

RESOLUTION OF THE PAPAGO COUNCIL  
(Amending Papago Enrollment Ordinance)

RES. NO. 213-84

1  
2 WHEREAS, the Papago Council did on October 7, 1981, enact the  
3 Papago Enrollment Ordinance, Ordinance No. 05-81  
4 (the "Ordinance"), to define and regulate membership  
5 in the Papago Tribe in accordance with the Con-  
6 stitution of the Papago Tribe and to establish orderly  
7 procedures for enrollment, determinations of blood  
8 degree and adoption which afford due process of law  
9 to all persons applying for enrollment or adoption  
10 or members of the Papago Tribe; and

11 WHEREAS, the enrollment committee has processed a large number  
12 of applications for enrollment, determination of  
13 blood degree and adoption and has made recommendations  
14 to the Council for the approval of such applications;  
15 and

16 WHEREAS, the enrollment committee believes that some of the  
17 provisions of the Ordinance are unnecessarily cumbersome  
18 and burdensome, and that the Ordinance lacks necessary  
19 certification and penalty provisions, and has there-  
20 fore recommended that the Ordinance be amended; and

21 WHEREAS, the Papago Council has reviewed the enrollment com-  
22 mittee's recommendations and concurs therewith.

23 NOW, THEREFORE, BE IT RESOLVED by the Papago Council that the  
24 Papago Enrollment Ordinance, Ordinance No. 05-81, is  
25 hereby amended as follows:

26 I

27 ARTICLE I - TITLE AND DEFINITIONS

28 Section 2 Definition of Terms

29 11. "Resident member", as used in Section 1(b)  
30 of Article II of the Papago Constitution, means  
31 any member who lives on the Papago Reservation  
32 with the intent to make the Reservation his or  
her only permanent home, or any member who lives  
outside the reservation with the intent to return  
to the Reservation and to make it his or her

1 permanent home. The intent to return to the  
2 Reservation shall be presumed and can only be  
3 rebutted by ~~clear-and-convincing~~ A PREPONDERANCE  
4 OF THE evidence to the contrary.

5 II

6 ARTICLE VI - PROCESSING MEMBERSHIP APPLICATIONS  
7 BY ENROLLMENT COMMITTEE

8 Section 2. Notice of Hearing to be Given when Membership  
9 Application is being Recommended or Considered  
10 for Rejection

11 (C) Manner of Giving Notice

12 The notice shall be sent by ~~certified~~ REGULAR mail,  
13 ~~return-receipt-requested~~, addressed to the person  
14 filing the application for enrollment at the mailing  
15 address provided by such person in the application  
16 form, or at such different address as such person may  
17 subsequently have provided the enrollment committee in  
18 writing.

19 III

20 ARTICLE VIII - FINAL DETERMINATION OF ELIGIBILITY FOR  
21 ENROLLMENT OR ADOPTION

22 Section 1 Council shall Determine Applicant's Eligibility for  
23 Enrollment or Adoption

24 (C) Determination of Applicant's Eligibility

25 The final determination as to whether an appli-  
26 cation for enrollment or adoption is approved or  
27 rejected by the Papago Council shall be reduced  
28 to writing and signed by the Chairman of the  
29 Papago Council regarding each application for  
30 enrollment or adoption filed with the enrollment  
31 committee. Such determinations shall set forth  
32 the following findings of fact:

(1) If on the application for adoption, the date  
of applicant's birth, AND the degree of  
Papago Indian blood ascribed to the appli-  
cant. ~~and-whether-the-enrollment-committee~~  
~~recommended-that-the-application-be-approved~~  
~~or-rejected.~~

(2) If on an application for enrollment, the  
date of applicant's birth, the membership  
requirement or requirements which the Papago  
Council found the applicant did or failed to  
establish. ~~and-whether-the-enrollment-com-~~  
~~mittee-recommended-that-the-application-be~~  
~~approved-or-rejected.~~

(3) If the application is rejected, the written  
notice of hearing which was given the person  
filing the application, and whether or not  
such person was present at the hearing, AND  
WHETHER THE ENROLLMENT COMMITTEE RECOMMENDED  
THAT THE APPLICATION BE APPROVED OR REJECTED.

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(D) Finality of Determinations

Any determination by the Papago Council to reject an application for adoption shall be final. Any determination by the Papago Council to reject a membership application for enrollment shall be final unless a timely appeal is made in accordance with the appeals procedure in Section 3 of this Article.

Section 2 Notice of Papago Council's Determination

(A) Notice Required

Every person filing an application for adoption or enrollment shall be given written notice whether the Papago Council rejected or accepted the application for adoption or enrollment.

(B) Content of AND MANNER OF GIVING Notice of Approval

If the Papago Council approved the application for adoption or enrollment, the written notice shall indicate that the application was approved and the Council resolution number and the date of its enactment whereby the approval of such application was commemorated. THE NOTICE SHALL BE GIVEN PROMPTLY AFTER THE PAPAGO COUNCIL MAKES ITS DETERMINATION AND SHALL BE SENT BY REGULAR MAIL ADDRESSED TO THE PERSON FILING THE APPLICATION FOR ENROLLMENT OR ADOPTION AT THE MAILING ADDRESS PROVIDED BY SUCH PERSON IN THE APPLICATION FORM, OR AT SUCH DIFFERENT ADDRESS AS SUCH PERSON MAY SUBSEQUENTLY HAVE PROVIDED THE ENROLLMENT COMMITTEE IN WRITING.

(C) Content of Notice of Rejection - Adoption

If the Papago Council rejected the application for adoption the written notice shall indicate that the application was rejected, that the rejection determination is final and shall indicate the Council resolution number and the date of its enactment whereby the rejection of such application was commemorated.

(D) Content of Notice of Rejection - Enrollment

If the Papago Council rejected the application for enrollment, the written notice shall (1) indicate that the application was rejected and set forth the membership requirement or requirements which the Papago Council found the applicant failed to establish; and (2) indicate that the rejection of the application for enrollment may be appealed to the Papago Tribal Courts in accordance with the appeal procedures established in Section 3 of this Article. The notice shall indicate the time within which such an appeal must be commenced and the procedure for commencing such appeal.

1 (E) Manner of Giving Notice OF REJECTION

2 The notice required to be given under SUBSECTIONS  
3 (C) AND (D) OF this Section shall be given promptly after the Papago Council makes its final  
4 determination ~~as-to-whether~~ THAT the application  
5 for enrollment or adoption is ~~approved or~~ rejected  
6 and shall be sent by certified mail, return receipt requested, addressed to the person filing  
7 the application for enrollment or adoption at the  
8 mailing address provided by such person in the  
9 application form, or at such different address as  
10 such person may subsequently have provided the  
11 enrollment committee in writing.

12 IV

13 ARTICLE IX - MISCELLANEOUS; CERTIFIED COPIES;  
14 PENALTIES

15 Section 4 CERTIFIED COPIES OF ENROLLMENT RECORDS

16 (A) CERTIFIED COPIES

17 UPON WRITTEN REQUEST, THE ENROLLMENT COMMITTEE,  
18 ITS DIRECTOR OR STAFF, SHALL ISSUE A CERTIFIED  
19 COPY OF ANY CERTIFICATE OR RECORD IN ITS CUSTODY  
20 TO ANY PERSON ELIGIBLE TO RECEIVE SUCH COPY,  
21 EXCEPT SUCH CERTIFICATES OR RECORDS WHICH ARE  
22 MADE CONFIDENTIAL AND HAVE BEEN SEALED IN ACCORDANCE WITH SUBSECTION 4(F) OF ARTICLE V OF  
23 THIS ORDINANCE. EACH COPY SHALL BEAR THE DATE IT  
24 WAS ISSUED AND SHALL BE IMPRESSED WITH THE RAISED  
25 SEAL OF THE PAPAGO TRIBE OF ARIZONA.

26 (B) LEGAL STATUS OF CERTIFIED COPIES

27 A CERTIFIED COPY OF A CERTIFICATE OR RECORD OR  
28 ANY PART THEREOF ISSUED IN ACCORDANCE WITH THIS  
29 SECTION SHALL HAVE THE SAME STATUS AND SHALL BE  
30 CONSIDERED FOR ALL PURPOSES THE SAME AS THE  
31 ORIGINAL, AND SHALL BE PRIMA FACIE EVIDENCE OF  
32 THE FACTS THEREIN STATES.

(C) DISSEMINATION OF INFORMATION

TRIBAL, FEDERAL AND SUCH OTHER AGENCIES AS THE  
DIRECTOR OF THE ENROLLMENT COMMITTEE MAY DESIGNATE  
MAY, UPON REQUEST, BE FURNISHED COPIES OR DATA FOR  
STATISTICAL OR RESEARCH PURPOSES UPON SUCH TERMS  
AND CONDITIONS, INCLUDING FEES AND OTHER COSTS, AS  
THE DIRECTOR OF THE ENROLLMENT COMMITTEE MAY PROVIDE.

(D) IDENTIFICATION CARDS

UPON REQUEST, THE ENROLLMENT COMMITTEE SHALL ISSUE  
AN OFFICIAL IDENTIFICATION CARD TO ANY PERSON  
WHOSE NAME IS CONTAINED ON THE MEMBERSHIP ROLL OF  
THE PAPAGO TRIBE. THE IDENTIFICATION CARD SHALL  
BE IN FORM AND CONTENT DESIGNATED BY THE ENROLLMENT  
COMMITTEE AND SHALL INCLUDE THE NAME AND  
MEMBERSHIP NUMBER OF THE ENROLLEE.

1 (E) PROHIBITIONS

2 NO PERSON SHALL PREPARE OR ISSUE ANY IDENTIFI-  
3 CATION CARD OR CERTIFICATE WHICH PURPORTS TO BE  
4 AN ORIGINAL, CERTIFIED COPY, OR COPY OF AN  
5 IDENTIFICATION CARD, OR OF A CERTIFICATE OR RECORD  
6 OF ENROLLMENT, BLOOD DEGREE OR ADOPTION INTO  
7 MEMBERSHIP OF THE PAPAGO TRIBE EXCEPT AS AUTHOR-  
8 IZED BY THIS ARTICLE AND THE REGULATIONS ADOPTED  
9 HEREUNDER.

10 (F) RULES AND REGULATIONS

11 THE DIRECTOR OF THE ENROLLMENT COMMITTEE SHALL  
12 ESTABLISH BY RULES AND REGULATIONS THE FEES, IF  
13 ANY, TO BE CHARGED FOR SEARCHES, COPIES OF RECORDS  
14 AND IDENTIFICATION CARDS. THE DIRECTOR SHALL KEEP  
15 A TRUE AND ACCURATE ACCOUNT OF ALL FEES COLLECTED  
16 BY HIM UNDER THIS ARTICLE AND SHALL DEPOSIT THEM  
17 WITH THE TREASURER OF THE PAPAGO TRIBE TO BE  
18 CREDITED TO THE GENERAL FUND OF THE TRIBE.

19 Section 5 PENALTIES

20 (A) A PERSON IS GUILTY OF A CRIMINAL OFFENSE PUNISH-  
21 ABLE BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR  
22 MORE THAN FIVE HUNDRED DOLLARS OR IMPRISONMENT  
23 FOR NOT MORE THAN FOUR MONTHS, OR BOTH, WHO:

24 1. WILFULLY AND KNOWINGLY MAKES ANY FALSE  
25 STATEMENT IN AN APPLICATION FOR MEMBERSHIP,  
26 FOR DETERMINATION OF BLOOD DEGREE OR FOR  
27 ADOPTION REQUIRED TO BE FILED UNDER THIS  
28 ORDINANCE, OR WHO WILFULLY AND KNOWINGLY SUP-  
29 PLIES FALSE INFORMATION INTENDING THAT SUCH  
30 INFORMATION BE USED IN THE PROCESSING OF  
31 APPLICATIONS FOR MEMBERSHIP, FOR DETERMINATION  
32 OF BLOOD DEGREE OR FOR ADOPTION.

33 2. WITHOUT LAWFUL AUTHORITY AND WITH THE INTENT  
34 TO DECEIVE MAKES, ALTERS, AMENDS, MUTILATES  
35 OR REMOVES ANY IDENTIFICATION CARD, RECORD,  
36 CERTIFICATE OR DOCUMENT FILED OR ISSUED UNDER  
37 THIS ORDINANCE OR A CERTIFIED COPY OF SUCH  
38 RECORD, CERTIFICATE OR DOCUMENT.

39 (B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
40 AUTHORIZE OR REQUIRE THE CRIMINAL TRIAL AND PUN-  
41 ISHMENT OF NON-INDIANS EXCEPT TO THE EXTENT  
42 ALLOWED BY ANY APPLICABLE PRESENT OR FUTURE ACT  
43 OF CONGRESS OR ANY APPLICABLE FEDERAL COURT  
44 DECISION.

45 Section 6 EFFECTIVE DATES-MULTIPLE APPLICATIONS

46 FOR PURPOSES OF THE ACT OF JANUARY 3, 1983 (PUBLIC  
47 LAW 97-408) WHICH PROVIDES FOR PER CAPITA DISTRIBUTIONS  
48 TO ENROLLED MEMBERS OF THE PAPAGO TRIBE OF  
49 FUNDS APPROPRIATED PURSUANT TO THE ACT OF SEPTEMBER  
50 30, 1976 (90 STAT. 1416) IN SATISFACTION OF A JUDG-  
51 MENT AWARDED TO THE TRIBE IN DOCKETS 345 AND 102 OF  
52 THE INDIAN CLAIMS COMMISSION, EVERY APPLICATION FOR  
ENROLLMENT OR ADOPTION FILED AFTER JULY 2, 1983, BY

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OR ON BEHALF OF AN APPLICANT IN WHOSE NAME AN APPLICATION FOR ENROLLMENT OR ADOPTION HAS BEEN FILED ON OR BEFORE JULY 2, 1983, AND UPON WHICH NO FINAL DETERMINATION HAS BEEN MADE, SHALL BE DEEMED AN AMENDMENT OF, AND SHALL DATE BACK TO THE DATE OF THE EARLIER APPLICATION.

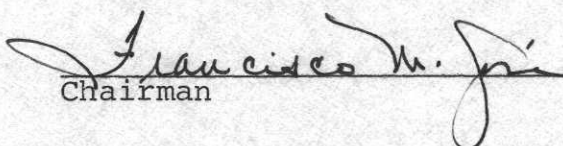
Section 7 Repeal of Prior Conflicting Ordinance and Resolutions

Any ordinance or resolutions in conflict herewith shall be repealed to the extent of such conflict.

BE IT FURTHER RESOLVED that Ordinance No. 05-81 of the Papago Tribe, as amended by this Resolution, is hereby republished as the Papago Enrollment Ordinance.

The foregoing Resolution was duly enacted by the Papago Council on the 10th day of October, 19 84, at a meeting at which a quorum was present with a vote of 1079.0 for; 228.5 against; 132.5 not voting; and 4 absent, pursuant to the authority vested in the Council by Section 2 (e), (f) and (h) of Article V and by Article II of the Constitution and By-laws of the Papago Tribe as amended, ratified by the Papago Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 18, 1934 ( 48 Stat. 984). Said Resolution is not subject to review by the Secretary of Interior and is effective as of the date of its enactment by the Papago Council.

THE PAPAGO COUNCIL

  
Chairman

ATTEST:

  
Secretary

MOVED: HARRIET TORO  
 SECOND: ANGELO JOAQUIN  
 DATE: 10-10-84

SUBJECT: Amending Papago Enrollment  
Ordinance  
 RESOLUTION  
 or  
 ORDINANCE # 213-84

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 105	1. Nicklos Jose (Alice Norris) 2. Elliott Lewis (Eugene F. Jose)	52.5 52.5	X			X
SELLS 235	1. Andrew M. Patricio (Nora Alvarez) 2. Fred Stevens (Dennis Jose)	117.5 117.5	X X			
SCHUK TOAK 103	1. Jo Ann Francisco (Priscilla G. Domingo) 2. Joseph Juan ( )	51.5 51.5	X X			
SAN XAVIER 121	1. Carmelita Mattias (Julie Ramon-Pierson ) 2. John B. Narcho (Austin Nunez)	60.5 60.5	X X			
BABOQUIVARI 203	1. Kenneth Chico, Sr. (Donald Harvey) 2. Joann Garcia (Edward N. Kisto)	101.5 101.5		X		X
GU ACHI 150	1. Angelo J. Joaquin, Sr. (Jonas R. Robles) 2. Fernando Joaquin (Fred Adams, Jr.)	75.0 75.0	X X			
PISINEMO 105	1. Johnson Jose (Frank Garcia) 2. Chester Antone (Sylvester Manuel)	52.5 52.5	X X			
SAN LUCY 51	1. John Reno (Max P. Jose) 2. Albert Gomez (Jeannie Morris)	25.5 25.5		X	X	
GU VO 107	1. Virgil Lewis (Henry F. Manuel) 2. Cross Antone (Fern E. Salcido)	53.5 53.5			X	X
HICKIWAN 122	1. Henry A. Ramon (Pablo Baptisto) 2. <del>Delia Garcia</del> (Archie Pilone)	61.0 61.0	X			X
CHUKUT KUK 138	1. Harriet Toro (Lawrence Jose) 2. <del>Rosemary Lopez</del> (Anita C. Clark)	69.0 69.0	X X			
TOTALS		1440.0	1079.0	228.5	132.5	4