



**Little River Band of Ottawa Indians**

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

**Resolution # 02-0911-04**

*Approving Final Clarifying Proposed Amendments to Tribal Constitution with Consolidated Ballot Proposals*

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 IV, Section 7(a) 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 adopted resolution #'s 02-0814-02, 02-0814-03, 02-0814-14 and 02-0814-08 which approved presentation of amendments to the Constitution of the Little River Band of Ottawa (*Constitution*) in accordance with Article XIV, Section 2; and

WHEREAS, these amendments were presented by a Tribal member proposing the election of all government officials created in the Constitution and for the recall of Tribal Judges and Appellate Judges; and

WHEREAS, after a brief review and consultation Bureau of Indian Affairs representatives, minor additional amendments were identified as necessary; and

WHEREAS, the Tribal Council has determined that the final additional clarifying amendments are in an appropriate format and should be included in the earlier request for a Secretarial Election and that by adoption of this resolution identifies support that the amendments should be presented;

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 amendments to the Constitution of the Little River Band of Ottawa consisting of electing all government officials and the ability to recall Judges to the membership for consideration in a Secretarial Election in accordance with Article XIV, Sections 1 and 2 of the Constitution and 25 C.F.R. Part 82.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs that the following additional amendments should be forwarded for consideration:

**Article VI. Tribal Court**

**Section 2. Qualifications**

- (a) Member of the Tribe. Any member of the Tribe who is twenty-five (25) years of age or older, who is not a member of the Tribal Council or running for a seat on the Tribal Council, and has not been *convicted of any other crime involving dishonesty or moral turpitude, nor been convicted of a felony under Federal, Tribal, or State law within the seven (7) year period immediately preceding his/her appointment, or convicted of any other crime involving dishonesty or moral turpitude, in the event of a vacancy under Article X, section 4, or prior to the election date in regards to an election*, may serve as a Tribal Judge.
- (b) Non-Member Qualifications. A non-member of the Tribe may be appointed to *or elected to* serve as a Tribal judge if such individual possesses a Law degree and has practiced in Federal Indian law or as a Tribal judge.

**Article IX. Election** (as amended in resolution # 02-0814-03)

- 3. Staggered Terms. Election Board candidates elected to these positions shall serve as follows:

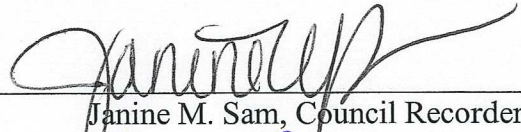
- A. The three (3) candidates receiving the highest number of votes shall serve a four year term of office.
- B. The two (2) candidates receiving the next highest number of votes shall serve a two year term of office, *and the term shall thereafter be as set forth in subsection (b).*

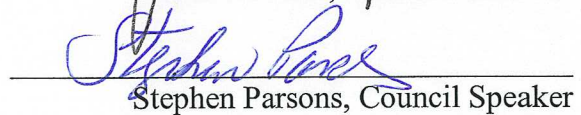
IT IS FINALLY RESOLVED THAT the Tribal Council hereby approves the attached document (*Attachment A*) as the final list of consolidated amendments and proposed ballot.



**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 4 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on September 11, 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

  
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Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Legal Department