



Little River Band of Ottawa Indians

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

Resolution # 05-0928-475

Clarifying the Application of the Tribe's Personnel Regulations, Policies, and Procedures to the Tribal Court Employees

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, in March of 2004, the Tribal Manager presented to the Tribal Council a request to adopt multiple personnel policies and procedures regarding identifying the organizational structure and individual job descriptions; and

WHEREAS, the job descriptions included positions from Tribal Council as well as from Tribal Court, and identified amendments within those job descriptions as a result of the Tribal Manager's recommendations based on the amended the wage/salary scale application; and

WHEREAS, the Tribal Court has identified that the amendment of the job description for certain Tribal Court employees was completed without consultation or approval, and has resulted in inappropriate classification of Tribal Court employees; and

WHEREAS, the Human Resource Department has identified that the Tribal Court personnel were included in the organizational structure and job descriptions presented by the Tribal Manager in March of 2004, for approval by the Tribal Council; and

WHEREAS, the Tribal Council, having been made aware of this error by the Tribal Court through correspondence from the Tribal Court in late September of 2005, has determined that the submission of Tribal Court organizational structure and job descriptions by the Tribal Manager with the job descriptions for all other Tribal employees has resulted in an inadvertent application of the personnel regulations, policies, and procedures to the Tribal Court and a potential constitutional violation; and

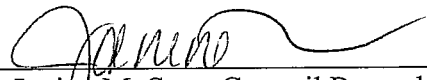
WHEREAS, the Tribal Council has determined that this error in presentation by the Tribal Manager in March of 2004, should be corrected to accurately reflect the independent nature of the Tribal Court in all matters, including personnel;

NOW THEREFORE IT IS RESOLVED THAT, the Tribal Council of the Little River Band of Ottawa Indians hereby directs that in all personnel related matters regarding Tribal Court personnel, that the Government Operations Personnel Manual, Standard Operating Procedures, and any other policies, procedures, regulations, standards, and other like rules shall be interpreted and applied to the Tribal Court as guidance, until such time as the Tribal Court identifies personnel policies applicable to its employees and forwards such policies to the Human Resource Department and Payroll Officer.

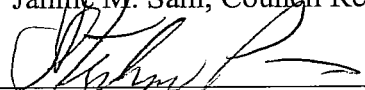
IT IS FURTHER RESOLVES THAT, to the extent that prior actions of the Tribal Council in regards to resolutions, ordinances, and motions identifying personnel matters and requirements regarding employment related actions of the Tribal Court conflict with this resolution, this resolution shall govern the interpretation and application of those prior actions.

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 September 28, 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, Human Resources