



# The Grand Traverse Band of Ottawa and Chippewa Indians

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682 • (231) 534-7750

**COPY**

## TRIBAL COUNCIL RESOLUTION Resolution #07-25.1843

REC'D SEP 19 2007

### AMENDMENTS TO ENROLLMENT ORDINANCE

- WHEREAS:** The Grand Traverse Band of Ottawa and Chippewa Indians (GTB) became federally-recognized as an Indian Tribe having a government-to-government relationship with the United States effective May 27, 1980 (see 45 Fed. Reg. 18321-322 (March 25, 1980)); and
- WHEREAS:** GTB is organized under a Tribal Constitution approved by the Secretary of the Interior on March 29, 1988; and
- WHEREAS:** GTB has elected a full governmental Tribal Council consisting of Robert Kewaygoshkum, Tribal Chairman; Cornelia TwoCrow, Vice Chair; Joseph C. Raphael, Treasurer; Sandra L. Witherspoon, Secretary; Derek J. Bailey, Councilor; Rebecca Woods, Councilor; and David Arroyo, Councilor; and
- WHEREAS:** Article IV, Section (1)(c) of the Tribal Constitution provides that a power of the Tribal Council is “[t]o make all laws, not inconsistent with this Constitution, which shall be necessary and proper to carry out the sovereign powers of the Tribe, and to implement and enforce the same;” and
- WHEREAS:** The Tribal Enrollment Ordinance was adopted by Tribal Council on July 19, 2006, and readopted on August 30, 2006, by Tribal Act #03-21.1319; and
- WHEREAS:** The Grand Traverse Band Legal Department has discovered a grammatical error in GTBC § 8.03; and
- WHEREAS:** A correction of this grammatical error will significantly increase the ability of a reader to interpret the spirit and meaning of this section of the Code; and
- WHEREAS:** By Resolution #06-24.1696, the Tribal Council amended the Revenue Allocation Ordinance distribution dates of the minors’ gaming per capita trust funds found at 18 GTBC § 1604 (a) (d) from ages 21, 22, 23 and 24 to ages 19, 20 and 21; and
- WHEREAS:** The Tribal Council desires to make conforming amendments to the Enrollment Ordinance found at 7 GTBC § 8.03; and
- WHEREAS:** 18 GTBC § 1611(a) provides:
- “...[t]he per capita benefits for any qualified Tribal member shall be mailed to the last known address of the member on file with the GTB Tribal enrollment office unless the Tribal member has timely filed a notarized “Per Capita Direct Deposit Form” with the per capita officer to receive per capita benefits in a direct deposit transaction into the Tribal member’s personal bank account...”*; and

**WHEREAS:** 18 GTBC § 1611(b) provides:

*“[p]er capita benefits returned to the GTB as undeliverable shall be maintained by the GTB and/or deposited into an interest-bearing escrow account. The eligible member has until five (5) business days before the next scheduled distribution of benefits to claim the returned benefits. If the returned benefits are not claimed within that time period, the benefits revert back to the GTB per capita fund.”* and

**WHEREAS:** 7 GTBC § 7.03. Procedure for Disenrollment reads:

Upon receiving notice that one (1) or more of the grounds for disenrollment exists, the Membership Department Manager shall:

- (a) *“Contact the Tribal member, or the Tribal member’s legal parent or guardian, and inform such Tribal member that he/she will be disenrolled, the reason for such Tribal member’s disenrollment and provide notice of the opportunity to provide arguments and evidence why he/she should not be disenrolled.”*; and
- (b) *The notice required under paragraph (a) above shall be mailed to such Tribal member’s last known address by registered mail, return receipt requested, at least thirty (30) calendar days prior to disenrolling such Tribal member.; and*

**WHEREAS:** 1 GTBC § 108- Effective Date of New Laws reads:

- (a) *“Immediately. The Tribal Council may designate a proposed ordinance as an emergency and suspend the above rules upon a finding that legislative action is immediately necessary to protect the health, welfare, public security or economic status of the Tribe.*
- (b) *A new law may be given immediate effect if approved by four (4) members of the Tribal Council.”*

**NOW THEREFORE BE IT RESOLVED** that the Tribal Council hereby amends GTBC § 8.03 as follows:

- 8.03 ~~Upon the relinquishment of a minor child shall be deemed by the Tribal Council to have a~~  
Upon the acceptance of the minor child’s relinquishment, the Tribal Council shall deem the child to have a present perfected interest in the minor’s per capita gaming account and

the minor's land claims account; provided, however, that distributions will not occur until the minor attains the age of eighteen (18) years for his/her land claims distribution and the age of ~~twenty-one (21) years~~ nineteen (19) years for his/her per capita gaming account distribution consistent with the amended Revenue Allocation Ordinance.

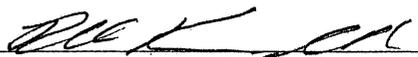
**BE IT FURTHER RESOLVED** that the Tribal Council hereby amends 7 GTBC § 7.03(b) to read as follows:

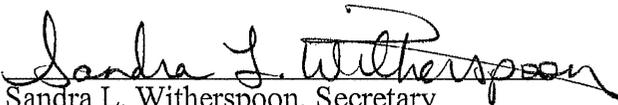
- (b) The notice required under paragraph (a) above shall be mailed to such Tribal member's last known address by registered mail, return receipt requested, at least thirty (30) calendar days prior to disenrolling such Tribal member. If the notice sent by registered mail is returned to the Tribe as undeliverable, unclaimed, or in any other manner indicating the last known address of the Tribal member is no longer valid, a presumption shall exist that any further mailings or distributions specifically limited to per capita pursuant to 18 GTBC § 1611(b), will be undeliverable or unclaimed so such mailings or distributions will no longer occur until the Tribal member follows the provisions of 18 GTBC §§ 1611 (a) and 1611(b) to claim such benefits or verify residence. As a condition precedent to obtaining any benefit under the terms of 18 GTBC § 1611(a) and 18 GTBC 1611(b), service of notice under 7 GTBC § 703(b) shall be effected prior to the delivery of any benefit under 18 GTBC § 1611(b).

**BE IT FURTHER RESOLVED** that under 1 GTBC § 108 the Tribal Council hereby enacts these amendments effective immediately.

**APPROVED:**

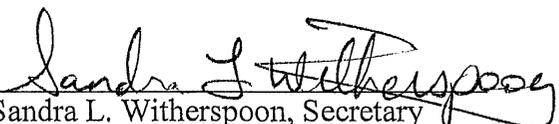
**ADOPTED:**

  
Robert Kewaygoshkum, Chairman

  
Sandra L. Witherspoon, Secretary

**CERTIFICATION**

As Secretary of the Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians, I hereby certify that the above resolution was approved and adopted at a regular session of the Tribal Council held in Peshawbestown, Michigan, on September 19, 2007, by a vote of 4 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT.

ATTEST:   
Sandra L. Witherspoon, Secretary