

**Little River Band of Ottawa Indians
375 River Street
Manistee MI 49660**

Resolution # 09-0513-125

*Affirming that No Prohibition Exists that would Prevent
A Tribal Council Member from Continuing Appointment as Commissioner*

- WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Anišhinaábek* (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) of the Constitution 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(f) of the Constitution to create by ordinance regulatory commissions or subordinate organizations; and
- WHEREAS, the Tribal Council is authorized, under Article IV, Section 7(h) of the Constitution to approve appointments to regulatory commissions; and
- WHEREAS, the Tribal Council has adopted the Children's Code, Ordinance Number 98-900-01, which was amended on October 31, 2007; and
- WHEREAS, Section 5 of the Children's Code creates the Binojeeuk Commission for the purposes of protecting the best interests of the child and promoting the stability and security of Indian families; and
- WHEREAS, Section 5 of the Children's Code provides that the Binojeeuk Commission members shall be Tribal Members who are age 21 or older; and

WHEREAS, the Binojeeuk Commission has adopted By-Laws which provide that members of the Commission shall be Tribal Members who have reached the age of 21; and

WHEREAS, the Tribal Council has adopted the Commissions Ordinance, Ordinance Number 04-150-01, which was amended on March 4, 2009; and

WHEREAS, Section 7 of the Commissions Ordinance prohibits certain employees of the Tribe from serving on Tribal Commissions; and

WHEREAS, the Binojeeuk Commission currently has two members, one of whom will soon be sworn in as a Tribal Council member; and

WHEREAS, Tribal Council wishes to affirm that no prohibition exists that would prevent a Tribal Council Member from continuing an appointment as a Commissioner.

IT IS NOW THEREFORE RESOLVED THAT the Tribal Council affirms that no prohibition exists that would prevent Virgil Johnson from continuing his appointment as a member of the Binojeeuk Commission.

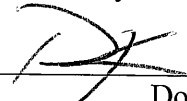
IT IS FURTHER RESOLVED THAT Virgil Johnson shall not receive a Commissioner stipend during the period of time he remains a member of the Binojeeuk Commission.

CERTIFICATION 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, and 2 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on May 13, 2009, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Kimberly Alexander, Council Recorder



Don Koon, Council Speaker

Attest:

Distribution: Council Records
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Binojeeuk Commission
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