

Ordinance No. 33 – H-94-95 approves the revised Ordinance 33 in its entirety.

HOPI TRIBAL COUNCIL
RESOLUTION
H-94-95

WHEREAS, the Hopi Tribal Council, pursuant to ARTICLE II-MEMBERSHIP, SECTION 5 of the Hopi Constitution, has the authority to enact and amend an Enrollment Ordinance; and

WHEREAS, the Hopi Tribal Council through enactment of Resolution H-67-80 on July 9, 1980, adopted Ordinance No. 33, Hopi Enrollment Ordinance; and

WHEREAS, ARTICLE II-MEMBERSHIP of the Hopi Constitution, which defines enrollment eligibility, was amended through a referendum on December 07, 1993; and

WHEREAS, Ordinance No. 33 no longer conforms with ARTICLE II-MEMBERSHIP of the Hopi Constitution and must, therefore, be amended to conform to the changes in the eligibility criteria; and

WHEREAS, additional revisions and amendments to Ordinance No. 33 are necessary to improve and update the enrollment process; and

WHEREAS, the proposed changes in the Ordinance have been presented to the Hopi people for comment.

NOW THEREFORE BE IT RESOLVED that the Hopi Tribal Council enacts Hopi Tribal Ordinance No. 33, the "Hopi Enrollment Ordinance", in the attached "Final Draft" form dated June 08, 1995, by reference made a part hereof.

BE IT FINALLY RESOLVED that any prior ordinances and resolutions in conflict with the provisions of the attached "Final Draft" are hereby superseded.

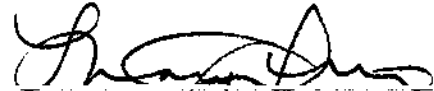
HOPI TRIBAL COUNCIL
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H-94-95

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

The foregoing resolution was duly adopted by the Hopi Tribal Council on August 07, 1995, at a meeting at which a quorum was present with a vote of 5 in favor, 4 opposed, 1 abstaining (Vice Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by SECTION 5 of ARTICLE II-MEMBERSHIP and SECTION 1(a) of ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, as amended December 07, 1993, of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of the Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.


Wayne Taylor, Jr., Vice Chairman
Hopi Tribal Council

ATTEST:



Mary A. Felton, Tribal Secretary
Hopi Tribal Council

HOPI TRIBAL ORDINANCE NO. 33

HOPI ENROLLMENT ORDINANCE

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HOPi TRIBAL ORDINANCE NO. 33

HOPi ENROLLMENT ORDINANCE

SECTION 1. STATEMENT OF PURPOSE

The purpose of this Ordinance are to define and regulate membership in the Hopi Tribe in accordance with the Constituion and By-Laws of the Hopi Tribe and to establish an orderly enrollment procedure that will preserve and retain the religion, tradition, ceremonies and customs of the Hopi Tribe.

SECTION 2. SHORT TITLE

This Ordinance may be cited as the "Hopi Enrollment Ordinance".

SECTION 3. AUTHORITY

The authority for this ordinance is ARTICLE II and ARTICLE VI, SECTIONS 1(a), (g), (k), and (l), of the Constitution and By-Laws of the Hopi Tribe.

SECTION 4. DEFINITIONS OF TERMS

- 4.1 Adult - means any person who has reached the age of 18 years or more.
- 4.2 Appellant - means a person who is appealing the Hopi Tribal Council's decision to disapprove an applicant for enrollment.
- 4.3 Applicant - means a person seeking enrollment into the Hopi Tribe.
- 4.4 Census Roll - means the December 31, 1937, Census Roll of the Hopi Tribe with such corrections and amendments as approved by the Hopi Tribe and the Secretary of the Interior, also referred to as the Base Roll.
- 4.5 Enrollment Application - means the process of applying for membership as set forth in ARTICLE II-SECTION 1, 2(a), 2(b) and 5 of the Constitution and By-Laws of the Hopi Tribe.

- 4.6 Enrolled Member - means an individual who is listed on the Hopi Tribe's official membership roll.
- 4.7 Membership Roll - means the Hopi Tribe's official enrolled member list maintained by the Enrollment Department.
- 4.8 Enrollment Department - means the department established by the Hopi Tribal Council to receive and process applications for membership, to maintain records and documents on all Hopi Tribal members, and to serve as a resource center on statistical information as needed by the Hopi Tribe.
- 4.9 Father - means biological father.
- 4.10 Government Operations-Committee - means the Standing Committee of the Hopi Tribal Council established by Resolution H-76-87.
- 4.11 Hopi Appellate Court - means the appellate court established by the Hopi Tribal Council.
- 4.12 Hopi Tribal Council - means the governing body of the Hopi Tribe as defined in Constitution and By-Laws of the Hopi Tribe.
- 4.13 Hopi Tribal Court - means the judicial court established by the Hopi Tribal Council under ARTICLE VI, SECTION 1(g) of the Constitution and By-Laws of the Hopi Tribe.
- 4.14 Indian Tribe - means any federally recognized Indian tribe.
- 4.15 Member - means any individual who is a lineal descendent of a Hopi or Tewa Indian whose name appears on the Census Roll and who is one-fourth (1/4) degree or more Hopi or Tewa blood or one-fourth (1/4) degree or more Hopi-Tewa blood combined.
- 4.16 Membership - means the status of being a member of the tribe with all rights and privileges accorded the person.
- 4.17 Mother - means biological mother.

- 4.18 Relinquishment - means the voluntary written withdrawal from membership in the Hopi Tribe or the voluntary written withdrawal from membership in any other tribe.

SECTION 5. CONFIDENTIALITY AND ACCESS TO RECORDS

The Hopi Tribal Council recognizes that records concerning an individual's enrollment may contain sensitive personal information. The confidentiality of individual enrollment records shall be protected and preserved, although reporting of information contained in the enrollment records shall be permitted in accordance with established policies and procedures governing the protection and preservation of the confidentiality of such records. The Hopi Tribal Council and its Government Operations Committee will discuss such records only while in executive session.

SECTION 6. MAINTAINING A CURRENT MEMBERSHIP ROLL

6.1 Maintenance of Membership Roll

- A. The Enrollment Department shall maintain a current membership roll which shall be based upon the corrected December 31, 1937 Census roll. The Enrollment Director shall annually review the membership roll to ensure that it is current and correct and shall make a report to the Hopi Tribal Council annually.
- B. The names of all persons who are deceased shall be noted on the roll by "Deceased". All persons who have relinquished their membership in the Hopi Tribe in writing shall be noted on the roll as "Relinquished". The names of all persons whose applications for enrollment have been approved by the Hopi Tribal Council under the provisions of Section 8 shall be added to the roll. The names of all persons disenrolled, for whatever reason, shall be noted on the roll as "Disenrolled".

6.2 Corrections to the Membership Roll

The following corrections to the membership roll may be made by the Enrollment Department (all such corrections shall be explained, documented, dated and signed):

- A. correction of mathematical errors, when the record clearly shows that numbers have been figured incorrectly;
- B. correction of incorrect sex designation;
- C. correction of spelling errors
- D. correction of incorrect date of birth or age;
- E. correction of village affiliation;
- F. recording of date deceased;

- G. correction of incorrect blood degree, when such correction does not render any individual ineligible for membership in the Hopi Tribe;
- H. recording of a change of name.

SECTION 7. THE ENROLLMENT PROCESS

7.1 Persons Not Requiring an Application

Persons listed on the corrected Census roll shall not be required to submit any further application for enrollment. These persons are base enrollees and their enrollment is automatic, upon approval of the corrected Census roll.

7.2 Persons Requiring an Application

Persons who are not listed on the corrected Census roll must file individual written applications for enrollment in the Hopi Tribe, in the form authorized by Section 7.3 of this Ordinance, or have such a written applications filed on their behalf, as provided for in Section 7.4 of this Ordinance.

7.3 Enrollment Application

The Enrollment Department shall develop, and the Government Operations Committee shall approve, the forms necessary to apply for enrollment in the Tribe. Information required of applicants shall be limited to that which is essential in determining an individual's right to enrollment. Additional information may be requested, but failure to supply such information shall not prevent an applicant from being acted upon in a timely manner.

7.4 Sponsoring an Applicant for Enrollment

If an applicant for enrollment is deceased, a minor, an incompetent person, or a person who is residing outside of the reservation, then the applicant's parents, legal guardian, next of kin, spouse, or an enrolled member of the Hopi Tribe authorized by such person's relative(s) or as authorized by the village pursuant to ARTICLE III, SECTION 2(a) of the Constitution and By-Laws of the Hopi Tribe, may submit the application on behalf of such person, provided that if the applicant is not deceased, a minor or an incompetent person, written authorization by the applicant to be represented must be submitted with the enrollment application.

7.5 Burden of Proof on Applicant

The burden of proof for establishing the right to be an enrolled member in the Hopi Tribe is on the person applying for enrollment.

7.6 Enrollment Department's Duties

Upon receipt of applications, the Enrollment Department shall:

- A. Number and date all incoming applications.
- B. Review applications for adequacy and acceptability of documentation.
- C. Inform applicants of any deficiencies in documentation and of any additional documents required.
- D. Maintain files on applicants and enrolled members.
- E. Submit completed applicant files to the Government Operations Committee for review and recommendation. A completed applicant file is one containing an application with sufficient information to determine eligibility for membership, and appropriate supporting documentation.
- F. Notify each applicant of the status of their application and the Government Operations Committee's recommendation to the Tribal Council.
- G. Prepare the notification of Tribal Council action as required in Section 9 of this Ordinance.

7.7 The Government Operations Committee's Duties

Upon receipt of applications, the Government Operations Committee shall:

- A. Review applicant files and make recommendations in writing to the Hopi Tribal Council of each applicant's eligibility. Such recommendations shall be made within sixty (60) days of each file's initial review by the committee unless such time is extended by mutual written agreement of the applicant or sponsor, the Enrollment Department and the Government Operations Committee.
- B. Notify, set, and conduct hearings, in accordance with Section 8 of this Ordinance, for applicants who are being considered for negative recommendations.

7.8 The Hopi Tribal Council's Duties

Upon receipt of the applications, the Hopi Tribal Council shall:

- A. Review the applicant names along with other pertinent information on each applicant and consider the Government Operations Committee's recommendations.
- B. Within sixty (60) days of receipt of the application, approve or disapprove each application for membership in the Hopi Tribe, by resolution, or refer the applicant's name back to the Enrollment Department for further documentation or investigation.

- C. The Council's resolution addressing the Enrollment of the applicants shall state whether the Government Operations Committee recommended approval or disapproval. If the application is disapproved by the Council, the membership requirement(s) which the Council determined that the applicant did not establish shall be cited in the resolution. Additionally, if the Government Operations Committee recommended that the applicant be disapproved, the resolution shall state the written notice of a right to a hearing pursuant to Section 8 before the Government Operations Committee was given and also state whether or not such a hearing was held and whether or not the applicant was present at such hearing.

SECTION 8. HEARING WHEN DISAPPROVAL OF APPLICATION IS CONSIDERED

8.1 Written Notice Required

- A. When the Government Operations Committee considers recommending disapproval of an application, the person filing the application shall be given written notice that a hearing on the matter will be held before the Committee makes its final determination.
- B. The written notice shall:
 - i. Indicate the tribal membership requirement(s) that the applicant failed to establish or other reasons why the application is being considered for disapproval.
 - ii. Designate a time and place for the Government Operations Committee to hold a hearing prior to making its final determination.
 - iii. Indicate that the person filing the application may appear before the Committee at the time and place designated for such hearing to present additional evidence and oral testimony in his or her behalf.
 - iv. Advise the applicant that it is the applicant's duty to furnish the Committee with adequate evidence to establish the applicant's right to enrollment.

8.2 Manner of Giving Notice

The notice required under this section shall be given no less than thirty (3) days prior to the time designated for the Committee to hold a hearing to make its final determination. Notice shall be sent to the person or the individual sponsoring the applicant by certified mail with postage fully prepaid and return receipt requested.

8.3 Hearing Procedure

Hearings conducted under this section shall be informal and shall be presided over

by the Government Operations Committee Chairman or Vice Chairman. The applicant shall have the burden of proof in establishing to the satisfaction of the Committee that such applicant meets the requirements for membership. The Committee shall consider all relevant evidence regarding the applicant's eligibility for enrollment. After the hearing, the Committee shall make its final recommendation. If the Committee recommends disapproval of an application, the recommendation shall identify the tribal membership requirement(s) which the applicant failed to establish or state other reasons why the application shall be disapproved.

SECTION 9. NOTICE TO APPLICANTS OF THE HOPI TRIBAL COUNCIL'S DECISION

9.1 Notice Required

Every person filing an application for enrollment shall be given written notice of whether the Hopi Tribal Council approve or disapproved the application.

9.2 Content of Notice of Disapproval

If the Hopi Tribal Council disapproves an application for enrollment, then its notice to the applicant shall contain the grounds for the disapproval and indicate the time within which an appeal of the Council's decision must be commenced and the procedure for commencing such an appeal.

9.3 Content of Notice of Approval

If the Hopi Tribal Council approves an applicant for enrollment, then its notice shall indicate such approval and state the Tribal Resolution number, its date of enactment and the tribal enrollment number assigned to the applicant.

9.4 Manner of Giving Notice

The notice required to be given under this section shall be given within three (3) weeks after the Hopi Tribal Council makes its determination. The notice will be sent by certified mail by the Tribal Secretary, with postage fully prepaid and a return receipt requested to the address provided by the applicant.

SECTION 10. APPEALS

10.1 Right of Appeal

Any person whose application for enrollment has been disapproved by the Hopi Tribal Council due to failure to meet the membership requirements of ARTICLE II, SECTION 2(a) and (b) of the Constitution and By-Laws of the Hopi Tribe, may appeal to the Hopi Tribal Court.

10.2 Commencing an Appeal

To commence an appeal, the applicant must, within thirty (30) calendar days of receiving the notice of disapproval, file an appeal in the Hopi Tribal Court and file a copy of the appeal with the Tribal Secretary. If such notice is delivered to an address outside the United States, then the applicant shall have sixty (60) days within which to file the appeal.

10.3 Judicial Review

Once an appeal is initiated and perfected, the Hopi Tribal Council shall transmit to the Hopi Tribal Court the complete record of the application for enrollment together with all evidence presented concerning the eligibility for membership upon written request from the Court. The burden of proof upon the applicant shall be to show that the Hopi Tribal Council acted arbitrarily, unreasonably, or contrary to the law in disapproving the application.

10.4 Decision of the Hopi Tribal Court

The Hopi Tribal Court shall consider the record as presented, together with any legal authority that it may consider pertinent, and may, at its own discretion, allow oral argument to be made. The decision of the Hopi Tribal Court shall be appealable to the Hopi Tribal Court of Appeals as presently provided in the Hopi Tribal Ordinance Number 21 and as may be amended or superseded in the future.

SECTION 11. RELINQUISHMENT OF MEMBERSHIP

11.1 Relinquishment by an Adult Member of the Hopi Tribe

- A. Any adult member who decides to relinquish his or her membership in the Hopi Tribe shall so notify the Hopi Tribal Enrollment Department in writing, stating their reasons for relinquishment. The relinquishment shall be effective as of the date of its receipt by the Enrollment Department, unless the relinquishment itself states otherwise. The Enrollment Department shall provide a copy of the notice of relinquishment to the Hopi Tribal Council and to the member's Village, if any. Only an adult member of the Hopi Tribe may relinquish his or her membership.
- B. Any adult person of the Hopi Tribe who changes membership to another Indian tribe or who relinquishes or renounces membership in the Hopi Tribe may submit an application for enrollment or re-enrollment in the Hopi Tribe, however, such individuals may re-enroll only once. Re-enrollment shall be in accordance with the provisions of Section 7 of this Ordinance.

Council shall set a hearing of inquiry on a date certain. The Hopi Tribal Council's decision to disenroll or rescind the enrollment of an individual only becomes effective if approved by a majority vote in the form of a resolution that states the findings of the Council.

12.3 Notice of Hearing of Inquiry

Upon determination by the Hopi Tribal Council that a hearing of inquiry is in order, the Hopi Tribal Council will cause notice to be served upon the affected party or parties no less than thirty (30) days preceding the date of hearing. Notice shall be sent by certified mail, return receipt requested. The notice shall include the time, date, and place of the hearing; the nature of the irregularities that have been raised and the right of the affected party or parties to appear and present argument and evidence. The burden of proof shall rest on the Hopi Tribe. Within thirty (30) days after the hearing, the Council shall make known its findings regarding the alleged irregularities. The affected party or parties will be notified in accordance with Section 9 of this Ordinance. Persons who have been disenrolled may appeal the decision to the Hopi Tribal Court in accordance with in Section 10 of this Ordinance.

SECTION 13. DUAL ENROLLMENT IS NOT PERMITTED

The Hopi Tribal Council shall not approve an application for enrollment if the applicant is an enrolled member of another Indian tribe, unless such approval is expressly conditioned upon receipt by the Enrollment Department of an official notice of relinquishment of membership in the other Indian tribe. Any enrolled member of the Hopi Tribe shall be disenrolled in accordance with Section 12 of this Ordinance if the person is or becomes a member of any other Indian Tribe.

SECTION 14. PRIOR ORDINANCES AND RESOLUTIONS

The ordinance supersedes and replaces any resolutions or ordinances which are in conflict with its provisions.

SECTION 15. SEVERABILITY

If any portion of this code shall be ruled invalid by a Court of competent jurisdiction, that portion shall cease to be operative but the remainder of this code shall continue in full force and effect.

SECTION 16. AMENDMENTS

This Hopi Enrollment Ordinance may be amended by resolution of the Hopi Tribal Council.

11.2 Relinquishment for a Minor

- A. Any parent or legal guardian of a minor who is an enrolled member of the Hopi Tribe, may change membership of such minor to another Indian tribe, with the approval of the Hopi Tribal Council. Approval of the Tribal Council shall be based on the best interest of the child.
- B. Any person whose membership has been changed to another Indian tribe by his parent or legal guardian shall, upon reaching the age of adulthood, be eligible for re-enrollment in the Hopi Tribe in accordance with Section 7 of this Ordinance.
- C. Relinquishment or renunciation of Hopi Tribal membership shall not be permitted or become effective for minors, until written proof of enrollment in another Indian tribe has been submitted and verified.

SECTION 12. DISENROLLMENT AND RESCISION OF ENROLLMENT

12.1 Grounds for Disenrollment or Rescision of Enrollment

- A. Any individual who is enrolled in violation of ARTICLE II of the Constitution and By-Laws shall be disenrolled.
- B. Any individual who gains enrollment through dishonesty or fraud shall be disenrolled. Enrollment through dishonesty or fraud means, but is not limited to falsifying the enrollment application, falsifying the information on the enrollment application, falsifying the supporting documentation or falsifying the information on the supporting documents.
- C. When enrollment occurs due to an error or mistake on the part of the Tribe or the individual, such enrollment shall be rescinded upon discovery of the error or mistake.
- D. Dual enrollment is not permitted and any individual who is enrolled in any other federally recognized tribe shall be disenrolled.
- E. No statute of limitation shall apply to this section.

12.2 Procedures for Disenrollment

The Enrollment Department and the Government Operations Committee shall examine all records relevant to the matter in question. The Chairman or Vice Chairman of the Government Operations Committee, shall show cause to the Hopi Tribal Council why a hearing of inquiry should be held. Should the Hopi Tribal Council determine by majority vote, that there is reason to believe that enrollment is improper or has been gained by fraud, dishonesty or mistake, the Hopi Tribal

Council shall set a hearing of inquiry on a date certain. The Hopi Tribal Council's decision to disenroll or rescind the enrollment of an individual only becomes effective if approved by a majority vote in the form of a resolution that states the findings of the Council.

12.3 Notice of Hearing of Inquiry

Upon determination by the Hopi Tribal Council that a hearing of inquiry is in order, the Hopi Tribal Council will cause notice to be served upon the affected party or parties no less than thirty (30) days preceding the date of hearing. Notice shall be sent by certified mail, return receipt requested. The notice shall include the time, date, and place of the hearing; the nature of the irregularities that have been raised and the right of the affected party or parties to appear and present argument and evidence. The burden of proof shall rest on the Hopi Tribe. Within thirty (30) days after the hearing, the Council shall make known its findings regarding the alleged irregularities. The affected party or parties will be notified in accordance with Section 9 of this Ordinance. Persons who have been disenrolled may appeal the decision to the Hopi Tribal Court in accordance with in Section 10 of this Ordinance.

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The Hopi Tribal Council shall not approve an application for enrollment if the applicant is an enrolled member of another Indian tribe, unless such approval is expressly conditioned upon receipt by the Enrollment Department of an official notice of relinquishment of membership in the other Indian tribe. Any enrolled member of the Hopi Tribe shall be disenrolled in accordance with Section 12 of this Ordinance if the person is or becomes a member of any other Indian Tribe.

SECTION 14. PRIOR ORDINANCES AND RESOLUTIONS

The ordinance supersedes and replaces any resolutions or ordinances which are in conflict with its provisions.

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If any portion of this code shall be ruled invalid by a Court of competent jurisdiction, that portion shall cease to be operative but the remainder of this code shall continue in full force and effect.

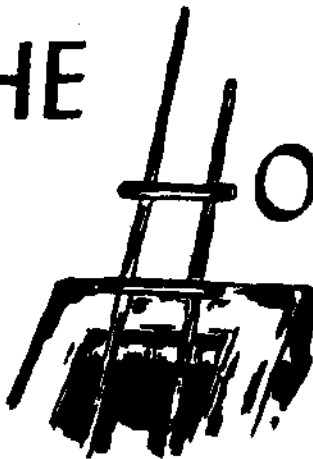
SECTION 16. AMENDMENTS

This Hopi Enrollment Ordinance may be amended by resolution of the Hopi Tribal Council.

SECTION 17. EFFECTIVE DATE OF THE ORDINANCE

This ordinance shall be effective upon the date of its approval by the Hopi Tribal Council.

THE



OPI TRIBE

Ferrell H. Secakuku
CHAIRMAN

Wayne Taylor, Jr.
VICE-CHAIRMAN

Dear Applicant or Sponsor:

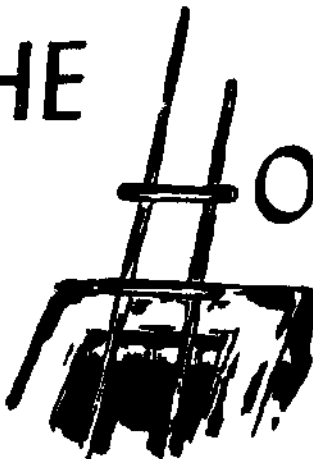
This is to inform you that on _____, the Enrollment Application(s) of _____ has been reviewed by the Government Operations Committee of the Hopi Tribe. From the information provided on the application, together with all other available evidence concerning the applicant's eligibility for enrollment in the Hopi Tribe, the application(s) is being recommended by the Committee to the Hopi Tribal Council.

You will be notified by Certified Mail when the final action is taken by the Hopi Tribal Council.

Very Truly Yours,

Gladys Nuvangyaoma,
Enrollment Application Processor

THE HOPI TRIBE



Ferrell H. Secakuku
CHAIRMAN

Wayne Taylor, Jr.
VICE-CHAIRMAN

STATEMENT OF RELINQUISHMENT OF MEMBERSHIP FROM THE HOPI TRIBE

I, _____, an adult member of the Hopi Tribe with Enrollment Number _____ have willingly and knowingly decided to relinquish my membership in the Hopi Indian Tribe.

After being fully advised on the nature and affects of this relinquishment, I declare that, voluntarily and for reasons of my own as stated below, I shall relinquish and cease to hold membership in the Hopi Tribe, and that I will no longer be eligible for benefits, have rights, previliges, claims and demands of any kind that I may be entitled to as a member of the Hopi Tribe.

I understand that this relinquishment shall be effective upon the conditions being met as indicated below, and that this may not effect the rights within my village membership.

*My Membership is relinquished as of: (check one)

- () Sixty (60) days from the date on which the Hopi Tribe receive this form; or during which time I may withdraw this relinquishment
- () The date of my Acceptance into another tribe, whichever occurs first

Name of Tribe _____

*STATEMENT OF REASONS FOR MY HOPI RELINQUISHMENT:

Signature of Person

Date: _____

WITNESSED BY: _____

Date: _____

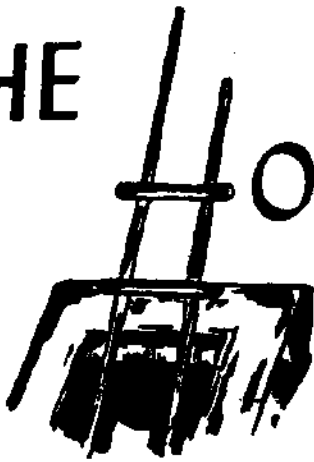
NOTARY PUBLIC

I certify that _____ appeared before me in person, this
_____ day of _____, 19_____

NOTARY PUBLIC SIGNATURE

My Commission Expires: _____

THE



HOPI TRIBE

Ferrell H. Secakuku
CHAIRMAN

Wayne Taylor, Jr.
VICE-CHAIRMAN

REQUEST FOR RELINQUISHMENT OF MEMBERSHIP FOR A MINOR CHILD

I, _____, sponsor of _____, do hereby request relinquishment of Tribal Membership for him/her (circle one) in the Hopi Tribe.

This request for relinquishment of membership is made with a full understanding of the following:

1. That henceforth the minor child shall cease to hold membership in the Hopi Tribe and that the minor child will no longer be eligible for Tribal benefits.
2. That this relinquishment or renunciation of Hopi Tribal Membership shall not be effective until written proof of the enrollment of the minor child in another Indian Tribe has been submitted and verified.
3. That the minor child upon reaching the age of adulthood may be eligible for re-enrollment in the Hopi Tribe if so desired, provided the eligibility requirements are satisfied.

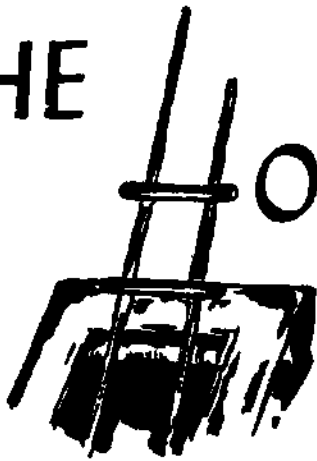
Sponsor's Signature: _____

Relationship to Minor: _____

Sponsors Address: _____

Date: _____

THE



OPI TRIBE

Ferrell H. Secakuku
CHAIRMAN

Wayne Taylor, Jr.
VICE-CHAIRMAN

NOTICE OF HEARING

Dear _____

Under the provisions of Section 12 of the Hopi Tribe's Enrollment Ordinance, the Hopi Tribe is considering your disenrollment from membership in the Hopi Tribe for one or more of the following reasons:

() Violation of ARTICLE II of the Constitution and By-Laws of the Hopi Tribe, Section 12.1.A
Explanation:

() Fraud, Section 12.1.B
Explanation:

() Error, Section 12.1.C
Explanation:

() Enrollment in another tribe, Section 12.1.D
Explanation:

On _____ at _____ o'clock in the Tribal Council Chambers at the Hopi Tribal Headquarters in Kyakotsmovi, Arizona, the Hopi Tribal Council will hold a Hearing of Inquiry to determine whether or not you should continue to be enrolled as a member of the Hopi Tribe. At this hearing, you may represent yourself, or be represented by Counsel, Friend, or any other person at your own expense. All parties will be given adequate opportunity to examine all records, documents, testimony, and any other evidence upon which the Tribal Council may base its decision; bring witnesses to present

NOTICE OF HEARING

Page 2

testimony; establish all pertinent facts and circumstances; confront and cross-examine adverse witnesses; and to refute any testimony or evidence.

If you are unable to attend this hearing, please notify the Enrollment Office by return mail at least three (3) days prior to the scheduled hearing date. If you fail to appear at the hearing or if you do not notify the Government Operations Committee of your inability to attend and request another hearing date, the Council will decide the issue without your presence, and you will be notified of its decision.

Very Truly Yours,

Chairperson,
Government Operations Committee

Ordinance No. 33 – H-67-80 Hopi Enrollment Ordinance.

Not in Effect.

HOPI TRIBE
RESOLUTION
H-67-80

WHEREAS, Article II of the Hopi Constitution sets forth the requirements for being a member of the Hopi Tribe; and

WHEREAS, presently there are no procedures for enrolling persons into the Hopi Tribe as defined in Article II; and

WHEREAS, for the past year a proposed Enrollment Ordinance has been developed; and

WHEREAS, the said ordinance has been prepared under the guidance of the Hopi Enrollment Committee, a Standing Committee of the Hopi Tribal Council; and

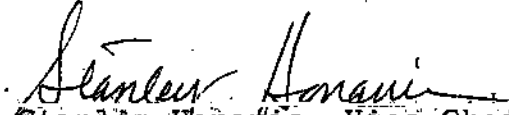
WHEREAS, comments, suggestions and opinions on the said ordinance have been solicited from the villages, members of Council and interested Hopi persons.

NOW THEREFORE BE IT RESOLVED by the Hopi Tribal Council, that the Hopi Enrollment Ordinance, attached hereto and by reference made a part hereof, be and it is hereby adopted as Ordinance #33.

HOPI TRIBE
RESOLUTION
H-67-80

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

The foregoing resolution was duly adopted by the Hopi Tribal Council on July 9, 1980, at a meeting at which a quorum was present with a vote of 9 in favor, 0 opposed, 3 abstaining (Vice Chairman presiding and not voting) pursuant to authority vested in the Hopi Tribal Council by Section 1(a) and (g) of Article VI of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, ratified by the Hopi Tribal Council on October 24, 1936 and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does require Secretarial approval.


Stanley Honanie, Vice Chairman
Hopi Tribal Council

ATTEST:


Kedric L. Cuihan, Secretary
Hopi Tribal Council

HOPI ENROLLMENT ORDINANCE

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SECTION 1: STATEMENT OF PURPOSE

This is an ordinance to define and regulate membership in the Hopi Indian Tribe in accordance with the Constitution and By-Laws of the Hopi Tribe or amendments hereinafter made, and to establish an orderly enrollment procedure, consistent with applicable laws and regulations, and which will preserve and retain the religion, tradition, ceremonies and customs of the Hopi Indian Tribe.

Be it enacted by the Hopi Tribal Council assembled of the Hopi Indian Reservation of Arizona as follows:

SECTION 2: SHORT TITLE

This ordinance shall be cited as the Hopi Enrollment Ordinance.

SECTION 3: AUTHORITY

The authority for this ordinance is Article II and Article VI, Sections 1(g), (k), and (l), of the Constitution and By-Laws of the Hopi Tribe.

SECTION 4: DEFINITION OF TERMS

- 4.1 Adoption - means the process of seeking membership into the Hopi Tribe under Article II, Section 2 of the Constitution and By-Laws of the Hopi Tribe.
- 4.2 Appellant - means a person who is appealing the Hopi Tribal Council's decision to reject an application for enrollment.
- 4.3 Applicant - means a person seeking enrollment or adoption into the Hopi Indian Tribe.
- 4.4 Base Roll - means the December 31, 1937 census roll of the Hopi Tribe.
- 4.5 Enrollment - means the process of applying for membership as set forth in Article II, Section 1 of the Constitution and By-Laws of the Hopi Tribe.
- 4.6 Enrollment Committee - means a committee established by the Hopi Tribal Council which among other duties shall review and recommend to the Hopi Tribal Council whether enrollment or adoption applications should be approved or rejected.
- 4.7 Enrollment Department - means the department established by the Hopi Tribal Council to receive and process applications for membership, to maintain records and documents on all Hopi Tribal members, and to serve as a resource center on statistical information as needed by the Hopi Tribe.
- 4.8 Father - means natural father.
- 4.9 Hopi Appellate Court - means the appellate court established by the Hopi Tribal Council.
- 4.10 Hopi Tribal Council - means the duly elected and recognized body as defined in Article IV of the Constitution and By-Laws of the Hopi Tribe.
- 4.11 Hopi Tribal Court - means the judicial court established by the Hopi Tribal Council under Article VI, Section 1(g) of the Constitution and By-Laws of the Hopi Tribe.
- 4.12 Indian Tribe - means any Indian tribe which is a federally recognized tribe.
- 4.13 Kikmongwi - means the recognized leader or chief of a village who exercises the authorities and responsibilities as reserved to the village through tradition and by the Constitution and By-Laws of the Hopi Tribe.

- 4.14 Member - means an enrolled member of the Hopi Indian Tribe either through lineal descent or previous adoption by Tribal Council and an enrolled or recognized member of any federally recognized tribe.
- 4.15 Membership - means the status of being a member of a tribe with all rights and privileges accorded the person.
- 4.16 Mother - means natural mother.
- 4.17 Person - means a person as used in Article II of the Constitution and By-Laws of the Hopi Tribe.
- 4.18 Relinquishment - means the voluntary withdrawal from membership in the Hopi Indian Tribe.
- 4.19 Sponsor - means the applicant's parents, legal guardian, next of kin, or spouse, or a member of the Hopi Indian Tribe authorized by the applicant as provided in Section 12 of this ordinance.
- 4.20 Village Governor - means an elected official of a village who exercises the activities and responsibilities as reserved to the village through the Village Government and by the Constitution and By-Laws of the Hopi Tribe. The elected official shall be elected in accordance with village election procedures.

SECTION 5: CONFIDENTIALITY AND ACCESS TO INFORMATION

The Hopi Tribal Council recognizes that records concerning an individual's enrollment may contain sensitive personal information. These records may also be critical in proving an individual's right to Hopi tribal membership. Accordingly, the Hopi Tribal Council shall require that the Enrollment Department and Enrollment Committee each establish policies and procedures to protect and preserve the confidentiality of individual enrollment records while also permitting legitimate access to information when necessary.

These policies and procedures shall be submitted to the Hopi Tribal Council for approval within 60 calendar days of the effective date of this ordinance.

STATEMENT OF POLICY AND PROCEDURE
IMPLEMENTING CONFIDENTIALITY REQUIREMENTS
OF ENROLLMENT ORDINANCE NUMBER 33

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

SECTION 1. PURPOSE AND SCOPE

This Statement of Policy and Procedure implements section 5 of Hopi Enrollment Ordinance Number 33 (July 9, 1980). As authorized by section 5 this Statement prescribes rules for the disclosure of information protected by section 5. The rules apply to information obtained by Hopi Tribal officers, committee members or employees in the course of administering Hopi Enrollment Ordinance Number 33. Except as authorized by the rules in this Statement, no information collected pursuant to Ordinance Number 33 shall be disclosed.

SECTION 2. DEFINITIONS

For purposes of this Statement:

- (a) The term "committee" means any standing committee created and empowered by the Hopi Tribal Council.
 - (b) The term "Department" means the Hopi Enrollment Department.
 - (c) The term "file" means the facts collected on each individual during the enrollment application process.
-

SECTION 3. PROTECTION OF CONFIDENTIALITY

Any person with access to information from Enrollment files collected under Hopi Enrollment Ordinance number 33 shall observe the following measures to protect the confidentiality of the information against inappropriate access or disclosures.

- A. Enrollment files may be disclosed to:
- 1) The individual asking to see his or her own file.
 - 2) An individual asking to see the file of his or her parents or children.
 - 3) An attorney or other person asking to see the file of an individual he or she represents when such representation is authorized in writing.
 - 4) Tribal department (including the Office of General Counsel), committees, or officials or federal or state agencies or officials when:
 - (a) the information is needed for purposes of determining an individual's initial or continuing eligibility for enrollment, aid, services or other benefits accruing on the basis of tribal membership or;
 - (b) pursuing an investigation or prosecution of alleged or suspected fraud or similar abuse of the enrollment program or;
 - (c) the information is needed for the purpose of benefiting the Tribe as a whole as determined by resolution of the Hopi Tribal Council.
- B. A note shall be entered in each file reviewed under section (a) above showing who reviewed the file, the date reviewed and the purpose of the review.
- C. Information made available under subpart (a) above shall not be used for any purpose other than an individual's eligibility for enrollment, aid, services, or other benefits as relating to Tribal Membership.
- D. The files shall be stored in a place physically secure from access by unauthorized persons.
- E. Files in electronic format such as magnetic tapes or discs shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal or other means.
- F. The department, committee or officials shall on continuing

basis instruct all personnel who have access to the files as to the confidential nature of the files, the requirements of this section, and the civil sanctions against prohibited use or disclosure of enrollment information covered by this section contained in Hopi Tribal Ordinance #33 (section 5). Failure of any Tribal employee to comply with the confidentiality provisions set forth in this Statement shall result in disciplinary action in accordance with Chapter 6, Section E, of the Hopi Tribal Personnel Policies and Procedures Manual.

SECTION 5. VIOLATION

No information obtained through implementation of this Ordinance shall be made public except as provided for in the Statement of Policy and Procedure adopted by the Enrollment Department and Committee prescribing the rules for disclosure of confidential information. Any person who makes public information in violation of this subsection shall be civilly fined not more than \$500, after a hearing by the Tribal Court.

NOTE: Section 5 amended in whole by Resolution H987-81, October 20, 1981.

SECTION 6: CORRECTING AND BRINGING CURRENT THE DECEMBER 31, 1937 ROLL

6.1 AUTHORITY FOR MAKING CORRECTIONS

Article II of the Constitution and By-Laws of the Hopi Tribe was amended in January of 1980 to cite the December 31, 1937 census roll as the Base Roll of the Hopi Tribe from which future enrollees will trace their lineal descent. Article II also provides that: "corrections may be made at any time to said roll by the Tribal Council, subject to the approval of the Secretary of the Interior."

6.2 POLICY FOR CORRECTING THE DECEMBER 31, 1937 ROLL

The Enrollment Director shall ensure that appropriate corrections are made to the December 31, 1937 Roll and that said corrections with supporting evidence are submitted first to the Enrollment Committee for their recommendation and to the Hopi Tribal Council for a resolution of approval and then to the Secretary of the Interior for approval.

Each person listed on the original, uncorrected base roll shall be accounted for. When a name is removed from or added to the base roll, it shall be placed on a separate list with an explanation of why the name was added or removed. Documentation as appropriate shall support the addition or removal of names on the base roll.

6.2A Corrections Requiring Approval

Corrections to an individual's blood degree may only be made if the individual listed on the roll or a lineal descendant of a person listed on the base roll questions, in writing, the blood degree shown on the record. All available records will be examined to determine the correct blood degree. All persons affected by the blood degree change shall be notified by certified mail and given 30 days to present evidence as to why the change should not be made. Only if the best evidence shows that a change should be made shall the change be made.

6.2B Corrections Not Requiring Approval

Certain corrections to the base roll may be made without the approval of the Hopi Tribal Council or the Secretary of the Interior. All such corrections shall be explained, documented, dated and signed. These corrections consist of the following:

- 6.2B.1 mathematical errors, when the record clearly shows that numbers have been figured incorrectly;
- 6.2B.2 incorrect sex designation;
- 6.2B.3 spelling errors;
- 6.2B.4 incorrect date of birth or age.

6.3 PROCEDURES FOR CORRECTING THE DECEMBER 31, 1937 ROLL

Corrections to the base roll shall be prepared by the Enrollment Department, reviewed by the Enrollment Committee and submitted to the Hopi Tribal Council for a resolution of approval. The corrected base roll, together with the resolution, shall be submitted to the Secretary of the Interior for approval. Steps to be taken in correcting the base roll include:

6.3A Add to the roll the names of persons born before and living on, or adopted by the tribe before, the date of the base roll, whose names were mistakenly omitted.

6.3B Remove from the roll the following:

- 6.3B.1 all persons with NE (not enrolled) before their names;
- 6.3B.2 non-Indians married to Hopis.
- 6.3B.3 persons who relinquished their membership in the tribe before December 31, 1937; and
- 6.3B.4 persons who died before the date of the roll but whose names were placed on the roll by mistake.

6.3C Remove from the roll the names of persons mistakenly designated Hopi who can be proved not to have been a member of the Hopi Tribe. Persons affected by the removal of a name for this reason shall be notified and given a hearing before the Enrollment Committee and the right to appeal pursuant to Sections 10 and 11 of this ordinance.

SECTION 7: MAINTAINING A CURRENT MEMBERSHIP ROLL

The Enrollment Department shall maintain a current membership roll based on the corrected December 31, 1937 roll. The Hopi Tribal Council shall annually review the roll to ensure that it is current.

7.1 ADDITIONS TO MEMBERSHIP ROLL

The names of all persons who are deceased and all persons who have relinquished their membership in the Hopi Tribe in writing shall be noted on the roll and the names of all persons whose applications for enrollment or adoption have been approved by the Hopi Tribal Council under the provisions of Section 8 shall be promptly added to the roll.

7.2 ENROLLMENT APPLICATION

The Enrollment Department shall develop and the Enrollment Committee shall approve the forms necessary to apply for enrollment in the tribe. Information required of applicants shall be limited to that which is essential in determining an individual's right to enrollment. Additional information may be asked on the forms, but failure to supply such information shall not prevent an application from being acted upon in a timely manner.

7.3 DELEGATION OF AUTHORITY

For the purpose of reviewing enrollment applications and making recommendations regarding such applications, the Hopi Tribal Council hereby delegates authority to the Enrollment Committee pursuant to Article VI, Sections 1(g), (k), and (l), of the Constitution and By-Laws of the Hopi Tribe.

SECTION 8: THE ENROLLMENT PROCESS

A separate written application on the proper form shall be filed by or on behalf of each person applying for enrollment in the Hopi Tribe. Persons applying for enrollment shall meet the requirements set forth in Article II, Sections 1(a), (b), or (c) of the Constitution and By-Laws of the Hopi Tribe.

8.1 PERSONS NOT REQUIRING AN APPLICATION

Persons listed on the corrected base roll shall not be required to submit an application. These persons are base enrollees and their enrollment is automatic, upon approval of the corrected base roll.

8.2 BURDEN OF PROOF ON APPLICANT

The burden of proof for establishing the right to membership in the Hopi Tribe is on the person applying for membership.

8.3 ENROLLMENT DEPARTMENT DUTIES

Upon receipt of applications, the Enrollment Department shall:

8.3A Number and date all incoming applications.

8.3B Review applications for adequacy of documentation.

8.3C Inform applicants of any deficiencies in documentation.

8.3D Maintain files on applicants and enrolled members.

8.3E Provide notice to applicants pursuant to Section 9 of this ordinance.

8.3F Submit completed applicant files to the Enrollment Committee for review and recommendation. A completed applicant file is one containing an application with sufficient information to determine eligibility for membership supported by documentation.

8.3G Prepare recommendations from the Enrollment Committee to the Hopi Tribal Council pursuant to Section 8.

8.4 THE ENROLLMENT COMMITTEE DUTIES

Upon receipt of applications, the Enrollment Committee shall:

8.3A Review applicant files and make recommendations in writing to the Hopi Tribal Council of each applicant's eligibility. Such recommendation shall be made within

60 days of each file's initial review by the committee unless such time is extended by mutual agreement of all parties.

8.4B Notify, set, and conduct hearings for applicants who are being considered for negative recommendations by the Enrollment Committee pursuant to Section 9 of this ordinance.

8.4C Approve the Enrollment Department's forms to be used in the submission and processing of applications.

8.5 THE HOPI TRIBAL COUNCIL DUTIES

Upon receipt of the applications, the Hopi Tribal Council shall:

8.5A Review applications together with the Enrollment Committee's recommendations and determine whether each applicant is eligible for membership in the Hopi Tribe. Such action shall be taken within 60 days of receiving them from the Enrollment Committee.

8.5B Express the Council's final determination of eligibility for enrollment by a resolution. The resolution shall state whether the Enrollment Committee recommended approval or rejection and, if the applicant is rejected by the Council, the membership requirement(s) which the Council determined that the applicant did not establish. If the application is rejected, the determination of the Hopi Tribal Council shall state that written notice of a hearing before the Enrollment Committee was given and whether or not the applicant was present at such hearing.

SECTION 9: NOTICE OF HEARING AND HEARING TO BE GIVEN WHEN REJECTION OF APPLICATION IS CONSIDERED

9.1 WRITTEN NOTICE REQUIRED

When the Enrollment Committee considers recommending rejection of an applicant, the person filing the application shall be given written notice that a hearing on the matter will be held before the Committee makes its final determination.

9.2 CONTENTS OF NOTICE

The written notice shall:

9.2A Indicate the tribal membership requirement(s) that the applicant failed to establish or other reasons why the application is being considered for rejection.

9.2B Designate a time and place for the Enrollment Committee to hold a hearing prior to making its final determination.

9.2C Indicate that the person filing the application may appear before the Committee at the time and place designated for such hearing to present additional evidence and oral testimony in his or her behalf.

9.2D Advise the applicant that it is the applicant's duty to furnish the Committee with adequate evidence to establish the applicant's right to enrollment or adoption.

9.3 MANNER OF GIVING NOTICE

The notice required under this section shall be given no less than thirty (30) days prior to the time designated for the Committee to hold a hearing to make its final determination. Notice shall be addressed to the person at the last address furnished by him and sent by certified mail with postage fully prepaid and return receipt requested.

9.4 CONDUCT OF HEARING

Hearings conducted under this section shall be informal and shall be presided over by the Enrollment Committee Chairman or Vice Chairman. The applicant shall have the burden of proof in establishing to the satisfaction of the committee that such applicant meets the requirements for membership. The Committee shall consider all relevant evidence regarding the applicant's eligibility for enrollment or adoption, but the relevancy, weight, and sufficiency of such evidence shall be determined by the Enrollment Committee. After the hearing,

the Committee shall make its final recommendation. If the Committee recommends rejection of an application, the recommendation shall indicate the tribal membership requirement(s) which the applicant failed to establish or other reasons why the application should be rejected.

SECTION 10: NOTICE TO APPLICANTS OF MEMBERSHIP DETERMINATION BY
THE HOPI TRIBAL COUNCIL

10.1 NOTICE REQUIRED

Every person filing an application for enrollment or adoption shall be given written notice of whether the Hopi Tribal Council approved or rejected the application for enrollment or adoption.

10.2 CONTENT OF NOTICE OF REJECTION

If the Hopi Tribal Council rejects an application for enrollment or adoption, a written notice to the applicant shall contain the information required under Section 8 of this ordinance. If the Hopi Tribal Council rejects an application for enrollment, the notice shall also indicate the time within which an appeal must be commenced and the procedure for commencing such an appeal.

10.3 CONTENT OF NOTICE OF APPROVAL

If the Hopi Tribal Council approves a person for enrollment or adoption, a written notice shall indicate such approval. The notice will give the Tribal Resolution number, its date of enactment and a tribal membership number for such person.

10.4 MANNER OF GIVING NOTICE

The notice required to be given under this section shall be given within two (2) weeks after the Hopi Tribal Council makes its determination. The notice will be sent by certified mail by the Tribal Secretary, with postage fully prepaid and a return receipt requested to the address provided by the applicant.

SECTION 11: APPEALS

11.1 RIGHT OF APPEAL

Any person whose application for enrollment has been rejected by the Hopi Tribal Council due to failure to meet the membership requirements of Article II, Section 1, of the Constitution and By-Laws of the Hopi Tribe, may appeal to the Hopi Tribal Court. Any person whose application for adoption has been rejected by the Hopi Tribal Council under Article II, Section 2, of the Constitution and By-Laws of the Hopi Tribe may not appeal the decision.

11.2 COMMENCING AN APPEAL

To commence an appeal the applicant must clearly express in writing such an intent to the Hopi Tribal Court. A copy of the appeal must be received by the Tribal Secretary on behalf of the Hopi Tribal Council before the close of business on the 30th calendar day after the applicant receives the notice of rejection. If such notice is delivered to an address outside the United States, there shall be sixty (60) days in which to file the appeal.

11.3 JUDICIAL REVIEW

Once an appeal is initiated and at the request of the Court the Hopi Tribal Council shall transmit to the Hopi Tribal Court the complete record of the application for enrollment together with all evidence presented concerning the eligibility for membership. The burden of proof upon the applicant shall be to show that the Hopi Tribal Council acted arbitrarily, unreasonably, or contrary to the law in rejecting the application.

11.4 DECISION OF THE HOPI TRIBAL COURT

The Hopi Tribal Court will consider the record as presented, together with any legal authority that it may consider pertinent, and the Court may, at its own discretion, allow oral argument to be made. The decision of the Hopi Tribal Court shall be appealable to the Hopi Tribal Court of Appeals as presently provided in the Hopi Tribal Ordinance Number 21 and as may be amended or superceded in the future.

SECTION 12: SPONSORING AN APPLICANT FOR ENROLLMENT OR ADOPTION

If a person seeking enrollment or adoption is a member or incompetent person, or is residing outside of the United States, then the applicant's parents, legal guardian, next of kin, spouse, or a member of the Hopi Indian Tribe authorized by such person or as authorized by the village pursuant to Article III, Section 2(a) of the Constitution and By-Laws of the Hopi Tribe may submit the application and act as a sponsor of such person.

SECTION 13: ADOPTION

13.1 AUTHORITY

The Hopi Tribal Council may adopt persons into the Hopi Tribe under the authority and provisions of Article II, Section 2 of the Constitution and By-Laws of the Hopi Tribe.

13.2 ADOPTION APPLICATION AND PROCEDURE

Persons seeking to be adopted into the Hopi Tribe shall make application using the appropriate form. The form, together with supporting documentation, shall be processed in conformance with the provisions of Section 8. When a negative recommendation is being considered, provisions of Section 9 shall apply.

13.3 APPLICANT'S ACCEPTANCE BY THE KIKMONGWI OR THE VILLAGE GOVERNOR

The Hopi Tribal Council shall not consider an application for adoption until the Council has been notified of the applicant's acceptance by the Kikmongwi or the Village Governor pursuant to Article II, Section 2 of the Constitution and By-Laws of the Hopi Tribe. Notification to the Hopi Tribal Council may be accomplished in writing or in person.

SECTION 14: RELINQUISHMENT

14.1 RELINQUISHMENT BY AN ADULT MEMBER OF THE HOPI TRIBE

Any adult member who decides to relinquish his or her membership in the Hopi Indian Tribe shall so notify the Hopi Tribal Enrollment Department in writing. The signature of the member shall either be notarized or witnessed by the Enrollment Department. The relinquishment shall be effective as of the date of its receipt by the Enrollment Department, unless the relinquishment itself states otherwise.

Only an adult member of the Hopi Tribe may relinquish his or her membership.

14.2 RELINQUISHMENT IN THE HOPI TRIBE SHALL BE PERMANENT

Any adult who has relinquished membership in the Hopi Tribe shall not be reenrolled into the Hopi Tribe.

SECTION 15: DISENROLLMENT FOR GAINING MEMBERSHIP THROUGH FRAUD

15.1 AUTHORITY

The authority by which the Hopi Tribal Council may undertake a disenrollment action against an individual who enrolls in the Hopi Tribe through fraud is Article VI, Section (g) and (1) of the Constitution and By-Laws of the Hopi Tribe. Enrolling through fraud means falsifying the enrollment or adoption application and/or the supporting documentation.

15.2 PROCEDURES FOR DISENROLLMENT

The Enrollment Department and the Enrollment Committee shall examine all records relevant to the matter in question. The Chairman or Vice Chairman of the Enrollment Committee, shall show cause to the Hopi Tribal Council why a hearing of inquiry should be held. Should the Hopi Tribal Council determine by majority vote that there is reason to believe that membership has been gained by fraud, the Hopi Tribal Council shall enact a resolution calling for a hearing of inquiry to be conducted on a date certain.

15.3 NOTICE OF HEARING OF INQUIRY

Upon determination by the Hopi Tribal Council that inquiry is in order, the Hopi Tribal Council will cause notice to be served upon the affected party or parties no less than thirty (30) days preceding the date of hearing. Notice shall be sent by certified mail, return receipt requested. The notice shall include the time, date, and place of the hearing; the nature of the irregularities that have been raised of the affected party or parties to appear and present argument and evidence. The burden of proof shall rest on the Hopi Tribe. Within twenty (20) days after the hearing, the Council shall make known its findings regarding the alleged fraudulent membership. The affected party or parties will be notified in accordance with Section 10 of this ordinance. Persons who have been disenrolled may appeal the decision of the Hopi Tribal Council as set out in Section 11 of this ordinance.

SECTION 16: DUAL ENROLLMENT IS NOT PERMITTED

A member of the Hopi Tribe shall not be a member of another tribe. The enrollment of any member of the Hopi Tribe shall be disenrolled if the person is or becomes a member of any other tribe.

SECTION 17: PRIOR ORDINANCES AND RESOLUTIONS

This code supercedes and replaces any resolutions or ordinances which are in conflict with this code.

SECTION 18: SEVERABILITY

If any portion of this code shall be ruled invalid by a Court of competent jurisdiction, that portion shall cease to be operative but the remainder of this code shall continue in full force and effect.

SECTION 19: AMENDMENTS

This Hopi Enrollment Ordinance may be amended by the Hopi Tribal Council, upon recommendation of the Hopi Enrollment Committee. Action must be taken by a resolution of the Hopi Tribal Council and is subject to confirmation by the Secretary of the Interior.

SECTION 20: EFFECTIVE DATE OF THE ORDINANCE

This ordinance shall be effective upon its approval by the Secretary of the Interior or his authorized representative.

Tribal Operations

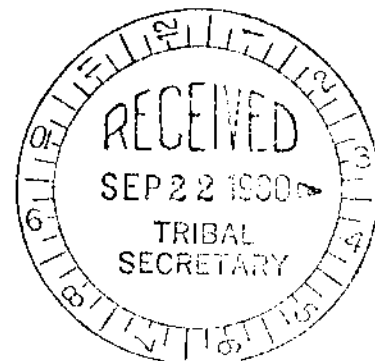
July 18, 1980

Memorandum

To: Acting Area Director, Phoenix Area Office
Attn: Tribal Operations

From: Superintendent, Hopi Agency

Subject: Hopi Tribal Resolution No. H-67-80

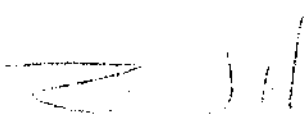


We are submitting five copies of the above resolution in which the tribal council adopts Hopi Tribal Ordinance No. 33 - Hopi Enrollment Ordinance. The actions were adopted on July 9, 1980 and received in this office on July 15, 1980.

We have reviewed Ordinance No. 33 and recommend that it be approved.

Subject resolution and ordinance adopted pursuant to Article VI, Sections 1 (g), (k), and (l) of the Tribal Constitution and requires Secretarial approval.

The Tribe has exerted many hours of hard work in finalizing the ordinance and we are anticipating many more hours in updating and correcting the base roll.


Alph H. Secakuku

Attachments

John S. Boyden w/encl.
Chairman, Hopi Tribe w/encl.
064.3



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS

PHOENIX AREA OFFICE

P.O. Box 7007

Phoenix, Arizona 85011

IN REPLY REFER TO:

Tribal Operations
(602) 241-2314
FTS 261-2314

08 SEP 1980

Through: Superintendent, Hopi Agency

Mr. Abbott Sekaquaptewa

Chairman, Hopi Tribal Council

Dear Mr. Sekaquaptewa:

On July 9, 1980, the Hopi Tribal Council enacted Ordinance No. 33 entitled "Hopi Enrollment Ordinance" pursuant to Article VI, Section 1(g), (k) and (l) of the Hopi Constitution and Bylaws.

As the ordinance provides enrollment appeals go before the tribal court, the ordinance is properly before us for approval.

The Superintendent, Hopi Agency, has reviewed the ordinance and has submitted to our office with the recommendation the ordinance be approved.

Based on our review of the ordinance, I see no reason to rescind Ordinance No. 33. Therefore, pursuant to authority delegated to me by the Commissioner of Indian Affairs, Hopi Ordinance No. 33 is hereby approved effective July 9, 1980.

Sincerely,

Assistant Area Director

Attachment

Hand delivered A. Sekaquaptewa VELMA
Sept 18, 1980.



Resolution H-79-81 amends Ordinance 33, Section 5 (Confidentially Statement).

HOPI TRIBE
RESOLUTION
H-79-81

WHEREAS, PURSUANT TO SECTION 5 OF THE HOPI ENROLLMENT ORDINANCE, THE ENROLLMENT DEPARTMENT AND ENROLLMENT COMMITTEE ARE REQUIRED TO DEVELOP POLICIES AND PROCEDURES TO PROTECT AND PRESERVE THE CONFIDENTIALITY OF INDIVIDUAL ENROLLMENT RECORDS WHILE ALSO PERMITTING LEGITIMATE ACCESS TO INFORMATION WHEN NECESSARY; AND

WHEREAS, A STATEMENT OF CONFIDENTIALITY HAS BEEN DEVELOPED TO MEET THE STATUTORY REQUIREMENTS OF THE ORDINANCE; AND

WHEREAS, THE ENROLLMENT COMMITTEE HAS REVIEWED THE STATEMENT OF CONFIDENTIALITY.


NOW THEREFORE BE IT RESOLVED BY THE HOPI TRIBAL COUNCIL THAT IT HEREBY ADOPTS THE "CONFIDENTIALITY STATEMENT" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

BE IT FURTHER RESOLVED THAT IN SO ADOPTING THE "CONFIDENTIALITY STATEMENT", COUNCIL AMENDS ORDINANCE #33, SECTION 5, TO DELETE THE LANGUAGE REQUIRING A CONFIDENTIAL STATEMENT AND INSERTING THE ATTACHED STATEMENT AS A PART OF ORDINANCE #33.


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

THE FOREGOING RESOLUTION WAS DULY ADOPTED BY THE HOPI TRIBAL COUNCIL ON SEPTEMBER 14, 1981, AT A MEETING AT WHICH A QUORUM WAS PRESENT WITH A VOTE OF 11 IN FAVOR, 0 OPPOSED, 0 ABSTAINING (CHAIRMAN PRESIDING AND NOT VOTING) PURSUANT TO THE AUTHORITY VESTED IN THE HOPI TRIBAL COUNCIL BY SECTION 1(A) OF ARTICLE VI OF THE HOPI TRIBAL CONSTITUTION AND BY LAWS OF THE HOPI TRIBE OF ARIZONA, RATIFIED BY THE HOPI TRIBAL COUNCIL ON OCTOBER 24, 1936 AND APPROVED BY THE SECRETARY OF THE INTERIOR ON DECEMBER 19, 1936, PURSUANT TO SECTION 16 OF THE ACT OF JUNE 18, 1934. SAID RESOLUTION IS EFFECTIVE AS OF THE DATE OF ADOPTION AND DOES REQUIRE SECRETARIAL APPROVAL.

HOPI TRIBE
RESOLUTION
H-79-81


ABBOTT SEKAQUAPTEWA, CHAIRMAN
HOPI TRIBAL COUNCIL

ATTEST:


KEDRIC L. OUTAH, SECRETARY
HOPI TRIBAL COUNCIL

STATEMENT OF POLICY AND PROCEDURE
IMPLEMENTING CONFIDENTIALITY REQUIREMENTS
OF ENROLLMENT ORDINANCE NUMBER 33

Disclosure of Official Records and Information

1. Purpose and Scope

This Statement of Policy and Procedure implements section 5 of Hopi Enrollment Ordinance Number 33 (July 9, 1980). As authorized by section 9 this Statement prescribes rules for the disclosure of information protected by section 5. The rules apply to information obtained by Hopi Tribal officers, committee members or employees in the course of administering Hopi Enrollment Ordinance Number 33. Except as authorized by the rules in this Statement, no information collected pursuant to Ordinance Number 33 shall be disclosed.

2. Definitions

For purposes of this Statement:

- (a) The term "committee" means any standing committee created and empowered by the Hopi Tribal Council.
- (b) The term "Department" means the Hopi Enrollment Department.
- (c) The term "file" means the facts collected on each individual during the enrollment application process.

3. Protection of Confidentiality

Any person with access to information from Enrollment files collected under Hopi Enrollment Ordinance number 33 shall observe the following measures to protect the confidentiality of the information against inappropriate access

or disclosure.

A. Enrollment files may be disclosed to:

- (1) The individual asking to see his or her own file.
- (2) An individual asking to see the file of his or her parents or children.
- (3) An attorney or other person asking to see the file of an individual he or she represents when such representation is authorized in writing.
- (4) Tribal department (including the Office of General Counsel), committees, or officials or federal or state agencies or officials when:
 - (a) the information is needed for purposes of determining an individual's initial or continuing eligibility for enrollment, aid, services or other benefits accruing on the basis of tribal membership or;
 - (b) pursuing an investigation or prosecution of alleged or suspected fraud or similar abuse of the enrollment program or;
 - (c) the information is needed for the purpose of benefiting the Tribe as a whole as determined by resolution of the Hopi Tribal Council.

B. A note shall be entered in each file reviewed under section (a) above showing who reviewed the file, the date reviewed and the purpose of the review.

C. Information made available under subpart (a) above shall not be used for any purpose other than an individual's eligibility for enrollment, aid, services, or other benefits as relating to Tribal Membership.

- D. The files shall be stored in a place physically secure from access by unauthorized persons.
- E. Files in electronic format such as magnetic tapes or discs shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal or other means.
- F. The department, committee or officials shall on continuing basis instruct all personnel who have access to the files as to the confidential nature of the files, the requirements of this section, and the civil sanctions against prohibited use or disclosure of enrollment information covered by this section contained in Hopi Tribal Ordinance #33 (section 5). Failure of any Tribal employee to comply with the confidentiality provisions set forth in this Statement shall result in disciplinary action in accordance with Chapter 6, Section E, of the Hopi Tribal Personnel Policies and Procedures Manual.

5. VIOLATION

No information obtained through implementation of this Ordinance shall be made public except as provided for in the Statement of Policy and Procedure adopted by the Enrollment Department and Committee prescribing the rules for disclosure of confidential information. Any person who makes public information in violation of this subsection shall be civilly fined not more than \$500, after a hearing by the Tribal Court.

Resolution H-87-81 amends Section 5 of Ordinance 33 to delete the confidentiality statement. (Rescinds H-79-81).

HOPI TRIBE
RESOLUTION
H-87-81

WHEREAS, PURSUANT TO SECTION 5 OF THE HOPI ENROLLMENT ORDINANCE, THE ENROLLMENT DEPARTMENT AND ENROLLMENT COMMITTEE ARE REQUIRED TO DEVELOP POLICIES AND PROCEDURES TO PROTECT AND PRESERVE THE CONFIDENTIALITY OF INDIVIDUAL ENROLLMENT RECORDS WHILE ALSO PERMITTING LEGITIMATE ACCESS TO INFORMATION WHEN NECESSARY; AND

WHEREAS, A STATEMENT OF CONFIDENTIALITY HAS BEEN DEVELOPED TO MEET THE STATUTORY REQUIREMENTS OF THE ORDINANCE; AND

WHEREAS, THE ENROLLMENT COMMITTEE HAS REVIEWED THE STATEMENT OF CONFIDENTIALITY.

NOW THEREFORE BE IT RESOLVED BY THE HOPI TRIBAL COUNCIL THAT IT HEREBY ADOPTS THE "CONFIDENTIALITY STATEMENT" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

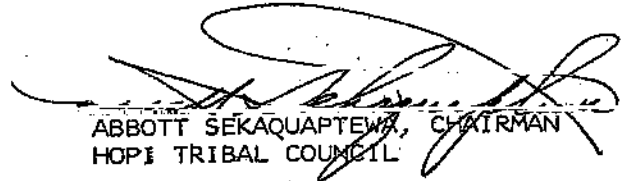
BE IT FURTHER RESOLVED THAT IN SO ADOPTING THE "CONFIDENTIALITY STATEMENT", COUNCIL AMENDS ORDINANCE #33, SECTION 5, TO DELETE THE LANGUAGE REQUIRING A CONFIDENTIALITY STATEMENT AND INSERTING THE ATTACHED STATEMENT AS A PART OF ORDINANCE #33.

BE IT FINALLY RESOLVED THAT HOPI TRIBAL RESOLUTION H-79-81 IS HEREBY RESCINDED.

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

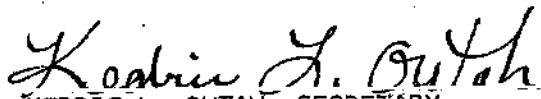
THE FOREGOING RESOLUTION WAS DULY ADOPTED BY THE HOPI TRIBAL COUNCIL ON OCTOBER 20, 1981, AT A MEETING WHICH A QUORUM WAS PRESENT WITH A VOTE OF 11 IN FAVOR, 0 OPPOSED, 1 ABSTAINING (CHAIRMAN PRESIDING AND NOT VOTING) PURSUANT TO THE AUTHORITY VESTED IN THE HOPI TRIBAL COUNCIL BY SECTION 1 (A) (G) OF ARTICLE VI OF THE HOPI TRIBAL CONSTITUTION AND BY-LAWS OF THE HOPI TRIBE OF ARIZONA, RATIFIED BY THE HOPI TRIBAL COUNCIL ON OCTOBER 24, 1926 AND APPROVED BY THE SECRETARY OF THE INTERIOR ON DECEMBER 19, 1936, PURSUANT TO SECTION 16 OF THE ACT OF JUNE 18, 1934. SAID RESOLUTION IS EFFECTIVE AS OF THE DATE OF ADOPTION AND DOES REQUIRE ~~SECRETARIAL~~ SECRETARIAL APPROVAL.

HOPI TRIBE
RESOLUTION
H-87-81



ABBOTT SEKAQUAPTEWA, CHAIRMAN
HOPI TRIBAL COUNCIL

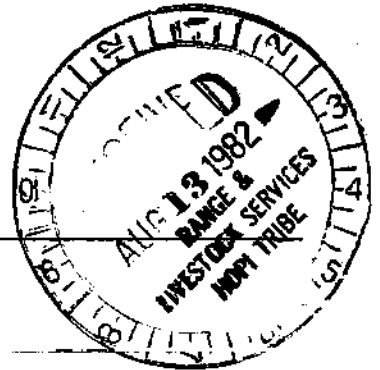
ATTEST:



KEDRIC L. OUTAH, SECRETARY
HOPI TRIBAL COUNCIL

STATEMENT OF POLICY AND PROCEDURE
IMPLEMENTING CONFIDENTIALITY REQUIREMENTS
OF ENROLLMENT ORDINANCE NUMBER 33

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION



SECTION 1. PURPOSE AND SCOPE

This Statement of Policy and Procedure implements section 5 of Hopi Enrollment Ordinance Number 33 (July 9, 1980). As authorized by section 5 this Statement prescribes rules for the disclosure of information protected by section 5. The rules apply to information obtained by Hopi Tribal officers, committee members or employees in the course of administering Hopi Enrollment Ordinance Number 33. Except as authorized by the rules in this Statement, no information collected pursuant to Ordinance Number 33 shall be disclosed.

SECTION 2. DEFINITIONS

For purposes of this Statement:

- (a) The term "committee" means any standing committee created and empowered by the Hopi Tribal Council.
 - (b) The term "Department" means the Hopi Enrollment Department.
 - (c) The term "file" means the facts collected on each individual during the enrollment application process.
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SECTION 3. PROTECTION OF CONFIDENTIALITY

Any person with access to information from Enrollment files collected under Hopi Enrollment Ordinance number 33 shall observe the following measures to protect the confidentiality of the information against inappropriate access or disclosures.

- A. Enrollment files may be disclosed to:
- 1) The individual asking to see his or her own file.
 - 2) An individual asking to see the file of his or her parents or children.
 - 3) An attorney or other person asking to see the file of an individual he or she represents when such representation is authorized in writing.
 - 4) Tribal department (including the Office of General Counsel), committees, or officials or federal or state agencies or officials when:
 - (a) the information is needed for purposes of determining an individual's initial or continuing eligibility for enrollment, aid, services or other benefits accruing on the basis of tribal membership or;
 - (b) pursuing an investigation or prosecution of alleged or suspected fraud or similar abuse of the enrollment program or;
 - (c) the information is needed for the purpose of benefiting the Tribe as a whole as determined by resolution of the Hopi Tribal Council.
- B. A note shall be entered in each file reviewed under section (a) above showing who reviewed the file, the date reviewed and the purpose of the review.
- C. Information made available under subpart (a) above shall not be used for any purpose other than an individual's eligibility for enrollment, aid, services, or other benefits as relating to Tribal Membership.
- D. The files shall be stored in a place physically secure from access by unauthorized persons.
- E. Files in electronic format such as magnetic tapes or discs shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal or other means.
- F. The department, committee or officials shall on continuing

basis instruct all personnel who have access to the files as to the confidential nature of the files, the requirements of this section, and the civil sanctions against prohibited use or disclosure of enrollment information covered by this section contained in Hopi Tribal Ordinance #33 (section 5). Failure of any Tribal employee to comply with the confidentiality provisions set forth in this Statement shall result in disciplinary action in accordance with Chapter 6, Section E, of the Hopi Tribal Personnel Policies and Procedures Manual.

SECTION 5. VIOLATION

No information obtained through implementation of this Ordinance shall be made public except as provided for in the Statement of Policy and Procedure adopted by the Enrollment Department and Committee prescribing the rules for disclosure of confidential information. Any person who makes public information in violation of this subsection shall be civilly fined not more than \$500, after a hearing by the Tribal Court.

NOTE: Section 5 amended in whole by Resolution H-87-81, October 20, 1981.