

Little River Band of Ottawa Indians

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

Resolution # 05-0615-254

Emergency Amendments to the Enrollment Ordinance for the Purpose of Allowing Access to Database Information by the Election Board for Purposes of Generating Ballots and other Related General Election Documents

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 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) 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 II, Section 4, to establish, by ordinance, processes related to enrollment, which include those activities by which the membership roll of the Tribe, and related information, are maintained; and

WHEREAS, the Constitution creates the Election Board and delegates to that body the responsibility to manage the elections of the Tribe, which requires access to information located, and maintained, by the Enrollment Department; and

WHEREAS, the Tribal Council has adopted the Enrollment Ordinance which requires that the records and information in the Enrollment Department related to membership be maintained in a confidential manner, with limited authorization for the release of information; and

WHEREAS, the Enrollment Ordinance does not adequately identify authorization for the Enrollment Department to release information to the Election Board, in electronic format, nor to allow access to electronic records, for the purposes of developing election related materials; and

WHEREAS, the Tribal Council adopted the Administrative Procedures Act - Ordinances which identifies processes by which ordinances may be adopted, amended, or repealed, and which also identifies processes by which emergency amendments may be authorized;

WHEREAS, the Election Board has identified that it is unable to obtain the necessary information from the Enrollment Department in order to produce ballots and mailing lists as a result of the limited authority currently granted to the Enrollment Department to release information; and

WHEREAS, there is insufficient time to develop and post amendments for public comment as a result of the upcoming elections and the need to have the electronic information obtained by the election ballot company selected by the Election Board in order to print and mail ballots; and

WHEREAS, the Tribal Council authorized emergency amendments to the Enrollment Ordinance which allows access by the Election Board, or their approved vendor, to access the enrollment database in a secured and confidential manner, to obtain electronic information for the purposes of conducting the 2005 General Election by resolution # 05-0309-102 and for which there has been insufficient time to develop permanent amendments for posting for Public Comment in light of the Special Election set for the Tribal Council vacancy;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts, under authority of Article V of the Administrative Procedures Act - Ordinances, the following emergency amendment to the Enrollment Ordinance which shall be effective for six months or until permanent amendments can be presented for Public Comment and permanently adopted..

11.03(a)(6). The Election Board, or the contracted vendor authorized to develop ballots and related mailing and election related materials, is authorized to obtain, directly from the Enrollment Department electronic files, necessary information to conduct Elections. Provided that, the Election Board, and/or contracted vendor, shall identify, to the Enrollment Department, the information obtained, and shall agree that upon conclusion of the Election, that all electronic information shall be destroyed and not maintained by either the Election Board or their contracted vendor.


IT IS FURTHER RESOLVED THAT the Tribal Council directs that the amendments be posted for Public Comment.

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, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on June 15, 2005 at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department