



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS

MINNEAPOLIS AREA OFFICE
15 SOUTH FIFTH STREET
MINNEAPOLIS, MINNESOTA 55402

IN REPLY REFER TO:

Tribal Operations

APR 15 1982

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APR 20 '82

LOWER SIOUX COMMUNITY

Ann Larsen, President
Lower Sioux Community Council
Community Center
Morton, MN 56270

Dear Ms. Larsen:

This has reference to resolution No. 6-82 adopted on February 21, 1982, enacting Membership Ordinance No. 1.

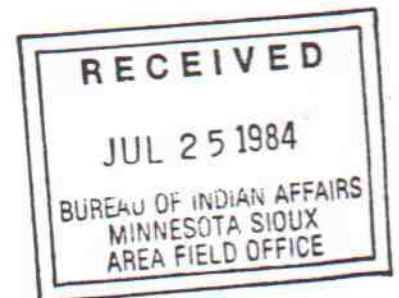
Resolution No. 6-82 enacting Ordinance No. 1 is hereby approved pursuant to authority delegated to the Area Director in 10 BIAM 3.5A and is effective as of February 21, 1982.

Sincerely,



Gerald Amette
Acting Area Director

cc: Central Office
Aberdeen Area Office
Field Solicitor, Twin Cities
MSAFO



ENCLOSURE !

RESOLUTION NO. 6-82

Whereas, Article III Section 4 of the Constitution and Bylaws of the Lower Sioux Indian Community empowers the Community Council to make ordinances covering the acquisition and loss of membership, subject to review by the Secretary of the Interior, and

Whereas, the Lower Sioux Community Council is in the process of establishing an enrollment system, and

Whereas, in order to provide equal protection and due process of tribal law to persons seeking enrollment, procedures are needed to regulate enrollment activity;

Now Therefore Be It Resolved that the attached enrollment ordinance be enacted, and

Be It Further Resolved that such ordinance shall be known as Enrollment Ordinance No. 1.

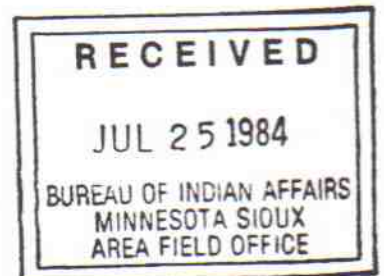
We hereby certify that Resolution No. 6-82 was duly presented and enacted upon by the Lower Sioux Community Council at a meeting held this date, February 21, 1982, by a vote of 4 for and 0 against with a quorum being present.

Ann Larsen
President,
Lower Sioux Community Council

Michael Prescott
Secretary
Lower Sioux Community Council

Pursuant to the authority delegated to me by 10 BIAM 3.5A, do hereby approve Resolution 6-82.

Frank Bennett
Area Director
4/14/82
Date



Enrollment Ordinance No. 1

Be It Enacted By The Lower Sioux Community Council of the Lower Sioux Reservation, Minnesota, by Resolution No. 682 in regular meeting assembled on February 21, 1982, in accordance with Article III Section 4 of the Constitution and Bylaws, an ordinance to define and regulate membership in the Lower Sioux Indian Community in accordance with tribal requirements and to establish enrollment procedures which afford equal protection and due process of tribal law to all persons seeking enrollment as a member of the Lower Sioux Indian Community.

Section 1. Declaration of Policy - Article III Membership, Sec. 1 requires persons seeking enrollment in the Lower Sioux Indian Community to be bona fide Indian residents, Section 1(a) & (b), and resident, Sec. 1(c), of the Lower Sioux Reservation. Due to a severe housing shortage on the reservation, members and potential members of the Community are forced to reside in towns near the Reservation. These members and potential members are an integral and active part of the Lower Sioux Community and should not be deprived of a right of membership due to circumstances beyond their control and that of the Community.

It is therefore the policy of the Lower Sioux Community Council that members and potential members residing as provided in Section 2(d) & (e) in the towns listed in the appendix to this ordinance shall be deemed to be bona fide residents and residents of the Lower Sioux Reservation for purposes of this ordinance.

Section 2. Definitions - For the purpose of this ordinance the words underlined below shall have the following definitions:

- a. Applicant - A person who is seeking to be enrolled.
- b. Appellant - A person who is appealing the decision of the Membership Committee to reject an application for enrollment.
- c. Annual Election - An election held once a year, if necessary, for the purpose of voting on the admission of new members seeking enrollment through adoption.
- d. Bona Fide Resident - As provided in Article III Section 1(b) of the Lower Sioux Constitution and Bylaws, a person who maintains permanent physical residence in the Community.
- e. Resident - A person who meets at least one of the following:
 1. Has maintained physical residence on the reservation for a period of six (6) months.
 2. Is a student attending an educational institution.
 3. Is serving in the armed forces of the United States.
 4. Is absent because of illness requiring treatment.
 5. Is employed off the reservation but maintains property on the reservation.

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Acceptable proof of residency - Military papers; school admission papers; driver's license; utility or rental receipts; property deed or lease; hospital or doctor's statement; any other document deemed acceptable to the Community Council.

f. Children - As provided in Article III Section 1(c) of the Lower Sioux Constitution and Bylaws, natural biological children of a member or members.

g. Entitled to Appear - As provided in Article III Section 1(b) of the Lower Sioux Constitution and Bylaws, bona fide residents born before and living on the date of the basic roll who should have been on the roll but because of an error were not included.

h. Minnesota Sioux Roll - Membership roll of the Lower Sioux Tribe.

i. Non-Member - A person possessing Sioux blood who does not meet requirements for enrollment under Article III Section 1 of the Lower Sioux Constitution and Bylaws.

j. Other Sioux Rolls - Any list of Sioux Indians prepared by the Bureau of Indian Affairs who belong to a federally recognized Sioux tribe.

k. Transfer - As provided in Article III Section 1(b) shall mean the conditional relinquishment of membership from another Sioux tribe with the approval of the Secretary of the Interior or his authorized representative.

l. Petitioner - A person who is seeking to be adopted.

Section 3. Membership Committee - The Community Council shall appoint a Membership Committee consisting of five (5) persons, one of whom is a member of the Community Council and four who are adult members of the tribe, whose term of office shall be identical to that of the Community Council. The Membership Committee shall review all enrollment applications, consider the information and all other available evidence concerning applicants' eligibility for membership. The Membership Committee shall determine whether the application should be approved or rejected and furnish a written report supporting the decision to the Community Council. Enrollment approved pursuant to Article III Section 1(b) shall be submitted by the Community Council to the Secretary of the Interior or his authorized representative for final approval.

The Membership Committee shall have the power to correct mathematical errors in computation of blood degree. All persons affected by changes in blood degree shall be notified in writing by the Membership Committee. The Community Council shall notify and submit supporting evidence of such corrections to the Bureau of Indian Affairs.

The Community Council shall request by resolution authority from the Secretary of the Interior to correct errors and reconstruct the base roll. All changes and corrections shall be submitted with supporting evidence to the Bureau of Indian Affairs for approval.

Section 4. Filing of Applications - Applications for enrollment with the Lower Sioux Community shall be made on forms authorized by the Community Council and must be accompanied by a birth or baptismal certificate or any other document deemed acceptable to the Community Council and acceptable proof of residency. Applicants seeking enrollment under Article III Section 1(b) shall submit evidence that a conditional relinquishment has been filed with the other Sioux tribe.

Applications for minor children or mental incompetents who are living with persons other than parents or legal guardians may be filed by the person responsible for their care. Applications shall be filed with the Chairman of the Membership Committee.

Section 5. Appeals - Any person filing an application for enrollment which has been rejected by the Membership Committee may appeal to the Community Council within thirty (30) days following receipt of the notice of rejection. If such notice is delivered outside the continental United States, there shall be sixty (60) days in which to file an appeal. Such notice of rejection shall be delivered by certified mail, return receipt requested.

An appeal shall be in writing and addressed to the Chairman of the Membership Committee, who shall then transmit to the Community Council the complete record together with all evidence presented concerning eligibility for membership. The burden of proof of establishing eligibility for enrollment is on the appellant, except on a disenrollment issue, the burden is on the Community Council. An appellant may request additional time to submit supporting evidence. A period considered reasonable for such submission may be granted by the Membership Committee. The Community Council will consider the appeal together with other pertinent information. The decision of the Community Council on the appeal shall be final and conclusive and written notice of the decision shall be given to the appellant.

Section 6. Disenrollment - The Lower Sioux Community Council shall not disenroll any member except for one of the following reasons:

1. The person obtained membership rights by fraud, through error or misrepresentation.
2. The person can only obtain membership through Section 1(b) and Section 2, is dually enrolled and refuses to relinquish membership in the other tribe.

Upon receipt of information that a member enrolled under Section 1(b) or 2, is dually enrolled or that any member has obtained membership through error and fraud, the Membership Committee shall cause an investigation into the matter and, if warranted, shall notify such member that disenrollment action is contemplated. Notice shall be sent certified mail, return receipt requested. Such member shall have thirty (30) days upon receipt of notification to submit evidence on his behalf. If no acceptable evidence is submitted within the thirty days, the Membership Committee shall recommend to the Community Council disenrollment of such member. The Community Council shall review the recommendations of the Membership Committee and shall determine if such member should or

should not be disenrolled. Such member shall be notified of the Community Council's action. The Community Council's action to disenroll a member shall be submitted to the Bureau of Indian Affairs for approval, whose action shall be on the issue of whether due process was granted.

Section 7. Relinquishment - Any member may relinquish his membership in the Lower Sioux Community by filing a signed written notice. Such relinquishment shall become effective upon the date of receipt by the Community Council of notice of acceptance to membership with the other tribe. Minors whose membership has been relinquished by a parent or legal guardian may regain their membership within five (5) years after attaining their majority by notifying the Membership Committee of their desire to continue as a member of the Lower Sioux Community.

Section 8. Adoption - Non-members may be adopted upon submission of a written petition to the Membership Committee, provided the petitioner:

1. Possesses Sioux blood.
2. Is not dually enrolled.
3. Has maintained physical residence on the reservation for a period of six (6) months.

Each petition shall be accompanied by a non-refundable filing fee of \$2.00. Petitions for adoption shall be reviewed by the Membership Committee who shall recommend acceptance or rejection to the Community Council. The Community Council shall decide whether or not the petitioners shall be accepted. Within fifteen (15) days of the decision of the Community Council, the Membership Committee shall notify in writing those petitioners whose adoption into membership have been rejected.

The decision of the Community Council to reject a petition for adoption shall be final. Admissions for adoption approved by the Community Council shall be publicly posted for a period of thirty (30) days, during which time any protests against the admission of any petitioner may be filed by a member 18 years of age or older, with the Community Council. All protests shall be in writing. Admissions against which a protest has been lodged will be publicly posted for a period of at least thirty (30) days, prior to the placing of their names on a special ballot to be subject to popular vote at the annual election. A majority vote of the qualified voters against the admission shall be required.

Section 9. List of Applicant Names to be Provided Bureau of Indian Affairs - The Lower Sioux Community Council shall furnish the Bureau of Indian Affairs with a list of applicants indicating those applications which were approved and those rejected.

Section 10. Tribal Membership Roll - The tribal membership roll shall contain the names of all enrolled members, including adopted members.

Section 11. Tribal Membership Roll To Be Kept Current - The Membership Committee shall cause the tribal membership roll to be kept current and shall regularly review the roll for such purposes. The names of all

persons who are deceased and all persons who have relinquished their membership in the tribe in writing shall be noted in the roll and the names of all persons whose applications for enrollment or adoption have been approved by the Community Council shall be promptly added to the roll.

Section 12. Repeal of Prior Conflicting Ordinances and Resolutions - Enrollment Ordinance adopted by the Lower Sioux Community Council on November 26, 1973, and approved by the Area Director, Minneapolis Area Office on December 4, 1973, shall be repealed in its entirety. Any other ordinances or resolutions in conflict herewith shall be repealed to the extent of such conflict.

Section 13. Effective Date of Ordinance - This Ordinance shall become effective as soon as it is approved by the Secretary of the Interior or his authorized representative.

Appendix

Morton

Morgan

Redwood Falls

Franklin

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