

SHOALWATER BAY INDIAN TRIBE CODE OF LAWS



TITLE 15 ENROLLMENT

APPROVED AND ADOPTED BY GENERAL COUNCIL: MARCH 13, 1987
RESOLUTION No.: 03-13-87-08 - TRIBAL COUNCIL MEETING JUNE 6, 1987
AMENDMENT BY GENERAL COUNCIL VOTE BY BALLOT: SEPTEMBER 22, 1997
TRIBAL COUNCIL MEETING APRIL 22, 1998, RESOLUTION No.: 04-22-98-31

SHOALWATER BAY INDIAN TRIBE
CODE OF LAWS



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SHOALWATER BAY INDIAN TRIBE CODE OF LAWS



TITLE 15 ENROLLMENT

CHAPTER 15.1 GENERAL PROVISIONS

15.1.010 PURPOSE. This Title implements to Article II of the 1982 Shoalwater Bay Tribal Constitution. Its purpose is to insure that a Tribal Roll is prepared and maintained which best represents the Shoalwater Bay Indian Tribe, as it is presently constituted.

15.1.020 ENROLLMENT OFFICER. The Enrollment Officer will have primary responsibility for researching applications for enrollment, making recommendations to the Tribal Council concerning such applications, insuring the preparation and maintenance of the Tribal Roll, and performing such other actions as are appropriate to further the purpose of this Title.

15.1.030 AUTHORITY OF GENERAL COUNCIL, TRIBAL COUNCIL. The General Council has authority over enrollment of persons under the Constitution of the Shoalwater Bay Tribe. The General Council, in approving this Title, delegates such authority over enrollment matters to the Tribal Council as is expressly set forth in this Title.

CHAPTER 15.2 ELIGIBILITY FOR ENROLLMENT

15.2.010 ELIGIBILITY FOR ENROLLMENT. The following persons shall be eligible for enrollment into the Shoalwater Bay Indian Tribe:

- a) All persons whose names appear on the Membership Roll of the Tribe prepared as of the effective date of the Constitution of the Shoalwater Bay Indian Tribe, March 10, 1971. The roll shall be approved by the Secretary of the Interior or his authorized representative; and

b) The following persons who have applied for and established membership in accordance with those procedures and requirements set forth pursuant to Article II, Section 2 of the Shoalwater Bay Tribal Constitution:

- 1) All children born to, or legally adopted by any Tribal member on or before the effective date of the Constitution who are not on the officially approved Membership Roll of the Tribe;
- 2) Any child born to a Tribal member after the effective date of this Constitution, provided however, that a child whose parent has been enrolled under Section 1 b) 3) shall not be entitled to enrollment under this Constitution after the effective date of this Amendment to this Section. Nothing herein shall prevent each child of these Tribal members from independently applying for membership and establishing membership in accordance with the procedures and requirements of this Constitution if they are entitled to enrollment.
- 3) All other persons of one-quarter (¼) degree or more Indian blood enrolled into the Tribe by, and at the sole discretion of, the General Council. For purposes of determining quantum of Indian blood, Canadian Indian Blood may be included.
- 4) All persons whose names appear on the *Official Voters List* which was prepared for the purpose of voting in the election in which the residents of the Shoalwater Bay Reservation rejected the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984 et. seq.) and their direct descendants; and the brothers and sisters of those persons whose names appear on the official voters list and their direct descendants.

15.2.020 DUAL ENROLLMENT PROHIBITED. Applicants for enrollment in the Shoalwater Bay Indian Tribe must not hold membership in any other tribe or band.

CHAPTER 15.3 ENROLLMENT PROCEDURES

15.3.010 BASIC ENROLLMENT PROCEDURES. In processing applications for enrollment the Enrollment Officer, the Tribal Council, and the General Council shall

do everything reasonably possible to insure an orderly and prompt procedure and the speedy resolution of all applications. The Enrollment Officer shall be responsible for promptly informing applicants and other interested persons of reasons for delays and attempt to resolve them. Failure to comply with various technical requirements of this Chapter shall not invalidate an application for enrollment unless the error is so substantial as to call into question the eligibility of the applicant. In appropriate cases, the Enrollment Officer shall prepare an Affidavit of Mailing.

15.3.020 FILING SYSTEM, CONFIDENTIALITY. The Enrollment Officer shall set up a filing system conforming to the purposes of this Title and preserving, as far as practical, confidentiality.

15.3.030 APPLICATION FORMS. Application forms, for providing for the information required by this Title shall be made available in the Tribal Office or through the mail upon request of any person seeking enrollment for himself or others. Any person seeking enrollment shall obtain and complete an original Shoalwater Bay Tribe enrollment application form and submit it to the Enrollment Officer along with a certified photostatic copy of his or her applicable birth certificate obtained from the agency charged with maintaining vital statistics records in the state, province, or other jurisdiction of birth. The applicant shall also submit with the application family trees or other genealogical information and other competent evidence which may be of assistance in researching the application. The Enrollment Officer may require additional documentation as necessary to verify or complete information required in the application. Applicants who are enrolled in any other Indian Tribe, nation, community, or band shall relinquish their membership by submitting proof of relinquishment--certified by the other Indian Tribe, nation, community, or band—with the Shoalwater Bay membership application.

15.3.040 RECEIPT OF APPLICATION BY ENROLLMENT OFFICER – INCOMPLETE APPLICATIONS. The Enrollment Officer shall assign a number to each application upon receipt, mark it with the date received, and open a file for each applicant. The Enrollment Officer shall keep a separate logbook containing the name of the applicant, date the application was received, and the action taken to approve or deny the application. In cases where an application is incomplete, the applicant

shall be so notified and the file placed in a separate "pending" status. Pending files shall be "updated" at reasonable intervals of review by the Enrollment Officer and, if necessary, the Tribal Council. The Enrollment Officer may, on his or her own initiative, take independent actions to obtain birth documents and other information necessary to complete an application. In extreme cases where an application has been pending for an extended period and all reasonable measures have been taken to remove it from the status, the Enrollment Officer may recommend to the Tribal Council that it serve by mail and/or publish in an appropriate publication an order to show cause why the application should not be removed from pending status and returned to the applicant's last known address.

15.3.050 RESEARCH OF APPLICATION – RECOMMENDATION OF ENROLLMENT OFFICER TO TRIBAL COUNCIL. The Enrollment Officer shall review and research each complete application, prepare a report and recommendation on the merits of the application, and submit that report, the application, all documents submitted with or obtained in connection with the application, and any other pertinent information, to the Tribal Council. The Tribal Council shall not, however, receive any applications until they are complete and ready for consideration.

15.3.060 TRIBAL COUNCIL REVIEW AND RECOMMENDATION. The Tribal Council will review, as soon as possible, all application materials submitted, in a meeting(s) designed to preserve confidentiality. Applicants and other appropriate persons may attend such meetings(s). After review and upon a motion duly made and seconded, the Tribal Council shall, by majority vote, make a recommendation to the General Council to grant or deny the application. The Tribal Council shall formalize its recommendation in a Resolution prepared by the Enrollment Officer and submitted to the General Council for review and action.

15.3.070 GENERAL COUNCIL REVIEW AND DECISION. The General Council shall review the recommendations of the Tribal Council regarding enrollment applications at a Regular or Special General Council Meeting. The General Council shall, by majority vote, grant or deny each application. The General Council shall formalize its decision in Resolution and transmit it to the Olympic Peninsula Agency of the Bureau of Indian Affairs or other appropriate agency or office.

15.3.080 NOTICE OF DECISION. As soon as possible after the General Council makes its determination, the Enrollment Officer shall notify the applicant, by mail, of the General Council's decision. In those cases where enrollment is denied, the applicant shall also be notified, that he or she has thirty (30) days from receipt of the notice to petition the Tribal Council, in writing, for a rehearing or to request additional time by reason of extraordinary circumstances rendering the thirty (30) day period insufficient. In any such notice of denial, the applicant shall also be informed, in easily understandable language, that he or she may submit further evidence supporting his or her case at any time prior to the Tribal Council rehearing; that he or she may appear in person at the hearing or by a representative as provided in Section 15.3.150.

15.3.090 RE-HEARING ON DENIAL OF APPLICATION. Upon request for a rehearing, the Enrollment Officer shall set a specific date, agreeable to the applicant and the Tribal Chairperson or other appropriate Tribal Council Officer, and in no event earlier than thirty (30) days from the receipt of the request for rehearing, upon which the Tribal Council shall rehear the matter. Upon setting that date, the Enrollment Officer shall immediately inform the applicant of the applicant's right to submit evidence and to appear with or without representation or assistance. During the period prior to the rehearing, additional evidence may be submitted for the Enrollment Officer and Tribal Council's consideration, regardless of source, provided that evidence received by the Tribal Council only at the time of hearing or immediately prior to the hearing shall not be considered by the Tribal Council except upon a showing of extraordinary circumstances rendering it unjust to deny entry of the evidence. Prior to the rehearing, the Enrollment Officer may review all pertinent information and forward its own recommendation to the Tribal Council. One rehearing shall be granted to any applicant requesting it, as a matter of right.

15.3.100 DECISION ON RE-HEARING. Following any appearances for or by the applicant at the Tribal Council rehearing, the Tribal Council shall then excuse the applicant and representatives or counsel accompanying the applicant before meeting in closed session to decide whether to affirm or reverse its previous recommendation. In appropriate circumstances the Tribal Council may continue the rehearing and, if it so desires, request additional evidence.

15.3.110 GENERAL COUNCIL REVIEW OR RE-HEARING. The recommendation of the Tribal Council after rehearing shall be reviewed by the General Council. The applicant shall have an opportunity to be heard at the General Council meeting. The General Council shall then decide, by majority vote, whether to grant or deny the application. The decision of the General Council shall be final.

15.3.120 NAME ADDED TO ROLLS. All applicants granted enrolled status by the General Council shall be included in General Council Resolutions designating the Tribal Roll, marked as such on each page, and submitted to the Olympic Peninsula Agency or other appropriate agency or office for certification. Copies certified by the Superintendent shall be returned for Tribal use.

15.3.130 RE-OPENING OF APPLICATIONS. The Enrollment Officer shall reopen old applications when new and substantial evidence is submitted tending to support the applicant's position and when the Tribal Council determines that the ends of justice require reopening. Unless the Tribal Council determines otherwise, membership granted after such a rehearing shall be prospective and not retroactive. The General Council shall have final authority to grant or deny an application after reopening.

15.3.140 AUTOMATIC ENROLLMENT-CONFIRMATION BY GENERAL COUNCIL.

Any child born to a Tribal member after March 10, 1971, the effective date of the Constitution, shall be automatically enrolled by the Tribal Council, subject to approval by the General Council at the next Regular General Council Meeting or at a Special General Council Meeting. The Tribal Council shall formalize its action in a Resolution submitted to the General Council and to the Olympic Peninsula Agency of the Bureau of Indian Affairs or other appropriate agency or office.

15.3.150 REPRESENTATION. A parent, legal guardian, or with the permission of the Tribal Council, another responsible adult may submit applications on behalf of person under eighteen (18) years of age, and mentally incompetent persons. Such representative shall, for purposes of the procedures set out in this Title, receive all mailings and other notifications, and make all necessary appearances on behalf of the applicant represented. All applicants may be represented by legal counsel or by other responsible persons.

15.3.160 ADDRESSES. It shall be the responsibility of the applicant or his or her representative to inform the Tribe, through the Enrollment Officer, of all address changes and otherwise insure that the Tribe will at all times be able to locate the applicant or applicant's representative. Failure to fully inform the Tribe of the applicant's or representative's current address will operate to excuse the Tribe from failure to adequately notify that applicant under the various provisions of this Title.

CHAPTER 15.4 DISENROLLMENT, ADOPTION

15.4.010 DISENROLLMENT. The General Council may, upon its own motion or the recommendation of the Tribal Council, remove persons from the Tribal Roll and revoke the privileges of membership under any of the following conditions:

- a) It is subsequently determined that the degree of blood upon which membership is based is incorrect and does not meet the blood quantum requirements in force at the time of enrollment of the member in question; provided, that persons meeting current blood quantum requirements may reapply after disenrollment under this Section.
- b) The member in question is enrolled in another Tribe or band in violation of Article II, Section 3 "Dual Enrollment Prohibited" of the Shoalwater Bay Tribal Constitution unless dual enrollment is the result of a mistake and is immediately corrected.
- c) Falsification of information tending to prove that an applicant, otherwise qualified, is ineligible for enrollment.
- d) The member in question requests disenrollment.

Any person who has been disenrolled shall have the same right to a rehearing as a person whose application for enrollment is denied.

15.4.020 ADOPTION OF MEMBERS. The General Council may adopt into Tribal membership, any person with ¼ degree Indian blood who:

- 1) Is related by blood or marriage or adoption to a Shoalwater Bay Tribal member, or
- 2) Has resided in Pacific County and participated in Shoalwater Bay Tribal community affairs for at least one year.

15.4.030 VOTE ON ADOPTIONS. Upon receipt of written request signed by an enrolled member of the Tribe, the General Council may vote by a show of hands at a Regular scheduled General Council meeting whether to consider the adoption of the person named in the request. If the General Council votes to consider the proposed adoption, the issue shall be on the ballot at the next Tribal election.

15.4.040 RIGHTS AND PRIVILEGES OF ADOPTED PERSON. A person adopted into Tribal membership as provided in this Title shall be entitled to all the rights and privileges of enrolled Tribal members but those rights and privileges shall not extend to or be transferable to descendants of the adopted member unless those descendants are otherwise entitled to be enrolled as Tribal members.

CHAPTER 15.5 CORRECTIONS, SOVEREIGN IMMUNITY

15.5.010 BLOOD CORRECTIONS. In appropriate circumstances, a Tribal member or an applicant for membership may apply to the Enrollment Officer for assistance in modifying Tribal and Bureau of Indian Affairs records to more adequately reflect the member's actual degree of Indian blood. The Enrollment Officer shall, when satisfactory proof is submitted, and with Tribal Council approval, assist the person in obtaining necessary corrections. All such members or applicants shall be advised of the possibility that the Bureau of Indian Affairs investigation might, through unforeseen circumstances, result in blood quantum reductions rather than increases.

15.5.020 MATHEMATICAL ERRORS. The Tribal Council may, by Resolution, change mathematical errors contained in the Tribal Roll and supplements thereto.

15.5.030 AMENDMENT. This Title shall be amended in the same manner provided under the Constitution for adoption and approval of enrollment ordinances.

15.5.040 SEVERABILITY. If any provision of this Title or its application to any person or legal entity or circumstances, is held invalid, the remainder of the Title, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

15.5.050 SOVEREIGN IMMUNITY. By enacting this Title the Shoalwater Bay Tribal Council in no way waives the sovereign immunity of the Shoalwater Bay Indian Tribe or subjects its officers or employees to suit in any action arising out of their performance under this Title.

**NAMES ON OFFICIAL ELIGIBLE VOTERS LIST
FOR VOTING ON THE INDIAN REORGANIZATION ACT
OF JUNE 18, 1934**

- (a) All persons listed below whose names appear on the official eligible voters list which was prepared for the purpose of voting on the acceptance or rejection of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984-986), and their direct descendants, and who are not now members of any other tribe, band, or Indian community.

Charles B. Armstrong
Anita Bishop
Mitchell Charley
Roland Charley
Katherine Charley
Edwin Charley

Gustave (George) Davis
Agnes James
Andy James
Jesse James
Elizabeth Charley George



SHOALWATER BAY INDIAN TRIBE

Tokeland, Washington 98590

Telephone 267-6766

SHOALWATER BAY INDIAN TRIBE

RESOLUTION #03-13-87-08

WHEREAS, the Shoalwater Bay Indian Tribe is a federally recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and

WHEREAS, The Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Indian Tribe in accordance to their Constitution; and

WHEREAS, the Shoalwater Bay Tribal Council desires to implement Article II of the Shoalwater Bay Constitution in the preparation of a Tribal Roll and supplements thereto; now

THEREFORE BE IT RESOLVED THAT, the Shoalwater Bay Tribal Council does hereby adopt and approve the attached "Shoalwater Bay Tribal Enrollment Ordinance" of March 1987.

***** C E R T I F I C A T I O N *****

The above resolution was passed at a regular scheduled meeting of the Shoalwater Bay Tribal Council held at the Shoalwater Bay Tribal Center on June 6 19 87 at which a quorum was present 5 FOR and 0 AGAINST.


DOUGLAS M. DAVIS, CHAIRMAN
SHOALWATER BAY INDIAN TRIBE

ATTEST:


ELIZABETH FANNING, SECRETARY
SHOALWATER BAY INDIAN TRIBE

131/RESO.SB3



SHOALWATER BAY INDIAN TRIBE

P.O. Box 130 • Tokeland, Washington 98590
Telephone (360) 267-6766 • FAX (360) 267-6778

September 22, 1997

TO: The Shoalwater Bay Tribal Council
FROM: the Shoalwater Bay Election Board
RE: The Results of the Enrollment Ballot Voting

The Results of the Enrollment Ballot Voting are as follows:


Amendment #1	8 yes & 16 no
Amendment # 2	6 yes & 13 no
Amendment # 3	19 yes & 6 no ★
Amendment #4	29 yes & 2 no ★
Amendment #5	12 yes & 11 no

There are 101 voting members of the Tribe.
31 members of the Tribe voted on this issue.

Present to count ballots were: Election Board Chairman Lorraine Anderson, Vice-Chairman Richard Anderson, & Secretary, Rose Shipman

We Started at 4:45 and finished at 5:55

Thank You


Rose Shipman, Secretary



SHOALWATER BAY INDIAN TRIBE

P.O. Box 130 • Tokeland, Washington 98590
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SHOALWATER BAY INDIAN TRIBE RESOLUTION #04-22-98-31

WHEREAS, The Shoalwater Bay Indian Tribe is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and

WHEREAS, The Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Indian Tribe in accordance with the Tribal Constitution and By-Laws; and

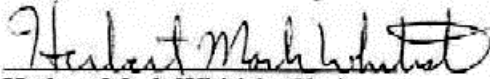
WHEREAS, The Shoalwater Bay General Council voted by ballot to Amend the Shoalwater Bay Tribal Constitution regarding membership; now

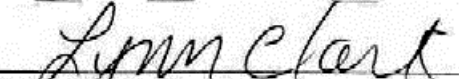
THEREFORE BE IT RESOLVED, That the necessary membership amendments be reflected in the Tribal ENROLLMENT Ordinance and shall read: 15.2.010 ELIGIBILITY FOR ENROLLMENT. b) (2.) Any child born to a tribal member after the effective date of this Constitution, provided however, that a child whose parent has been enrolled under Section 1 (b) (3) shall not be entitled to enrollment under this Constitution after the effective date of this amendment to this section. Nothing herein shall prevent each child of these Tribal members from independently applying for membership and establishing membership in accordance with the procedures and requirements of this Constitution if they are entitled to enrollment.

15.2.010 ELIGIBILITY FOR ENROLLMENT. (b.) (4.) All persons whose names appear on the official voters list which was prepared for the purpose of voting in the election in which the residents of the Shoalwater Bay Indian Reservation rejected the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984 et. Seq.) and their direct descendants; and the brothers and sisters of those persons whose names appear on the official voters list and their direct descendants.

CERTIFICATION

This Resolution was passed at a Regular Meeting of the Shoalwater Bay Tribal Council at which a quorum was present on April 22, 1998 by vote of: 5 FOR 0 AGAINST 0 ABSTAINING.


Herbert Mark Whitish, Chairman
Shoalwater Bay Tribal Council


Lynn Clark, Secretary
Shoalwater Bay Tribal Council