

Little River Band of Ottawa Indians

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

Resolution # 05-0601-232

Ratifying the Appointment of Eugene Zeller as Tribal Prosecutor

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 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 is vested with the authority, under Article IV, section 7(e), to employ legal counsel on behalf of the Tribe; and

WHEREAS, the Ogema has presented an employment contract with Attorney Eugene Zeller for the position of Tribal Prosecutor which has been ratified by the Tribal Council by resolution #05-0601-231; and

WHEREAS, the Tribal Council finds that ratification of the appointment and recognition of the powers and responsibilities of the office of Tribal Prosecutor is necessary in order to fully vest the powers of that office;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the appointment of Attorney Eugene Zeller as the Tribal Prosecutor for a four year period beginning on June 1st and continuing for four years thereafter.

IT IS FURTHER AUTHORIZED THAT the Tribal Council authorizes the powers and responsibilities of the Tribal Prosecutor as follows, and that such powers shall remain in effect until repealed by resolution of the Tribal Council or until subsequent adoption of an ordinance conveying powers and responsibilities.

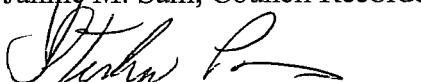
- a. Supervising the conduct of criminal investigations for the purpose of obtaining sufficient evidence to prosecute crimes in the Tribal Court, including arraignments, motions, trials and appeals;
- b. Prosecuting violations of the Tribe's Constitution, criminal laws, conservation laws and regulations, ordinances, regulations and resolutions in Tribal Court;
- c. Serving as presenting officer in Tribal Court on children and juvenile matters and to represent the Tribe in Indian Child Welfare/Juvenile matters in state jurisdiction as directed by the Binojeeuk Commission or as authorized;
- d. Reviewing all charges and complaints submitted to the Office of Tribal Prosecutor of violations of Tribal Law and determining what charges to bring and whom to charge;
- e. Reviewing requests by law enforcement personnel for arrest warrants and search warrants to determine if all Tribal constitutional requirements are satisfied prior to submission of such requests to the Tribal Court or other Courts for approval or authorization;
- f. Assisting with the development of the Tribe's laws and ordinances relating to criminal law and procedures; and
- g. Supervising and administering the day-to-day operations of the Office of the Tribal Prosecutor.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, 1 ABSENT and 1 VACANT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on June 1, 2005, at the Little River Band's Conference Room 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