Resolution # 09-0304-62

Authorizing Legislative Counsel to Prepare Request for Extension
For Compliance with Sex Offender Registration Act for Signature
By the Ogema and to Notify Appropriate Agencies that the Tribe Intends
To Delegate Certain Technical Aspects of Compliance to the State of Michigan

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. '1300k et seq.); and

WHEREAS, the Tribe adopted a 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 vested with the authority, 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 has a compelling interest in promoting public safety on tribal lands and protecting tribal citizens from violent crime; and

WHEREAS, The Tribe also has a compelling interest to protect tribal sovereignty and tribal jurisdiction over tribal lands; and

WHEREAS, the Tribe previously elected to participate as a registration jurisdiction in the National Sex Offender Registry system as outlined in Section 1247 of PL 109-248 by Resolution #07-0425; and

WHEREAS, Resolution #07-0425 was forwarded to appropriate federal and state agencies in order to inform them of the Tribe's election to participate as a separate jurisdiction and which required the Tribe to comply with the Sex Offender Registration Act ("SORNA"), which is part of the federal statute known as the Adam Walsh Act; and

WHEREAS, the Tribe has been actively engaged in negotiations with the State of Michigan and intends to enter into an agreement with the State which designates certain technical aspects of compliance to the State of Michigan, specifically the operation and administration of a public website and notification system; and
WHEREAS, the Tribe is required to be in complete compliance with SORNA by July of 2009, or must request a one-year extension by April of 2009; and

WHEREAS, a key factor to the Tribe’s compliance with SORNA is the successful completion of an agreement with the State of Michigan which delegates certain aspects of technical compliance to the Michigan State Police.

NOW THEREFORE BE IT RESOLVED that Associate Legislative Counsel is authorized to prepare a letter to the appropriate authorities seeking a one-year extension for the Tribe to successfully comply with SORNA, which shall be reviewed by General Counsel and executed by the Ogema.

NOW THEREFORE BE IT FURTHER RESOLVED that the Tribe will continue negotiations with the State of Michigan with the intent that the parties will enter into an agreement in which the Tribe delegates certain technical aspects of compliance to the Michigan State Police.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with _6_ FOR, _0_ 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.

Loretta Beccaria, Council Recorder

Don Koon, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court