



A RESOLUTION OF THE TRIBAL COUNCIL OF THE DELAWARE TRIBE OF INDIANS TO AMEND SECTION 6 OF TRIBAL MEMBERSHIP ACT

RESOLUTION 2016-33

WHEREAS, the Delaware Tribal Council is authorized by Article V of the Constitution and Bylaws of the Delaware Tribe of Indians to represent and act in all matters that concern the general welfare of the Tribe; and,

WHEREAS, the Tribal Membership Act was adopted by Resolution # 2000-14 by the Delaware Tribal Council on March 20, 2000, and,

WHEREAS, said Tribal Membership Act has required several amendments since its adoption (Resolutions 2001-21, 2005-20, 2013-44, 2015-14, 2015-49)

WHEREAS, Section 6 of the Membership Act is entitled and sets forth Processing Procedures and Requirements **which have become dated** and time frames which fluctuate over time and application numbers and would best be left to the Enrollment Director and Enrollment Oversight Committees discretion as opposed to being subject to repeated amendments of the Enrollment Act, and,

WHEREAS, the current Enrollment Director proposes that the following revisions be made to Section 6 of the Membership Act:

Section 6. Processing Procedures and Requirements.

(A) ~~— All applications for enrollment shall be hand-delivered or mailed to the Delaware Enrollment Office.~~

- ~~(1) — Immediately file stamp date the application and send acknowledgment of receipt to the applicant within thirty (30) days of receipt;~~
- ~~(2) — Create a permanent file for the application and supporting documents;~~
- ~~(3) — Notify applicant of any deficiencies in the application and advise applicant of the documentation needed within thirty (30) days of receipt of application which shall be provided by the applicant no later than within one year of the notification;~~
- ~~(4) — Contact other tribes in writing and request verification in writing of applicant's dual enrollment or eligibility for enrollment in other tribes, and any available blood quantum information, if applicable;~~
- ~~(5) — Make an initial determination as to whether applicant is eligible for membership consistent with this act and Article II of the Delaware Constitution which shall be duly approved in writing by the Enrollment Director;~~
- ~~(6) — Upon making an initial determination of eligibility, calculate the blood quantum for the applicant as further provided herein.~~

(7) ~~Once an initial determination has been made a number shall be assigned which will from then on be used to identify the applicant even if the application is rejected"~~

Section 6A should be stricken in entirety and replaced with the following:

Section 6. Processing Procedures and Requirements.

- A. Upon receipt, the Enrollment Office shall date stamp the application, make an initial determination as to whether applicant is eligible for membership consistent with Article II of the Delaware Constitution and this act, notify the applicant of any deficiencies in the application and advise the applicant of the documentation needed.

WHEREAS, Section 6B of the Delaware Tribal Membership Act originally stated:

Upon making an initial determination, the Enrollment Director shall prepare proposed written resolutions accepting or rejecting an application for enrollment for submission to the Tribal Council for action. Said resolution shall contain the full name of the applicant, the calculated blood quantum, and the basis for the acceptance or rejection of the application. Each proposed Tribal Council resolution may address more than one application, and,

WHEREAS, the requirements set forth in Section 6B of the Delaware Tribal Membership Act were found to pose a violation of the privacy of new members by publishing their names and blood quantum in a public document prompting Resolution 2015-14 which changed the information required to appear on new enrollment resolutions presented to the Council , and,

WHEREAS, the Delaware Tribal Council now has since expressed its desire to again change the information required to appear on said resolutions, and,

WHEREAS, in an effort to allow some flexibility to the Council and Enrollment Department in regard to the information deemed necessary by the Delaware Tribal Council to appear on resolutions presented to them for approval it is now suggested that the following change be made to Section 6 B:

Upon making an initial determination, the Enrollment Director shall prepare proposed written resolutions accepting or rejecting an application for enrollment for submission to the Tribal Council for action. ~~Said resolution shall contain the full name of applicant, the calculated blood quantum, and the basis for the acceptance or rejection of the application.~~ Each proposed Tribal Council resolution may address more than one application.

WHEREAS, Section 6 C also sets forth specific time frames and procedures which as in Section 6A have become out of date or found to fluctuate so that they are better left to departmental policies and procedures as opposed to being set forth by the Tribal Membership Act itself, and,

WHEREAS, the following changes to Section 6C leave the basic procedural steps outlined but reflect more up to date procedures and allow some flexibility in timeframes and operational policies

(C) Upon approval by the Tribal Council of an applicant's enrollment, the Enrollment Office shall:

- 1) Assign to the tribal member a new, permanent enrollment number which shall never have been previously assigned and which shall never again be reassigned - even upon the relinquishment of membership or the death of the tribal member. Upon reapplication for membership following relinquishment, the tribal member shall be reassigned his or her permanent enrollment number.
- 2) ~~Prepare a membership card for the tribal member as further provided herein~~

Enter the applicants information into the Tribes Enrollment system and/or electronic database

- 3) Prepare and mail the new membership card with a notification of enrollment approval ~~by certified mail to the applicant within thirty (30) days of Tribal Council approval. The Tribal Enrollment Office shall include with the new membership card a notice of the right and procedures for appealing the blood quantum calculation.~~ 3)

THEREFORE, In order to allow for fluctuation in regard to the operating policies and procedures of both the Enrollment Department and Delaware Tribal Council without requiring an amendment of the official Tribal Membership Act, from this point forward Section 6 of the Delaware Tribal Membership Act shall read as follows:

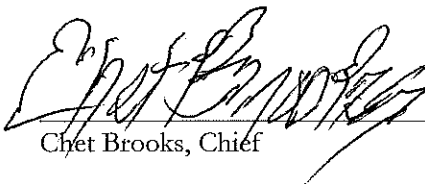
Section 6. Processing Procedures and Requirements.

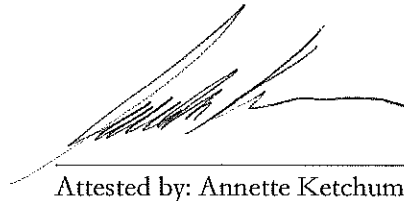
- A. Upon receipt, the Enrollment Office shall date stamp the application, make an initial determination as to whether applicant is eligible for membership consistent with Article II of the Delaware Constitution and this act, notify the applicant of any deficiencies in the application and advise the applicant of the documentation needed.
- B. Upon making an initial determination, the Enrollment Director shall prepare proposed written resolutions accepting or rejecting an application for enrollment for submission to the Tribal Council for action.
- C. Upon approval by the Tribal Council of an applicant's enrollment, the Enrollment Office shall:
 - 1) Assign to the tribal member a new, permanent enrollment number which shall never have been previously assigned and which shall never again be reassigned - even upon the relinquishment of membership or the death of the tribal member. Upon reapplication for membership following relinquishment, the tribal member shall be reassigned his or her permanent enrollment number.
 - 2) Enter the applicants information into the Tribes enrollment system and/or electronic database
 - 3) Prepare and mail the new membership card with a notification of enrollment approval to the applicant

NOW THEREFORE BE IT RESOLVED, that the Delaware Tribal Council of the Delaware Tribe of Indians hereby authorize and approve the amendments to section 6 of the Tribal Membership Act.

CERTIFICATION

I hereby certify that the foregoing was considered by the Delaware Tribal Council of the Delaware Tribe of Indians and adopted this 17th day of MAY 2016 with a vote of 5 yes, 0 no, and 0 abstaining.


Chet Brooks, Chief


Attested by: Annette Ketchum, Sec

