Resolution # 09-1014-300

Permanent Adoption of Amendments to the Muschigon Construction Company Ordinance

WHEREAS, the status of the Gaă Čhíng Ziibi Daawaa Anišchinaabek (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)(2) 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 (a) of the Constitution, to exercise the inherent powers of the Band by establishing laws through the enactment of ordinances and adoption of resolutions; and

WHEREAS, the Tribal Council adopted the Administrative Procedures Act – Ordinance #04-100-07, on November 10, 2004; and

WHEREAS, Article V of the Administrative Procedures Act sets forth the procedures for adopting an Ordinance on an emergency basis; and

WHEREAS, the Tribal Council adopted emergency amendments to the Muschigon Construction Company Ordinance on September 2, 2009, in accordance with Article V of the Administrative Procedures Act; and
WHEREAS, the emergency amendments to the Muschigon Construction Company Ordinance were posted for public comment from September 2, 2009 through October 8, 2009, and no comments were received; and

WHEREAS, the Tribal Council has reviewed the revisions and believes it is appropriate and in the best interests of the Tribe to adopt the emergency amendments to the Muschigon Construction Company Ordinance on a permanent basis.

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 Muschigon Construction Company Ordinance, Ordinance #05-800-04, a copy of which is attached to this Resolution and incorporated herein.

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, 1 and ABSENT at a regular session of the Little River Band of Ottawa Indians Tribal Council held on October 14, 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

Attest:

[Signature]
Stephen Parsons, Council Speaker

Distribution: Council Records
Tribal Ojema
Tribal Court
Muschigon Construction Company
Accounting