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Darrington, Washington 98241-9420

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RESOLUTION #: 7/10/05
BE IT RESOLVED BY THE TRIBAL COUNCIL
OF THE SAUK SUIATTLE INDIAN TRIBE
OF WASHINGTON STATE

WHEREAS, the Sauk-Suiattle Tribal Council is the governing body of the Sauk-Suiattle Indian Tribe by the authority of its Constitution and By-Laws as approved by the Secretary of the Interior on September 17, 1975 and in accordance with the Indian Reorganization Act of June 18, 1934; and

WHEREAS, the Sauk-Suiattle Tribal Council is the duly elected governing body of the Sauk-Suiattle Indian Tribe; and

WHEREAS the Sauk-Suiattle Indian Tribe has the power to pass ordinances, governing future membership including adoption, honorary membership and loss of membership, subject to the approval of the Secretary of the Interior or his authorized representative pursuant to Article II-Membership, Section 2 of the Sauk-Suiattle Constitution; and

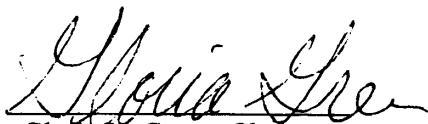
WHEREAS, the Sauk-Suiattle Tribal Council acknowledges the need for an ordinance governing the standards and procedures for enrollment.

NOW THEREFORE BE IT RESOLVED that the following Ordinance governing enrollment and membership in the Sauk-Suiattle Indian Tribe is hereby enacted and shall be effective upon the date of the approval by the Tribal Council and the Secretary of the Interior or his authorized representative, and therefore revoking the Enrollment Ordinance enacted on March 8, 1979, and superseding any provision of tribal law that conflicts with this Ordinance.

BE IT FINALLY RESOLVED, that the Sauk-Suiattle Tribal Council authorizes the Tribal Council Chairman to sign all documents on behalf of the Sauk-Suiattle Tribe and in his absence, the Vice-Chairperson of the Sauk-Suiattle Tribal Council is authorized to sign all documents.

CERTIFICATION

The above Resolution was duly approved by the Sauk Suiattle Tribal Council at a regular meeting held on July 1, 2005, at which time a quorum was present by a vote of 6 for; 0 against; 1 abstains, and 0 absent.


Gloria Y. Green, Chairperson

ATTEST: 
Cynthia M. Harris, Secretary

SAUK-SUIATTLE INDIAN TRIBE

ENROLLMENT ORDINANCE

SAUK-SUIATTLE INDIAN TRIBE

ENROLLMENT ORDINANCE

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SAUK-SUIATTLE INDIAN TRIBE
ENROLLMENT ORDINANCE

WHEREAS the Sauk-Suiattle Tribal Council is the governing body of the Sauk-Suiattle Indian Tribe pursuant to the Constitution of the Sauk-Suiattle Indian Tribe as approved on September 17, 1975 and amended on August 6, 1984, and

WHEREAS the Sauk-Suiattle Tribal Council is authorized by the Sauk-Suiattle Constitution, Article II-Membership, Section 2. The Sauk-Suiattle Indian Tribe shall have the power to pass ordinances, governing future membership including adoption, honorary membership and loss of membership, subject to the approval of the Secretary of the Interior or his authorized representative;

NOW THEREFORE BE IT RESOLVED that the following Ordinance governing enrollment and membership in the Sauk-Suiattle Indian Tribe is hereby enacted and shall be effective upon the date of the approval by the Tribal Council and the Secretary of the Interior or his authorized representative, and therefore revoking the Enrollment Ordinance enacted on March 8, 1979, and superseding any provision of tribal law that conflicts with this Ordinance.

Section 1 Purpose

This Ordinance implements Article II of the September 17, 1975 Sauk-Suiattle Constitution as amended on August 6, 1984. Its purpose is to insure that a tribal roll is prepared and maintained which best represents the Sauk-Suiattle Indian Tribe.

Section 2 Definitions

- A. Adult. The term "Adult" shall mean a person who is 18 years of age or older as of the date of any appointment.
- B. Applicant. The term "Applicant" shall mean any person who has submitted an application for enrollment with the Sauk-Suiattle Tribe.
- C. Base Roll. The term "base roll" shall mean the Skagit-Suiattle Census dated January 1, 1942.
- D. Indian Blood. The term "Indian blood" shall mean the degree of blood stated on the Certified Membership Roll of the Tribe and in enrollment resolutions.
- E. Sauk-Suiattle Indian Blood shall mean direct lineal descendancy from those tribes and bands which occupied the Sauk and Suiattle River area, as well as adjacent areas on the Upper Skagit, Upper Stillaguamish, and Cascade Rivers and who were predecessors in interest to the present-day Sauk-Suiattle Tribe.

- F. Married means partners by legal marriage under state law or tribal law, or traditionally under tribal custom.
- G. Pending Application means an application upon which the Sauk-Suiattle Tribal Council has not taken action, including those that are incomplete or missing documentation.
- H. Certified Membership Roll and Supplemental Rolls. The March 22, 1979 roll is the current Certified Membership Roll of the Sauk-Suiattle Indian Tribe and supplemental rolls are prepared on a yearly basis. The Certified Membership Roll is used for the variety of purposes when needed to identify tribal membership and individual members.

Section 3 Enrollment Committee

The Tribal Chairman shall appoint, subject to Tribal Council approval, five (5) enrolled tribal members over the age of eighteen (18) years to serve as the Sauk-Suiattle Enrollment Committee for such terms as are deemed appropriate by the Tribal Council. That Committee shall, with the Enrollment Clerk, have primary responsibility for researching applications for enrollment, recommending Tribal Council action concerning such applications, and insuring the preparation and maintenance of the Tribal Roll. However, final determination of all enrollment matters shall rest with the Tribal Council. Three members shall constitute a quorum of the Enrollment Committee.

Section 4 Enrollment Clerk

The Tribal General Manager shall appoint, subject to Tribal Council approval, an Enrollment Clerk to work with the Enrollment Committee in researching applications for enrollment, reporting on such applications, preparing and maintaining the Tribal Roll, and performing such other actions as are appropriate to further the purpose of this Ordinance.

Section 5 Enrollment Regulations

The Enrollment Committee may, from time to time, adopt appropriate regulations governing its procedures under this Ordinance and submit them to the Tribal Council for approval prior to their implementation.

Section 6 Representation

A parent or legal guardian may submit applications on behalf of a person who is not yet eighteen (18) years of age or a mentally incompetent person. Such representative shall, for purposes of the procedures set out in this Ordinance, 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.

Section 7 Addresses

It shall be the responsibility of the Applicant or his or her representative to inform the Enrollment Clerk by mail of all address changes and otherwise insure that the Enrollment Clerk will at all times be able to locate the Applicant or the Applicant's representative. Failure to fully inform the Enrollment Clerk of the Applicant's or the Applicant's

representative's current address will operate to excuse the Tribe from failure to adequately notify that Applicant under the various provisions of this Ordinance.

Section 8 Qualifications for Enrollment

To qualify for enrollment, an Applicant must meet each of the following requirements:

- A. An Applicant must not hold membership, other than honorary membership, in any other active tribe. The term "active tribe" means either (i) a federally recognized Indian tribe, or (ii) state recognized or Incorporated tribe from which any benefits are received or voting rights are extended, or (iii) any Canadian band or tribe from which any benefits are received or voting rights are extended. "Honorary membership" in another tribe refers to the type of membership that does not include the privileges and rights of full membership.
- B. An Applicant must possess one-quarter (1/4) degree or more of Indian blood. For purposes of determining quantum of Indian blood, Canadian Indian blood may be included.
- C. An Applicant must be either:
 - 1. A person of Sauk-Suiattle Indian blood whose name appears on the Skagit-Suiattle Census dated January 1, 1942; or
 - 2. A person who is a direct lineal descendant of a person of Sauk-Suiattle Indian blood whose name appears on the Skagit-Suiattle Census dated January 1, 1942.

Section 9 Enrollment Process

A. Application Procedure.

The following procedures shall be followed in considering applications for enrollment in the Sauk-Suiattle Indian Tribe. In processing applications for enrollment, the Enrollment Clerk, the Enrollment Committee, and the Tribal Council shall do everything reasonably possible to insure an orderly and prompt procedure and the speedy resolution of all applications. The Enrollment Clerk shall be responsible for promptly informing Applicants and other interested persons of reason for delays and attempts to resolve them. An Applicant's failure to comply with various technical requirements of this section shall not invalidate an application for enrollment unless the error is so substantial as to call into question the eligibility of the Applicant.

- 1) The Enrollment Clerk shall set up a filing system that conforms to the purposes of this Ordinance and maintains confidentiality.
- 2) The Enrollment Clerk shall make application forms available in the Tribal Office or through the mail, upon written request to the Enrollment Clerk.

- 3) Persons seeking enrollment must submit a completed application to the Enrollment Clerk for review by the Enrollment Committee. No review by the Committee will be commenced until the application is complete. A complete application consists of the following documents:
 - a) Completed application form;
 - b) Certified copy of applicable birth certificate obtained from the agency charged with maintaining vital statistics records in the state, province, or other jurisdiction of birth, which shall be obtained by the Enrollment Clerk upon execution of a release of information form by the Applicant;
 - c) If Applicant's name does not appear on the Skagit-Suiattle Census dated January 1, 1942, then a family tree establishing lineal descendancy from person whose name does appear on Skagit-Suiattle Census dated January 1, 1942.

Applicant may submit any other genealogical information or other competent evidence which may be of assistance in researching the application.

- 4) The Enrollment Clerk shall assign a number to each application upon receipt, mark it with the date received, and open a file for each Applicant. In cases where an application is incomplete, the Enrollment Clerk shall notify the Applicant in writing of the documents needed to proceed with review of the application and place the file in a separate "pending" status. Pending files shall be reviewed at reasonable intervals by the Enrollment Clerk and, if necessary, the Enrollment Committee and the Tribal Council. In cases where an application has been put in pending status for one year and the Applicant has been provided reasonable notice about the steps necessary to remove the application from pending status, the Enrollment Committee may recommend that the Tribal Council issue a notice to the Applicant to show cause why the application should not be removed from pending status and returned to the Applicant's last known address within 30 days of the date of the notice. The Enrollment Clerk shall provide the notice by registered mail to the Applicant's last known address.
- 5) The Enrollment Clerk shall research each complete application, prepare a report on the merits of the application, and submit that report along with the application, all documents submitted with or obtained in connection with the application, other pertinent information, and a blank recommendation form to the Enrollment Committee. The Enrollment Committee shall not, however, receive any application until it is complete.
- 6) Upon receiving and reviewing a completed application and accompanying materials, the Enrollment Committee shall prepare a recommendation for each Applicant and submit that recommendation, the application and all accompanying materials, as well as any other pertinent materials obtained from the applications or others, to the Tribal Council.

- 7) The Tribal Council will review, as soon as possible, the application, the Enrollment Committee's recommendation, and any other pertinent material. The review shall take place in a session designed to preserve confidentiality. Applicants and other appropriate persons may attend such sessions. After such a review and upon a motion duly made and seconded, the Tribal Council shall, by majority vote, grant or deny the application. The Tribal Council shall formalize its decision in a resolution prepared by the Enrollment Clerk and certified according to Tribal Council procedures for transmittal to the Puget Sound Agency.
- 8) As soon as possible after the Tribal Council makes its determination, the Enrollment Clerk shall notify the Applicant by certified mail of the Council's decision.
- 9) All Applicants granted enrolled status by the Tribal Council shall be included in Tribal Council resolutions designating the Tribal Roll, marked as such on each page, and submitted to the Puget Sound Agency. Copies certified by the Superintendent shall be returned for tribal use.
- 10) Any Applicant denied membership may at any time file a new application along with proper documentation as outlined in this Section.

B. Reconsideration of Denial of Enrollment.

- 1) In those situations where enrollment is denied, the Applicant shall be informed in the same notice required by paragraph 9.A.8 above that he or she has thirty (30) days from receipt of the notice of denial to request the Tribal Council in writing for reconsideration or to request an extension of the 30-day period based on extraordinary circumstances. In any such notice of denial the Applicant shall also be informed, in easily understandable language, that (i) he or she may submit further evidence supporting his or her case at any time prior to the Tribal Council reconsideration hearing; (ii) he or she may appear in person at the hearing or by a representative; and (iii) he or she may also be assisted by or represented by legal counsel or other responsible person at his or her own expense. The Applicant shall be informed in the same notice that any request for a reconsideration hearing or an extension of time is to be submitted to the Enrollment Clerk.
- 2) Upon receipt of a request for a reconsideration hearing, the Enrollment Clerk shall set a specific date, in cooperating with the Tribal Chairman or other appropriate Tribal Council Officer, and in no event earlier than thirty (30) days from the receipt of the request for a reconsideration hearing, upon which the Tribal Council shall reconsider the matter. Upon setting that date, the Enrollment Clerk shall immediately inform the Applicant, by certified mail, of that date. The notice of hearing shall again inform the Applicant of the Applicant's right to submit evidence and to appear with or without representation or assistance at his or her own expense.

- 3) During the period prior to the hearing, additional evidence may be submitted for Enrollment Committee and Tribal Council consideration, regardless of source, provided that evidence received by the Tribal Council only at that time of a 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.
- 4) Prior to the hearing, the Enrollment Committee may review all pertinent information and forward its own recommendation to the Tribal Council.
- 5) The burden of proof at the hearing shall be upon the Applicant to establish all elements of the Applicant's entitlement to enrollment under the Tribal Constitution, this Ordinance, and any rules and regulations implementing this Ordinance. Any matters required to be proved under this Ordinance, unless otherwise specifically stated, must be proved to the satisfaction of the Tribal Council by clear and convincing evidence.
- 6) All documents considered by the Tribal Council in making its decision shall constitute the record of decision.
- 7) A denial of membership under this subsection is subject to the appeals procedure set forth in Section 11 of this Ordinance.
- 8) The Enrollment Clerk shall, within five (5) days of any membership denial by the Tribal Council, transmit to the member by certified mail the following: (i) a copy of the resolution denying membership and (ii) a letter describing, in easily understood language, the record of decision and the Applicant's appeal rights under Section 11 of this Ordinance.

Section 10 Revocation of Membership

A. Bases for Revocation of Membership.

The Tribal Council may, upon its own motion or on the recommendation of the Enrollment Committee, remove persons from the Certified Membership Roll and revoke the privileges of membership under any of the following conditions:

- 1) The member in question is subsequently determined to 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 loss of membership under this section.
- 2) The member in question is subsequently determined to be in violation of the Constitutional prohibition against dual enrollment.

- 3) The member in question is subsequently determined to not meet the Constitutional requirement of lineal descendency from a person of Sauk-Suiattle Indian blood whose name appears on the Skagit-Suiattle Census dated January 1, 1942.
- 4) The member in question requests in writing relinquishment of membership. However, relinquishments will not be accepted for members who are less than 18 years of age.

B. Procedure for Membership Revocation.

Prior to any revocation of membership by the Tribal Council, the Enrollment Clerk shall provide to the member 30 day's written notice, by certified mail, that the Tribal Council will hold a hearing for the purpose of providing the member an opportunity to show why his or her membership should not be revoked pursuant to one of the above listed reasons. The notice to the Applicant shall also provide copies of all documents, including the Enrollment Committee's report and recommendation, which may be considered by the Tribal Council in making its membership revocation decision.

At the hearing the member will be given the opportunity to respond to the evidence before the Tribal Council, offer and confront witnesses, and present any additional relevant evidence to the Council. The member may be represented by legal counsel at his or her own expense.

Within thirty (30) days after conclusion of the hearing, the Tribal Council shall decide whether to revoke the member's membership. The Tribal Council's decision shall be contained in a duly enacted Tribal Council resolution. Any resolution of the Council that revokes a membership shall also direct the Enrollment Clerk to make such changes to the Certified Membership Roll, provide the member a copy of the resolution by certified mail, and provide the Puget Sound Agency with a copy of the resolution by first-class mail.

All documents considered by the Tribal Council in making its decision shall constitute the record of decision.

A decision under this subsection is subject to the appeals procedure set forth in Section 11 of this Ordinance.

The Enrollment Clerk shall, within five (5) days of any membership revocation decision by the Tribal Council, transmit to the member by certified mail the following: (i) a copy of the resolution revoking membership and (ii) a letter describing, in easily understood language, the record of decision and the member's appeal rights under Section 11 of this Ordinance.

Section 11 Appeals.

A. Right to Appeal. Any Applicant who has membership denied and any member who has had membership revoked and who has exhausted his or her right of rehearing under Section 8.B.5 or Section 9.B and who alleges he or she is aggrieved by the action of the Tribal Council has the right to appeal to the Sauk-Suiattle Tribal Court.

B. Filing. The appellant must file with the Sauk-Suiattle Tribal Court a written notice of appeal and serve the Enrollment Clerk and Tribal Council on or before the fourteenth (14th) day following appellant's receipt of the written determination of the action by Council.

C. Scope of Review. The Court shall review membership decisions of the Tribal Council based on the record of decision from Tribal Council to determine whether the Council action was clearly unsupported by the record of decision or a violation of procedural due process. Absent extraordinary circumstances established by Appellant, the Tribal Court shall consider no evidence outside of the record of decision.

D. Burden on Appellant. The party appealing the Council's decision shall have the burden of persuading the Tribal Court that the enrollment decision appealed from was clearly unsupported by the record or a violation of procedural due process rights.

Section 12 Enrollment File

In all cases enrollment files shall remain the property of the Sauk-Suiattle Indian Tribe. A person may view his or her own enrollment file, and in the case of a minor the parent or guardian may view the minor's file, upon written request to the Enrollment Clerk. The Enrollment Clerk will set an appointment within a reasonable time for such a viewing.

Section 13 Blood Corrections

In appropriate circumstances, a tribal member or an Applicant may apply to the Enrollment Committee and the Enrollment Clerk for assistance in modifying tribal and Bureau of Indian Affairs record to more adequately reflect the Applicant's or member's actual degree of blood. The Enrollment Committee shall, when satisfactory proof is submitted, and with Tribal Council approval, assist the person in obtaining the necessary corrections. All such members or Applicants shall be advised of the possibility that a Bureau of Indian Affairs investigation might, through unforeseen circumstances, result in blood quantum reduction rather than increase.

Section 14 Mathematical Errors

The Tribal Council may, by resolution, change mathematical errors contained in the Certified Membership Roll and supplements thereto and notify the Bureau of Indian Affairs of that change.

Section 15 Adoption into Tribe

The Sauk-Suiattle Indian Tribe may upon its own sole discretion open enrollment by adoption to individuals who cannot meet the criteria for enrollment as provided for in the Constitution and Bylaws. The Tribal Council reserves the right to define, limit, or expand rights or benefits held by adoptive members, at any time, and shall do so in Resolution form; provided, adopted members will not be given the right to hold a Tribal Council office nor to vote on tribal issues or in tribal elections. Adopted membership does not pass to descendants. Any descendant of an adopted member that seeks adopted member status must apply for membership by adoption and meet the criteria provided for by this Section. The Tribal Council may, on its own motion or by recommendation of the Enrollment Committee, revoke or deny adoptive membership for any reason at any time. Loss of membership under this

section is not subject to rehearing or appeal to Tribal Court. To be considered for adoptive membership an Applicant must meet the following criteria:

- a) Posses ¼ total Indian blood accompanied by a tribally/BIA issued Certificate of Indian Blood decree.
- b) Not enrolled in another tribe or band (honorary membership is not prohibited).
- c) Have U.S. citizenship.
- d) Appear before Enrollment Committee and state why seeking to become a member.
- e) Furnish a background check with no major findings (i.e. no major crime as defined in the Sauk-Suiattle Law and Order Code and no felony as defined by state or federal law).
- f) Be married to an enrolled tribal member. Upon divorce from tribal member, the adoptive membership may be revoked, at the discretion of the Tribal Council.
- g) Must have resided in the Sauk-Suiattle service area for a period of one year prior to application.

Section 16 Close Social and Economic Ties

This section establishes the criteria by which members of other federally-recognized Indian tribes shall be declared to have "close social and economic ties" with the Sauk-Suiattle Indian Tribe.

A. Tribal Employees. Those persons who are members of federally-recognized Indian tribes and who are permanent employees of the Sauk-Suiattle Indian Tribe are declared to have established close social and economic ties with the Tribe for the duration of such employment.

B. Persons Other than Tribal Employees. Those persons who are members of federally-recognized Indian tribes, who are not permanent tribal employees, and who believe that they have a relationship with the Tribe that constitutes "close social and economic ties" shall make a request to the Tribal Council that they be declared to have close social and economic ties with the Tribe. The request shall be in writing and shall state supporting reasons. The Tribal Council shall decide such requests on a case by case basis. The Tribal Council may consider any factors it deems relevant to its determination. The Council shall have discretion to approve or deny any request, and will do so by resolution. If the request is denied, the person may request again after six months from date of denial. If the request is granted, the designation will remain in effect until withdrawn by Tribal Council. The Tribal Council has the sole discretion to withdraw such designation, by resolution, at any time for any reason.

Section 17 Honorary Membership

Limited membership may be granted to individuals who have been part of and have shown a commitment to the Sauk-Suiattle Community for at least five years, and are deemed by the Tribal Council to be worthy of this honor. The Tribal Council reserves the right to define, limit, or expand rights or benefits held by honorary members, at any time, and shall do so in resolution form. The Tribal Council has the sole discretion to revoke honorary membership, by resolution, at any time for any reason..

Section 18 Construction and Severability

This Ordinance shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

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

Section 19 Sovereign Immunity

By enacting this ordinance, the Sauk-Suiattle Tribal Council makes a limited waiver of sovereign immunity to enable the Tribal Court to review the record of decision and to remand for rehearing to the Tribal Council. This Ordinance does not, and shall not be construed to, waive in any other manner the sovereign immunity of the Sauk-Suiattle Indian Tribe or its officers or employees to suit in any action arising out of their performance under this Ordinance, except for the limited circumstances described in Section 11, Appeals; nor does this limited waiver permit in any manner whatsoever the payment of monetary damages or attorneys fees relating to claims arising from enrollment matters.

ADOPTION AND CERTIFICATION

The undersigned certify that the above Enrollment Ordinance was approved by resolution of the Sauk-Suiattle Tribal Council, Resolution Number 7/10/05 on the 1st day of July, 2005, by a vote of: 6 for, 0 against, 1 abstain, and 0 absent.

Gloria Y. Green
Gloria Y. Green, Sauk-Suiattle Tribal Council Chair

Attest: Cynthia M. Harris
Cynthia M. Harris, Sauk-Suiattle Tribal Council Secretary

State of: Washington

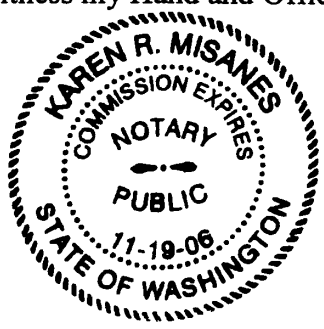
County of: Skagit

On this 5th day of July, 2005

Before me, Karen R. Misanes
Name of Notary Public

The undersigned Gloria Y. Green and Cynthia M. Harris personally appeared before me and proved on the basis of satisfactory evidence: Gloria Green & Cynthia Harris to be the persons whose names are subscribed to the within document, and acknowledged that he/she executed it.

Witness my Hand and Official Seal



Karen R. Misanes
Signature of Notary Public

My commission expires: 11-19-2006