



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 04-0114-13

Temporary Amendments to Enrollment Ordinance to Allow for Digital Copying of All Records

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council has received quotes and recommendations regarding the process by which the enrollment records shall be audited; and

WHEREAS, the Tribal Council is aware that the records have been reviewed by the Enrollment Department during the interim period for which the audit was to have been conducted in order to begin the auditing processes by conducting the first review of the records; and

WHEREAS, the Enrollment Department has submitted an initial audit report, or has attempted to submit an initial audit report; and

WHEREAS, the Tribal Council is aware of litigation regarding the Tribe's enrollment process by members and applicants; and

WHEREAS, the Tribal Council has concerns regarding the condition, conduct, and maintenance of the enrollment records and desires to reduce the records to digital

form and seal the current existing hard copies of the records until a complete review of every file can be conducted in a timely, objective and reasonable manner;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby directs that the following emergency temporary Enrollment Ordinance shall be effective upon adoption of this resolution.

Section 13. Digital Copying of Enrollment Records; Sealing Enrollment Records

13.01. *Sealing Records.* The Enrollment Department shall immediately –

- a. collect all files and records in a single area;
- b. collect all pending applications and place in a single area;
- c. place all files and records in a locked cabinet and secure all locks;
- d. lock all rooms containing files; and
- e. deliver such keys to cabinets and rooms to the Tribal Council Recorder.

13.02. *Digital Copies.* The Tribal Council has engaged a company with suitable qualifications and confidentiality agreements to make a digital copy of all enrollment records and to return that digital copy to the Tribe as soon as possible.

13.03. *Utilization of File Documents.*

- a. Upon return of the digital copies, the Information Services Department shall cause to make available, on-line, in a directory or other form, the digital records restricted to use by the Enrollment Department and Enrollment Commissioners in the course of their regular duties and for access by no other persons. The Information Services Department shall instruct the Enrollment Department and Enrollment Commissioners on how to access the documents. Finally, the Information Services Department shall forward a certification to the Tribal Council Recorder and Chairperson of the Enrollment Commission that the records are restricted to use only by authorized persons.
- b. Upon return of the digital copies, the Tribal Council Recorder shall maintain the copies in a secure manner for use by the firm or persons engaged to conduct a review of the enrollment records.
- c. The documents of the Enrollment Department shall continue to be maintained in a sealed manner and shall not be accessed by any person without written authorization of the Tribal Council.

Section 14. Existing and New Applications

14.01. *Existing and New Applications.* All applications, whether submitted at the time of adoption of these temporary amendments or after adoption of these temporary amendments, shall be required to provide sufficient documentation regarding all relations, whether or not the relatives are already enrolled to determine the constitutional requirements of relation and degree of blood.

14.02. *Use of Existing Decisions.* The Enrollment Department and the Enrollment Commission are prohibited from utilizing existing enrollment decisions regarding relatives of applicants for enrollment to determine blood quantum or relation. The Enrollment Department and the Enrollment Commission may utilize existing records collected by the

Enrollment Department on other applications for enrollment for making determinations in an application.

14.03. *Extension of Time Lines for Reviewing Applications and Making Decisions.* All deadlines set forth in the Enrollment Ordinance regarding research and decisions made by the Enrollment Department and/or the Enrollment Commission are hereby extended by an additional 90 days to allow for the development of information as a result of the restriction in section 14.02.

Section 15. Enrollment Record Review

15.01. *Audit; Bi-Annual Audit Suspended.* The Bi-Annual Audit requirement in Section 7 shall be suspended.

15.02. *Review of Enrollment Record.* The Tribal Council shall engage a firm or persons to conduct a review of every enrollment record to determine accuracy of the file and the determination. All enrollment records shall have an individual report regarding –

- a. Sufficiency of evidence to support assertions;
- b. Recommendation regarding accuracy of descendant relationships and blood quantum;
- c. Recommendation, if any, regarding evidence that could support missing information.

15.03. *Enrollment Commission Re-Determination.* The Enrollment Commission shall be presented each file and shall make a determination regarding each file regarding the enrollment eligibility. Each individual decision shall have the right of appeal as set forth in sections 5.06 through 5.11.

15.04. *Restriction on Participation in Decision.* No Enrollment Commissioner shall participate in any decision making process regarding a file to which he or she may be personally affected by the outcome of that decision or where their son daughter, grandchildren or other like relation may be affected by the outcome.

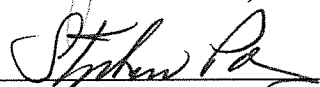
IT IS FURTHER RESOLVED THAT the Tribal Council hereby adopts these emergency temporary amendments to be effective until repealed by resolution of the Tribal Council.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 1 ABSTAINING, and 2 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on January 14, 2004, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court