



# **TRIBAL GOVERNMENT OPERATIONS CODE**

## **NENANA TRIBAL GOVERNMENT**

**Nenana, Alaska**

**Adopted by the Tribal Council November 22, 2011**

### **Table of Contents**

<b>Chapter 1. General Provisions for all Nenana Codes and Ordinances .....</b>	<b>2</b>
<b>Chapter 2. Adopting, Amending, and Repealing Tribal Codes and Ordinances .....</b>	<b>6</b>
<b>Chapter 3. Ethic Standards for Tribal Officials, Employees, and Representatives .....</b>	<b>9</b>
<b>Chapter 4. Nenana Tribal Elections .....</b>	<b>12</b>
<b>Chapter 5. Membership and Enrollment in the Nenana Tribe.....</b>	<b>19</b>
<b>Chapter 6. Cooperative Agreements with other Governments and Entities .....</b>	<b>27</b>
<b>Certificate of Adoption.....</b>	<b>28</b>

# CHAPTER 1

## GENERAL PROVISIONS FOR ALL CODES

Section 1. Authority to Adopt Written Tribal Law.....	2
Section 2. Relationship of Written Tribal Law to Unwritten Tribal Law .....	2
Section 3. Purpose of the Nenana Code of Tribal Ordinances.....	3
Section 4. Interpretation and Severability .....	3
A. Liberal Interpretation .....	3
B. Civil in Nature.....	3
C. Severability .....	3
D. Unwritten Custom Law .....	3
Section 5. Definitions.....	3

### Section 1. Authority to Adopt Written Tribal Law

The Nenana Tribal Council adopts written tribal codes and ordinances under the inherent sovereignty of federally recognized Indian tribes of the United States, as delegated to the Nenana Tribal Council from the Tribe under Article 9 of the Tribal Constitution of the Nenana Native Village. Unless otherwise stated specifically by ordinance, codes and ordinances may be adopted, amended, or repealed under the provisions of Chapter 2 of this Code.

### Section 2. Relation of Written Tribal Law to Unwritten Tribal Laws

It is not the intention of Nenana codes and ordinances to undermine or eliminate our traditional unwritten law that is part of our aboriginal culture and heritage. Unwritten traditional law has always been in place and codes do not displace the application of our unwritten custom law. We will continue to respect and implement the knowledge of our customs and values. Unwritten traditional law shall be the highest form of law for our Tribe.

### **Section 3. Purpose of the Nenana Code of Tribal Ordinances**

The purpose of Tribal Codes is to protect and promote the health, safety, and welfare of the Nenana tribal members and residents of the Village. The intention is to establish unity, promote and protect the traditional culture of the Tribe, and to provide an orderly framework to govern the activities within the jurisdiction of the Tribe. Our codes and ordinances are based on the customary and traditional values and laws of our people and includes ordinances as needed by the present population of the Tribe.

### **Section 4. Interpretation and Severability**

- A. Liberal Interpretation:** Nenana codes and ordinances shall be liberally interpreted to give full effect to the purposes for which they were adopted.
  
- B. Civil in Nature:** Nenana codes and ordinances shall generally be interpreted as civil in nature and any violations shall not be interpreted as a criminal offense unless specifically provided by ordinance.
  
- C. Severability:** If any provision of these ordinances, or their application to any person or legal entity or circumstances, is held invalid, the remainder of the ordinances, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.
  
- D. Unwritten Law:** The unwritten custom law of the Nenana Tribe shall remain in place and shall not be infringed upon by this Code.

### **Section 5. Definitions**

In all Nenana Codes and Ordinances, the following words and phrases shall have the following meanings unless otherwise specified:

**"Adult"** means a person who is eighteen (18) years of age or older.

**"Child" or "Minor"** means a person who is under eighteen (18) years of age.

**"Conflict of Interest"** Conflict of interest for Council members is defined in the Constitution of the Nenana Tribe as the following: "No Council member shall vote on any matter in which they cannot make a fair decision for any reason that makes them unreasonably biased. Such matters include but are not limited to hiring and firing employees, employment contracts, project funding, project allocations, and appointments to tribal committees, in which he or she has a personal interest. A personal interest includes direct benefit to his or herself, or involvement of his or her spouse or significant other, first degree relatives, any person living in the same household, or any person with whom they have a romantic relationship." Conflict of Interest shall also be defined for Nenana Tribal Court Judges in the Nenana Tribal Judicial Code.

**"Council"** means the Nenana Tribal Council. "All its members" or "all council members" means all nine positions on the Council.

**"Majority Vote"** means that the outcome of an election in which the Tribal Council or tribal voters are asked to vote in favor or against something is determined by a vote of more than 50% of the total votes cast, unless a larger number is specifically required by the Nenana Constitution or by Ordinance.

**"May"** means that something is permitted. If this word is used it means that the action specified can be done but does not have to be done.

**"Residency"** means a person lives full time on the area within the exterior boundaries of core township lands selected on behalf of the Nenana Village under the terms of the Alaska Native Claims Settlement Act.

**"Shall"** is mandatory. If this word is used, it means that the action must be done.

**"Tribal Member"** means any person who meets the eligibility requirements for membership in the Nenana Tribe as defined by the Nenana Tribal Constitution and

as clarified by the Nenana Membership and Enrollment Ordinance. Tribal members 18 and over shall be enrolled to be considered tribal members. Lineal descendants of tribal members who are under 18 years old shall be tribal members whether they are formally enrolled or not.

**"Violation"** means failing to comply with the rules of a regulated activity and involves conduct inappropriate to an orderly society, but is not a criminal offense and is not punishable by imprisonment. A person charged with a violation of the Nenana Codes is not entitled to a trial by jury or a right to a public defender.

**CHAPTER 2**  
**ADOPTING, AMENDING AND REPEALING**  
**TRIBAL CODES AND ORDINANCES**

**Section 1. Purpose** ..... 6

**Section 2. Definitions**..... 6

**Section 3. Procedures for Adopting, Amending, and Repealing Ordinances** ..... 7

**A. Proposals**..... 7

**B. Notification** ..... 7

**C. Opportunity to Speak**..... 7

**D. Making Copies Available to Tribal Members**..... 7

**E. Adoption of Proposal** ..... 7

**Section 4. Referendum Vote** ..... 8

**Section 1. Purpose**

The purpose of this Ordinance is to establish a uniform procedure for how tribal Codes and Ordinances are adopted, amended, and repealed. It is the intent of the Nenana Tribe that tribal codes shall interpret and clarify the Constitution to meet the current needs and values of the Tribe and that that tribal ordinances do not conflict with the Constitution or our traditional values and customs.

**Section 2. Definitions**

**‘Amend’** means that wording is added, taken out, or changed within an existing ordinance.

**‘Ordinance’** is a tribal law intended to establish written procedures and guidance for the Tribal Government, its members, and for those persons and entities that enter into consensual relations with the tribe or its members, or affect the health, safety and welfare, economic or political integrity of the Tribe or its members. It may be used interchangeably with the word ‘Code.’

**‘Repeal’** means that the whole ordinance or an entire section of an ordinance is removed.

“Referendum” means sending an issue to the tribal members to vote on.

### **Section 3. Procedure for the Council for Adopting, Amending, and Repealing Ordinances**

- A. Proposals:** Proposals to adopt, amend, or repeal ordinances may be submitted to the Tribal Council or to the Tribal Administrator to forward to the Council, by a council member, by any member of the Tribe, or by any person the Council requests to do so, at any regular Council meeting.
- B. Notification:** After an ordinance proposal is made to the Council, the Council shall set a time for the proposal to be discussed and/or voted on. The Council shall make the proposal available to the tribal members and shall post notice of when and where the discussion about the proposal will take place. The notice shall be posted at least 1 week before the meeting in at least three public places in Nenana, and may otherwise be advertised.
- C. Opportunity to Speak:** All meetings in which ordinance proposals are discussed, and/or voted on, shall be open to the tribal membership. Tribal members shall have the opportunity to voice their opinions, ideas, and concerns about the proposal as directed by the Council Chairperson.
- D. Making Copies Available to Tribal Members:** Copies of a proposed ordinance, amendment, or proposal to repeal shall be made available to any tribal members upon request, prior to a meeting where they are discussed. Such copies shall be made available to all persons present at the tribal meeting where they are being discussed. If an ordinance is adopted or amended, the Council shall make copies available to tribal members.
- E. Adoption of Proposal:** The Chief or any council member may move to adopt an ordinance proposal. Ordinances shall be adopted, amended or

repealed by vote of the Tribal Council, and documented by signed certification. An affirmative vote of at least 6 Council members is necessary to adopt, amend or repeal ordinances.

**Section 4. Referendum Vote:**

Ordinances shall be put to a referendum vote of the tribal members if the Tribal Constitution or ordinances so specify. The Council has the option of calling a referendum vote on ordinance proposals even if it is not specifically called for, if supported by at least 6 Council members. Elections on referendum issues shall follow the guidelines for special tribal elections. An ordinance adopted, amended, or repealed by the tribal voters it shall remain in effect until changed by the tribal voters, or expires under its own terms.



**CHAPTER 3**  
**ETHIC STANDARDS FOR CONDUCT OF ALL TRIBAL**  
**OFFICIALS, EMPLOYEES AND REPRESENTATIVES OF THE**  
**TRIBE**

**Section 1. Purpose of Ethic Standards.....9**  
**Section 2. Ethics Guidelines..... 10**  
    **A. Alcohol and Illegal Drug use .....10**  
    **B. Travel Guidelines.....10**  
    **C. Confidentiality .....10**  
    **D. Bribes ..... 10**  
    **E. Nepotism and Favoritism.....11**  
**Section 3. Violations of Ethic Standards.....11**

**Section 1. Purpose of Ethic Standards**

The Nenana Tribal Council Members, Tribal Court Judges, tribal employees and appointed representatives are the leadership of the Nenana Tribe and their actions are a reflection on the Nenana Tribal Government. The purpose of this Ordinance is to promote responsibility of the leadership and respect by the tribal members of their government. All tribal council members, judges, employees, and representatives shall follow the following guidelines outlined in this Ordinance. Persons who violate these guidelines may be subject to counseling by the Tribal Council, repaying per diem and meeting fees or other reimbursement, and/or removal from office or termination of employment. Removal of Council members shall only be considered for habitual and/or the most serious situations, and then only be carried out according to the guidelines of the Nenana Constitution. Removal of Judges shall be considered under the guidelines of the Nenana Judicial Code in addition to the ethic standards set forth in this Ordinance. Tribal employees shall follow the guidelines set for the in the Nenana Tribal Personnel Policy and may be subject to termination for gross violation.

## Section 2. Ethics Guidelines

**A. Alcohol and Illegal Drug Use:** Council members, Tribal Court Judges, all persons employed by the Tribe, or tribal representatives shall not attend any meetings, court sessions, workshops, or training sessions while carrying out the official duties of tribal office or otherwise representing the Nenana Tribe while under the influence of alcohol or illegal drugs.

**B. Travel Guidelines:** Whenever persons are traveling for the Tribe under any type of activity or business, they shall maintain high ethical behavior and conduct themselves in such a way that reflects positively on the Nenana Tribe. Persons on approved travel status shall attend all meetings or work sessions relating to the activity they are attending unless they are ill or circumstances exist beyond their control. These circumstances shall be immediately relayed to the Chief or to the Tribal Council Office.

**1. Trip Reports:** all persons traveling on per diem and representing Nenana shall make Trip reports. Trip reports shall be written, except that Elders who travel as representatives of the Tribe may orally present their trip reports at a Council meeting when minutes are being taken.

**C. Confidentiality:** Tribal officials shall not disclose or use confidential information acquired in the course of their official duties to significantly further their personal financial interest, to give a vendor or contractor an unfair advantage over other vendors or contractors, or in any personal or public social situation. Tribal Court Judges and the Tribal Court Clerk shall take an oath of confidentiality as described in the Nenana Judicial Code.

**D. Bribes:** Tribal officials shall not accept bribes for official action. Tribal officials may accept small non-monetary gifts or public awards for recognition of service.

**E. Nepotism and Favoritism:** Tribal officials shall not exert excessive influence or favoritism to pressure other tribal officials to alter decisions concerning employment or other benefits for their involvement of his or her spouse or significant other, first degree relatives, any person living in the same household, or any person with whom they have a romantic relationship.

### **Section 3. Violations of Ethic Standards**

Complaints about violations of Ethic Standards may be brought to the Tribal Council for investigation, or be brought to the Nenana Tribal Court by Petition. Employees who violate these Standards may be subject to termination under the terms of the Nenana Tribal Personnel Policy and any other personnel policy and state or federal laws that may apply. Council members, tribal court judges, or representatives of the Nenana Tribe may be removed or recalled from their positions for violation of these standards under the procedures outlined in the Nenana Constitution and tribal ordinances.

# CHAPTER 4

## NENANA TRIBAL ELECTIONS

<b>Section 1. General Guidelines for Nenana Tribal Elections.....</b>	<b>13</b>
A. Secret Ballots .....	13
B. Preparing Ballots .....	13
C. Notice of Elections .....	13
D. Outcome of Elections.....	13
E. Election Formats.....	13
F Tie Votes.....	13
G. Ballot Box .....	13
H. Proxies .....	14
I. Special Voting Arrangements for Elders and Sick Persons .....	14
<b>Section 2. Voter Qualifications and List of Voters .....</b>	<b>14</b>
A. Voter Qualifications .....	14
B. List of Qualified Voters .....	14
<b>Section 3. Election Committee .....</b>	<b>14</b>
A. Election Committee Members.....	14
B. Duties of Election Committee .....	14
C. Conflict of Interest .....	15
D. Determining who is Qualified to Vote .....	15
E. Monitoring Polls.....	15
F. Present when Ballots are Counted .....	15
G. Unclear Ballots.....	15
<b>Section 4. Elections for Tribal Council Members.....</b>	<b>15</b>
A. Election by Polling Hours .....	15
B. Place, Time, and Date of Elections.....	15
C. Notice for Elections for Council Members, Qualifications.....	16
D. Declaration of Candidacy .....	16
E. Results of Election.....	16
F. Write-In Candidates .....	16
<b>Section 5. Procedures for Special Elections .....</b>	<b>16</b>
A. Special Elections.....	16
B. Elections to decide tie votes.....	17
C. Absentee Ballots for Special Elections .....	17
D. Elections for Recalling Tribal Council Members and Initiatives .....	17
<b>Section 6. Recounts and Challenging Election Results.....</b>	<b>17</b>

## Section 1. General Guidelines for Nenana Tribal Elections

- A. **Secret Ballots:** All tribal elections shall be conducted by secret balloting.
- B. **Preparing Ballots:** Ballots shall be prepared as directed by the Nenana Tribal Council.
- C. **Notice of Elections:** Notice of tribal elections shall be posted at least 4 weeks prior to elections unless otherwise specified by tribal constitution or ordinance. Notices shall be posted in at least three public places in Nenana, including the post office, general store, tribal council office, and may otherwise be advertized.
- D. **Outcome of Elections:** For elections for tribal council members, the results shall be determined by those who receive the highest number of votes. The outcome of other elections shall be determined by a simple majority (greater than 50%) of eligible voters casting their votes during the election unless otherwise provided by the Nenana Constitution or by ordinance.
- E. **Election Formats:** In general, elections shall take place using polling hours to be set by the Nenana Tribal Council as advertized on the Notice of a tribal election. Polling hours shall be from 10 AM to 7 PM unless otherwise advertized in the Notice of Election. Elections may take place in a meeting format when called for by the tribal voters through a proper petition process specified in the Tribal Constitution or by ordinance, and a meeting quorum is established.
- F. **Tie Votes:** In the event of a tie vote, the Council shall call a special election to break the tie under the provisions of Section 5 of this Ordinance.
- G. **Ballot Box:** Cast ballots shall be kept in a locked ballot box until the votes are counted.

- H. **Proxies:** Proxy voting shall not be permitted.
  
- I. **Special Voting Arrangements for Elders and Sick Persons:** Ballots shall not be taken from the polling area, except that a designated Election Committee Member may take ballots to Elders and sick persons in Nenana who are not able to come to the polls on Election Day.

## **Section 2. Voter Qualifications and List of Voters**

- A. **Voter Qualifications:** The basic qualifications for tribal voters are listed in Article 8 of the Constitution of the Nenana Tribe: “Any enrolled tribal member of the Nenana Native Village, eighteen (18) years of age or older who is physically present at an election shall be qualified to vote.”
  
- B. **List of Qualified Voters:** The Tribal Council shall maintain a list of qualified voters, which shall be given to the Election Committee prior to elections. The list shall be all enrolled adult tribal members of the Nenana Tribe.

## **Section 3. Election Committee**

- A. **Election Committee Members:** There shall be an election committee consisting of at least two adults appointed by the Council prior to each tribal election.
  
- B. **Duties of Election Committee:** The duties of the Election Committee shall be to supervise, administer, and conduct all tribal elections. In the event of an election dispute, the determination of the Election Committee shall be final. The Committee shall allow tribal members to review results of any tribal elections and shall certify and file election results in the Tribal Council Office.

- C. Conflict of interest:** For tribal elections involving the election of Tribal Council members, no member of the Election Committee shall at the same time be a member of the Council, or be a candidate for a position on the Council.
  
- D. Determining who is Qualified to Vote:** The Election Committee shall determine that voters are qualified by comparing their names to the qualified voters list prepared by the Nenana Tribal Council and shall make sure that voters are only voting once.
  
- E. Monitoring polls:** When polling hours are used, at least one Election Committee member shall monitor the poll at all times.
  
- F. Present when ballots are counted:** For all elections, all Election Committee members shall be present when ballots are counted.
  
- G. Unclear ballots:** If a ballot cast is not clearly marked, the Election Committee shall have the authority to discard such a ballot, or the portion of the ballot that is unclear. If a ballot is discarded, the Election Committee shall make a note regarding the ballot on the Certification of Election.

#### **Section 4. Election of Nenana Tribe Council Members**

- A. Election by Polling Hours:** Elections of Tribal Council members shall be conducted through a polling process, which shall be monitored by at least 2 Election Committee members at any given time.
  
- B. Place, Time, and Date of Elections:** The Tribal Council shall determine the date of the annual elections to be held in December. The Nenana Community Hall shall be the place of tribal elections, and the polling hours shall be from 10 AM to 7 PM, unless otherwise posted.

- C. Notice for Elections for Tribal Council Members, Qualifications:** Notice of elections for tribal council seats and solicitation of candidates shall be posted at least four weeks prior to elections, and posted in at least three public places in Nenana. The notice shall state when and where the election shall be held, which seats are up, the deadline for filing a Declaration of Candidacy, and the basic qualifications for being on the Council according to the Tribal Constitution of the Nenana Native Village which are: “Enrolled tribal members who are 18 years of age or older, and who have resided in the Nenana area at least one consecutive year immediately prior to the election, is eligible to hold a position on the Native Council.”
- D. Declaration of Candidacy:** Persons wishing to run for a seat on the Nenana Native Village Council shall come to the Nenana Tribal Office and fill out a Declaration of Candidacy at least 5 days prior to the election. Persons may only run for one open seat on the Council. Persons who are already on the Council but wish to run for the Chief’s position, may do so without forfeiting their seat in the event that they are not chosen for the Chief’s position.
- E. Results of Election:** The results of elections for tribal council members shall be determined by the highest numbers of votes received for each seat.
- F. Write-in Candidates:** Ballots for tribal council elections shall have a space provided to write in candidates for each seat. The ballots shall state the basic qualifications for tribal office.

## **Section 5. Procedures for Special Elections**

- A. Special Elections:** The Council may call a special election by an affirmative vote of at least 6 Council members. The Council shall give at least a four week notice of special elections to Tribal voters. The notice shall be posted in at least three public places in Nenana and shall contain an explanation of what the election is about.



**B. Elections to Decide Tie Votes:** Special elections to determine the winner of a tie vote situation do not require approval of the Council members, but notice shall be posted at least two weeks prior to the run-off election. The same Election Committee shall be used with the same polling hours.

**C. Elections for Recalling Tribal Council Members, Tribal Court Judges, or Tribal Initiatives:** Elections for recalling tribal council members, tribal Judges, or voting on tribal initiatives, may be held in a tribal meeting format if the Council fails to call such an election after a proper recall or initiative petition has been received. At such a meeting, a quorum of 30% resident qualified tribal voters must be established and notice posted in at least 3 public places, 2 weeks prior to such a meeting.

## **Section 6. Recounts and Challenging Election Results**

**A. Recounts:** A request to conduct a recount of an election may be made within 2 days after an election by any qualified voter. Such a recount shall be done with all Election Committee members and the person requesting the recount present. The person requesting the recount shall pay for any costs associated with the recount.

**B. Challenging Election Results:** Tribal members may challenge election results if the terms of the Nenana Constitution or the Nenana Tribal Election Ordinance are violated. Such challenge may be done through a petition and election process. A petition must be circulated and signed by at least 30% qualified resident tribal voters, and submitted to the Council no later than two weeks after the challenged election. The petition shall state the alleged violation of the Nenana Constitution or Tribal Election Ordinance. Once presented to the Council, the Council shall hold a new election following the procedures outlined in the Nenana Constitution and the Tribal Election Ordinance. If the Council fails to hold such an election within 30 days after

receiving the petition, the tribal membership may meet to conduct a new election. Any tribal voter may post notice of such a meeting, which shall be posted for a minimum of 2 weeks. At such a meeting, at least 30% of the qualified resident tribal voters shall constitute a quorum.

# CHAPTER 5

## MEMBERSHIP AND ENROLLMENT

### IN THE NENANA TRIBE

Section 1. General Provisions .....	20
Section 2. Authority to Regulate Membership Issues .....	20
Section 3. Membership .....	20
A. Basic Membership Requirements .....	20
B. Base Roll .....	20
C. Lineal Descendants of Base Roll Members .....	20
D. Children of Tribal Members .....	21
E. Adoption of New Natives .....	21
F. Relinquishment of Membership .....	21
Section 4. Enrollment .....	22
A. Dual Enrollment .....	22
B. Enrollment Procedures .....	22
1. Application for Enrollment .....	22
2. Reviewing Applications .....	22
3. Approval, Disapproval, and Deferring Applications for Lineal descendants .....	22
4. Approval, Disapproval, and Deferring Applications for New Natives .....	23
5. Notification on Enrollment Decisions .....	23
C. Confidentiality of Enrollment Records .....	23
1. Secured Records .....	23
2. Special Confidentiality Arrangements .....	24
D. Current Tribal Membership Roll .....	24
1. Information on the Current Tribal Membership Roll .....	24
2. Information Changes .....	24
3. Updating the Current Membership Roll .....	24
E. Disenrollment .....	24
Section 5. Representatives of Minors and Others .....	25
A. Submitting Enrollment Applications and Signing Enrollment Cards .....	25
B. No Authority to Relinquish Membership .....	25
C. Mailings and Notifications .....	26
Section 6. Appeals Process .....	26
Section 7. Honorary Tribal Members .....	26
Section 8. Amendments to the Membership and Enrollment Ordinance .....	26

## **Section 1. General Provisions**

This Ordinance is intended to govern the membership requirements and enrollment procedures of the Nenana Tribe. The basic requirements for tribal membership are outlined in Article 3 – Membership, of the Constitution of the Nenana Tribe. This Ordinance is intended to provide clarification and procedures to those basic requirements.

## **Section 2. Authority to Regulate Membership Issues**

The Nenana Tribal Council shall have the authority to approve eligible applicants who are lineal descendants of base roll members in the Council's regular course of business, a majority vote of a quorum. By an affirmative vote of at least 6 council members, the Council may adopt new Native people into the Tribe who are not lineal descendants of base roll members, provided that they meet the qualifications described in Section 3 (E) of this Ordinance. The Council shall also have the authority to disenroll members as described under the circumstances outlined in Section 4 (E) of this Ordinance, provided that an affirmative vote of at least 6 Council members shall be required to take such action. Appeals of the Council's decisions concerning tribal membership for lineal descendants or disenrolled members may be made according to the provisions of Section 6 of this Ordinance.

## **Section 3. Membership**

- A. Basic Membership Requirements:** Article 3 of the Constitution of the Nenana Tribe outlines the basic membership requirements for the Nenana Tribe.
- B. Base Roll:** The base roll of the Nenana Tribe shall be established by the Nenana Tribal Council.
- C. Lineal Descendants of Base Roll Members:** Lineal descendants of the base roll members shall automatically be eligible for enrollment in the Nenana Tribe, provided that lineal descendants over 18 who are enrolled to

another tribe must relinquish that membership in order to be eligible for enrollment in the Nenana Tribe.

- D. Children of Tribal Members:** Children of tribal members include both biological and adopted American Indian or Alaska Native children who are adopted under tribal or state law. Parents and guardians may not relinquish tribal eligibility or disenroll their minor children from the Nenana Tribe. Minor children shall either be formally enrolled into the Nenana Tribe or be members in the Nenana Tribe by virtue of their eligibility until they reach 18 regardless of whether or not the parents or guardians enroll them into another tribe. Children who have not been formally enrolled to the Nenana Tribe by their parent or guardian and wish to be formally enrolled, may apply upon reaching 18.
- E. Adoption of New Natives:** By an affirmative vote of at least 6 Nenana Tribal Council members, new Native persons with a minimum of 1/4 Alaska Native or American Indian blood, who are not lineal descendants of a base roll member may be adopted into the Nenana Tribe, provided that they physically live in Nenana for at least 2 years prior to applying. Adopting New Natives into the Tribe is at the sole discretion of the Council, and they may be disenrolled if they move out of the Village. Children of adults who are adopted into the Tribe are not automatically eligible for membership in the Nenana Tribe unless at least one parent is a lineal descendant of a base roll member.
- F. Relinquishment of Tribal Membership:** Adult tribal members may voluntarily give up their own membership in the Nenana Tribe. The Nenana Council shall provide forms for relinquishment. The form shall be completed, signed, notarized and submitted to the Nenana Tribal Council. Minors may not give up their membership in the Nenana Tribe. Parents or guardians may not relinquish membership for their minor children.

## Section 4. Enrollment

**A. Dual Enrollment:** Dual enrollment is not permitted for persons 18 years old and older. Dual enrollment is permitted for lineal descendants under 18 years old. Lineal descendants under the age of 18 shall be tribal members whether or not they are formally enrolled, and their tribal membership may not be relinquished for any reason.

### **B. Enrollment Procedures**

- 1. Application for Enrollment:** Application forms shall be made available at the Nenana Tribal Council Office. Persons wishing to apply for enrollment in the Nenana Tribe shall submit an application to the Nenana Tribal Council. The Council shall mail applications upon request.
- 2. Reviewing Applications:** Applications shall be reviewed for accuracy and completeness by the Nenana Council, or by a designee of the Council. If an application is incomplete, the applicant shall be contacted for additional information or documentation for determining eligibility. It is the applicant's responsibility to provide evidence of eligibility in the Nenana Tribe. In general, acceptable documents demonstrating proof of eligibility include certified copies of birth certificates, baptismal records, paternity affidavits, adoption records, and affidavits from family members. The preferred documents for proof of eligibility are certified copies of birth certificates, however, other documents listed may be used depending on individual circumstances. Applications may be deferred when there is a question of eligibility and shall not be considered denied.
- 3. Approval, Disapproval, and Deferring Applications for Lineal Descendants of Base Roll Members:** After applications have gone through the review process to determine eligibility, the Council may approve, disapprove, or defer applications for persons who claim to be lineal descendants of base roll members by majority vote of a quorum of the

Council. This may be done in executive session of the Council. Persons who wish to appeal may do so under the procedure outlined in Section 6 of this Ordinance.

4. **Approval, Disapproval, and Deferring Applications for New Natives who are not Lineal Descendants of Base Roll Members:** The Tribal Council has the authority to approve, disapprove, or defer applications for Alaska Natives or American Indians who have at least 1/4 Alaska Native or American Indian blood, who are not lineal descendants of base roll members, provided that an affirmative vote of at least 6 Council members shall be required to approve New Natives. This may be done in an executive session of the Council. Persons who wish to appeal a decision made under this subsection may do so under the procedure outlined in Section 6 of this Ordinance.
5. **Notification of Enrollment Decisions:** The Council shall notify applicants within 60 days of council approval, disapproval, or deferral of their applications. Notification to applicants who are disapproved shall be made in writing through certified mail or presented in person and filing a "Statement of Service" form. Notice of disapproval shall include the reason why the applicant was disapproved and information about the appeals process.

### C. Confidentiality of Enrollment Records

1. **Secured records:** All enrollment records are confidential and shall be kept in a secured area and only be accessed by the Nenana Tribal Council or by persons specifically authorized by the Council, except that a list of members' names only, may be made available to tribal members or other parties upon approval by the Council. Other than a list of names of tribal members, enrollment records may not leave the enrollment office for any reason. The Council may maintain a list of tribal members and their mailing addresses in the Council Office for the purpose of contacting tribal

members, but shall not release the mailing addresses to anyone outside of the Council Office.

2. **Special Confidentiality Arrangements:** Special confidentiality arrangements may be made for individual tribal members at their request and upon approval by at least 6 affirmative votes of the Nenana Tribal Council. Third parties used to verify records in these cases shall be specifically approved by the Council.

#### **D. Current Tribal Membership Roll**

1. **Information on the Current Tribal Membership Roll:** The following information about approved tribal members shall be recorded on the Nenana tribal membership roll: 1. Name in alphabetical order by last name first, followed by first name and middle name; 2. Gender; 3. Date of birth; 4. Resolution number of the resolution approving membership; 5. Date of enrollment; 6. Mailing address; 8. Native blood degree; and 9. Whether they are a lineal descendant of a base roll member, or adopted into the Tribe. Other information may be recorded in a remark column.
2. **Information Changes:** Tribal members or their representatives shall be responsible for informing the Tribal Council of name, address, or other changes affecting the membership roll.
3. **Updating the Current Membership Roll:** The Nenana Tribal Membership roll shall be kept updated by the tribal staff as designated by the Tribal Council.

- E. **Disenrollment:** By affirmative vote of at least 6 Tribal Council members, the Council shall have the authority to remove persons from the tribal roll and revoke the privileges of membership under the following conditions:



- a. **False information:** An applicant falsifies information on the enrollment application in order to be eligible for enrollment; or
- b. **Permanently Banished:** A member is permanently banished by the Nenana Tribal Court from Nenana because of danger to the safety of village residents; or
- c. **Not Eligible:** A person is on the tribal roll but does not meet the minimum eligibility requirements established in the Nenana Tribal Constitution; or
- d. **Permanently Move:** New Natives who are adopted into the Nenana Tribe (not lineal descendants) may be disenrolled if they permanently move out of the Village.
- e. **Are Enrolled into Another Tribe:** A person who is over 18 and there is proof that they are enrolled into another tribe; or
- f. **Appeals:** Appeals concerning disenrollment decisions may be made under the provisions of Section 6 of this Ordinance.

## **Section 5. Representatives of Minors, Disabled, and Mentally Incompetent Persons**

Parents, legal guardians, or other adult tribal members as recognized by the Nenana Tribal Council may represent minor children, disabled, and mentally incompetent persons.

- A. **Submitting Enrollment Applications and Signing Enrollment Cards:** Parents or legal guardians may submit applications for those who cannot do so, or for their minor children and sign tribal enrollment cards on their behalf. Parents or legal guardians may not relinquish tribal enrollment or eligibility for membership in the Nenana Tribe on a child's behalf.

- B. No Authority to Relinquish Membership:** Responsible adult tribal members as recognized by the Nenana Tribal Council may submit applications and sign tribal enrollment cards on behalf of disabled and mentally incompetent persons who are unable to do it for themselves, but may not relinquish their enrollment.
  
- C. Mailings and Notifications:** All mailings, notifications and requests for appearances on behalf of applicants shall be directed to the representatives of minor children, disabled, and mentally incompetent persons.

## **Section 6. Appeals Process**

Applicants who have been disapproved or members who have been disenrolled may appeal the decision by waiting for a 2-year period and reapplying for membership.

## **Section 7. Honorary Tribal Membership**

The Nenana Tribal Council may grant the title of “Honorary Tribal Member” to individual people. Honorary memberships are restricted from voting, holding office, sharing tribal assets, and passing the title on to their descendants. Honorary memberships do not entitle people to participate in federal programs designed to benefit the welfare of Native people unless they are otherwise eligible.

## **Section 8. Amendments to the Nenana Tribal Membership and Enrollment Ordinance**

This Ordinance may be amended by affirmative vote of at least 6 Tribal Council members. Any amendments that restrict membership qualifications shall affect future tribal membership only.

**CHAPTER 6**  
**COOPERATIVE AGREEMENTS**

**Section 1. Intertribal Agreements.....27**  
**Section 2. State, Federal, and Private Party Agreements.....27**  
**Section 3. Representation of Nenana by State and Federal Agencies or by Other Entities .....27**

**Section 1. Intertribal Agreements**

The Tribal Council shall have the power, not inconsistent with the Nenana Tribal Constitution and Ordinances, to enter into intertribal agreements for the benefit of the tribal members.

**Section 2. State, Federal, and Private Party Agreements**

The Tribal Council shall have the power not inconsistent with the Nenana Tribal Constitution and Ordinances, to enter into agreements with the State of Alaska or other states, with the United States Federal Government, or with private entities and parties for the benefit of the tribal members.

**Section 3. Representation of Nenana by State and Federal Agencies or any Other Entities**

All State and Federal agencies, and all other entities that represent the interests of the Nenana Tribe shall consult with and coordinate with the Nenana Tribal Council. No entity shall receive funding on behalf of the interests of the Nenana Tribe without the permission of the Nenana Tribal Council.