



Little River Band of Ottawa Indians

1762 U.S. 31 South
Manistee, MI 49660
(231) 723-8288

Resolution No. # 01-0214-07

Approval of Interim Policy for Application to the Membership of the Gaming Commission

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.)(hereinafter "Little River Act"); 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 Tribal Council has created a Gaming Commission with five members serving four year terms by adopting the Gaming Ordinance, as amended; and

WHEREAS, the Gaming Commission's initial membership terms identified have a five member commission with two members serving one year terms, two members serving two year terms and one member serving a one year term; and

WHEREAS, the Tribal Council has from time to time appointed at least seven different individuals to serve as Gaming Commissioners; and

WHEREAS, as each individual was appointed, the Tribal Council had a good faith belief in its interpretation and application of the Gaming Ordinance in regards to the term of office the to which the individual was appointed; and

WHEREAS, as a result of research conducted on or about August 31, 2000, and further research completed on or about January 31, 2001, the Tribal Council has determined that some of the appointments made were in error; and

WHEREAS, the Tribal Council determined as a result of this research that the terms of some of the 'members' of the Gaming Commission had previously expired and took action on February 7, 2001, at a Tribal Council meeting, to recognize the accuracy of the membership of the Gaming Commission by authorizing Councilor Janine Sam-Szpliet to present Valerie Chandler and Millicent Biers with notice that their terms of office had ended; and

WHEREAS, as a result of the research and correction of the terms of office of the Gaming Commissioners, the Gaming Commission is left with three members which is the minimum number necessary to make up a quorum to conduct business; and

WHEREAS, the Gaming Commission has been delegated certain legislative authority to allow it to regulate and monitor the gaming operations of the Tribe; and

WHEREAS, the Gaming Commission undertakes this legislative responsibility in a very technical and complex area thus developing an expertise necessary to regulate and monitor the gaming operations of the Tribe; and

WHEREAS, it is critical that the Gaming Commission be able to meet and discuss business in an official capacity without concern that it may not be able to make a quorum; and

WHEREAS, it is the opinion of the Tribal Council that the critical nature of the activities and responsibilities of the Gaming Commission warrant the application of a policy which allows members whose terms are completed to remain in office until a replacement is appointed or he/she is re-appointed; and

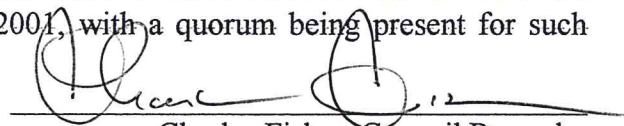
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approve of a "Holdover Policy" for application to the Gaming Commission which recognizes that a member whose term of office has been officially completed shall continue to act with all the authority of a Gaming Commissioner legally appointed until such time as an appointment, or re-appointment, can be made by the Tribal Ogema and approved by the Tribal Council, and

IT IS FURTHER RESOLVED THAT the Tribal Council does hereby apply this policy to the terms of Valerie Chandler and Millicent Biers to allow these members to continue in their capacity as members of the Gaming Commission until a new appointment, or re-appointment, or no later than April 19, 2001, has been made by the Tribal Ogema and approved by the Tribal Council, and

NOW THEREFORE BE IT FINALLY RESOLVED that the Tribal Council recognizes and creates this policy in regards to the Gaming Commission as an interim policy applicable only to the above referenced Gaming Commission members.

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, 2 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Community Center on February 14, 2001, with a quorum being present for such vote.


Charles Fisher, Council Recorder

Attest: 
Joan Spalding, Council Speaker