Resolution # 09-0624-177

Approval for the Ogema to Negotiate and Execute an Election Procedures Agreement with the United Steel Workers Union

WHEREAS, the status of the Gaa Ching Ziibi Daawaa Anishinaabek (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) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and
WHEREAS, the Tribe’s Fair Employment Practices Code governs labor organization and collective bargaining within the Tribe’s jurisdiction; and

WHEREAS, the Ogema is authorized under Article V, Section 5 (3.) to negotiate and execute contracts on behalf of the Tribe, subject to approval by the Tribal Council; and
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WHEREAS, the United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CFL, (the “USW”) has indicated an intention to make a showing of interest to represent a certain bargaining unit at the Little River Casino Resort, consisting of the Cage Cashiers, Slot Representatives, Soft Count, Drop Team, and Players Club employees;

WHEREAS, the Ogema is requesting approval to negotiate and execute an Election Agreement in the form of the Model Band Union Election Procedures Agreement set forth in the Tribe’s Fair Employment Practices Code with the USW governing such employees, with such completions as may be agreed upon, in the event that a sufficient showing is made by the Union; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves for the Ogema to negotiate and execute an Election Agreement in the form of the Model Band Union Election Procedures Agreement set forth in the Tribe’s Fair Employment Practices Code with the USW governing the Cage Cashiers, Slot Representatives, Soft Count, Drop Team, and Players Club, at the Little River Casino Resort, with such completions as may be agreed upon, in the event that a sufficient showing is made by the Union.

IT IS FURTHER RESOLVED THAT Tribal Council authorizes a limited waiver of sovereign immunity allowing for arbitration of claims that may arise in connection with the Agreement in accordance with Article VIII, governing dispute resolution, and for judicial enforcement of any arbitration award in accordance with the Fair Employment Practices Code.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with _8_ FOR, _0_ AGAINST, _0_ ABSTAINING, and _1_ ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on June 24, 2009, at the Little River Band’s Dome Room in Manistee, Michigan, with a quorum being present for such vote.

[Signature]
Janine M. Sam, Council Recorder

[Signature]
Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Housing Department
Tribal Ogema
Tribal Court