



Little River Band of Ottawa Indians
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Resolution # 24-1204-235

Resolution Authorizing Written Notice to Larry B. Romanelli, Tribal Ogema, Of the Tribal Council's Intent to Consider Removal, Adopting the Alleged Grounds for Removal, and Establishing the Date of the Public Meeting.

WHEREAS the status of the *Gaa Ching Ziibi Daawaa Anishinaabek* (Little River Band of Ottawa Indians) as a sovereign with 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 as an exercise of sovereign powers, in order to organize for a common good, to govern under its own laws, to maintain and foster tribal culture, to provide for the welfare and prosperity of its people, and to protect its homeland, 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 pursuant to Article 1, Section 1 of the Constitution, the Tribe's territory shall encompass all lands which are now or hereinafter owned by or reserved for the Tribe, and all lands which are now, or at a later date owned by the Tribe or held in trust for the Tribe or any member of the Tribe by the United States of America; and

WHEREAS pursuant to Article 1, Section 2 of the Constitution, the Tribe's jurisdiction over its members and territory shall be exercised to the fullest extent; and

WHEREAS the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to promote, protect and 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 empowered, under Article IV, Section 7(a) of the Constitution 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, to govern the conduct of members of the Little River Band and other persons within its jurisdiction; and

WHEREAS in accordance with Article X, Section 3, of the Little River Band Constitution, the Tribal Council is empowered to remove elected officials and Article X, Section 10.02 of the Tribal Council Procedures Ordinance #06-100-02 defines the constitutional grounds for Removal from Office. The constitutional grounds for removal are defined as:

a. *Gross Misconduct or Malfeasance in Office.* Gross misconduct or malfeasance in office is defined to be that generally understood by the community as a failure to carry out the actions and responsibilities, or to act in a way that is contrary to the community expectations of the office.

1. *Gross misconduct in office means the complete and/or blatant dereliction of duty, unlawful or improper behavior.* Misconduct, to be considered "gross" under this section, must rise to an absolute, easily seen, extreme, and manifest action. The behavior must be seen as offensive, reprehensible, and unmitigated.

2. Malfeasance in office means an action that is plainly bad, doing an action badly. Malfeasance, to be considered under this section, includes, but is not limited to, corruption, illegal action, misgovernment, mismanagement, unjust performance, or abuse of office.

b. *Conviction, while in office of a felony, or a crime involving dishonesty or moral turpitude.* Conviction by a court of competent jurisdiction while in office may include actions that were done prior to taking office, where the conviction itself occurs after taking office. A crime involving dishonesty or moral turpitude is further defined as follows but is defined as generally understood by the community as an action in violation of the public trust, or personal trust, by the elected official under the purported authority of the office, or in personal actions.

1. Dishonesty means bad faith, cheating, corruption, deception and/or deceitfulness, falsification.

2. Moral turpitude means conduct that is contrary to justice, honesty or morality. In general, it refers to action that is an extreme departure from the community's standards of honesty, justice or ethics as to be shocking to the community.

c. Inability to fulfill the duties of office due to mental or physical disability. Inability to fulfill the duties of office refers to the ability to exercise judgment about the responsibilities of the office or to attend to the business of the office and does not include simply being absent from the physical offices. Inability to fulfill the duties of office means that decisions, or the absence of decisions, are not in the best interests of the Tribe, members, employees, and finances of the Tribe.

WHEREAS the Tribal Council received a copy of a Notice of Change in Payment Method from Sharee M. Freeman, Director, Office of Self Governance, Office of the Secretary of the United States Department of Interior issued because of the Ogema's failure to timely submit a Single Audit Report on behalf of the Little River Band of Ottawa Indians for fiscal year 2023 by September 30, 2024, describing sanctions to be imposed; and

WHEREAS being fully aware of the consequences of his failure to timely file the audit report based on prior warnings received from the Office of Self Governance (OSG), the Ogema mismanaged the duties and responsibilities of his office and improperly failed to see that the audit was filed on time thereby committing gross misconduct and malfeasance in office as a result of his blatant dereliction of duty, unlawful and improper behavior; and

WHEREAS the Ogema has also continually failed and refused to provide the Tribal Council with monthly financial reports by which the Tribal Council can properly oversee and protect the assets of the LRBOI and intentionally withheld the fact of his failure to timely file the audit for fiscal year 2023 from the Tribal Council; and

WHEREAS the Tribal Council adopted the Tribal Council Procedures Ordinance, Ordinance #06-100-02, and approved and adopted revisions to that Ordinance on June 25, 2008, February 22, 2012, and June 26, 2019; and

WHEREAS Article X, Section 10.02 of the Tribal Council Procedures Ordinance governs the procedure for removal of an Elected Official; and

WHEREAS the Little River Band of Ottawa Indians Oath of Office obligates an elected official to uphold and protect the Constitution, all laws and regulations of the Band, and to place the concerns of the Tribe before personal consideration in all matters; and

WHEREAS after consideration of the evidence provided in support of Larry B. Romanelli, Tribal Ogema removal resolution the Tribal Council Adopts the Alleged Grounds for Removal, namely, Gross Misconduct and Malfeasance in Office by the failure to timely submit the LRBOI Single Audit Report for fiscal year 2023 by September 30, 2024, thereby endangering the status of the LRBOI with federal program eligibility and funding; and

WHEREAS the Tribal Council desires to inform the Tribal Membership of the actions that led to this Resolution, and to provide an opportunity for Tribal Ogema Larry B. Romanelli to defend or refute these charges.

NOW THEREFORE BE IT HEREBY RESOLVED THAT the Tribal Council, in accordance with Article X, Section 3 of the Constitution and Article X, Section 10.02 of the Tribal Council Procedures Ordinance, schedules a Public Meeting of the Tribal Council on December 16, 2024 at 10:00 a.m., to be held in the Tribal Council Lodge at the Little River Band of Ottawa Indians Government Center at which time the evidence supporting the removal of the Tribal Ogema or refuting such charges will be considered and a vote taken.

IT IS ADDITIONALLY RESOLVED THAT the Agenda for this Public Meeting shall be set forth as follows:

- I. Opening Prayer
- II. Call to Order
Statement of Purpose of Meeting
Roll Call
- III. Recusal of a Tribal Council Member
- IV. Consideration of the Removal of Larry B. Romanelli, Tribal Ogema
 - A. Presentation of Allegations and Supporting Documentation
 - B. Response of Larry B. Romanelli, Tribal Ogema to Allegations
 - C. Public Comment (Follows Response to Each Charge)
- V. Recess
 - A. Deliberation and Review of Information
- VI. Open Session
 - A. Motion to Adopt Resolution for Removal
 - B. Roll Call Vote
- VII. Adjourn

IT IS FURTHER RESOLVED THAT the specific grounds for removal set forth herein above, and as identified in Attachment A, which includes the supporting documentation, including all exhibits, to substantiate the alleged grounds for removal, are incorporated as cause for removal. The allegations are listed as follows:

- Charge 1** Gross Misconduct and Malfeasance in Office by the failure to timely submit the LRBOI Single Audit to the United States Department of Interior as required.

Article V, Section 5(a)(2).

To oversee the administration and management of the Tribal government in accordance with the laws, resolutions, and motions adopted by the Tribal Council.

Article V, Section 5(a)(8).

To manage the economic affairs, enterprises, property (both real and personal) and other interests of the Tribe, consistent with ordinances and resolutions enacted by the Tribal Council.

Charge 2 Failure to Abide by the Oath of Office and to Perform the responsibilities and duties that go with the position.

The Little River Band of Ottawa Indians Oath of Office requires an individual elected to office to swear to:

- a) "uphold and protect the Constitution of the Little River Band of Ottawa Indians ...",*
- b) "uphold all laws and regulations of the little River Band of Ottawa Indians ... "*
- c) "maintain the respect and honor of the Tribal Council of the Little River Band of Ottawa Indians",*
- d) "place the concerns of the Tribe before personal considerations in matters".*
- e) "to perform the responsibilities and duties that go with the position and affirm by all that they hold dear and sacred. "*

Charge 3 Failure to Provide monthly financial reports for the Council.

LRBOI Constitution, Article V, Section 5(a)(5)

Timely prepare and present the annual Tribal Budget to the Tribal Council for approval or other action and to keep the Tribal Council fully advised as to the financial condition and needs of the Tribe, preparing monthly reports for the Council, and making quarterly reports available to the membership.

IT IS FURTHER RESOLVED THAT Tribal Council determines that the allegations have sufficient documentation to support their truth in accordance with Article X, Section 3 of the Little River Band of Ottawa Indians Tribal Constitution and Article 10, Section 10.02 of the Tribal Council Procedures Ordinance which prohibit Gross Misconduct and Malfeasance in Office; and

IT IS FURTHER RESOLVED THAT in addition to adopting the Alleged Ground for Removal, the Tribal Council also adopts the supporting documentation for the Alleged Grounds for Removal of Larry B. Romanelli, Tribal Ogema. The supporting documentation is as follows:

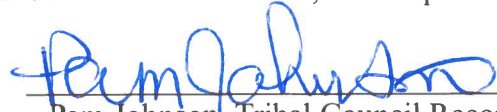
Attachment A- Summary of Exhibits:

1. Little River Band of Ottawa Indians Tribal Constitution
2. Little River Band of Ottawa Indians Oath of Office
3. Little River Band of Ottawa Indians Tribal Council Procedures Ordinance
4. U.S. Dept. of the Interior, Office of the Secretary notice of change in payment method for the 2023 Single Audit report which was due September 30, 2024, describing sanctions.
5. Witnesses: Angela Rabb, CFO; Tammy Burmeister, Tribal Council Speaker and Pam Johnson, Tribal Council Recorder.

IT IS FURTHER RESOLVED THAT upon adoption of this Resolution, the Tribal Council directs the Recorder to provide Notice of the date, time, and place of a Public Meeting of the Tribal Council for Consideration of the Removal of Larry B. Romanelli, as Tribal Ogema. In addition, the Notice shall also include the list of charges that are the basis of the Public Meeting to consider removal.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 1 AGAINST, 1 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on December 4, 2024, at the Little River Band of Ottawa Indians Government Center and via ZOOM, with a quorum being present for such vote.


Pam Johnson, Tribal Council Recorder


Tammy Burmeister, Tribal Council Speaker

Distribution: Tribal Council
Tribal Ogema
Election Board