



The Grand Traverse Band of Ottawa and Chippewa Indians

Legal Department

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7601 • FAX 231-534-7600

MANDATORY 30-DAY POSTING

MEMORANDUM

TO: Tribal Membership
FROM: GTB Legal Department
RE: New Code 30-day posting: 12 GTBC 12, "GTB Fiber"
DATE: October 23, 2017

Please post the attached proposed amendments to the above referenced ordinance that was approved for posting by Tribal Council at a Tribal Council Regular Session on October 18, 2017. Please post the above referenced ordinance in an area where GTB tribal members can review it for 30 days. This is an opportunity for tribal members to provide comments, if any, about this proposed ordinance. Your comments will be provided to Tribal Council prior to the adoption of this ordinance. This posting will end on November 22, 2017 and can be removed at that time.

Any comments regarding the above referenced should be directed to the GTB Legal Department either by writing to the GTB Legal Department, 2605 N.W. Bayshore Dr., Peshawbestown, MI 49682, or by telephone (231) 534-7601, or by e-mail, to Mary.Kelley@gtbindians.com.

Posting Sites:

Administration Building	EDC Building
Accounting Department Annex	
Annex II – Human Resources Building	Leelanau Sands Casino –
Benodjehn Child Care Center	Employees/Supervisors' Break-room
Clinic	
Elder's Complex	
Housing	
SBR Plant	Leelanau Sands "The Lodge" –
Natural Resources/Conservation	Employees/Supervisors' Break-room
Maintenance Department	
Benzie Satellite Office – via e-mail	Turtle Creek Casino – Employees/Supervisors'
Charlevoix Satellite Office – via e-mail	Break-room
Traverse City Satellite Office - via e-mail	
Strongheart Center	
Library/Yo Building/Youth Center	
Tribal Court	

Attachments

TITLE 12 - INFRASTRUCTURE

CHAPTER 12 – GTB FIBER

§ 1201 Purpose. The organization shall be organized and operated for the following purposes:

- (a) To provide for broadband, internet, network, and telecommunications services to the Grand Traverse Band of Ottawa and Chippewa Indians and its enterprises and subsidiaries, and throughout GTB's six-county service area;
- (b) To assume control of and responsibility for the development, operation, repair and maintenance of the broadband facilities and equipment, including conduit and fiber so as to keep said facilities in good operating condition, in accordance with accepted standards and practices;
- (c) To serve the broadband, telecommunications, and network needs of the GTB and its economic enterprises and subsidiaries;
- (d) To establish service charges sufficient to sustain the proper operation, maintenance and repair of the system, and to provide for depreciation, and contingencies; and
- (e) To collect such service charges from individuals, businesses, concerns and establishments and any other entities served by the system.

§ 1202 Definitions.

- (a) "Broadband" means high-speed, switched telecommunications technology that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications.
- (b) "Commercial" means any building or facility which is not governmental or residential.
- (c) "Council" means the governing body of the Grand Traverse Band Tribal Council.
- (d) "GTB Department of Public Works" or "Department" is the governmental entity that has been set up and is authorized to operate and maintain the community facilities and to provide utility services as directed by the Tribe.
- (e) "GTB or Tribe" means the Grand Traverse Band of Ottawa and Chippewa Indians.
- (f) "GTB Fiber" is the organization established within the Department of Public Works that is authorized to develop, operate, and maintain broadband, fiber, and network

infrastructure.

(g) "permit" means any federal, state, tribal, or local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, resolution, or statute with respect to a project.

(h) "Persons" means an individual, firm, partnership, association, organization, corporation, or other legal entity.

(i) "project" means the construction or deployment of wireline or wireless communications facilities to provide communications services.

(j) "telecommunications" means the transmission of data, information, or communication by wire, cable, radio, optical, or electromagnetic systems.

§ 1203 Organization.

(a) The affairs of the GTB Fiber shall be managed by the Broadband Director. The Broadband Director reports to the Public Works Department Manager.

(b) The Broadband Director shall have the authority to exercise any and all powers delegated to the utility by this Ordinance or any amendments thereto.

(c) The Broadband Director will serve as the single point of contact in the area of broadband for State authorities including the Michigan Department of Transportation and the Michigan Licensing and Regulatory Affairs, county road commissions, townships and other municipalities, GTB and its subsidiaries, commercial subscribers, and interested parties.

(d) Notwithstanding the organization's operation within the GTB Department of Public Works, the Broadband Director and support staff may be employees of the Economic Development Corporation.

§ 1204 Powers.

(a) The Council, Tribal Manager, or Executive Assistant has the authority to enter into agreements, contracts, and understandings with any governmental agency, federal, state, or local or with any person, partnership, or corporation.

(b) To purchase insurance for any property or against any risk or hazard.

(c) To establish and maintain such bank or financial accounts as may be necessary and convenient. All financial accounts shall be fully covered by F.D.I.C.

(d) To levy and collect reasonable fees for utilities and services, including but not limited

to monthly service charges, connection fees, penalties, and other assessments deemed necessary by the Broadband Director and approved by the Council.

(e) To fulfill notification system responsibilities and duties related to the location of underground utilities, and to comply with the requirements of the MISS DIG underground facility damage prevention and safety act, PA 174 of 2013, MCL 460.721 et. seq.

(f) To issue bills and collect payment for broadband, network, or internet service from each individual, concern, or establishment served by the tribally owned facilities, and to maintain records of the income, disbursements, and expense of the operation of the systems.

(g) To apply for and secure permits necessary for the development, expansion, maintenance and operation of GTB's fiber and related internet service facilities.

(f) The Tribal Administration shall employ personnel to operate the broadband facilities; establish the duties and compensation of employees, and to pay this compensation as an operating expense of the broadband systems.

(g) To solicit and receive assistance from the GTB accounting department for the disbursement of monies for payment of existing and future operation and maintenance expenses of the community broadband systems from the broadband program account or any substitute account designated by the Tribal Council.

(h) To prepare public notice of charge for broadband and internet service to set the date for such charges to begin, and to send this notice to each individual, concern, or establishment served by the broadband systems.

(i) To pay charges, fees, and taxes imposed under the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48 ("METRO Act"), as amended, and similar statute or ordinance governing access and usage of the public right-of-way for a telecommunications system.

(j) To promulgate regulations to implement the authority of this Ordinance.

§ 1205 Operation and Maintenance.

(a) Administration.

(1) Responsibility for operation and maintenance of the fiber broadband systems shall be vested solely in the GTB Fiber, including the responsibility of making necessary inspections and performing routine maintenance.

(2) The GTB Fiber shall collect, retain and disburse all charges and fees in accordance with the schedule of charges and fees established. Such schedule of fees and charges may be amended or altered by the Department in the manner provided, but such schedule and the amendments thereto shall have no force nor effect until duly posted as provided. Such schedules shall be approved by the Tribal Council of the Grand Traverse Band Reservation.

§ 1206 Place of Business.

GTB Fiber will maintain an office in Peshawbestown, Michigan. Its address will be:

Grand Traverse Band of Ottawa and Chippewa Indians
ATTN: Director of Fiber
2605 N. West Bayshore Drive
Peshawbestown, MI 49682

§ 1207 Rate Structure.

The rate structure and fee schedules shall be determined based on the actual costs of operation and maintenance for the system. All rates and fee changes must be approved by the GTB Tribal Manager. The fee schedules are available at the Department's office in Peshawbestown.

§ 1208 Bookkeeping and Handling of Funds.

(a) The Department will follow normal Tribal procedures for bookkeeping and banking. This will allow convenient handling of funds through the same bank of the Tribe, while also providing separate accounting of the GTB Fiber's funds.

(b) Actual handling of the Department's funds will be handled by the GTB Accounting Department.

(c) All accounts and ledgers of the Department shall be available for audit at any time by the Tribal Auditor or auditor of the Tribe's choice.

§ 1209 Savings Clause.

(a) Conflict of Ordinances or Regulations; Effect of Partial Invalidity. In any case where a provision of this ordinance or regulations promulgated thereunder is found to be in conflict with a provision of any zoning, building, fire safety, or health ordinance, code or resolution, existing on the effective date of these regulations, the provision establishing the higher standard for the promotion and protection of the health and safety of the

people, will prevail.

If any chapter, subchapter, paragraph, sentence, clause, or phrase of these regulations shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect; and, to this end, the provisions of these regulations are hereby declared to be severable.

§ 1210 Immunity Not Waived.

Nothing in this ordinance shall be construed to waive the sovereign immunity of the Grand Traverse Band of Ottawa and Chippewa Indians.

§ 1211 Amendments or Revisions.

The Plan of Operation may be amended by a simple majority vote of the GTB Tribal Council as provided by law.

§1212 Effective Date.

This ordinance is effective immediately upon approval by the GTB Tribal Council.