Resolution # 09-0325 -85

Emergency Adoption and Re-Authorization
Of the Board of Directors Act of 2005

WHEREAS, the status of the Gaá Čhing Ziibi Daáwaa Anishinabek (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 Board of Directors Act of 2005, Ordinance #05-800-03, on July 20, 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the processes by which ordinances may be adopted, amended or repealed, and which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 Resolution #09-0325-85, which reaffirmed and
reauthorized the July 20, 2005 adoption of the Board of Directors Act of 2005 based
on the invalidation of Resolution #08-1112-384; and

WHEREAS, Tribal Council wishes to clearly identify its intent that the Board of Directors
Act of 2005 is a duly adopted and authorized Ordinance of the Tribe; and

WHEREAS, Tribal Council believes that emergency adoption and re-authorization of the
Board of Directors Act is appropriate in order to clearly identify that the Board of
Directors constitutes a legal subordinate entity in accordance with the Constitution
with the on-going authority to execute all duties delegated to it by the Act prior to its
next meeting on March 27, 2009

NOW THEREFORE IT IS RESOLVED that the Tribal Council of the Little River Band of
Ottawa Indians hereby adopts and re-authorizes on an emergency basis, under
authority of Article V of the Administrative Procedures Act, the attached Board of
Directors Act of 2005, which shall be effective for a six month period or until
permanently adopted.

IT IS FURTHER RESOLVED that Tribal Council directs that the Board of Directors Act
of 2005 be posted for public comment.
Resolution #09-0325-85
Page 3 of 3

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, and __2__ ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on March 25, 2008, at the Little River Tribal Council Conference 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