



Little River Band of Ottawa Indians

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

Resolution # 05-1130-639

*Establishes Department of Commerce, Eliminates Position, Transfers Personnel, and
Authorizes Budget Modification*

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 is authorized under Article IV, Section 7(i)2 to manage any funds within the exclusive control of the Little River Band and to appropriate these funds for the benefit of the Tribe and its members; and

WHEREAS, the Department of Commerce Ordinance, which creates the Department of Commerce was properly posted for public comments for the period of time mandated by the Administrative Procedures Act, and that no comments were made, Tribal Council in a final work session on November 21, 2005 accepted the final text of the Department of Commerce Ordinance; and

WHEREAS, the Department of Commerce Ordinance eliminates the Economic Development Coordinator position and mandates that the budget assigned to such position be transferred to the Department of Commerce budget through a budget modification; and

WHEREAS, the Department of Commerce Ordinance creates the position of Director and the position of Administrative Coordinator, and mandates the Human Resources Department to write and submit for approval the job descriptions for both positions as soon as possible, so the Tribal Ogema could in turn initiate the hiring process as per Tribal approved practices; and

WHEREAS, the Small Business Incentive Program shall be construed as integral part of the Department of Commerce's Tribal Members Business Incentives' function, so its management will fall under the direction of the Department of Commerce.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians adopts the Department of Commerce Ordinance, #05-800-05, for immediate implementation.

NOW THEREFORE IT IS FURTHER RESOLVED THAT the Tribal Council directs a budget modification be presented which transfers funding allocated for the Economic Development Coordinator position to the program budget for the Department of Commerce.

NOW THEREFORE IT IS FURTHER RESOLVED THAT the Tribal Council directs that until such time as the job description for the "Department of Commerce Director" position is developed, posted and filled that the Economic Development Coordinator will carry out these duties and be paid through the budget for the Department of Commerce.

IT IS FURTHER RESOLVED THAT, the Human Resources Department initiate the process to write the job description for the Department of Commerce Director position and for the Administrative Coordinator position and submit to Tribal Council for approval as soon as possible, but no later than 45 days from the date of this Ordinance.

IT IS FURTHER RESOLVED THAT, the Small Business Incentive Program Task Force be transferred under the management of the Department of Commerce and all references made in the Small Business Incentive Program Code to the Economic Development Coordinator shall be understood as made to the Administrative Coordinator of the Department of Commerce for as long as a Director of the Department of Commerce is not yet appointed. Upon appointment of the Director of the Department of Commerce all above references shall be understood to be made to the Director of the Department of Commerce.

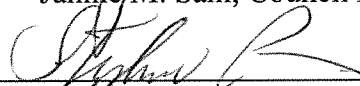
IT IS FURTHER RESOLVED THAT, the individual who currently holds the position of Economic Development Coordinator temporarily be transferred to perform the functions of Administrative Coordinator for a period not to exceed 120 days from the date of this resolution, or the time it takes to approve a job description, advertise, and hire a person who will hold such position permanently, whatever comes first. This person will be subject to perform the functions as per the job description attached to the former position of Economic Development Coordinator, without any changes in salary or other employment terms.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by Tribal Council with 6 FOR, 1 AGAINST, 0 ABSENT, 1 ABSTAINING, and 1 VACANT, at a regular meeting of the Little River Band of Ottawa Indians Tribal Council held on November 30, 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:

DEPARTMENT OF COMMERCE ORDINANCE
Ordinance # 05-800-05

Article I. Purpose; Findings

1.01. *Purpose.* The Little River Band of Ottawa Indians has determined that it is in the best interests of its members to establish a Department of Commerce to promote diversification of the Tribal economy and assistance to Tribal members in the areas of business development and job training as well as to establish a comprehensive recording system for commercial transactions, real and personal property, and vital statistics.

1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians finds:

- a. That the Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility to govern the conduct of members of the Little River Band and other persons within its jurisdiction; and to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members[.]@ Article IV, Section 7(a).
- b. That providing the resources to assemble the legal infrastructure that would help establishing business enterprises, assisting Tribal member's business, creating job training opportunities and implementing sound recording systems is an essential element of providing for the peace, and general welfare of the Tribal members;

Article II. Adoption; Amendment; Severability

2.01. *Adoption.* This Ordinance is adopted by Resolution # _____.

2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.

2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Article III. Definitions

3.01. *General.* For purposes of this Ordinance, certain terms are defined in this Article. The word "shall" is always mandatory and not merely advisory.

3.02. *Tribe* means the Little River Band of Ottawa Indians.

3.03. *Tribal Council* means the Tribe's governing body.

3.04. *Tribal member* means an individual enrolled as a member of the Tribe.

3.05. *Tribal Enterprise* means a commercial operation established by Tribal Council in exercise of their powers contained in Section 7(a) 2 and (f) of the Little River Band of Ottawa Indians Constitution, wholly owned by the Tribe or where the Tribe has a majority interest and is managed as for profit entity.

3.06. *Commercial operation* means any business entity organized with the purpose of earning a profit.

3.07. *Interest* means financial participation in a commercial operation.

3.08. *Majority interest* means 51% or more financial control in the commercial operation of a business entity.

3.09. *Department of Commerce*, agency of the Tribe in charge of the administration and establishment of sound management and business practices in order to promote diversification of the Tribal economy and assistance to Tribal members in the areas of business development and job training as well as to establish a comprehensive recording system for commercial transactions, real and personal property, and vital statistics.

Article IV. Department of Commerce

4.01. *Mission.* This administrative agency is established by Tribal Council to promote diversification of the

Tribal economy and assistance to Tribal members in the areas of business development and job training as well as to establish a comprehensive recording system for commercial transactions, real and personal property, and vital statistics. It shall be headed by a Director. The Department of Commerce shall perform the following four functions: Development of Tribal Enterprises; Development of Tribal Members Business Incentives; Development of Tribal Members Job Development; and, Development of Tribal Recording System.

4.02. *Director.* The Director of the Department of Commerce shall be appointed by the Ogema in accordance with the regular hiring procedures of the Tribe. The Human Resources Department is mandated to develop a job description for the position. It is expected that the search for a Director will begin as soon as the Human Resources Department job description of the position is approved by Tribal Council.

4.03. *Director Functions.* The Director is responsible for performing the four functions of the Department of Commerce. Any future personnel needs shall be addressed by the Director in conjunction with the Human Resources Department. All requests for personnel appointment shall be submitted to Tribal Council for approval.

4.04. *Funding.* The Department of Commerce will be assigned funding based on a budget request similar to the one presented by the other departments of the Tribal government. The budget shall encompass funding for the operational costs, plus separate budget items to fund the programs operated under each developmental function of the Department of Commerce.

4.05. *Reporting.* The Department of Commerce is mandated to submit to Tribal Council, the Commerce Commission and the Ogema a monthly performance report, based on goals and objectives met, covering the developmental function activities during the reported month.

4.06. *Staff.* The Director of the Department of Commerce is authorized to request the appointment of an Administrative Coordinator who shall perform duties as per the proper job description developed in conjunction with the Human Resources Department.

Article V. Tribal Enterprises

5.01. *Purpose.* The development of Tribal Enterprises by the Department of Commerce shall encompass active recruiting of business and commercial enterprises to further diversify the Tribal economy.

5.02. *Activities.* To this effect, the Department of Commerce Director shall engage in market research, feasibility studies, business opportunities discovery and preliminary discussions. Such activities should be reported to the Ogema. Upon arriving to an agreement and prior to commit any funds of the Tribe, the Director has the obligation to seek Tribal Council approval. Any agreement negotiated by the Ogema and/or the Director that may involve a pecuniary obligation for the Tribe and that has not been previously approved by Tribal Council does not bind the Tribe and constitutes an act of malfeasance subject to the proper administrative and constitutional sanctions.

5.03. *Business Prospects.* Tribal enterprises prospects must be presented to the Commerce Commission for discussion and approval before being submitted to Tribal Council. Any submittal to the Commerce Commission shall include enough information to allow the Commission to develop their own due diligence.

5.04. *Scope.* Tribal enterprises initiatives shall look at business considerations as well as social, cultural, political and environmental considerations. By developing new enterprises the Tribe shall preserve the integrity of its mission to serve the membership and to advance their wellbeing. Economic considerations alone are not enough to justify Tribal investments.

Article VI. Tribal Members Business Incentives

6.01. *Purpose.* The Department of Commerce shall promote the establishment, maintenance and expansion of Tribal member-owned businesses on the Reservation through the Small Business Incentive Program Code.

The Department of Commerce is also charged with enforcing and managing the Program and budget associated with it.

6.02. *Small Business Incentive Program Code.* The Small Business Incentive Program Code shall be construed as an integral part of this section. The Commerce Commission shall act as a hearing body of the decisions of the Small Business Incentive Program Task Force, which in turn, and upon action of the Commerce Commission may be reviewed by Tribal Council.

6.03. *Activities* The Commerce Commission shall approve the forms and procedures developed by the Small Business Incentive Program Task Force appointed in accordance with the Small Business Incentive Program Code submitted for approval.

6.04. *Guidelines.* Any business incentive provided under the Small Business Incentive Program shall be granted as per the guidelines of the program; however, management of the Program by the Department of Commerce requires that when providing benefits the Land Use Plan, as well as the general economic development strategic plan of the Tribe should be taken into consideration. To that effect, the Department of Commerce shall update the Small Business Incentive Program Task Force of all changes and Tribal Council resolutions regarding the matter.

Article VII. Tribal Members Job Development

7.01. *Purpose.* The Department of Commerce shall promote Tribal Member personal development and economic self-sufficiency through career development, training and education leading to the attainment of sustainable and gainful employment.

7.02. *Job Development.* The Tribal Members Job Development Office shall develop programs to enhance Tribal members work skills through vocational training and internship programs, including, but not limited to "On-the-job Training" and Work Experience programs.

7.03. *Activities.* The Tribal Members Job Development Office shall coordinate career modeling and development of employability skills in conjunction with the Education Department and all other available resources, Tribal or non-Tribal, which will support these efforts.

7.04. *Programs.* The Tribal Members Job Development Office shall establish a working relationship with Tribal and non-Tribal business as to promote an apprenticeship program that may allow Tribal members access to work experiences that may lead to full employment. The Tribal Members Job Development Office shall present for Tribal Council approval a detailed program containing these initiatives and any budgetary impact.

Article VIII. Tribal Recording System

8.01. *Purpose.* The Department of Commerce shall develop and establish a Tribal Recording System to provide a certifiable filing system to record and maintain documents related to real estate transactions, real property, associations and vital statistics.

8.02. *Activities.* The Tribal Recording System shall be maintained by the Tribal Records Office. The Tribal Records Office shall be organized in four major areas of records: Real Estate Tribal Records; Personal Property Tribal Records; Business Associations Records; and, Vital Statistics Records.

8.03. *Real Estate Records.* Real Estate Tribal Records encompasses records of transfer, grants of standard assignments, leases, land use encumbrances, land contracts, Tribal leases that represent assignment of security agreements, maps of lands within the Reservation boundaries, certified survey maps, cemetery plots located in reservation or trust land, court-ordered transactions affecting Tribal lands, and, in general all real estate property transaction involving property located within the boundaries of the Reservation.

8.04. *Personal Property Records.* Personal Property Tribal Records encompasses records of transfer, grants of standard assignments, liens and other encumbrances and leases of personal property derived from

transactions between Tribal members, or transactions that have taken place within the boundaries of the Reservation. Manufactured home and vehicle transactions are to be included in this Record.

8.06. *Business Associations Records.* Business Associations Records encompasses records of business entities organized as per Tribal law. A separate registry shall be maintained to record partnerships, corporations, and limited liability companies. A record shall be also maintain regarding Tribal members sole proprietorship arrangements for the purpose of establishing a record of a name under which a person is doing business, although such business is not structured as a legal entity different than his owner. An additional separate record shall be maintained for foreign business entities, in good standing in their own jurisdictions, that wish to register to do business within the Tribe's Reservation boundaries.

8.07. *Vital Statistics Records.* Vital Statistics Records encompasses Tribal enrollment, birth, marriages, divorces, name changes and death records.

8.08. *Filing.* The original, a signed duplicate, or a certified copy of any document representing any of the transactions or events above shall be submitted to the Tribal Records Office for recording and filing. The Tribal Records Office shall be the only authorized agency of the Tribe to issue a certified copy of the recorded and filed document, stating on each certificate the date of filing and the content of the document, without attesting to the true or veracity of the content of the document. The recorded documents shall give notice regarding real estate ownership, boundaries, and encumbrances, land use, and good standing status. The certificates issued by the Tribal Records Office may be used to create land abstracts, draw plats, research historical data, assist court testimony, complete genealogical searches, and for other uses.

8.09. *Records.* Each document received for recording and filing shall be endorsed on its face with the date and time received, volume where document is recorded, and signature of the Tribal Records Office Director. Documents shall be recorded by the order in which they are received. The Tribal Records office shall maintain the records in a safe and fireproof filing and retrieval system that may allow for easy retrieval, yet guarantees privacy and integrity of the records. Electronic back up of records is allowed provided that such as back up media is stored at a remote location, and guarantees are provided for safety and integrity of the stored records.

8.10. *Safety and Integrity of Records.* The Department of Commerce shall research and propose the best methods for implementing the Tribal Records System utilizing state of the art media to secure safety and integrity of the recorded documents.

8.11. *Legislative Coordination.* Any reference to the Tribal Land Records and Registry Office made in any ordinance, resolution or executive decree issued before the enactment of this ordinance shall be understood as made to the Tribal Records Office. For all recordation and filing purposes this ordinance supersedes, amends and repeal any and all ordinances and/or regulations that may contain regulations that may conflict with the content of the regulations mandated in this ordinance.

Article IX. Miscellaneous

9.01. *Date in Effect.* This Ordinance will enter into effect upon approval by Tribal Council.

9.02. *Sunset Provision.* Upon promulgation of this Ordinance the current position of Economic Development Coordinator will be eliminated and any budget attached to that position will be transferred to the Commerce Department budget.