



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution #16-1130-365

Rescinding Gaming Commission Regulation

Chapter 13 – Labor Organization Licensing Regulation #R400-04:GC-13

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 Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; 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 vested with the authority, under Article IV, Section 7(b), to ratify contracts to be entered into by the Tribe; and

WHEREAS, the Tribal Council has, pursuant to Gaming Commission Ordinance # 04-400-04, created a Gaming Commission and delegated to such Commission the authority to regulate all gaming activities authorized by the Tribe and to enforce all Tribal and federal laws governing the conduct of Tribally-licensed gaming activities; and

WHEREAS, the Gaming Commission, pursuant to Section 6.04(a) of the Gaming Commission Ordinance, shall promulgate regulations consistent with the ordinance and necessary to carry out the orderly performance of its duties and powers; and

WHEREAS, the Tribal Council adopted the Fair Practices Code #05-600-03 – Article XVI, Section 16.08 (a) which requires any and all labor organizations engaging in organizing employees working for any public employer to be licensed by the Little River Band of Ottawa Indians Gaming Commission; and

WHEREAS, the pursuant to the Fair Employment Practices Code #05-600-03 – Article XVI, Section 16.08 (b) the Gaming Commission enacted Chapter 13 – Labor Organization Licensing Regulation which sets forth the licensing requirements for labor organizations and this regulation was approved by the Gaming Commission on July 24, 2008 and by Tribal Council on August 6, 2008; and

WHEREAS, revisions to Chapter 13 – Labor Organization Licensing Regulation were approved by the Gaming Commission Resolution #GC10-0223-03 on February 23, 2010 and by Tribal Council Resolution #10-0317-86 on March 17, 2010; and

WHEREAS, the Tribe's recent litigation against the National Labor Relations Board resulted in the Gaming Commission's Regulation – Chapter becoming unenforceable under current federal legislation; and

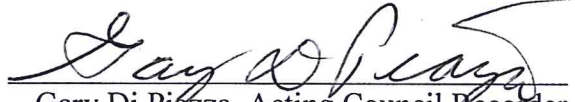
WHEREAS, the Gaming Commission passed Resolution #GC16-1115-20 rescinding Gaming Commission Resolutions #GC08-0724-21 and #GC10-0223-03 in order to support the repeal of Chapter 13 Labor Organization Licensing Regulation #R400-04:GC-13; and

WHEREAS, it is now requested that Tribal Council rescind Resolution #08-0806-273 and #10-0317-86 in order to repeal Chapter 13 – Labor Organization Licensing Regulation #R400-04:GC-13.


NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby rescinds Tribal Council Resolutions #08-0806-273 and #10-0317-86 in order to repeal Chapter 13 – Labor Organization Licensing Regulation #R400-04:GC-13.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, 1 ABSENT, and 1 Vacant, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on November 30, 2016, at the Government Center in Manistee, Michigan, with a quorum being present for such vote.



Gary Di Piazza, Acting Council Recorder



Joseph Riley II, Acting Council Speaker

Attest:

Distribution: Council Records
 Tribal Ogema
 Unified Legal Department