Resolution #14-1119-368

Approving Corrections to Resolution #14-0903-277; Approving Modifications to the Compensation for the Gaming Enterprise Board of Directors

WHEREAS, the status of the Gaá Čhíng Ziibi Daáwaan Anishinaabek (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 legislative powers of the Little River Band are vested in the Tribal Council at Article IV, Section 7 of the Constitution; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to enact ordinances and adopt resolutions to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members and to govern the conduct of members of the Little River Band and other persons within its jurisdiction; and

WHEREAS, the Tribal Council authorized Resolution #14-0903-277, Approving modifications to the compensation for the Gaming Enterprise Board of Directors at a regular meeting on September 3, 2014; and

WHEREAS, Resolution #14-0903-277 contained a drafting error by inclusion of Paragraph 10, which read “WHEREAS, Article XIV of the Gaming Enterprise Board of Directors Act provides for staggering terms of Board members, and further provides that the terms of office for all seats expire consistent with the expiration of the current Ogema’s term of
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office”; and

WHEREAS, Paragraph 10 of Resolution #14-0903-277 erroneously referred to a superseded version of the Gaming Enterprise(s) Board of Directors Act of 2010, Ordinance #10-800-03; and

WHEREAS, the purpose and intent of Resolution #14-0903-277 was to modify the stipend paid to board members and not to impact the length of terms in anyway; and

WHEREAS, Paragraph 10 of Resolution #14-0903-277 is severable in that it can be removed from the resolution without impacting the purpose, intent, meaning and application of the Resolution; and

WHEREAS, Paragraph 10 of Resolution #14-0903-277 has caused confusion among the Tribal Membership and its removal will clarify the purpose and intent of that resolution.

NOW THEREFORE IT IS RESOLVED, that Paragraph 10 of Resolution #14-0903-277 shall be considered stricken.

IT IS FINALLY RESOLVED, that all other language in Resolution #14-0903-277 which can be given full effect without the language in Paragraph 10 shall remain in full force and effect.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT at a regular session of the Little River Band of Ottawa Indians Tribal Council held on November 19, 2014, at the Little River Band’s Government Center in Manistee, Michigan, with a quorum being present for such vote.

Sandy Mezeske, Tribal Council Recorder

Virgil Johnson, Tribal Council Speaker

Attest:

Distribution: Council Records
               Tribal Ogema
               Human Resources
               Accounting