

Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 03-0521-131

Communications Restrictions – As Amended

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.); 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 is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribe has distributed cell phones and pagers to employees, and other Tribal Officials serving the needs of the Tribe; and

WHEREAS, the personnel manual of the Tribe indicates that Telephones are provided for business purposes, and that if an employee must make a personal call, they are requested to keep it short with Long distance calls billed to their home phone or own phone credit card, not to the office: thus preventing the Tribe from having to bill the employee or withholding from their paycheck; and

WHEREAS, it has been brought to the attention of the Tribal Council that monthly charges for cell phones and pagers have become increasingly costly to the Tribe; and

WHEREAS, It has also been brought to the attention of the Tribal Council that a substantial amount of cell phone users have gone over their plan, by exceeding the allotted amount of time/minutes established per month; and

WHEREAS, the Tribal Council has the delegated authority and responsibility to enact ordinances which govern contracts and agreements in order to protect the general welfare of the Little River Band as manifested in its property and other assets under Article IC, section 7(a) and (j) of the Constitution; and

WHEREAS, A cell phone or pager shall only be provided to positions that require such use in order to conduct their job responsibilities, positions of secretary's, assistants and clerks shall not be eligible for a cell phone or pager, as they do not require such use in order to conduct their job responsibilities

WHEREAS, the Tribal Council has determined that amendments to resolution #03-0514-120 are required as a result of discussions with the Tribal Ogema;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council hereby restricts the use of cell phones to those employees with positions that meet the following criteria:

1. Position may be required to react to an emergent situation and is such that it may react by phone until a meeting or arrival at the site can occur.
2. Position requires on call status or other "call in" status.
3. Position requires driving or transporting clients.
4. Law Enforcement/ Emergency Services Position.

IT IS FURTHER RESOLVED THAT the Tribal Council restricts the issuance of a cell phone plan so that it shall not exceed 600 minutes per month, per user.

IT IS FURTHER RESOLVED THAT the Tribal Council restricts the use of pagers to employees meeting the following criteria:

1. Position requires constant/immediate contact of a type that does not allow for resolving emergent situations over the phone.
2. Positions supervisor places a written request for pager, citing the reason/need for the pager.

IT IS FURTHER RESOLVED THAT Any cell phones or pagers issued must be processed through the purchasing department, and must have established amounts for such use within the approved program budget, and shall not be allowed to incur extra package features such as e-mail, or text messaging.

IT IS FURTHER RESOLVED THAT employees are expected to respond as quickly as possible to pages and calls, and are expected to use the phone in a courteous professional business like manner.

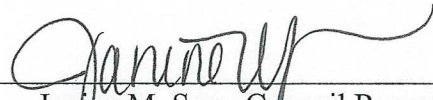
IT IS FURTHER FINALLY RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby directs that the Ogema of the Tribe shall cause to be conducted, not less than three comparative bids for the Tribes cellular and paging system use, and to bring back a recommendation for contract to the Tribal Council within 30 days of the adoption of this resolution.

IT IS FINALLY RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians directs that this resolution shall supersede resolution # 03-0514-120.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on May 21, 2003, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.

Attest:



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department