of an incompetent may be absolute or conditional as provided in this Chapter, except that absolute relinquishment on behalf of an incompetent may only be made by order of the Tribal Court of the Ponca Tribe of Nebraska expressly finding that relinquishment of the individual’s membership in the Tribe is in the individual’s best interests. In addition to the other requirements of this Chapter, a relinquishment on behalf of a legal incompetent shall include:

(a) Proof that the individual has been declared incompetent by a court with jurisdiction to declare the individual incompetent;

(b) Proof that the person submitting the relinquishment has been granted permanent legal guardianship of the incompetent by a court with jurisdiction to grant such guardianship, such as the final order of the court; and

(c) Any information regarding any limitations of the guardianship, if any, from the court that granted the guardianship and that is not included in the other proof required under this subsection.

3. A minor’s or incompetent’s notice of relinquishment shall be signed by the parent or legal guardian submitting the notice of relinquishment to the Enrollment Office and shall otherwise comply with the provisions of this Chapter. Except where the provisions of this Section require otherwise, a notice of relinquishment submitted on behalf of a minor or legal incompetent shall be processed in accordance with the provisions of this Chapter as though filed by the minor or legal incompetent directly.

Section 10-7-5 Effect of Relinquishment. Upon the effective date of relinquishment, the name of the individual relinquishing his or her membership in the Tribe shall be removed from the current membership roll of the Tribe. Any person who has relinquished membership in the Tribe shall not, after the effective date of the relinquishment, be entitled to any benefits, whether individual or Tribal in nature, accruing to members of the Tribe as a result of their status as members of the Tribe.

Section 10-7-6 Enrollment of Previously Relinquished Members.

1. Any person who has relinquished his or her membership in the Tribe pursuant to this Chapter shall not be eligible to be re-
enrolled in the Tribe for a period of three (3) years from the
effective date of the relinquishment and no application for re-
enrollment shall be considered prior to that time.

2. An individual may be re-enrolled in the Tribe without regard
to the three (3) year waiting requirement under the following
circumstances:

(a) If the individual’s membership was relinquished on his or
her behalf when the individual was a minor and the
individual has obtained the age of eighteen (18) on or before
the date of application for re-enrollment; or

(b) If an individual’s membership was relinquished on his or
her behalf when the individual was declared incompetent and
the individual has been determined to be competent on or
before the date of application for re-enrollment.

3. In addition to any other requirement of this Section, an
individual may only be considered for re-enrollment under the
following circumstances:

(a) If the individual is currently a member of another tribe,
the individual provides the Enrollment Office with proof of
relinquishment of membership in the tribe in which they are
currently enrolled; and

(b) The individual submits a new application for membership
to the Enrollment Office under the same requirements and
subject to the same procedures and conditions as those
applicable to new members.

CHAPTER 8
Honorary Membership

Section 10-8-1 Honorary Membership. In accordance with
Article II, Section 3 of the Constitution, the Tribal Council
shall establish an honorary roster for persons adopted by the Tribe
who do not meet the requirements for membership in the Tribe.
Honorary members shall not have the right to vote, hold office, or
otherwise exercise the rights or receive benefits of membership in
the Tribe.

Section 10-8-2 Purpose of Honorary Membership. The purpose of
adopting honorary members into the Tribe is to recognize certain
individuals who have voluntarily committed themselves to the
overall development of the Tribe and its members and who have maintained strong social ties with the Tribe. Honorary members are recognized for their unselfish giving of friendship and assistance to the Tribe and its membership.

Section 10-8-3 Eligibility Requirements. Only those individuals or organizations who have contributed to the social, cultural, educational, and/or economic well-being of the Tribe shall be considered for honorary membership. The individual or organization must meet at least two (2) of the following factors, unless they have contributed extensively in one of the following areas in numbers (1) through (6), they include but are not limited to:

(1) Contributions towards the Restoration of the Tribe;

(2) Contributions towards the cultural preservation of the Tribe;

(3) Financial and economic contributions to the Tribe;

(4) Contributions which have increased the social, economic, educational, or cultural well-being of the youth of the Tribe;

(5) Contributions towards the federal or legal advocacies of the Tribe;

(6) Any other act or acts that have contributed to the development and cultural preservation of the Tribe and its members; and

(7) Being the wife, husband, or close relative of a Tribal Member.

Contributions include but are not limited to financial contributions.

Section 10-8-4 Procedure for Adopting Honorary Members. Any member of the Tribe may nominate an individual for honorary membership by submitting a completed Honorary Membership Application, approved by the Committee, to the Enrollment Office. The application shall be submitted to the Committee at the next duly scheduled Committee Meeting. The Committee shall review the nomination and determine whether the individual or organization meets the purposes and eligibility requirements for honorary membership. The recommendation of the Committee shall be presented at the next
scheduled Tribal Council Meeting by the Enrollment Office. The Tribal Council shall decide by resolution whether the individual shall become an honorary member.

CHAPTER 9
Appeals Process

Section 10-9-1 Rights to Appeal. Any individual who is denied enrollment or who is removed from the membership rolls in accordance with Chapter 5, Section 10-5-10 of this Ordinance has the right to an appeal and hearing.

Section 10-9-2 Appeal/Hearing Notification. An applicant or disenrolled member desiring to appeal the decision made must request a hearing in writing to the Tribal Council within thirty (30) days after being notified of the actions taken. The thirty (30) days shall begin from the date of the individuals signed receipt of the certified notice. Upon written request for a hearing the Tribal Council shall schedule a hearing within thirty (30) days of receipt of the request and shall notify the individual by written notice of the hearing via certified mail, not less than fifteen (15) days before the hearing. The notification of the hearing shall contain the reason for the hearing, describe evidence to be presented, and inform the individual that they are entitled to present evidence and/or witnesses in his/her own defense or he/she may be represented by legal counsel at his/her own expense.

Section 10-9-3 Hearing and Determination. The individual who is appealing must produce clear and convincing evidence that he/she is eligible for enrollment in accordance with the Constitution and this Ordinance. The Committee and Enrollment Office shall have the opportunity to present evidence based on their findings. After hearing the appeal, membership shall be granted if the Tribal Council by a two-thirds vote of the full Council approves the application or restores membership to the individual into the Tribe. The decision of the Tribal Council shall be based on all evidence heard, shall be in accordance with the Constitution and this Ordinance, and shall constitute a final determination.

CHAPTER 10
Other General Provisions

Section 10-10-1 Prior Inconsistent Ordinances Repealed. All prior ordinance(s), resolution(s), policies or rules that are inconsistent with this Ordinance are hereby repealed and of no further force or effect.
Section 10-10-2 Savings/Severability. Each section of this Ordinance shall be severable from every other section. In the event that any part of this Ordinance is found to be invalid by a court of competent jurisdiction, the invalid part shall be severable and the remainder shall remain in full force and effect.

Section 10-10-3 Severability. If the constitutional requirements for enrollment with the Tribe are changed by constitutional amendment, such amendments shall automatically be included within this Ordinance.

Section 10-10-4 Amendments. Any amendment to this Ordinance shall be by resolution of the Tribal Council. The Committee may make recommendations to the Tribal Council concerning amendments.

Section 10-10-5 Effective Date. This Ordinance shall become effective upon passage by the Tribal Council by resolution.

Approved 8/23/09
Resolution 09-44