



## Little River Band of Ottawa Indians

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

### Resolution # 05-0622-283

#### *Adoption of Emergency Amendments to the Commissions Ordinance Amending Qualifications for Membership on Commissions*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (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) 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 adopted the Commissions Ordinance in November 2001, and as amended from time to time, to govern the creation, activities, and membership of Tribal commissions; and

WHEREAS, the Tribal Council has determined that Commissions perform important duties on behalf of the Tribe which require a commitment of time in participation and being informed regarding the commission's subject area; and

WHEREAS, the Tribal Council has identified growing concern with the appointment of employees to sit on commissions which conflict with both the duties of the employment position, as well as the time necessary to conduct commissioner related activities that take away from employment duties; and

WHEREAS, the Tribal Council is aware of current vacancies on the Binojeeuk Commission, Gaming Commission, and Enrollment Commission; the Tribal Council has identified that in regards to the Binojeeuk Commission appointments that two employees were recommended for appointment, one of which was a department manager with many employment related responsibilities; and the Tribal Council has identified that all three of these commissions are time consuming responsibilities; and

WHEREAS, the Tribal Council desires to place emergency amendments in the Commissions Ordinance that will identify that Tribal employees are prohibited from serving on commissions in order to avoid conflicts in attendance at employment duties and commission meetings as a result of these vacancies; 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;

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 emergency amendments to the Commissions Ordinance which shall be effective for a six month period or until permanent amendments can be presented for Public Comment and permanently adopted.

*7.02. ~~Employees of Regulated Area.~~ Individuals who are employed, or become employed, in the area regulated by a commission shall be ineligible to serve on that commission or be appointed to that commission. Tribe. The Tribal Council finds that responsibilities as a commissioner impact responsibilities in employment with the Tribe, and that affecting employment with the Tribe generally involves programs, services to membership, or necessary support services to other programs which must be carried out in a timely manner. As a result, this section sets for restrictions regarding commissioners, and individuals who may be appointed as commissioners.*

- a. Employees of the Tribe are ineligible for appointment as a member of a commission.*
- b. Commissioners who accept employment with the Tribe shall be required to resign at the beginning of the first meeting following acceptance of employment.*
- c. Commissioners sitting on a commission at the time of adoption of these amendments, June 22, 2005, shall be exempt from the prohibitions in paragraphs (a) and (b) during the term of the current office, and shall be required to comply with the prohibitions in paragraphs (a) and (b) when considered for reappointment.*

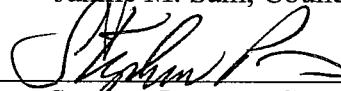
IT IS FURTHER RESOLVED THAT the Tribal Council directs that the amendments be posted for Public Comment.

**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, 0 ABSENT, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on June 22, 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