Resolution # 09-0325-84
Reaffirming and Re-Authorizing the July 20, 2005
Adoption of the Board of Directors Act of 2005

WHEREAS, the status of the Gađ Čhìng Ziibi Daawaa Anišinaābek (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 authorized under Article IV, Section 7(f) of the Constitution to create by ordinance regulatory commissions or subordinate organizations and to delegate to such organizations the power to manage the affairs and enterprises of the Little River Band; and

WHEREAS, the Tribal Council adopted Ordinance #05-800-03 Resort Board of Directors Act of 2005 on July 20, 2005; which created the Board of Directors and authorized the Board to manage certain affairs of the enterprise, Little River Casino Resort; and

WHEREAS, the Tribal Council adopted Ordinance #04-100-07, Administrative Procedures Act – Ordinance on November 10, 2004; and
WHEREAS, Article IV, Section 4.01 of the Administrative Procedures Act states that “[t]his Article shall govern the adoption, amendment and repeal of ordinances of the Tribe;” and

WHEREAS, Article IV, Section 4.02(b)(3) of the Administrative Procedures Act, provides that when enacting Ordinances, Section 2.03 of the Ordinance “shall identify any limitations on repealing the ordinance which are more than those required in this ordinance;” and

WHEREAS, Article II, Section 2.03 of the Administrative Procedures Act provides that “[p]rior to repeal of this Ordinance, the Tribal Council shall post notice of the intent to repeal this ordinance two weeks prior to such action. Notice shall be posted in the Tribal buildings as may be identified in the Tribal Council Meeting Procedures Ordinance[;]” and

WHEREAS, the Resort Board of Directors Act of 2005 does not identify any limitation on repealing the ordinance which is more than those required in the Administrative Procedures Act, and

WHEREAS, on November 12, 2008, Tribal Council adopted Resolution #08-1112-384, which repealed the Board of Directors Act of 2005 effective immediately; and

WHEREAS, no Notice of Intent to Repeal the Board of Directors Act of 2005 had been posted prior to repeal in accordance with the Administrative Procedures Act; and

WHEREAS, Tribal Council wishes to reaffirm and reauthorize the July 20, 2005 adoption of the Board of Directors Act of 2005.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby reauthorizes and reaffirms the July 20, 2005 adoption of the Board of Directors Act of 2005.

IT IS FURTHER RESOLVED that the failure to post a Notice of Intent to Repeal the Board of Directors Act of 2005 in accordance with the Administrative Procedures Act constitutes an invalidation of Resolution #08-1112-384.
CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, 2 and ABSENT at a regular session of the Little River Band of Ottawa Indians Tribal Council held on March 25, 2009, at the Little River Band's Tribal Council Conference Room in Manistee, Michigan, with a quorum being present for such vote.

Loretta Beccaria, Council Recorder

Attest:

Don Koon, Council Speaker

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