Resolution # 09-0304-60
Permanent Adoption of Amendments to the Fair Employment Practices Code

WHEREAS, the status of the Gaà Čhìng Ziibi Daäwaa Anìśhinaàbek (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 Tribal Council adopted Ordinance #05-600-03 Fair Employment Practices Code on November 2, 2005; and

WHEREAS, the Tribal Council adopted amendments to the Fair Employment Practices Code on June 20, 2007 (emergency amendments), August 1, 2007 (permanent adoption), February 6, 2008 (emergency amendments), and March 19, 2008 (permanent adoption) in accordance with the Administrative Procedures Act; and

WHEREAS, the Tribal Council determined that revisions and additions are needed to better govern labor relations and collective bargaining affecting the Governmental Operations of the Band; and

WHEREAS, the Tribal Council found that the amended language to Article XVI for Labor Organizations and Collective Bargaining and the added language in Article XII, Whistle Blower Protection, should be adopted on an emergency basis; and
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WHEREAS, the Tribal Council adopted the above revisions to the Fair Employment Practices Code on an emergency basis by Resolution #08-1015-348 which would be in effect for six months or until April 15, 2009; and

WHEREAS, it has been recommended that additional amendments be incorporated into the Fair Employment Practices Code which will clarify processes for dispute resolution and clarify rights and duties of the parties; and

WHEREAS, the amendments were posted for public comment from January 27, 2009 through February 27, 2009, and no comments were received; and

WHEREAS, Tribal Council held a final work session to review the amendments on February 25, 2009; and

WHEREAS, Tribal Council finds that the limited waivers of sovereign immunity contained in Articles II, VI, VIII, XII, and XVI are appropriate and necessary in order to protect the interests of the Tribe.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby permanently adopts, under authority of the Administrative Procedures Act – Ordinances, the amendments to the Fair Employment Practices Code, Ordinance #05-600-03.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes the limited waivers of sovereign immunity contained in 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 _5_ FOR, _1_ AGAINST, _0_ ABSTAINING, _3_ and ABSENT at a regular session of the Little River Band of Ottawa Indians Tribal Council held on March 4, 2009, at the Little River Band’s Dome Room in Manistee, Michigan, with a quorum being present for such vote.

[Signature]
Loretta Beccaria, Council Recorder

Attest:
Don Koon, Council Speaker

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