



Little River Band of Ottawa Indians

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RESOLUTION NO. #98-0308-03

APPROVING APPOINTMENTS TO TRIBAL COURT
AND
AUTHORIZING TRIBAL CHAIRPERSON TO NEGOTIATE LEVEL OF
COMPENSATION FOR AND CONTRACTS WITH JUDGES IN ACCORDANCE
WITH APPROVED BUDGET

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the current Tribal Council of the Little River Band of Ottawa Indians is authorized by P.L. 103-324 to conduct business on behalf of the Tribe until such time as a new constitution and by-laws are duly adopted, pursuant to an election conducted by the Secretary of the Interior; and

WHEREAS, the Tribal Council, Article VII, Section I(j) of the Tribal Constitution is authorized to provide for the health, safety, morals, and welfare of the Tribe; and

WHEREAS, the Tribal Council did, on August 4, 1997, adopt Ordinance No. 97-300-01, known as the "Tribal Court Ordinance", to establish a Tribal Judiciary consisting of a Tribal Court and a Court of Appeals; and

WHEREAS, Section 2 of the Tribal Court Ordinance provides that the Tribal Court shall consist of one (1) chief judge and one (1) associate and that the Tribal Court of Appeals shall consist of three (3) judges, of which at least one shall be an Elder (age 55 years or older) in the Tribe, and at least one (1) of the three (3) judges shall be an attorney licensed to practice before the courts of a state in the United States; and

WHEREAS, Section 13 of the Tribal Court Ordinance establishes the qualifications for judges for appointment the Tribal Judiciary; and

WHEREAS, the Tribal Council has recruited a number of persons who meet the qualifications established by Section 13 of the Tribal Court Ordinance and who are otherwise willing and able to serve as Tribal Judges in the Judiciary; and

WHEREAS, Section 12 of the Tribal Court Ordinance provides for the appointment of Tribal Judges by the affirmative vote of five (5) of the seven (7) Tribal Council members and the level of compensation for such Judges; and

WHEREAS, the Tribal Council Tribe has budgeted \$16,000.00 for contractual payments to the Tribal Judges for Fiscal Year 1998 and an additional \$4,000.00 for training of Court personnel.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby appoints the following persons to serve as Judges on the Tribal Judiciary:

Chief Judge: Daniel Bailey
Associate Judge: Jonnie J. Sam, II
Special Trial Judge: Ronald Douglas
Appellate Judge: Michael D. Petoskey
Appellate Judge: Stella Gibson
Appellate Judge: Brenda Hyma.

BE IT FURTHER RESOLVED THAT, the term of office for the Judges appointed by this Resolution shall end when the Tribal Council makes appointments to the Tribal Judiciary in accordance with the provisions of the revised Tribal Constitution when that organic document is approved by the members of the Tribe in the Secretarial Election to be held in 1998.

BE IT FURTHER RESOLVED THAT the Tribal Chairperson, Robert Guenthardt, is authorized and directed to negotiate contracts for services with the above-named persons, within the budget limitation described above, for ratification by the Tribal Council at the Regular Tribal Council Meeting in April of this year.

BE IT FURTHER RESOLVED THAT the Tribal Chairperson shall coordinate with the Tribal Judges appointed by this Resolution to swear such Judges into office at the first official meeting of the Tribal Judiciary.

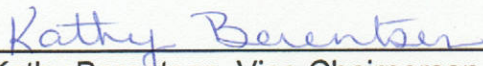
CERTIFICATION OF ADOPTION

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians its Regular Session held on March 8, 1998, by a vote of 7 in favor, 0 opposed, 0 absent, and 0 abstentions, a quorum of the Tribal Council being present for such vote.

Date: 3/8/98


Charles Fisher, Council Secretary

Attest:


Kathy Berentsen, Vice-Chairperson