

Little River Band of Ottawa Indians

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

Resolution # 02-0814-08

Constitutional Amendments - Recall of Tribal Court Judges and Appellate Judges

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 ability to recall Tribal Court Judges and Appellate Judges; and

WHEREAS, the Tribal Council has reviewed and recommended clarification of the proposed amendments in work sessions held on February 7, 2002, April 11, 2002 and August 2, 2002; and

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 2 - Recall.

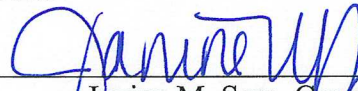
The registered voters of the Tribe shall have the right to recall the Tribal Ogema, ~~or~~ any member of the Tribal Council, *or a Tribal Judge or Appellate Judge* by filing a recall petition with the Election Board. The petition must be signed by at least twenty-five percent (25%) of

the registered voters of the Tribe. The Election Board shall verify and approve/deny the petition within thirty (30) days of receipt. At least fifty percent (50%) of the verified signatures on the petition must be registered voters who are eligible to vote in the election of the Tribal Council member now subject to recall.

The Election Board shall conduct a recall election within ninety (90) days of the Election Board's verification and approval of the petition and its signatures. If the term of office for the Tribal Ogema or Tribal Council member being recalled will end within six (6) months of the date the Election Board verifies and approves the recall petition the issue will be held until the next regularly scheduled session.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was (duly presented and adopted by the Tribal Council with 10 FOR, 2 AGAINST, 1 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.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department