



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution #21-0303-060

Repeal of Ordinance No. 14-100-10 – Elected Officials Ethics Ordinance as determined to be Unconstitutional in Nature

WHEREAS, the status of the 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 Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to exercise the inherent powers of the Little River Band by establishing laws through the enactment of ordinances and adoption of resolutions not inconsistent with this Constitution;; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a)2 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 authorized under Article IV, Section 7(a)3 to provide by ordinance for the jurisdiction of the Tribe over Indian Child Welfare matters, and all other domestic relations matters; and

WHEREAS, the Little River Band of Ottawa Indians Tribal Court ruled that Ordinance No. 14-100-10 – *Elected Officials Ethics Ordinance* is unconstitutional in nature in their 2021 ruling *Declaratory Judgement Regarding the Constitutionality of the Elected Officials Ordinance*; and

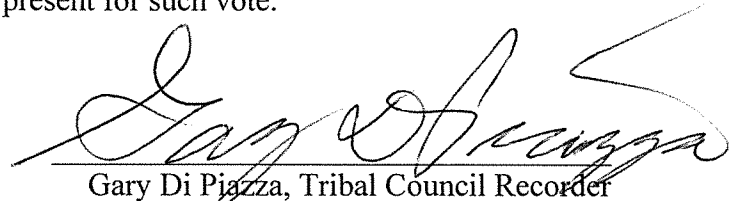
WHEREAS, the Little River Band of Ottawa Indians Tribal Council believes that it is in the best interest of its citizens to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members by *Repeal of Ordinance No. 14-100-10 – Elected Officials Ethics Ordinance as determined to be Unconstitutional in Nature*.

NOW THEREFORE IT IS RESOLVED THAT,

1. The Tribal Council hereby repeals *Ordinance No. 14-100-10 – Elected Officials Ethics Ordinance* as it is determined to be unconstitutional in nature; and
2. As of the date of signing all current hearings, complaints, or determinations shall be determined terminated effective immediately; and
3. All public posting of ethics complaints substantiated or not shall be removed from posting and records pertaining to such ethics complaints shall be destroyed immediately but no later than 3 business days; and
4. Nothing in this Resolution shall be construed to or shall modify the Tribal Budget.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 4 FOR, 3 AGAINST, 1 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on March 3, 2021, via ZOOM, with a quorum being present for such vote.



Gary Di Piazza, Tribal Council Recorder



Ronald Pete, Tribal Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court