

UPDATED PROPOSED RESOLUTION

A RESOLUTION TO FORMALLY AFFIRM ENROLLMENT AND MEMBERSHIP PROVISIONS

ONC Resolution # _____

Sponsored by concerned ONC Tribal Members for introduction, open discussion, and Council Roll Call YES/NO vote at the Apr 14, 2021 1:30 pm AKDT Special COVID-Safe Zoom Meeting

First Draft for Circulation, Review, and Comment Friday morning, Mar 26, 2021

Second Updated Draft for Circulation, Review, and Comment Friday morning, Apr 2, 2021

Updated 4th Draft for circulation, review, and comment, April 4 and 7, 2021

Updated 5th Draft for circulation, review, and comment, April 9, 2021

Tracking Number: **TBD**

- **ONC Web Posting Date/Member Comment Period start Requested: March 26, 2021**
- **Read. Circulate. Ask to be invited in. Listen & Learn. Be among People to Be Heard.**
- *Comments and Requests to ONC Self-Governance Director: sswope@nativecouncil.org*
 - ✓ **ONC hand-delivered Mar 26 First Draft to Council members: Mar 31, 2021**
 - Joint Committee Review and Vote Dates: **TBD**
 - Member input and comment on Joint Committee Recommendations: **TBD**
- **Full Council Introduction, Discussion, and Yes/No Roll Call Vote: Apr 14, 2021**

A Resolution formally authorizing the approval of mis-denied—yet qualified—Descendants of ONC Original (Base) and Adopted Members, and a directive to hire a full-time Tribal Enrollment Officer/Director and to empower the Self-Governance Director and assigned support staff to update and implement a standardized and legally compliant and timely process for evaluating Descendant enrollment applications already received and to be received, and for those evaluations and considerations for decision-making about the provision of membership rights, benefits, and services be duly authorized and then made readily available to tribal members in strict accordance to enrollment and membership provisions outlined in the 2002 Constitution, 2003 Ordinance 96-1(a), 2016 Ordinance 96-2, and other applicable tribal laws.

1. WHEREAS, the Orutsararmiut Traditional Native Council is a federally recognized Indian government recognized by the laws of the United States of America; and
2. WHEREAS, the Orutsararmiut Traditional Native Council has an alternative BIA listing as Orutsararmiut Native Village (aka Bethel), and is typically referred to as Orutsararmiut Native Council, or ONC; and
3. WHEREAS, the ONC Tribal Council (Council) is a governing body of the Orutsararmiut Traditional Native Council; and

4. WHEREAS, the ONC Tribal Council met in a special meeting (noticed on the ONC website on Feb 8, 2021 as an “emergency” meeting) and convened on the 9th day of Feb, 2021, Tuesday, at 5:3X pm, and there being a full quorum present; and
5. WHEREAS, the Council reserves certain and limited powers authorized by the ONC Constitution (2002) and Ordinance 96-2 (2016) to act on behalf of the Tribe as a whole; and
6. WHEREAS, the Council acknowledges to *all* tribal citizens and affirms that:
 - a. enrollment and membership,
 - b. the exercise of equal membership rights; and
 - c. the provision of equal access to membership governance, benefits, and services; and
 - d. Items 6a to 6c are among the most serious issues facing:
 - i. Original (Base or Basic) Tribal Members,
 - ii. Adopted Tribal Members,
 - iii. *each* and *all* of our Descendants, and indeed our amalgamated Tribe as a whole; and
7. WHEREAS, the physical, mental, social, spiritual, and economic well-being of Original (Base or Basic) Tribal Members and our Descendants, Adopted Tribal Members and their Descendants, and indeed the viable continuance of ONC as a Tribe across current and coming generations is of paramount and pressing concern; and
8. WHEREAS, to bestow honor back; and
 - a. To accept all minor children of tribal members made known to ONC as tribal members with simple verification of lineage to a known tribal member through a birth certificate, affidavit, or legal document establishing the relationship and without continuation of the erroneous stipulation to present a *Certificate of Degree of Indian Blood (CDIB or CIB)*; and
 - b. To afford inherent rights to those known-to-be-qualified Descendant membership applicants wrongly denied membership based on some ONC Council members self-admitted improper prioritization of a “blood quantum” standard to adult and minor child Descendant enrollment applications; and
 - c. the full Council will take timely steps to acknowledge and accept on an ongoing basis those adult and minor child Descendants as Tribal Members in accordance with the Constitution (2002) and Ordinance 96-2 (2016); and
 - d. the full Council will take timely steps on an ongoing basis to protect the rights to membership, tribal resources, and self-governance for all eligible citizens in accordance with the 2002 Constitution, 2003 Ordinance 96-1(a), and 2016 Ordinance 96-2; and
9. WHEREAS, as a specific show of good faith to:
 - a. qualified Descendant enrollment applicants affected and not yet formally brought to the attention of the full Council; and
 - b. in keeping with enrollment considerations specifically put forward for reconsideration at the **Feb 3, 2021 regular ONC meeting** by the Tribal Member parent and Legal Sponsor of second and third generation multiple Base Member **Descendant and minor child** with supporting statements of Base and

- Descendant Tribal Members on record, and the Base Tribal Member parent of several first and second generation **Descendant adult** applicants; and
- c. the *full* Council met in special/emergency session **on Feb 9, 2021 and approved enrollment applications of four qualified Descendants** in accordance with the 2002 Constitution and 2016 Ordinance 96-2; and
 - d. the *full* Council met in regular session **on Mar 3, 2021 and approved enrollment applications of fifty one of 70+ additional qualified Descendants** with *approvals only* in accordance with the 2002 Constitution and 2016 Ordinance 96-2; and
 - e. the *full* Council met in regular session **on Apr 7, 2021 and approved enrollment applications of forty eight additional qualified Descendants** with *approvals only* in accordance with the 2002 Constitution and 2016 Ordinance 96-2; and
 - f. the *full* Council **will meet in regular session on May 5, 2021 to approve or deny additional enrollment applications of qualified Descendants**, that those approvals or denials, and *all* future reviews will be made strictly in accordance with the 2002 Constitution and 2016 Ordinance 96-2, including item #8 above; and
10. WHEREAS, in support of items #5 through #9:
- a. a full-time Tribal Enrollment Officer/Director position is warranted; and
 - b. an allocation of earmarked federal (and any matching funds) received by ONC to carry out core essential functions and services is necessary:
 - i. for the essential purpose and critical responsibility of timely, ongoing, and audited review of child and adult Descendant applications for forwarding to the *full* Council for timely, specific, and reserved authority of approval *or denial*, including all current pending, incoming, and past denied applicants; and
 - ii. for the full-time Tribal Enrollment Officer/Director to remain on staff to lawfully and timely process all received applications for reserved *full* Council authorization to review, solicit additional *required* verification information as necessary, and then exercise reserved authority to approve *or deny*; and
 - iii. to identify chronic, new, and emergent enrollment and membership rights issues that arise and make Council mandated and *specifically delegated* recommendations to the *full* Council to ensure ongoing compliance with Ordinance 96-2, Section 6, including specific provisions for rights and methods available to appeal determinations; and
11. WHEREAS, it has surfaced that both minor children and adult qualified—first, second, and third generation-plus—Descendant applicants have been mis-denied without properly *and* specifically delegated authority for a significant time and therefore, as a result, some qualified Tribal Members have not, by recent example, received consideration for 2020 and 2021 federal CARES Relief funding based on those mistakes:

- a. the Council directs that the *verified* names of *all* qualified member applicants be compiled and forwarded to the *full* Council for review and acceptance *or* denial; and
 - b. those accepted members be promptly and directly contacted with steps taken to make qualified members whole to receive equitable tribal resources received from:
 - i. federal and state governments,
 - ii. private sources,
 - iii. any gaming (pull tab) receipts; and
 - iv. all other current and future available services and benefits denied to Descendants because of prior misinterpretation(s) based on prioritization of *blood quantum* or other unlawful reasons; and
 - c. that the *full* Council will immediately accept those members and therefore correct improper errors in denying Descendants their rights:
 - i. to services and benefits; and
 - ii. those rights include relief made available from federal COVID Relief funds awarded by and anticipated from the US Treasury, BIA, HUD, ACF, etc.; and
 - iii. including ongoing member rights of *all* adult Tribal Members to participate and vote in tribal matters; and
12. WHEREAS, all ONC Council reserved and properly delegated and reported decisions will:
- a. give equal and equitable consideration to *all* Tribal Members and Descendants on a continual and ongoing basis; and
 - b. steadfastly uphold the Constitution provision of equal rights to share *all* tribal membership rights, resources, benefits, and services irrespective of whether Members and Descendants reside:
 - i. in Bethel,
 - ii. among in-region YK villages,
 - iii. on the road system and other places in Alaska; and
 - iv. outside Alaska, including US states and territories, and other countries.
 - c. this reaffirmation includes:
 - i. taking immediate and ongoing steps to ensure seated Council member accountability to the tribe as a whole; and
 - ii. the requirement of ongoing Council and ONC staff training and a standards requiring consistent and continual demonstration of due diligence and care to *all* tribal members; and
 - iii. the Council's pledge to *openly* deliberate on and authorize appropriate actions to stop intentional and unintentional disenfranchisement, in accordance to the 2002 Constitution Article IV, Section 1 and 2003 Ordinance 96-1(a) and 2016 Ordinance 96.2; and
13. WHEREAS, ONC values and affirms deep and abiding respect for and faith in various voices that make up our **Elders Council** and **Tribal Court**, staff is directed to engage and request those bodies—as individuals and in concert—to provide the *full* Council

collective insights, wisdom, guidance, and peacemaking advice to ensure enrollment and membership concerns and treatment are properly addressed, resolved, and stewarded by the *full* Council on an ongoing and continual basis.

THEREFORE BE IT RESOLVED THAT ONC affirms and prioritizes enrollment and membership rights of Base and Adopted Tribal Members and Descendants as a primary issue to deal with, and directs that a standardized, comprehensive, commonly communicated, and legally compliant program of enrollment and membership rights and provision of services and benefits be updated and submitted for *full* Council review and authorization; and then upon authorization, fully implemented to address the ongoing and continuous needs of Base and Adopted Tribal Members and Descendants in accordance to the 2002 Constitution, 2003 Ordinance 96-1(a), and 2016 Ordinance 96-2.

Certification

WE, the Chairman and Secretary/Treasurer of ONC do hereby certify that ONC Resolution # [REDACTED] as written here is true and exact as **approved (or denied)** by the ONC Council in a regular meeting held in person at the ONC Conference Room and via COVID-safe Zoom and telephonic means on Apr 14, 2021, by a roll call voice vote of [REDACTED] yes and [REDACTED] no.

Chairman Henry Hunter Sr.

[REDACTED]

Secretary/Treasurer Thaddeus Tikiun

[REDACTED]