



Little River Band of Ottawa Indians

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

Resolution # 05-0810-376

Expressing the Tribal Council's Concern Regarding Commission Vacancies and the Appointment Processes

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(f), to create commissions and to delegate responsibility to manage identified activities of the Tribe; and

WHEREAS, the Tribal Council has created the Binojeeuk Commission, Enrollment Commission, Gaming Commission, Housing Commission and the Natural Resource Commission by separate ordinance, identified the qualifications for each commissioner, and designated responsibilities and authorities to those commissions regarding children, membership, gaming, housing, and environmental resources; and

WHEREAS, the Tribal Council is vested with the authority, under Article IV, Section 7(h), to ratify appointments to commissions as presented by the Ogema; and

WHEREAS, the Tribal Council, for purposes of clarification and process, has adopted the Commissions Ordinance which identifies the terms of office, the beginning and ending date for each term of office, and the processes for filling vacancies occurring at the conclusion of a term of office as well as during a term of office; and

WHEREAS, the Tribal Council is aware of the following vacancies on commissions -
Binojeeuk Commission - 3 vacancies - November 3, 2004; March 16, 2005; May 18, 2005
Enrollment Commission - 2 vacancies - January 31, 2005; June 16, 2005
Gaming Commission - 1 vacancy - June 7, 2005
Housing Commission - 1 vacancy - June 23, 2005; and

WHEREAS, the Tribal Council is aware of the following posting for members interested in serving on commissions of the Tribe appearing in the May 2005, February 2005, January 2005, December 2004, November 2004, and October 2004 Tribal newsletter-

“Attention Tribal Members!”

If you are interested in serving on one of the Tribal commissions we would like to hear from you. Please send a letter of interest to the attention of Ogema Lee Sprague. If you have questions, please contact Mary Thomas at 231-398-6824"

Glenn Zaring, Public Information Department

In the December 2004 notice, the names of the commissions were also listed; and

WHEREAS, the Tribal Council received three recommendations for ratification of appointment to the Binojeeuk Commission after being required to provide for emergency amendments, through adoption of resolution # 05-0525-223, to reduce the quorum requirements to allow the commission to continue to meet as a result of ongoing vacancy issues; and

WHEREAS, the Tribal Council received three appointments for ratification to fill the vacancies on the Binojeeuk Commission which meets Mondays during the work day as a result of their work with the Family Service Department employees and the Prosecutor's office. After a review of the recommendations, the Tribal Council rejected two appointments as a result of their being high level employees which should not take that amount of time away from their current employment positions with the Tribe; and

WHEREAS, on July 20, 2005, the Tribal Council informed the third candidate that an interview had been scheduled and faxed a list of questions that would be asked in accordance with the Commissions Ordinance, one of which specifically identified the date and times the Binojeeuk Commission met in order to confirm the availability to attend meetings. On July 20, 2005, the Tribal Council received an e-mail from the third candidate indicating that she was unable to attend meetings as a result of 'work hour conflicts;' and

WHEREAS, the Tribal Council is concerned about the lack of notice to members regarding vacancies on commissions, expected time spent on commission responsibilities, meeting times, and qualifications for appointment, such that members are unable to make informed decisions, as identified by the withdrawal of the third candidate appointed to the Binojeeuk Commission; and

WHEREAS, the Tribal Council is concerned with the presentation of appointments of individuals who are employed in high level positions within the Tribe, such as the Human Resources Director, and as a result adopted emergency amendments to the Commissions Ordinance to prohibit this action, which is currently posted for Public Comment; and

WHEREAS, the Tribal Council is concerned as a result of terms being concluded in September of 2005 which will only result in additional vacancies and potentially undermining the ability of commissions to carry out the delegated responsibilities; and

WHEREAS, the Tribal Council has posted information on the Tribal Council's website and specific notice in the Tribal newsletter for September 2005 which identify the vacancies on commissions as well as the purpose of commissions in order to provide needed information to the membership;


NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby expresses a strong concern that members are not being adequately notified of opportunities to participate in their governmental activities and processes through appointment to commissions that are delegated functions that set Tribal policy regarding family, enrollment, housing, gaming integrity, and the environment and natural resources.

IT IS FURTHER RESOLVED THAT the Tribal Council is stating that the posting of a generic notice which does not identify the specific commission vacancy, term of office, meeting times, and purpose of the commission clearly does not provide sufficient information for interested members to consider submitting an application, much less spark an interest in members who would not otherwise apply, and requests the Ogema to post in the next issue of the Tribal newspaper the vacancies, terms of office, meeting times, and purposes of each commission and to request interested members to submit applications or letters of interest.

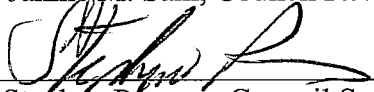
IT IS FINALLY RESOLVED THAT the Tribal Council directs the Ogema to provide a report on the efforts and progress to make vacancy appointments and to make new appointments in regards to the September 2005 vacancies by September 14, 2005.

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 Session of the Little River Band of Ottawa Indians Tribal Council held on August 10, 2005, at the Little River Band's Dome 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