



**Little River Band of Ottawa Indians**

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

**Resolution # 04-1215-505**

*Resolution defining the standard of attendance at council meetings for the Tribal Ogema and members of Tribal Council*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (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 has been delegated Legislative powers by the membership, and 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 Ogema has been delegated with Executive powers by the membership, and some of those powers are subject to action by tribal council; and

WHEREAS the Tribal Council is limited to the form of action to adoption of actions either by Motion, Resolution, or Ordinance, and such actions must be taken during Tribal Council meetings; and

WHEREAS, the Tribal Council has reviewed the operations of the Tribal government and the Ogema's responsibilities under the Constitution, and has determined that the Ogema's attendance at Tribal Council meetings is critical to conduct the business of the Tribe; and

WHEREAS, the Tribal Council has recorded a trend that indicates the Ogema has not routinely attend meetings of the Tribal Council in recent months, and the Ogema's absence at such meetings has resulted in critical matters pending on the Tribal Council agenda to be postponed or removed due to lack of information or lack of adequate representation by the Ogema that will enable the Tribal Council to act; and

WHEREAS, members of the Tribal Council have maintained a routine practice of contacting the Speaker or Recorder when they will not be attending a duly scheduled meeting of the Tribal Council, in order to ensure that the reason for not attending the meeting is recorded on the record of the Tribal Council; and

WHEREAS, Tribal citizens of the Little River Band have made comments during public comment portions of Tribal Council meetings expressing dissatisfaction with the manner in which the government is operating to the extent that Tribal Council acknowledges that the Ogema's lack of attendance at Tribal Council meetings has become a hindrance to the overall management and operation of the Tribal Government, resulting in a potential negative impact to the Tribe; and

WHEREAS, the Constitution of the Little River Band delegates responsibility to both the Ogema and Tribal Council, and each have obligations and responsibility to ensure that matters are addressed in a timely fashion that have an impact on the welfare of the Tribe, which require a cooperative working relationship; and

WHEREAS, the Tribal Council has determined that it is in the best interest of the Tribe and its members to establish standards of attendance for the Tribal Ogema and members of the Tribal Council, requiring either personal attendance at every Tribal Council meeting, and prescribing practices requiring notice from the Ogema or individual Councilor in the event that he/she is not able to attend a duly scheduled Council meeting; and

WHEREAS, the Tribal Council finds it necessary to further clarify the Ogema's attendance requirements for Closed Session meetings of the Tribal Council, and the manner in which the Ogema communicates his inability to attend closed session meetings of the Tribal Council.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians enacts a requirement that all members of Tribal Council and the Tribal Ogema are required to attend each duly scheduled or called meeting of the Tribal Council in person, provided that exceptions are granted for the following circumstances:

1. Family emergency
2. Personal illness
3. Attending to urgent or emergent business of the Tribe, as a requirement of office or appointment
4. Travel on behalf of the Tribe, provided that, the individual is fulfilling the responsibility of an appointment, or has been duly

authorized by approving Resolution of Tribal Council to represent the Tribe in the capacity that they traveling for.

5. Vacation time, in the event the Ogema is on Vacation that was taken in accordance with Resolution #03-0419-101, and has provided notice to the Speaker.
6. Unforeseen circumstances – example – difficulty with car, etc.

IT IS FURTHER RESOLVED THAT any Council member or the Tribal Ogema are required to contact the Council Speaker, or if the Speaker is not available, the Recorder, in the event that they will not be in attendance at a Council meeting; the individual is required to inform the contact person as to the reason why they will not be in attendance.

IT IS FURTHER RESOLVED THAT leaving a message on voicemail or email does not constitute contact; the individual must speak to the Speaker or Recorder to register the reason for being absent and the reason will be documented for the record during the meeting.

IT IS FURTHER RESOLVED THAT if there is an item appearing on an agenda sponsored by the Ogema or a Council member, that the sponsor is unable to attend, the sponsor may ask a designee to represent the item, provided that they inform the Speaker of the designee at the time the person makes contact to register their absence.

IT IS FURTHER RESOLVED THAT the Ogema is required to attend those closed session meetings that he has an item submitted for consideration or approval during that meeting; provided that the Ogema will not be required to attend the entire closed session and may be excused once his items are concluded.

~~IT IS FINALLY RESOLVED THAT this Resolution is effective immediately upon adoption, and remains in effect until such time as it is superceded by subsequent resolution or Ordinance.~~

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on December 15, 2004, at the Little River Band's Dome Room 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