

D R A F T ORDINANCE

This ordinance is proposed pursuant to Article I, Section 3 of the Constitution of the Confederated Tribes of the Siletz Indians of Oregon, to prescribe rules and regulations for the adoption of members and the establishment of an honorary membership roster. This proposed ordinance amends Part III, Section 6 of the Enrollment Ordinance, No. 80-01.

SECTION 6: HONORARY MEMBERSHIP

a) Eligibility

Persons who are not eligible for enrollment as a member of the Siletz Tribe may be adopted by the Tribal Council as an honorary member of the Tribe in the following circumstances, upon the recommendation of the Enrollment Committee:

1. persons who are blood descendants of members of the Siletz Tribe, or of descendants of members of the Siletz Tribe, and who possess less than 1/8 "Siletz blood" as defined in Article I, Section 1 of the Siletz Constitution;
2. persons who are legally adopted, under tribal or state law, by a member of the Siletz Tribe;

b) Rights of Honorary Members

Persons adopted as honorary members of the Siletz Tribe shall not be enrolled as members of the Tribe unless they independently satisfy the requirements of this enrollment ordinance. Persons adopted as honorary members of the Siletz Tribe under this section shall not be eligible for any benefits and services to which enrolled members are entitled.

c) Application Procedure

Persons who desire to apply for honorary membership with the Siletz Tribe shall submit an application to the Enrollment Committee on a form prepared by that Committee. Each applicant for honorary membership must be sponsored by an enrolled member of the Tribe. The application may be prepared by a person other than the person applying for honorary membership.

Upon verification of eligibility for honorary membership, the Enrollment Committee shall submit a recommendation to the Tribal Council for adoption as an honorary member, by Council Resolution.

d) Establishment of Roster

The Enrollment Committee shall keep a roster of the honorary membership roll of the Siletz Tribe, separated into two categories: A) Blood descendants of members of the Siletz Tribe; and B) persons legally adopted by members of the Siletz Tribe. The Category A roster shall include the Siletz blood quantum of the persons listed therein. Persons listed in the Category B roster shall be removed from the honorary membership roster if their adoption by a Siletz member is vacated, terminated or set aside.

Explanation:

This proposed ordinance establishes an honorary membership roster as required by the Tribal Constitution, Art. I, Sec. 3, and clarifies some confusion in the present Constitution and Enrollment Ordinance adoption sections. Art. I, Sec. 3 of the Tribal Constitution; Part III, Section 6 of the Enrollment Ordinance.

The current language of these sections mixes "adoption by tribal members" with "adoption by the Tribe." The first phrase refers to legal adoption of a person into a family under tribal or state law; the second phrase refers to adoption as a tribal member only. The Tribe cannot "adopt" a person as anything but a member.

The Constitution provides for the adoption of persons as members of the Tribe. Persons who do not meet the blood-quantum eligibility requirements cannot be enrolled as a member of the Tribe. Persons who do meet the blood-quantum requirements do not need to be "adopted" as members of the Tribe since they can be independently enrolled as a member under the enrollment provisions of the Constitution and the Enrollment Ordinance. Therefore "adoption of members" as set out in the Constitution appears to apply only to the adoption of persons to the honorary membership roster, and covers only persons who cannot be enrolled as members of the Tribe.

At the January, 1990 Council meeting the Tribal Council expressed a desire to extend the adoption of honorary members to two categories:

1. Blood descendants of Siletz tribal members; and
2. persons who are legally adopted by members of the Tribe.

The first category was included because these persons are arguably "connected" to the Tribe, because the Tribe wishes to retain an accurate history of its members and their descendants, and because the Tribe may some day decide to lower the blood quantum necessary to qualify for enrollment.

The second category was included because these persons participate in the Siletz community as members of Siletz families, and the Council believes that connection should be formally recognized. If the adoptive relationship ends for some reason, the draft ordinance provides that the person will be removed from the honorary membership roster.

The Council also expressed its desire that the Council not be responsible for determining eligibility for inclusion on the honorary membership roster, and that honorary membership be limited to categories of persons whose eligibility could be independently verified, rather than by lobbying or by individual consideration for such membership. The proposed ordinance provides that application for honorary membership will be made to the Enrollment Committee, and that Committee will be responsible for determining eligibility.

CONCURRENT NOTICE

NOTICE TO PUBLIC OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT
AND NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS

DATE MARCH 21, 1990

CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON
P.O. BOX 549
SILETZ, OREGON 97380 TELEPHONE: (503)444-2532

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

ON OR ABOUT APRIL 5, 1990 THE ABOVE-NAMED INDIAN TRIBE WILL REQUEST THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO RELEASE FEDERAL FUNDS UNDER TITLE 1 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (PL 93-383) FOR THE FOLLOWING PROJECT:

THE CONSTRUCTION OF A COMMUNITY HEALTH CLINIC IN SILETZ, LINCOLN COUNTY, OREGON. UPON COMPLETION, THIS FACILITY WOULD FUNCTION AS A FULL SERVICE AMBULATORY HEALTH CARE CENTER FOR MEMBERS OF THE SILETZ TRIBE AND OTHER AMERICAN INDIANS RESIDING IN LINCOLN AND BENTON COUNTIES. SERVICES WOULD ALSO BE EXTENDED TO THE LOCAL, NON-NATIVE POPULATION. TOTAL ESTIMATED COST OF THE PROJECT IS \$364,000, OF WHICH \$250,000 HAVE BEEN AWARDED UNDER TITLE 1 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. THE FACILITY WOULD BE LOCATED IN THE CITY OF SILETZ NEAR THE INTERSECTION OF SWAN AVENUE AND GAITHER STREET.

IT HAS BEEN DETERMINED THAT SUCH REQUEST FOR RELEASE OF FUNDS WILL NOT CONSTITUTE AN ACTION SIGNIFICANTLY AFFECTING THE QUALITY OF THE HUMAN ENVIRONMENT AND ACCORDINGLY THE ABOVE-NAMED INDIAN TRIBE HAS DECIDED NOT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PL 91-190).

THE REASONS FOR SUCH DECISION NOT TO PREPARE SUCH STATEMENT ARE AS FOLLOWS:

THE SITE OF CONSTRUCTION IS VERY STABLE, NEARLY FLAT GROUND ZONED COMMERCIAL IN SILETZ, OREGON. THE HEALTH CLINIC WILL BENEFIT THE SMALL BUSINESS CORE, AND ALLOW THE TRIBE TO BETTER MANAGE ITS HEALTH CARE SYSTEM.

AN ENVIRONMENTAL REVIEW RECORD RESPECTING THE WITHIN PROJECT HAS BEEN MADE BY THE ABOVE-NAMED INDIAN TRIBE WHICH DOCUMENTS THE ENVIRONMENTAL REVIEW OF THE PROJECT AND MORE FULLY SETS FORTH THE REASONS WHY SUCH STATEMENT IS NOT REQUIRED. THIS ENVIRONMENTAL REVIEW RECORD IS ON FILE AT THE ABOVE ADDRESS AND IS AVAILABLE FOR PUBLIC EXAMINATION AND COPYING UPON REQUEST AT THE SILETZ TRIBAL COMMUNITY CENTER BETWEEN THE HOURS OF 8:00 AM AND 4:30 PM, MONDAY THROUGH FRIDAY.

NO FURTHER ENVIRONMENTAL REVIEW OF SUCH PROJECT IS PROPOSED TO BE CONDUCTED PRIOR TO THE REQUEST FOR RELEASE OF FEDERAL FUNDS.

ALL INTERESTED AGENCIES, GROUPS AND PERSONS DISAGREEING WITH THIS DECISION ARE INVITED TO SUBMIT WRITTEN COMMENTS FOR CONSIDERATION BY THE CONFEDERATED TRIBES OF SILETZ INDIANS TO THE TRIBAL COUNCIL CHAIRMAN. SUCH WRITTEN COMMENTS SHOULD BE RECEIVED AT P.O. BOX 549, SILETZ, OREGON 97380 ON OR BEFORE APRIL 4, 1990. ALL SUCH COMMENTS SO RECEIVED WILL BE CONSIDERED AND THE SILETZ TRIBE WILL NOT REQUEST THE RELEASE OF FEDERAL FUNDS OR TAKE ANY ADMINISTRATIVE ACTION ON THE WITHIN PROJECT PRIOR TO THE DATE SPECIFIED IN THE PRECEDING SENTENCE.

THE CONFEDERATED TRIBES OF SILETZ INDIANS WILL UNDERTAKE THE PROJECT DESCRIBED ABOVE WITH BLOCK GRANT FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) UNDER TITLE 1 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. THE SILETZ TRIBE IS CERTIFYING TO HUD THAT THE CONFEDERATED TRIBES OF SILETZ INDIANS AND DELORES PIGSLEY, IN HER OFFICIAL CAPACITY AS TRIBAL COUNCIL CHAIRMAN, CONSENT TO ACCEPT THE JURISDICTION OF THE FEDERAL COURTS IF AN ACTION IS BROUGHT TO ENFORCE RESPONSIBILITIES IN RELATION TO ENVIRONMENTAL REVIEWS, DECISIONMAKING AND ACTION; AND THAT THESE RESPONSIBILITIES HAVE BEEN SATISFIED. THE LEGAL EFFECT OF THE CERTIFICATION IS THAT UPON ITS APPROVAL THE CONFEDERATED TRIBES OF SILETZ INDIANS MAY USE THE BLOCK GRANT FUNDS AND HUD WILL HAVE SATISFIED ITS RESPONSIBILITIES UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969. HUD WILL ACCEPT AN OBJECTION TO ITS APPROVAL ONLY IF IT IS ON ONE OF THE FOLLOWING BASES: (A) THAT THE CERTIFICATION WAS NOT IN FACT EXECUTED BY THE CERTIFYING OFFICER OR OTHER OFFICER OF APPLICANT APPROVED BY HUD; OR (B) THAT APPLICANT'S ENVIRONMENTAL REVIEW RECORD FOR THE PROJECT INDICATES OMISSION OF A REQUIRED DECISION, FINDING OR STEP APPLICABLE TO THE PROJECT IN THE ENVIRONMENTAL REVIEW PROCESS. OBJECTIONS MUST BE PREPARED AND SUBMITTED IN ACCORDANCE WITH THE REQUIRED PROCEDURE (24 CFR PART 58) AND MAY BE ADDRESSED TO HUD AT ARCADE PLAZA BUILDING, MAIL STOP 10PIC, 1321 SECOND AVENUE, SEATTLE, WASHINGTON 98101, ATTN: RICHARD PUTNAM.

OBJECTIONS TO THE RELEASE OF FUNDS ON BASES OTHER THAN THOSE STATED ABOVE WILL NOT BE CONSIDERED BY HUD. NO OBJECTION RECEIVED AFTER APRIL 4, 1990 WILL BE CONSIDERED BY HUD.

IN THE MATTER OF THE PROJECT, THE APPLICANT IS THE CONFEDERATED TRIBES OF SILETZ INDIANS. THE TRIBAL COUNCIL CHAIRMAN IS DELORES PIGSLEY.

DATED THIS TWENTY-FIRST DAY OF MARCH, 1990.

DELORES PIGSLEY
TRIBAL COUNCIL CHAIRMAN
CONFEDERATED TRIBES OF SILETZ
P.O. BOX 549
SILETZ, OR 97380