



Little River Band of Ottawa Indians

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

Resolution # 09-0107-03

Emergency Adoption of Amendments to Commissions Ordinance

WHEREAS, the status of the *Gaá Čhíng 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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution 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 is empowered by Article IV, Section 7(a) of the Constitution to establish laws through the enactment of ordinances and adoption of resolutions; and

WHEREAS, the Tribal Council is empowered by Article IV, Section 7(f) of the Constitution of the Tribe to create subordinate regulatory commissions or subordinate organizations and to delegate to such organizations the power to manage the affairs and enterprises of the Tribe; and

WHEREAS, the Tribal Council adopted the Commissions Ordinance, Ordinance Number 04-100-06, by Tribal Council Resolution on September 14, 2005; and

WHEREAS, the Tribal Council adopted the Administrative Procedures Act, which identifies the processes by which ordinances may be adopted, amended or repealed, and which also identifies processes by which emergency amendments may be authorized; and

WHEREAS, Section 5.01 of the Administrative Procedures Act authorizes emergency action in the interests of protecting the health, safety, or welfare of the Tribe, its members or the community; and

WHEREAS, Section 5.01 of the Administrative Procedures Act allows emergency action when an emergency is "imminent and [does] not allow the normal rule making processes to be conducted without causing or resulting in danger to the health, safety or welfare of the Tribe, including injury to person, property, business, or finances;" and

WHEREAS, Section 5.02 of the Administrative Procedures Act requires that a resolution authorizing emergency action clearly state the nature of the emergency and the potential harm that could be caused by a failure to act, and also that it clearly state the amendments or directions which will be taken to avoid or lessen the potential harm; and

WHEREAS, Tribal Council adopted the FY 2009 Operating Budget on December 17, 2008 which reduced the amount and number of stipends to be paid to Commissioners; and

WHEREAS, the Commissions Ordinance has been revised to conform to the provisions contained in the FY 2009 Operating Budget; and

WHEREAS, emergency action is required to adopt the revisions to the Commissions Ordinance prior to any scheduled Commission meetings.


NOW THEREFORE IT IS RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby adopts, under authority of Article V of the Administrative Procedures Act, the emergency amendments to the Commissions Ordinance, which shall be effective for a six month period or until amendments have been presented for public comment and permanently adopted.

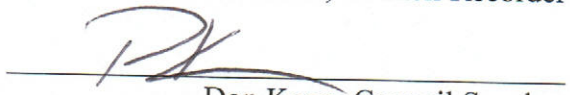
IT IS FURTHER RESOLVED that Tribal Council directs that the amendments to the Commissions Ordinance be posted for public comment.

IT IS FINALLY RESOLVED that the emergency amendments to the Commissions Ordinance be effective immediately upon adoption by 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, 1 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Open Session Meeting of the Little River Band of Ottawa Indians Tribal Council held on January 7, 2009 at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.


Loretta Beccaria, Council Recorder


Don Koon, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Commissions