



**Little River Band of Ottawa Indians**

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

**Resolution # 02-0814-09**

*Adoption of Regulations Regarding Procedures for Tribal Council Review of  
Constitutional Revisions, # R100-02:TC*

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 current Constitution was developed as a result of contact with the greatest number of Tribal members possible through a Constitutional Review Committee working over a three or four year period; and

WHEREAS, the Tribal Council has been presented with a request for amendments to the Constitution by an individual Tribal member; and

WHEREAS, the Constitution allows requests for amendments made by either the Tribal Council or a Tribal member petition to be forwarded to the Secretary of the Interior with a request to hold a Secretarial Election; and

WHEREAS, the Tribal Council has taken this opportunity of the first request presented by an individual Tribal member to discuss and clearly understand the impact of constitutional amendments and how the Tribal Council is to participate in that process; and

WHEREAS, the Tribal Council has determined that amendments to the Constitution are of such force and impact to the governmental structure and foundations of the Tribe that they should be presented by petition, not by the Tribal Council, so as to clearly indicate the will and desire of the members by whom constitutional power was granted to those governmental bodies; and

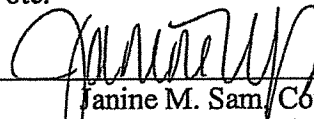
WHEREAS, the Tribal Council has also determined that processes to assist Tribal members in participating in a constitutional right are in the best interests of the Tribe;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts the regulation *Procedures for Tribal Council Review of Constitutional Revisions*, # R100-02:TC; and

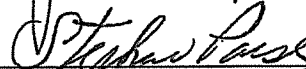
IT IS FURTHER RESOLVED THAT the Tribal Council hereby extends its appreciation to Robert Hardenburgh for waiting with patience and understanding while the Tribal Council discussed his request for the Tribal Council to approve constitutional amendments.

**CERTIFICATE OF ADOPTION**

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



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Legal Department

PROCEDURES FOR TRIBAL COUNCIL REVIEW OF CONSTITUTIONAL REVISIONS REGULATIONS  
Regulation # R100-02:TC

Chapter 1. Procedures For Review of Constitutional Amendments Proposed by  
Membership

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with Article XIV, Section 2 of the Constitution of the Little River Band of Ottawa Indians the Tribal Council hereby promulgates these regulations for review and consideration of amendments to the Constitution.

1-2. *Purpose.* The purpose of these regulations is to set forth clear procedures and policies for the review and recommendation processes for amendments to the Constitution which will provide assistance to members wishing to submit constitutional amendments, and for the Tribal Council to maintain the status and honor of the Constitution through a recognition of restraint in supporting or presenting constitutional amendments.

1-3. *Policy.* It is hereby the declared policy of the Tribal Council—

- a. That the founding document of Tribal government should be amended only by request of the membership.
- b. That while Councilors may lend or offer support to any constitutional amendment, that the Tribal Council shall not provide such support through a resolution adopted by the Tribal Council as authorized under Article XIV, Section 2 of the Constitution.
- c. That the Tribal Council desires to assist members in identifying language that clearly expresses the intent of the individual member, as well as transition language where needed as a result of proposed amendments.
- d. Finally, that in the interests of clearly identifying support for constitutional amendments, the Tribal Council identifies a petition form which may be used by members for collecting the number of signatures for support of a constitutional amendment.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word “shall” is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in Chapter 1 and the Constitution of the Little River Band of Ottawa Indians are defined for the purposes of all these Regulations.

2-2. *Constitution* means the Constitution of the Little River Band of Ottawa Indians.

2-3. *Councilors* means an individual member of the Tribal Council.

2-4. *Eligible voter* means a member of the Tribe who is age 18 or older on the day he or she signed the petition.

2-3. *Member* means an individual enrolled as a member of the Little River Band of Ottawa Indians.

2-4. *Tribe* means the Little River Band of Ottawa Indians.

2-5. *Work session* means a time scheduled by the Tribal Council Recorder for the Tribal Council

## **Future Chapters Reserved for Additional Procedures**

### **Section 4. Adoption; Amendment; Repeal**

4-1. *Adoption.* This Chapter is adopted by the Tribal Council by resolution # \_\_\_\_\_.

5-2. *Amendment.* This regulation may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians.

5-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

*End.*