

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: _____

RESOLUTION NO. _____ (2016)

WHEREAS, Cherokee Code (C.C.) Section 16C-4(e) allows Tribal members who were enrolled as infants and subsequently adopted outside of the Tribe to make a claim for missed per capita distributions beyond the 60 day time limit normally imposed for such claims; and

WHEREAS, C.C. 16C-4(e)(5) requires the enrolled member to request a hearing with Tribal Council for examination of issues bearing on the member's eligibility to receive the missed distributions; and

WHEREAS, On March 1, 2016, Watty Eugene Driver Morgan, an adopted enrolled member, provided certain facts to Tribal Council's satisfaction as evidenced by and through Resolution No. 149 (2016), whereby Tribal Council, by unanimous vote of all present, authorized payment of \$50,000 in unclaimed distributions to Mr. Morgan pursuant to C.C. 16C-4(e)(5); and

WHEREAS, Mr. Morgan was assigned a roll number prior to being adopted and learned of his enrollment on or about 2010, however due to a clerical discrepancy in his original enrollment record and an age restriction in the Cherokee Code at the time, his record was held and kept open; and

WHEREAS, At a regularly scheduled Tribal Enrollment Committee meeting held on February 1, 2016, it was determined that the clerical discrepancy in Mr. Morgan's record holding his enrollment status was in error and was in no way the fault of Mr. Morgan such that Mr. Morgan is and has been an enrolled member of the EBCI since the time he was assigned an enrollment number in 1988; and

WHEREAS, Mr. Morgan respectfully requests a separate retroactive reimbursement of missed per capita distributions from the time of application resubmission in 2010 to the date of the most recent distribution which amounts to \$52,210.

NOW THEREFORE BE IT RESOLVED that the Department of Budget and Finance is directed to carry out the intent of this Resolution by distributing to Mr. Morgan a retroactive reimbursement in the amount of \$52,210 from the General Fund Budget for the per capita distributions to which he was entitled but did not receive because of the above referenced clerical discrepancy in his enrollment record, that is separate and in addition to the \$50,000 to which he is entitled as an adopted member in unclaimed distributions pursuant to C.C. 16C-4(e)(5) and approved by Res. No. 149 (2016).

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by the Office of the Attorney General on behalf of Watty Eugene Driver Morgan as requested by the EBCI Enrollment Committee