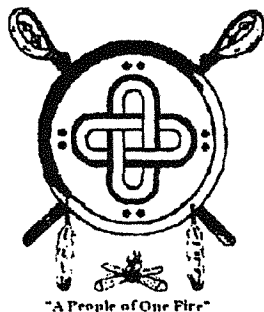


Muscogee Nation of Florida
2/7/2004 "Tribal Enrollment Ordinance #04-01-100"
Muscogee Nation of Florida Technical Assistance Response 2012



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**A Resolution Adopting the Tribal Enrollment Ordinance
#04-01-00**

WHEREAS, the Muscogee Nation of Florida (formerly known as the Florida Tribe of Eastern Creek Indians) is an Indian Tribe of West Florida and has been recognized as such in Florida State legislation,

WHEREAS, the Muscogee Nation of Florida is organized under its own Constitution and Bylaws,

WHEREAS, the Muscogee Nation of Florida has applied for federal recognition and recognizes the requirements of the federal regulations governing the process of federal recognition,

WHEREAS, the Muscogee Nation of Florida is committed to improving the social, economic and general welfare of its people,

WHEREAS, the Muscogee Nation of Florida understands the necessity of conforming its membership rolls to the Office of Federal Acknowledgement (OFA) regulations,

WHEREAS, the OFA regulations require that the membership roll have a lineage to individuals that dates back to 1900 as a cohesive, participating government,

WHEREAS, Bruce is the only Tribal Community of the Muscogee Nation of Florida that can demonstrate lineage to 1900.


THEREFORE, LET IT BE RESOLVED, that the National Council of the Muscogee Nation of Florida adopts a Tribal Enrollment Ordinance that conforms the present membership to the OFA requirements.

CERTIFICATION

The undersigned certifies that at a special meeting of the Muscogee Nation of Florida at which a

quorum was present, held on February 7, 2004. That this resolution was duly enacted by the following council members at a duly convened meeting with a vote of 14 Ayes, 0 Nays, 0 Abstentions 0 Absent.

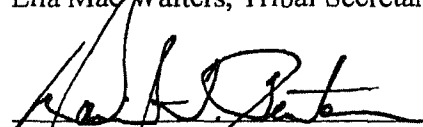
ATTEST:


Ann Tucker, Tribal Chairwoman

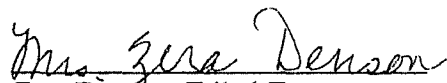
2-7-04
Date


Ella Mae Walters, Tribal Secretary

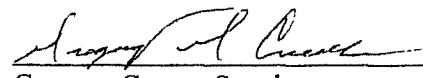
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Daniel Penton, Traditional Chief

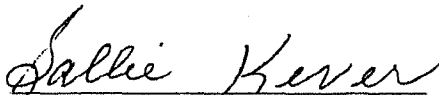
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Zera Denson, Tribal Treasurer

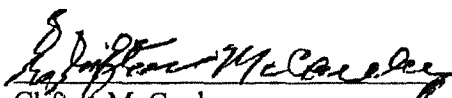
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Gregory Crews, Speaker

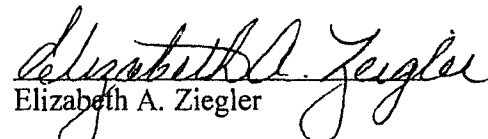
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Sallie Kever

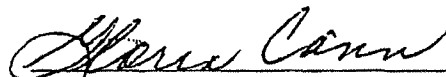
2-7-04
Date


Clifton McCauley

2-7-04
Date


Elizabeth A. Ziegler

2-7-04
Date


Gloria Cann

2-7-04
Date

William Ward

William Ward

Allen B Thomas Sr

Allen Thomas

Scott McNutt

Scott McNutt

Carolyn Bozeman

Carolyn Bozeman

Margie Gatti

Margie Gatti

2-7-04

Date

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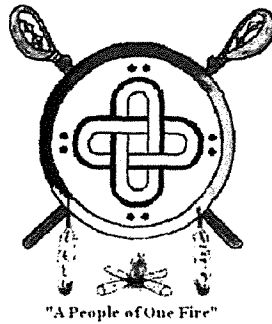
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MUSCOGEE NATION OF FLORIDA

Tribal Enrollment Ordinance Ordinance #04-01-100 (year-1st ordinance-Section 100)

Section 1. Authority

1.01. The Muscoogee Nation of Florida's National Council, by the authority granted in the Muscoogee Nation of Florida's Constitution, Article III, Section 2, hereby enacts this ordinance to establish the Tribal enrollment procedures and policies. This Ordinance shall continue in full force and effect unless and until it is modified, amended or revoked by the National Council or the General Membership.

Section 2. Persons Entitled to Membership

2.01. Eligibility for Membership. An individual is eligible for membership in the Tribe, if he/she is a lineal descendant or collateral blood relationship of a member of the Muscoogee Creek Nation, as established by the Indians listed on the Methodist Church rolls in Bruce, Florida between 1912-1922 and is not currently enrolled in any other federally recognized Indian Tribe, band, or group.

2.02. The Enrollment Committee shall review all applications from individuals seeking to prove membership in Muscogee Nation of Florida. This proof may include historical evidence of membership or blood relationship.

Section 3. Enrollment Procedure

3.01. Application forms to be filed by or for applicants for enrollment will be furnished by the Enrollment Office, upon written or oral request.

3.02. A separate application is required for each individual seeking enrollment. A parent of a minor under the age of 18 may file an enrollment application on behalf of his/her child(ren). Legal guardians of other legally incompetent persons may file enrollment applications on behalf of such persons; however, the Enrollment Office may require proof of a guardian's status as a condition of approving an application submitted on behalf of such person. The Enrollment Office shall assign a pending file number to each application received.

3.03. The burden of proof rests with each person submitting an application for enrollment to establish the applicant's eligibility for enrollment pursuant to Section 2 of this Ordinance.

3.04. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, or affidavits, may be used to support enrollment. Records of the Tribe or of the Bureau of Indian Affairs may be used to establish eligibility. The Enrollment Office may utilize documents submitted on behalf of one family member in determining another family member's eligibility.

3.05. The Enrollment Office shall complete the review of each application within 120 days after receipt of the application. The Enrollment Office shall, within that 120-day period, make a recommendation to the Enrollment Commission to either accept or reject the application, or in unusual situations, request additional information from the applicant.

3.06. The Enrollment Commission shall review each application, the recommendations of the Enrollment Office, and make its determination in writing stating the reason(s) for acceptance or rejection of the application.

3.07. If the Enrollment Commission has rejected an application for enrollment, the Commission shall set forth the reason(s) for rejection in writing, and may include any additional evidence which might be needed to approve such application, and shall provide written notice to applicant of his/her right to re-submit the application at a later date or to appeal the decision to the full membership at the next appropriate National Council meeting.

3.08. Persons whose applications for enrollment are accepted shall be assigned an enrollment number and shall be issued an enrollment card signed by the Tribal Chairperson.

Section 4. Enrollment Commission

4.01. An Enrollment Commission consisting of three (3) enrolled Tribal members shall be appointed by the Tribal Council in accordance with applicable Tribal laws and policies governing the appointment of members of Tribal Committees and Commissions. The term of office for a member of the Enrollment Commission shall be for four years. The Tribal Council shall swear in individuals appointed to the Enrollment Commission. The

terms of the Enrollment Commission members shall be as follows so as to create staggered terms of office:

- One (1) member shall be chosen at random and shall serve a two (2) year term.
- The remaining two (2) members, including any vacancies shall serve four (4) year terms.

4.02. The members of the Enrollment Commission shall select one (1) member to serve as Chairperson of the Commission. The Enrollment Commission shall meet at least once a month or as often as necessary. The Commission Chairperson shall call all meetings when it is determined that there is a need for a meeting by providing seven (7) days prior written notice. All other rules of procedure for the conduct of meetings shall be determined in accordance with any applicable Tribal Ordinances or policies governing the conduct of meetings.

4.03. In addition to the responsibilities described in Section 3 of this Ordinance, the Enrollment Commission shall advise the Enrollment Office, other pertinent staff and the Tribal Council as to how the enrollment process may be made as fair and equitable as possible. The Enrollment Commission shall also assist in the preparation of any special rolls, including rolls of Tribal members eligible for monetary payments or other benefits that may accrue to members.

Section 5. Maintenance of the Roll

5.01. The Enrollment Office shall ensure that the roll of Tribal members is kept current.

5.02. The Enrollment Office shall prepare a minimum of four copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain for each person a

roll number, name, address, sex, date of birth, and date of death. The membership roll shall be updated periodically or, at a minimum, annually, to add newly enrolled members.

Section 6. Disenrollment

6.01. Grounds for Disenrollment. Any enrolled member of the Tribe who applies for and becomes an enrolled member of any other federally recognized Indian Tribe, Band or group subsequent to his/her enrollment in the Muscogee Nation of Florida, shall thereby forfeit his/her membership in the Muscogee Nation of Florida. The Enrollment Commission may make recommendations to the National Council for other grounds for disenrollment. Only the full membership, by majority vote, may approve any additional grounds for disenrollment not contained in this Ordinance.

6.02. Procedure for Disenrollment. Upon receiving information that one or more of the grounds for disenrollment exist, the Tribal Enrollment Office shall contact the member, or the member's parent or guardian, and inform such person of the fact they will be disenrolled, the reason for such person's disenrollment and opportunity to provide evidence why he/she should not be disenrolled.

6.03 Notice. The notice required under subsection 6.02 shall be mailed to such person's last known address by registered mail, return-receipt requested, at least ninety (90) days prior to disenrolling such person. If, after thirty (30) days, there is no response, and the grounds for disenrollment are verified by the Enrollment Office, the Enrollment Office shall submit a certificate of disenrollment to the Enrollment Commission along with a written report.

6.04. Certifying Disenrollment. If the Enrollment Commission determines that the disenrollment report is correct, the certification of disenrollment shall be entered. Upon

entering the certification for disenrollment, the Enrollment Office shall provide the affected person(s), or such person(s)'s parent or guardian, notice of the Enrollment Commission's action and inform such person(s) of the appeals procedure.

6.05. Banning Reapplication for Membership. A Tribal member who is disenrolled because it has been verified that such person has applied for and become an enrolled member of another federally recognized Indian Tribe, Band or group, that person shall be banned from re-applying for membership.

Section 7. Relinquishment of Membership

7.01. Relinquishment Defined. "Relinquishment" is an act by which an enrolled member voluntarily and officially gives up the right of Tribal membership. It is an action that can be taken only by that individual.

7.02. Relinquishment Procedure. An individual may relinquish membership by submitting a written and signed statement to the Enrollment Office requesting that his/her name be removed from the membership roll. The only acceptable proof of relinquishment is the signed, notarized letter of relinquishment. Once an individual has relinquished his/her membership, that individual shall be banned from reapplying for enrollment for a period of five (5) years. However, Section 6.05 shall apply regardless of whether the member voluntarily relinquished their membership or was disenrolled. Membership of a minor or other incompetent person may be relinquished by the parents or legal guardian; however, in such an event, a minor may re-apply upon reaching the age of eighteen (18). An incompetent person's relinquishment may be corrected by that individual by proving competency.

Section 8. Appeal of Enrollment Decisions

8.01. All appeals from decisions of the Enrollment Office or Enrollment Commission shall be heard by the Tribal Traditional Chief or the National Council.

8.02. Any person, including the parent or legal guardian of a minor or incompetent, who has been rejected for enrollment or subject to disenrollment has a right to appeal the decision of the Enrollment Commission.

8.03. The applicant appealing a decision of the Enrollment Commission shall bear the burden of proof on appeal.

8.04. All appeals shall be made in writing. An applicant shall have sixty (60) calendar days from the date of the adverse decision to file an appeal.

8.05. An applicant shall be granted a sixty (60) day extension to file his/her appeal if a written request for an extension is filed within the sixty (60) day period described in Section 8.04.

8.06. Parties may submit any additional supporting evidence or documents which were not previously furnished to the Enrollment Office or Enrollment Commission and may include a copy of or reference to applicable Tribal records or records of the Bureau of Indian Affairs which relate to the applicant's eligibility for enrollment under this Ordinance.

8.07. The Traditional Chief or National Council shall permit all parties to examine records submitted on appeal and to provide testimony or other evidence, which would support or refute the application for membership or continuance of membership.

Section 9. Confidentiality

9.01. Records Subject to Confidentiality Provisions. As used in this Ordinance, "records" or "enrollment files" means any item or information about or collected from individuals, including, but not limited to, birth certificates, genealogy reports, or other documents that contain the individual's name, or identifying particulars assigned to the individual, such as photographs, which information is collected for the purpose of determining the eligibility for enrollment in the Tribe of an individual or members of an individual's family.

9.02. Assuring Integrity of Records. When maintained in manual form, enrollment files shall maintained following safeguards, or safeguards affording the highest level of protection. Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons. During working hours, the area in which the records are maintained or regularly used shall be occupied by authorized personnel or access to the records shall be restricted by their storage in locked metal file cabinets or a locked room. During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room. When maintained in computerized form, enrollment files and records shall be maintained subject to safeguards, which are adequate and appropriate to assuring the integrity of records in the system.

9.03. Individuals Authorized. Persons Authorized to Review Records. Unless disclosure to a particular person or persons is necessary under this Ordinance, records contained in individual enrollment files may only be handled and reviewed by the following persons:

- The individual themselves;

- the Enrollment Office;
- members of the Enrollment Commission;
- the Traditional Chief or National Council reviewing or hearing an appeal regarding a particular enrollment application or file.

9.04. Disclosure of Records. No records contained in an individual member's enrollment files may be disclosed by any means of communication to any person, or another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains or upon an order of a court of competent jurisdiction.

Specific Exceptions. The prohibition does not apply where the record would be:

- To a recipient who has provided the Enrollment Office or other person responsible for the record system in which the documents contained in the enrollment files are maintained with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the records are to be transferred in a form that is not individually identifiable.
- To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual.
- Pursuant to the order of the National Council upon a showing of good cause.

9.05. Requests for Access to Records. A request for access to records contained in enrollment files shall be made in writing to the Enrollment Office. No particular form is required for a decision granting access to records. The decision shall, however, advise the individual requesting the record as to where and when the record is available for

inspection or, as the as may be, where and when copies will be available. If fees are due for collecting and/or copying records, the individual shall also be notified of the amount of fees due. A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to the National Council. This appeal must be filed no later than twenty (20) days after the date of the denial.

Section 10. Savings Provision

If any section, subsection, paragraph, sentence or other portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, the holding shall not affect the validity of the remaining portions thereof. This Ordinance shall supercede all other ordinances, codes or resolutions passed prior to the date this ordinance is enacted.