



**Little River Band of Ottawa Indians**

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

**Resolution # 02-0814-04**

*Constitutional Amendments - Filling Vacancies if Tribal Court Judges, Appellate Judges  
and Election Board are Elected*

WHEREAS, the Tribe's status as a federally recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.); 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 Tribal Council is authorized under Article XIV, Section 2, to present amendments to the Constitution to the Secretary of the Interior to hold a Secretarial Election when such amendments are adopted by resolution of the Tribal Council; and

WHEREAS, the Tribal Council has been presented amendments which call for the election of Tribal Court Judges and Appellate Judges and members of the Election Board; and

WHEREAS, the Tribal Council has reviewed and recommended clarification of the proposed amendments in work sessions held on February 7, 2002 and April 11, 2002; and

WHEREAS, the Tribal Council has reviewed legal analysis of the proposed amendments presented on January 18 and March 25, 2002; and

WHEREAS, the Tribal Council determined that presentation of amendments for the election of judges and members of the Election Board should be submitted in separate resolutions; and

WHEREAS, if both resolutions are adopted, amendments to Article X should be presented which encompass both newly elected officials which are different than those included in the individual resolutions

WHEREAS, the Tribal Council has determined that these amendments are in an appropriate format and should proceed to a Secretarial Election and that by adoption of this resolution identifies its support that such amendments should be presented; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby requests the Secretary of the Interior to present the following amendment to the Constitution of the Little River Band of Ottawa Indians to the membership for consideration in a Secretarial Election in accordance with Article XIV, Sections 1 and 2:

**Article X**

Section 4 - Vacancies. A vacancy in the office of ~~the Tribal Ogema or on the Tribal Council~~ *an elected official* resulting from death, resignation, forfeiture, removal, or recall shall be filled as follows:

- (a) If less than eighteen (18) months remain in the term of office ~~for the Tribal Ogema or Tribal Council member~~ *of an elected official*, an individual shall be appointed to fill such vacant position at the next regular Tribal Council meeting, provided such appointment is approved by a majority vote of the Tribal Council. The Speaker of the Tribal Council shall nominate an individual to fill the vacancy in the Office of the Tribal Ogema. The Tribal Ogema shall nominate an individual to fill a vacancy on the Tribal Council, *Tribal Court, Court of Appeals and Election Board.*
- (b) If more than eighteen months remain in the term of office ~~for the Tribal Ogema or a Tribal Council member~~ *of an elected official*, a special election shall be held within three (3) months after the vacancy occurs. When calling a special election to fill the vacancy of a Tribal Council member, the qualifications for candidates and registered voters entitled to participate shall be consistent with those applicable to the District in which such vacant seat exists *and in regards to the Court of Appeals consistent with the qualifications required in the vacant seat.*
- (c) Any special election required to be held under this Section shall be conducted in accordance with applicable provisions of this Constitution, any applicable tribal ordinance and any rules and regulations issued by the Election Board.
- (d) ~~The Tribal Ogema or Tribal Council member~~ *elected official* taking office under the provisions of this Section shall only serve until the term of office for the vacant office he/she is filling expires.

A vacancy occurring in the position of Speaker or Recorder of the Tribal Council shall be filled by majority voter of the Tribal Council.



NOW THEREFORE BE IT FURTHER RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby rescinds the proposed amendments to Article X appearing in resolutions # 02-0814-02 and # 02-0814-03 which approve election of both judges and members of the Election Board and directs that the amendments to Article X presented in this resolution should be substituted.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 10 FOR, 3 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 14, 2002, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.

  
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Janine M. Sam, Council Recorder

  
\_\_\_\_\_  
Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Legal Department