



**LITTLE RIVER BAND OF OTTAWA INDIANS  
2608 GOVERNMENT CENTER DRIVE  
TRIBAL COUNCIL  
PUBLIC HEARING  
MONDAY, DECEMBER 16, 2024, at 10:00 a.m.  
VIA ZOOM  
AGENDA**

*\*This agenda is subject to adoption or amendment by vote of the Tribal Council\**

**Join Zoom Meeting**

<https://zoom.us/j/99705796129?pwd=OWY5SVVnUis4Y0d1aGdqMXBjRjdxZz09>

**Meeting ID: 997 0579 6129**

**Passcode: 1836**

**Call in numbers**

**1 929 436 2866 Meeting ID 99705796129 # CODE 1836 #**

**1 301 715 8592 Meeting ID 99705796129 # CODE 1836 #**

**I. Opening Prayer**

**II. General Business**

**A. Call to Order**

**T. Burmeister**

**B. Statement of purpose of meeting**

**T. Burmeister**

**C. Roll Call**

**P. Johnson**

**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 (Followers 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**

*NOTE: Resolution number for the first resolution adopted for this meeting is 24-1216-248*

*1<sup>st</sup> supplemental appropriation 2024-11 – 4th QTR*

*1<sup>st</sup> budget modification MB-2024-72*



**Little River Band of Ottawa Indians**  
**Little River Band of Ottawa Indians**  
**TRIBAL COUNCIL**  
**2608 Government Center Drive**  
**Manistee, MI 49660**  
**Toll Free 1-888-723-8288**

December 4, 2024

**NOTICE OF PUBLIC HEARING TO CONSIDER REMOVAL**

Larry B. Romanelli, Tribal Ogema  
Little River Band of Ottawa Indians  
2608 Government Center Drive  
Manistee, MI 49660

Dear Ogema Romanelli:

In accordance with the requirements of Article X, Section 3, of the Little River Band of Ottawa Indians Constitution, and Tribal Council Procedures Ordinance #06-100-02, Article X, Section 10.02; you are hereby notified of a Public Hearing that has been scheduled for **December 16, 2024 at 10 o'clock am** at the Little River Band of Ottawa Indians Government Lodge at which time you will be given the opportunity to answer the charges against you.

You are charged with Gross Misconduct and Malfeasance in Office due to your failure to timely submit the 2023 Single Annual Audit to the Department of Interior which was due on September 30, 2024; failure to abide by the Oath of Office and to Perform the responsibilities and duties that go with the position on behalf of the Little River Band of Ottawa Indians; and failure to provide monthly financial reports for the Tribal Council.

At this meeting, the Tribal Council will consider whether to remove you from the Office of Tribal Ogema.

Respectfully,

*Pam Johnson*  
Pam Johnson  
Tribal Council Recorder



**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:**

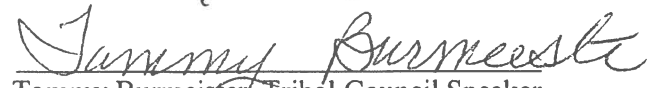
1. Little River Band of Ottawa Indians Tribal Constitution
2. Little River Band of Ottawa Indians Oath of Office
3. Little River Band of Ottawa Indians Tribal Council Procedures Ordinance
4. U.S. Dept. of the Interior, Office of the Secretary notice of change in payment method for the 2023 Single Audit 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





**Little River Band of Ottawa Indians**  
2608 Government Center Drive  
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**Resolution # 24-1204-235**

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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

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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

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  - 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:

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

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- c) "maintain the respect and honor of the Tribal Council of the Little River Band of Ottawa Indians",*
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**Charge 3** Failure to Provide monthly financial reports for the Council.

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

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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.

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**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with FOR, AGAINST, ABSTAINING, and 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.

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Pam Johnson, Tribal Council Recorder

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Tammy Burmeister, Tribal Council Speaker

Distribution: Tribal Council  
Tribal Ogema  
Election Board

**CONSTITUTION  
OF THE  
LITTLE RIVER BAND OF OTTAWA**

**PREAMBLE**

We, the Little River Ottawa people have asserted our sovereignty throughout history including in the Treaty of Chicago [August 29, 1821; 7 Stat 218], the Treaty of Washington [March 28, 1836; 7 Stat 491], and the Treaty of Detroit [July 31, 1855; 11 Stat 621].

Between the last treaty and the present day, the Grand River Ottawa people who became the Little River Band of Ottawa Indians were known and organized under several names, including members of "Indian Village" on the Manistee River, residents of the Pere Marquette Village or "Indian Town", Unit No. 7 of the Northern Michigan Ottawa Association, the Thornapple River Band, and finally the Little River Band of Ottawa Indians.

On September 21, 1994, Public Law 103-324 (108 Stat 2156) was enacted, reaffirming federal recognition of and confirming the sovereignty of the Grand River Bands comprising the Little River Band of Ottawa Indians (referred to as the Tribe or Little River Band).

As an exercise of our sovereign powers, in order to organize for our common good, to govern ourselves under our own laws, to maintain and foster our tribal culture, provide for the welfare and prosperity of our people, and to protect our homeland we adopt this constitution, in accordance with the Indian Reorganization Act of June 18, 1934, as amended, as the Little River Band of Ottawa Indians.

**ARTICLE I – TERRITORY**

Section 1 – Territorial Jurisdiction. The territorial jurisdiction of the Little River Band of Ottawa Indians shall encompass all lands which are now or hereinafter owned by or reserved for the Tribe or for the benefit of its Tribal Members, including, but not limited to, the Manistee Reservation in Manistee County (Michigan), and Custer and Eden Townships in Mason County (Michigan) and all lands held in trust for the Tribe or any Member of the Tribe by the United States of America. The Tribe's territorial jurisdiction shall be exercised to the fullest extent consistent with this Constitution, the sovereign powers of the Tribe, and federal law and shall extend to below and above ground.

Section 2 – Jurisdiction Distinguished From Territory. The Tribe's jurisdiction over its members and territory shall be exercised to the fullest extent consistent with this Constitution, the sovereign powers of the Tribe, and federal law.

**ARTICLE II – MEMBERSHIP**

Section 1 – Closing of Enrollment. Adult enrollment in the Little River Band of Ottawa Indians shall be closed to new applicants on the date this amended Constitution is approved by the majority vote of eligible voters as described in Article XIV. Enrollment shall remain open for two groups of individuals: (1) to an individual age 18 years and younger who meets the other requirements set forth in this Article; and (2) to an individual adopted while under the age of 18 years old, who thereafter learns that he or she meets the requirements set forth in this Article.

Section 2 – Eligibility for Membership. An individual is eligible for membership in the Tribe, if he/she possesses at least one-fourth (1/4) degree Indian blood, of which at least one-eighth (1/8) degree must be Grand River Ottawa or Michigan Ottawa blood and:

- (a) Is a lineal descendant of a member of the historic Grand River Bands who resided in Manistee, Mason, Wexford or Lake Counties in the State of Michigan, who was listed on the schedule or Grand River Ottawa in the Durant Role of 1908 as approved by the Secretary of the Interior on February 18, 1910; or,
- (b) Is a lineal descendant of individuals listed on the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan listed under the following Ottawa Chiefs:

Kewacushkum	Pay-quo-tush	Me-tay-wis
Shaw-be-quo-ung	Penayse	Kaw-gay-gaw-bowe
Maw-gaw-ne-quong	Ching-gawa-she	Aken Bell; and,

- (c) Is not currently enrolled in any other federally recognized Indian Tribe, band, or group.

Section 3 – Membership Rights of Children Who Have Been Adopted. Any child who is less than 18 years of age, who meets the membership criteria in Section 1, shall be eligible for membership, notwithstanding such adoption.

Section 4 – Dual Membership Prohibition. Any member of the Little River Band who applies for and is accepted as a member of another federally recognized Indian Tribe or band shall be subject to disenrollment in accordance with Section 4 of this Article.

Section 5 – Membership Procedure. The Tribal Council shall establish ordinances governing membership, including but not limited to enrollment and disenrollment; Provided that the Tribal Council shall not have the power to change or establish substantive requirements for membership in addition to those established in this Article.

Section 6 – Right of Appeal. Any person whose application for membership has been denied, or any member who has been disenrolled, shall have the right to appeal to the Tribal Court.

Section 7 – Closing or Opening Enrollment. The closing or opening of enrollment shall occur only by an initiative of the Membership according to Article VII, Section 2 of this Constitution.

### ARTICLE III – CONSTITUTIONAL RIGHTS

Section 1 – Civil Rights. The Little River Band in exercising the powers of self-government shall not:

- (a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble and to petition for a redress of grievances;
- (b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (c) Subject any person for the same offense to be twice put in jeopardy;
- (d) Compel any person in any criminal case to be a witness against himself;
- (e) Take any private property for a public use without just compensation;
- (f) Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;
- (g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year or a fine of five thousand dollars (\$5000.00), or both, or the maximum penalty allowed under Federal law;



- (h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- (i) Pass any legislation, directed against a designated person, pronouncing him/her guilty of an alleged crime, without trial or conviction or ex post facto law, which retroactively changes the legality or consequences or a fact or action after the occurrence of that fact of commission of the act;
- (j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by a jury of not less than six (6) persons;
- (k) Make or enforce any law unreasonably infringing the right of tribal members to keep and bear arms; or
- (l) The enumeration of rights in this Constitution shall not be construed to deny or disparage other rights retained by tribal members.

Section 2 – Access to Tribal Records. Subject to any express limitations contained in this Constitution, the laws of the United States, and individual Tribal members' and Tribal employees' rights to privacy, members of the Tribe shall be provided access to review the records of Tribe including, but not limited to: minutes of all meetings of the Tribal Council or other subdivisions of the Tribal government, Tribal budgets and financial reports of Tribal expenditures; provided that such review shall be conducted during normal office hours.

## **ARTICLE IV – TRIBAL COUNCIL**

Section 1 – The legislative powers of the Little River Band shall be invested in the Tribal Council.

Section 2 – Composition of the Tribal Council; Districts.

- (a) The Tribal Council shall consist of nine (9) persons, elected by popular vote of the registered voters of the Tribe in the manner described in this Section and Article IX.
- (b) Tribal Council positions shall be elected by the membership by the following districts:
  - 1. Four (4) of the nine (9) members of the Tribal Council shall be elected by the registered voters of the Tribe who reside in the following Counties in the State of Michigan: Kent, Lake, Manistee, Mason, Muskegon, Newago, Oceana, Ottawa and Wexford;
  - 2. Four (4) of the nine (9) members of the Tribal Council shall be elected by all of the registered voters of the Tribe residing outside of the nine (9) county district defined in subsection 2(b)(1) of this Section; and
  - 3. One (1) of the nine (9) members of the Tribal Council shall be elected by all of the registered voters of the Tribe regardless of residency.
- (c) The Council shall select two (2) Council members, by majority vote of the Council, to serve as Council Officers: Speaker and Recorder. Officers' terms shall be two years. A single Council member may not hold both Officer positions.

Section 3 – Qualifications. A Tribal Member must meet the following qualifications to be a candidate or nominee for Tribal Council, or to retain his or her seat as Tribal Council:

- (a) He or she must be at least twenty-one (21) years of age or older and a resident of the State of Michigan for at least six (6) months prior to the date of the next scheduled election.
- (b) He or she must disclose to the Membership if any of the following apply:
  - 1. He or she has any current prosecution pending or has any conviction for a crime involving fraud or misrepresentation; and/or
  - 2. He or she has any current prosecution pending or has any conviction within the past ten (10) years for any crime listed in the Major Crimes Act (U.S. Stat. Vol.23,

Chapter 341) (murder, manslaughter, rape, assault with intent to murder, arson, burglary or larceny); and/or

3. He or she has any current prosecution pending or has any conviction within the past ten (10) years for any felony in any jurisdiction, or for any other offense, the victim of which offense was the Tribe, or any Tribal business, enterprise, department or program; and/or

4. He or she has any current prosecution pending or has any conviction for any offense related to sexual crimes or criminal sexual conduct where the perpetrator was convicted as an adult at the time the crime was committed, and/or is registered in any jurisdiction's list of sexual offenders.

Section 4 – Terms of Office.

(a) Except as provided for in Section 1 of Article IX in this Constitution each Tribal Council member's term of office shall be for four (4) years.

(b) Tribal Council members shall continue in office until their successors are sworn in by the Tribal Court, their office is deemed vacant, or they are removed from the Tribal Council.

(c) If any Tribal Council member ceases to be a member of the Tribe, he or she shall automatically forfeit his or her Council position.

(d) If any Tribal Council member ceases to be a resident of the State of Michigan, he or she shall automatically forfeit his or her Council position.

(e) There shall be no prohibition against continuous service.

Section 5 – Council Officers Duties.

(a) *Speaker*. The Speaker of the Council shall:

1. Preside at all meetings of the Tribal Council.
2. Call special meetings of the Council, when appropriate.
3. Receive reports from the committees or commissions and deliver such reports to the Council.
4. Perform the duties of the Tribal Ogema in the absence of or due to the inability of the Ogema to perform those duties.

(b) *Recorder*. The Recorder of the Council shall:

1. Submit a record of the minutes of all Tribal Council meetings, and make such reports available to the membership of the Tribe.
2. Keep the Members informed as to the status of the activities of the Council and all other matters affecting the Tribe and its members.
3. Maintain and protect the Tribal Seal.
4. Perform the duties of the Speaker if the Speaker is absent or unable to fulfill those duties.

Section 6 – Meetings of the Tribal Council.

(a) *Regular Meetings*. The Tribal Council shall meet in regular session at least once every month at a time and place to be set by the Tribal Council. The schedule of meetings for regular sessions of the Tribal Council for the next calendar year shall be set by resolution of the Tribal Council at the last regular session of each calendar year. The meeting schedule for each calendar year shall be published and made available to the General Membership.

(b) *Special Meetings*. A special meeting of the Tribal Council may be held under the following conditions:

1. A special meeting shall be called (i) upon written request of the Tribal Ogema submitted to the Council Recorder, (ii) upon written request, submitted to the Tribal

Ogema or Council Recorder, by two (2) members of the Tribal Council, (iii) upon written request, submitted to the Tribal Ogema or Council Recorder, signed by at least ten percent (10%) of the Tribal Elders, fifty-five (55) years or older; or (iv) upon a petition of ten percent (10%) of the registered Tribal voters requesting a meeting submitted to the Tribal Ogema or Council Recorder.

2. There shall be at least seventy-two (72) hours written notice sent to the Council members at each member's designated regular mailing address. Notice shall also be posted in the Tribal Office or Governmental Center. No business may be transacted if proper notices have not been mailed and posted. The notice shall specify all business to be addressed, and no matter which is not included in the notice may be addressed at the meeting.

(c) *Emergency Meetings.* Emergency meetings of the Tribal Council may be called by the Tribal Ogema or Speaker upon less than seventy-two (72) hours written notice, if such meetings are necessary for the preservation or protection of the health, welfare, peace, safety or property of the Tribe. Efforts shall be made to ensure that each Tribal Council member receives notice of such meetings. Where practical, notice shall be posted at the Tribal Office or Governmental Center. Notices shall state the purpose, time and place of the meeting. No business other than that stated in the notice shall be transacted at such meetings.

(d) *Open Meetings; Closed Sessions.* All meetings of the Tribal Council shall be open to the Tribal Membership. However, the Council may meet in closed session for the following purposes:

1. Personnel Matters, provided the employee in question did not request a public meeting, or
2. Business matters involving consideration of bids or contracts which are privileged or confidential, or
3. Claims by and against the Tribe.

Minutes shall be maintained relating to all business conducted in open or closed session. The general reason for a determination to meet in closed session shall be placed on the record in open session. The minutes of business conducted in closed session shall be maintained in a closed file in perpetuity; however, such minutes of closed sessions may be opened to the public upon a vote of the majority of the Tribal Council, upon final disposition of the matter concerned or upon order of the Tribal Judiciary. Upon conclusion of a closed session, announcement of the resumption of open session shall be made before adjournment.

(e) *Rules of the Tribal Council.* The Tribal Council shall determine its own rules of procedure for meetings of the Tribal Council, subject to any limitations imposed in this Constitution. Such rules and procedures shall provide for an opportunity for the General Membership to be heard on any question under consideration by the Tribal Council.

(f) *Quorum required to conduct business.*

1. A quorum of the Tribal Council shall consist of six (6) members.
2. When a Council Member has a personal interest in an issue or matter to be voted on by the Council, other than those common to all Tribal Members, which would require balancing personal interest against interests of the Tribe, such member shall abstain from voting on that matter due to conflict of interest and shall disclose the nature of the conflict.

3. The fact that a member may not vote on an issue due to conflict of interest shall not prevent that member from voting on other matters or from determining a quorum's existence.

4. Failure to disclose a potential conflict of interest is cause for removal, and where a matter of potential conflict has been disclosed, the Council shall determine by majority vote whether a member shall abstain from voting, although no member shall be compelled to vote regarding an issue as to which he or she believes a conflict exists.

*(g) Action by the Tribal Council.*

1. The Tribal Council shall act only by ordinance, resolution or motion.

2. Tribal Council action shall be determined by a majority of the quorum present and voting at the meeting, unless otherwise specified in this Constitution, and minutes shall identify each Council Member's vote on every issue.

Section 7 – Powers of the Tribal Council. The legislative powers of the Little River Band of Ottawa Indians shall be vested in the Tribal Council, subject to any express limitations contained in this Constitution. The Tribal Council shall have the power, including by way of illustration, but not by limitation:

(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:

1. to govern the conduct of members of the Little River Band and other persons within its jurisdiction;

2. to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members;

3. to provide by ordinance for the jurisdiction of the Tribe over Indian Child Welfare matters, and all other domestic relations matters;

4. to provide for the manner of making, holding and revoking assignments of the Little River Band's land or interests therein;

(b) To authorize and ratify agreements and contracts negotiated by the Tribal Council on behalf of the Little River Band with federal, state and local governments and other Indian tribes or their departments or political subdivisions, or with private persons on all matters within the authority of the Tribal Council;

(c) To purchase, lease, take by gift, take by devise or bequest, or otherwise acquire land, interests in land, personal property or other assets which may be deemed beneficial to the Little River Band;

(d) To approve or veto any sale, disposition, lease or encumbrance of Little River Band land, interests in land, personal property or other assets;

(e) To employ legal counsel, subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law;

(f) To create by ordinance regulatory commissions or subordinate organizations and to delegate to such organizations the power to manage the affairs and enterprises of the Little River Band, provided that no such commission or subordinate organization shall exercise powers of the Tribal Council unless they are expressly delegated by the Tribal Council;

(g) To establish rules and procedures to regulate all meetings of the Tribal Council, standing committees, special committees and such other regulatory commissions or subordinate organizations created by ordinance;

(h) To approve appointments to the Tribal Court, regulatory commissions and heads of subordinate organizations created by ordinance;

(i) To exercise the following fiscal powers:

1. Subject to the veto of the Tribal Ogema, to adopt, approve or amend the annual budget presented by the Tribal Ogema and to authorize the expenditure of funds in accordance with such budgets;
2. To manage any funds within the exclusive control of the Little River Band and to appropriate these funds for the benefit of the Tribe and its members. All expenditures of funds shall be pursuant to appropriations or budgets authorized by resolution or in accordance with ordinances of the Tribal Council;
3. To levy duties, fees, taxes and assessments on any person, natural or corporate, residing or doing business within the territorial jurisdiction of the Little River Band;
4. To borrow money or to issue temporary or long term evidence of indebtedness for public purposes and to secure the repayment thereof;

(j) To take action, not inconsistent with this Constitution or Federal law, which shall be necessary and proper to carry out the sovereign legislative powers of the Tribe.

Section 10 – Tribal Powers and Rights Not Limited.

(a) Any rights and powers heretofore vested in the Little River Band but not expressly referred to in this Constitution shall not be diminished, abridged, or divested by this Article.

(b) The Tribal Council may exercise such additional powers as may be conferred upon the Tribe in the future by law, by the Secretary of the Interior, or by any other duly authorized official or agency of the federal government, state or local government, or by another Indian tribe.

## **ARTICLE V - TRIBAL OGEMA**

Section 1 – The Executive powers of the Little River Band shall be invested in the Tribal Ogema.

Section 2 – *Qualifications.* A Tribal Member must meet the following qualifications to be a candidate or nominee for Ogema, or to retain his or her seat as Ogema:

(a) He or she must be at least twenty-five (25) years of age or older and a resident of the State of Michigan for at least six (6) months prior to the date of the next scheduled election.

(b) He or she must disclose to the Membership if any of the following apply:

1. He or she has any current prosecution pending or has any conviction for a crime involving fraud or misrepresentation; and/or
2. He or she has any current prosecution pending or has any conviction within the past ten (10) years for any crime listed in the Major Crimes Act (U.S. Stat. Vol.23, Chapter 341) (murder, manslaughter, rape, assault with intent to murder, arson, burglary or larceny); and/or
3. He or she has any current prosecution pending or has any conviction within the past ten (10) years for any felony in any jurisdiction, or for any other offense, the victim of which offense was the Tribe, or any Tribal business, enterprise, department or program; and/or
4. He or she has any current prosecution pending or has any conviction for any offense related to sexual crimes or criminal sexual conduct where the perpetrator was convicted as an adult at the time the crime was committed, and/or is registered in any jurisdiction's list of sexual offenders.

(c) Upon election, he or she must establish a permanent physical residence that allows the

Ogema to be available within the nine-county district described in subsection 2(b)(1) of Article IV within 60 days of his or her swearing-in ceremony.

Section 3 – Term of Office.

- (a) The Tribal Ogema's term of office shall be four (4) years.
- (b) The Tribal Ogema will continue in office until his/her successor is sworn in by the Tribal Court, the office is deemed vacant, or he/she is removed as the Tribal Ogema.
- (c) If the Ogema ceases to be a member of the Tribe, he/she will automatically forfeit the Ogema position.
- (d) If the Ogema ceases to reside in the nine (9) county district defined in subsection 2(b)(1) of Article IV, he/she will automatically forfeit the Ogema position.
- (e) There shall be no prohibition against continuous service.

Section 4 – Election of the Tribal Ogema. The Tribal Ogema shall be the candidate seeking the office who receives a majority of the tribal vote cast for that position. If no one (1) candidate receives a majority of the votes cast, a run-off election shall be held between the two (2) highest vote recipients.

Section 5 – Powers of the Ogema.

(a) Subject to any limitations contained in this Constitution, the Tribal Ogema of the Little River Band shall be invested with the executive powers of its inherent sovereignty including, but not limited to:

1. To enforce and execute the laws, ordinances and resolutions of the Tribal Council, consistent with this Constitution.
2. To oversee the administration and management of the Tribal government in accordance with the laws, resolutions, and motions adopted by the Tribal Council.
3. To consult, negotiate, and execute agreements and contracts on behalf of the Little River Band with federal, state, and local governments and other tribal governments, or with private persons or organizations. Agreements and contracts reached must be approved or ratified by Tribal Council to be effective.
4. With the approval of the Tribal Council, to appoint members to the Tribal Court, members of all regulatory commissions, and heads of subordinate organizations created by ordinance (Art. IV, Sec. 9(h)).
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.
6. To have veto power over actions of the Tribal Council modifying the Tribal Budget or appropriations items as provided in subsection (c) of this Section 5.
7. To collect taxes or assessments against members, non-members and businesses.
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.
9. To exclude from the lands of the Tribe persons, or other entities, not legally entitled to be present thereon.

(b) The Tribal Ogema shall receive for his/her services a compensation to be established by the Tribal Council, which shall not be diminished during his/her continuance in office.

(c) Every action taken by the Tribal Council, whether by ordinance, resolution or appropriation, which modifies the Tribal Budget submitted for approval by the Tribal Ogema, shall be presented to the Tribal Ogema for his/her approval and signature before it becomes effective. The Tribal Ogema shall approve or disapprove of the action taken by the Tribal

Council within seven (7) days after the item is submitted to the Tribal Ogema by the Tribal Council. If he/she disapproves of the action taken by the Tribal Council, he shall return it to the Tribal Council within the seven (7) days provided, specifying his/her objections. If after re-consideration, it again passes the Tribal Council by an affirmative vote of six (6) of the nine (9) Tribal Council members, it shall become law and he/she shall sign it notwithstanding his/her objections.

## ARTICLE VI – TRIBAL COURT

Section 1 – The judicial power of the Little River Band shall be invested in a Tribal judiciary, which shall consist of the Tribal Court, a Court of Appeals, and such inferior courts as the Tribal Council may from time to time ordain and establish.

Section 2 – *Qualifications.*

(a) *Member of the Tribe.* Any member of Tribe may serve as a Tribal Judge provided he/she is twenty-five (25) years of age or older, is not a member of the Tribal Council or the Ogema or running for a seat on the Tribal Council or for the office of the Ogema, and has not been convicted of any crime of dishonesty, or moral turpitude, nor been convicted of a felony under Tribal, or State law within the ten (10) year period immediately preceding the date of the election, or, in the event of a vacancy under Article X, Section 4(a), his/her appointment.

(b) *Non-Member Qualifications.* A non-member of the Tribe may be appointed to or elected to serve as a Tribal judge if such individual possesses a Law degree and has practiced in Federal Indian law or as a tribal judge, and has not been convicted of any crime involving dishonesty, moral turpitude, nor been convicted of a felony under Federal, Tribal or State law within the ten (10) year period immediately preceding the date of the election, or, in the event of a vacancy under Article X, Section 4(a), his/her appointment.

Section 3 – *Composition of the Tribal Court System.*

(a) *Tribal Court.* The Tribal Court shall be a court of general jurisdiction and shall consist of one (1) judge and one (1) associate judge who shall meet as often as circumstances require.

(b) *Court of Appeals.* The Tribal Court of Appeals shall consist of three (3) judges. At least one (1) of the three (3) judges 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.

Section 4 – *Appointment and Compensation.*

(a) Judges of the Tribal Court, including the Court of Appeals, shall be elected by the registered voters.

1. *Current Judges.* The current tribal judges as of adoption of these amendments shall identify the following:

A. Tribal Court judges shall determine staggered terms from amongst themselves and new terms shall be set at either two year or four years. Each term thereafter shall be set as set forth in Section 5(a).

B. Court of Appeals judges shall determine staggered terms from amongst themselves and new terms shall be set at either two years or four years. Each term thereafter shall be as set forth in Section 5(a).

2. *Declaration of Tribal Court or Court of Appeals Candidacy.* Candidates shall declare their intention to run for a position on the Tribal Court or the Court of Appeals. Provided that, the Election Board shall identify positions on the Court of Appeals requiring specific qualifications as identified in Section 3(b). Where no candidate, at

the conclusion of any deadlines set by the Election Board, declares for a position on the Court of Appeals requiring specific qualifications, the Tribal Ogema shall appoint, and the Tribal Council shall approve a judge for that vacancy.

(b) *Compensation.* The Tribal Council shall have the power to establish the level of compensation for each judge; provided that the compensation due to each individual judge shall not be diminished during the term of his/her appointment.

(c) Tribal Judges shall be sworn in by the Speaker of the Tribal Council.

Section 5 – Term of Office.

(a) Except as provided for in Section 6 of this Article VI, the term of office for all Tribal Judges shall be six (6) years.

(b) Tribal Judges will continue in office until a successor is sworn in.

(c) There shall be no prohibition against continuous service.

Section 6 – Resignation or Removal.

(a) *Resignation.* A Tribal Judge may resign his/her office at any time. Resignation is immediate upon a Judge submitting written notice to the Tribal Council of his/her resignation.

(b) *Removal.* A Tribal Judge may only be removed by a vote of seven (7) of the nine (9) Council Members following a recommendation of removal by a majority of the remaining Tribal Judges for the following reasons:

1. Unethical conduct, as defined by the Michigan Indian Judicial Association Model Code of Tribal Judicial Conduct;
2. Gross misconduct or malfeasance in office that is clearly prejudicial to the administration of justice;
3. Ineligibility, under Section 2 of this Article, to serve as a member of the Tribal Court;
4. Inability to fulfill the duties of the office due to mental or physical disability, to the extent that he or she is incapable of exercising judgment about or attending to the duties of the Tribal Court. Such determination shall be based upon or supported by competent medical evidence or opinion.

If a member of the Tribal judiciary obtains information which indicates that grounds exist for removal of another judge, he/she shall provide written notice of the charge and specify the facts supporting such charge to all Tribal Judges, including the accused. The Judge so charged shall be notified so he/she may answer the charges at a public hearing of all members of the Tribal Court held for that purpose. Such hearing shall be noticed at least ten (10) days prior to the hearing at which the Judge's referral for removal is to be considered. If a majority of the remaining of the Tribal Court vote to refer the Judge to the Tribal Council for removal, the grounds for removal shall be set forth with specificity and the Tribal Judge shall be suspended from office until the Tribal Council acts on the referral at a public meeting of the Tribal Council held to consider that referral. At least ten (10) days before the meeting of the Tribal Council at which the vote for removal will be taken, the affected judge shall be provided with a written notice of that meeting. Before any vote for removal is taken, the affected judge shall be provided with a reasonable opportunity to answer the charges at the Tribal Council meeting. If the Tribal Council, by affirmative vote of seven (7) of the nine (9) Council members, finds that grounds for removal as stated by the Tribal Court exist, the Tribal Council shall remove the judge from office. If the Tribal Council finds that the grounds for removal do not exist, the suspended judge shall be fully reinstated to the Tribal Court.

Section 7 – Vacancy. A vacancy in any judicial position resulting from a Judge's death, resignation, removal, or recall shall be filled in the same manner as set forth in Article X, Section 4. The term of



office for any Tribal Judge appointed under this Section shall be for the remainder of the vacant term.

Section 8 – Jurisdiction and Powers of the Tribal Courts. The jurisdiction and judicial powers of the Little River Band of Ottawa Indians shall extend to all cases and matters in law and equity arising under the Tribal Constitution or under the laws and ordinances applicable to the Little River Band of Ottawa Indians. Such powers shall include, but are not limited to,

- (a) To adjudicate all civil and criminal matters arising within the territorial or membership-based jurisdiction of the Tribe.
- (b) To review ordinances and resolutions of the Tribal Council or General Membership to ensure that they are consistent with this Constitution and rule void those ordinances and resolutions deemed inconsistent with this Constitution.
- (c) To hear cases based on ordinances and laws of the Tribe for purposes of determining innocence or guilt where trial by jury has been waived.
- (d) To assign fines and penalties as allowed by Tribal and Federal law.
- (e) To grant warrants for search to enforcement officers when just cause is shown.
- (f) To grant warrants, writs, injunctions and orders not inconsistent with this Constitution.
- (g) To swear in Tribal Council members and the Tribal Ogema by administering the oath of office.
- (h) To establish, by general rules, the practice and procedures for all courts of the Little River Band.
- (i) To prepare and present to the Tribal Ogema and Tribal Council a budget requesting an appropriation of funds to permit the Tribal Courts to employ personnel or to retain by contract such independent contractors, professional services and whatever other services may be necessary to carry out the dictates of this Constitution, the Tribal Court Ordinance and all Ordinances creating lower courts of limited jurisdiction.
- (j) To preside over all suits for declaratory or injunctive relief as provided for in accordance with Article XI of this Constitution.

Section 9 – Judicial Independence. The Tribal Judiciary shall be independent from the legislative and executive functions of the tribal government and no person exercising powers of the legislative or executive functions of government shall exercise powers properly belonging to the judicial branch of government; provided that the Tribal Council shall be empowered to function as the Tribal Court of the Little River Band until the judges prescribed by this Article have been appointed; provided further that the first Tribal Council and Tribal Ogema elected under this Constitution shall make appointments to its courts within ninety (90) days after its members are elected.

## **ARTICLE VII - GENERAL MEMBERSHIP POWERS**

### Section 1. General Membership Meetings.

- (a) Meetings of the General Membership of the Little River Band shall be held twice a year; once in the spring, once in the fall, at a site suitable for such a meeting.
  - 1. The chairperson for these meetings shall be the Tribal Ogema, who will officiate at these meetings.
  - 2. At these meetings the membership will be informed as to the affairs and “state of the Tribe”.
  - 3. Subject to the express limitations contained in this Constitution, motions and ordinances adopted by the General Membership shall have the status of law and be binding on the Tribal Council, Tribal Ogema and Judiciary; provided at least thirty (30%) percent of the registered voters of the Tribe are present at such Membership

Meeting, as verified by the Election Board.

4. Notice of a General Membership Meeting shall be given thirty (30) days prior to the meeting by mail to the last known address of each adult member of the Tribe, and by posting in the Tribal Office or Governmental Center.

Section 2 – Initiative. Members of the Tribe shall have the power to initiate ordinances or repeal or amend existing ordinances in the following manner:

(a) Initiative petitions shall explain the ordinance to be acted upon in language understood by the signatories.

(b) Petitions signed by twenty-five percent (25%) of the registered voters and verified by the Election Board shall be presented to the Tribal Council for action.

(c) Upon receipt of a verified petition, the Tribal Council may, within thirty (30) days, adopt the initiative measure by a majority vote without alteration. If the Tribal Council fails to adopt the measure, the Election Board shall call a special election for the purpose of allowing the General Membership to vote on the initiative measure.

(d) Initiative elections will be held not less than forty-five (45) days after verification and not more than ninety (90) days in accordance with applicable provisions of this Constitution, any applicable tribal ordinance and any rules and regulations issued by the Election Board.

(e.) The decision of a majority of the voters in such an initiative election vote shall be binding on the Tribal Council, provided that thirty percent (30%) of the registered voters cast ballots. If less than thirty percent (30%) of the registered voters of the Tribe cast ballots in such election, the initiative shall be deemed defeated.

(f) The right of initiative does not extend beyond the subject of Tribal ordinances and may not be utilized to abrogate any rights of the Tribal judiciary or abrogate any rights guaranteed to any person under Article III, Section 1 of this Constitution.

Section 3 – Limitations on Membership Powers. The General Membership shall not have the power to take any of the following action under this Article:

(a) Propose, adopt or amend the Tribal Budget;

(b) Appropriate or expend Tribal revenues or funds;

(c) Reverse, overturn or otherwise influence any judicial action of the Tribal Court;

(d) Take any action which is otherwise in violation of this Constitution or a usurpation of individual rights as defined herein.

Section 4 – Referendum.

(a) The Tribal Council shall, upon an affirmative vote of seven (7) Council Members, schedule a referendum election on any proposed or previously enacted ordinance by the membership.

(b) The referendum election shall be held no sooner than thirty (30) days and no later than ninety (90) days from the date the proposed or existing ordinance is referred to the voters in accordance with applicable provisions of this Constitution, any applicable tribal ordinance and any rules and regulations issued by the Election Board. The date of the referendum election shall be set by the Tribal Council.

(c) The vote of a majority of those actually voting shall be binding upon the Tribal Council, provided at least thirty percent (30%) of the registered voters of the Tribe cast ballots in the referendum election.

Section 5 – Time of Effect or Repeal.

(a) Any action taken under this Article VII shall take effect ten (10) days after certification of election or vote by the Election Board.

(b) Actions taken by the General Membership under this Article VII may only be repealed by

subsequent action of the General Membership and may not be repealed by action of the Tribal Council.

## **ARTICLE VIII – POWERS OF THE TRIBE NOT DIMINISHED**

Section 1 – Any rights and powers heretofore vested in the Tribe but not expressly referred to in this Constitution shall not be diminished by this Constitution.

Section 2 – This Constitution, Tribal Ordinances, regulations and judicial decisions shall govern all people subject to the Tribe's jurisdiction.

## **ARTICLE IX – ELECTION**

Section 1 – First Election. The first election under this amended Constitution of the nine (9) members of the Tribal Council and the Tribal Ogema shall be conducted in accordance with Article IV, Section 2, Article V, Sections 2 and 4 and this Article.

(a) *Current Tribal Ogema; Tribal Council Members.* The current Tribal Ogema and Tribal Council members as of the adoption of these amendments shall continue in office until the expiration of his or her current term. Thereafter, all candidates for office shall be required to meet the qualifications described in Article IV and V, respectively.

(b) *Declaration of Candidacy.* Candidate shall declare their intention to run for a seat on Tribal Council, or for the office of Ogema, or for a seat on the judiciary. Provided, that, the Election Board shall identify positions requiring specific qualifications as identified in Articles IV, V, and VI. Where no candidate, at the conclusion of any deadlines set by the Election Board, declares for a position on the Tribal Council requiring specific qualifications, the Tribal Ogema shall nominate for Tribal Council's approval a qualified Tribal member for this vacancy.

(c) [Intentionally Omitted].

(d) The Election Board shall issue such rules and regulations, consistent with this Constitution, as it deems necessary to properly conduct the first election under these amendments. Such rules and regulations shall include procedures for conducting necessary background investigations of candidates for elected office to verify such person's qualifications for office and providing confirmation of a candidate's qualifications for office to registered voters in advance of voting.

Section 2 – Election Methods.

(a) *Regular Elections.* Members of the Tribal Council and the Tribal Ogema shall be elected in the month of April, the date to be set by the Election Board. The conduct for all tribal elections, including registration requirements, shall be prescribed and provided for by the Election Board.

(b) *Special Elections.* Special elections shall be called by the Election Board, when appropriate or when required under this Constitution, to remove, recall, and fill vacancies of elected officials, and to submit initiatives and referenda to the Tribal membership.

Section 3 – Voting.

(a) Any duly enrolled member of the Little River Band of Ottawa, who is at least eighteen (18) years old, and is registered to vote on the date of any given tribal election shall be eligible to vote in that tribal election.

(b) Voting in tribal elections shall be by secret ballot cast at polls established by the Election Board; Provided however, that the membership may make advisory recommendations at

General Membership meetings by voice vote or show of hands concerning matters to be decided by the Tribal Council.

(c) Absentee voting shall be permitted in accordance with such rules and procedures as shall be established by the Election Board.

(d) Each registered voter shall be entitled to cast one (1) vote for each vacancy on the Tribal Council in the district(s) in which such voter resides. No more than one (1) vote per candidate may be cast. The candidate(s) receiving the highest number of votes shall be elected to fill each vacancy according to the rank order of votes received. Each registered voter shall be entitled to cast one (1) vote for a candidate for the office of Tribal Ogema.

(e) In all other elections, a majority of those voting in the election shall constitute action by the Tribe and such vote shall be conclusive on the Tribe.

#### Section 4 – Election Board.

(a) The Election Board shall consist of five members to be elected by the registered voters.

1. *First Election of Members.* The first election shall be conducted by the Election Board currently seated and their terms of office shall be concluded when the newly elected Election Board members are sworn into office.

2. *First Election Date.* The first such election shall be conducted during the next general election of the Tribe.

3. *Staggered Terms.* Election Board candidates elected to these positions shall serve as follows:

A. The three (3) candidates receiving the highest number of votes shall serve a four-year term of office.

B. The two (2) candidates receiving the next highest number of votes shall serve a two-year term of office, and the term shall thereafter be as set forth in subsection (b).

(b) The term of office for an Election Board member shall be four (4) years.

(c) Allegations of impropriety by the Election Board shall be settled by the Tribal Judiciary.

(d) Tribal members who are holding elected office, or running for office, shall not be eligible to serve as an Election Board member.

(e) The Election Board shall be authorized to issue such rules and procedures as may be necessary to carry out tribal elections and to provide for ongoing voter registration.

(f) Candidates for tribal office may choose a representative to be present when the election ballots are counted by the Election Board.

(g) A Tribal member shall have five (5) business days from the date of the election to file an election challenge.

(h) A vacancy in any Election Board position resulting from death, resignation, removal, or recall shall be filled in the manner as set forth in Article X. Section 4.

### **ARTICLE X - RESIGNATION, RECALL, OR REMOVAL OF ELECTED OFFICIALS**

Section 1 – Resignation. The Tribal Ogema or any member of the Tribal Council may resign from his/her elected position by submitting written notice of resignation to the Tribal Council. Such resignation is effective upon receipt by the Tribal Council.

Section 2 – Recall. The registered voters of the Tribe shall have the right to recall the Tribal Ogema, any member of the Tribal Council, or a Tribal Judge or Appellate Judge by filing a recall petition with the Election Board. The petition must be signed by at least twenty-five percent (25%) of the registered voters of the Tribe. The Election Board shall verify and approved/deny the petition within

thirty (30) days of receipt. At least fifty percent (50%) of the verified signatures on the petition must be registered voters who are eligible to vote in the election of the Tribal Council member now subject to recall.

The Election Board shall conduct a recall election within ninety (90) days of the Election Board's verification and approval of the petition and its signatures. If the term of office for the Tribal Ogema or Tribal Council member being recalled will end within six (6) months of the date the Election Board verifies and approves the recall petition the issue will be held until the next regularly scheduled session.

Section 3 – Removal. The Tribal Ogema or any member of the Tribal Council may be subject to removal by a resolution in favor of removal supported by seven (7) of the nine (9) members of the Tribal Council for any of the following reasons:

- (a) Gross misconduct or malfeasance in office.
- (b) Conviction, while in office, of a felony under Federal, Tribal, or State law, or conviction of any other crime involving dishonesty or moral turpitude.
- (c) Inability to fulfill the duties of the office due to mental or physical disability, to the extent that he/she is incapable of exercising judgment about or attending to the business of his/her office.

At least ten (10) days before the meeting of the Tribal Council at which the vote for removal will be taken, the Tribal Ogema or Tribal Council member, shall be provided with a written notice of Tribal Council's intent to vote to remove, which notice shall set forth, with specificity, the alleged grounds for removal. Before any vote for removal is taken, the Tribal Ogema or Tribal Council member, shall be provided with a reasonable opportunity to answer the charges at the public meeting of the Tribal Council, held for that purpose. The decision of the Tribal Council shall be final.

Section 4 – Vacancies. A vacancy in the office of an elected official resulting from death, resignation, forfeiture, removal, or recall shall be filled as follows:

- (a) If less than eighteen (18) months remain in the term of office of an elected official, an individual shall be appointed to fill such vacant position at the next regular Tribal Council meeting, provided such appointment is approved by a majority vote of the Tribal Council. The Speaker of the Tribal Council shall nominate an individual to fill the vacancy in the Office of the Tribal Ogema. The Tribal Ogema shall nominate an individual to fill any other vacancy of an elected official.
- (b) If more than eighteen months remain in the term of office of an elected official, a special election shall be held within three (3) months after the vacancy occurs. When calling a special election to fill the vacancy of a Tribal Council member, the qualifications for candidates and registered voters entitled to participate shall be consistent with those applicable to the District in which such vacant seat exists and in regards to any other office the individual must meet the qualifications required in the vacant position.
- (c) Any special election required to be held under this Section shall be conducted in accordance with applicable provisions of this Constitution, any applicable tribal ordinance and any rules and regulations issued by the Election Board.
- (d) The elected official taking office under the provisions of this Section shall only serve until the term of office for the vacant office he/she is filling expires.

A vacancy occurring in the position of Speaker or Recorder of the Tribal Council shall be filled by majority voter of the Tribal Council.

## **ARTICLE XI - SOVEREIGN IMMUNITY**

Section 1 – The Tribal Council shall not waive or limit the right of the Little River Band to be immune from suit, except as authorized by tribal ordinance or resolution or in furtherance of tribal business enterprises. Except as authorized by tribal ordinance or resolution, the provisions of Article III of this Constitution shall not be construed to waive or limit the right of the Little River Band to be immune from suit for damages.

Section 2 – Suits against the Little River Band in Tribal Courts Authorized.

(a) The Little River Band, its Tribal Council members, Tribal Ogema, and other Tribal officials, acting in their official capacities, shall be subject to suit for declaratory or injunctive relief in the Tribal Court system for the purpose of enforcing rights and duties established by this Constitution and by the ordinances and resolutions of the Tribe.

(b) Notwithstanding the authorization provided in subsection (a) of this Section, persons shall not be entitled to an award of damages, as a form of relief, against the Tribe, its Tribal Council members, the Tribal Ogema, or other Tribal officials acting in their official capacities; provided that the Tribal Council may by ordinance waive the right of the Tribe or Tribal officials to be immune from damages in such suits only in specified instances when such waiver would promote the best interests of the Band or the interests of justice.

(c) The Tribe, however, by this Article does not waive or limit any rights which it may have to be immune from suit in the courts of the United States or of any state.

## **ARTICLE XII – CONFLICT OF INTEREST**

In carrying out the duties of tribal office, no tribal office, no tribal official, elected or appointed, shall make or participate in making decisions which involve balancing a personal financial interest, other than interests held in common by all tribal members, against the interests of the tribe.

## **ARTICLE XIII – SEVERABILITY**

If for any reason any provision of this Constitution shall be held to be invalid or unconstitutional by the Tribal Court or any federal court of competent jurisdiction, the validity and the effect of all other provisions shall not be affected thereby.

## **ARTICLE XIV – AMENDMENTS**

Section 1 – This Constitution may be amended by a majority vote of the qualified voters of the Little River Band voting in an election called for that purpose by the Secretary of the Interior or his authorized representative; provided at least thirty percent (30%) of those entitled to vote participate in such election.

Section 2 – It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Tribal Council or upon receipt of a petition, which has been verified by the Tribe's Election Board, signed by at least thirty percent (30%) of the eligible voters of the Little River Band.

## **ARTICLE XV – ADOPTION**

This Constitution, when adopted by a majority vote of the qualified voters of the Little River Band voting at a special election called for such purpose by the Secretary of the Interior or his authorized representative, in which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be effective from the date of his approval.

## **CERTIFICATE OF RESULTS OF ELECTION**

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs on January 20, 1998, the attached Constitution of the Little River Band of Ottawa was submitted to the qualified voters of the Little River Band and on May 27, 1998, was duly adopted/~~rejected~~ by a vote of 553 for and 32 against and 3 cast ballots found spoiled or mutilated in an election in which at least 30 percent (30%) of the 833 members entitled to vote, cast their ballots in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

/s/ Anne E. Bolton  
Chairman, Election Board

/s/ Diane S. Lonn  
Member, Election Board

/s/ Robert E. Hardenburgh  
Member, Election Board

/s/ Jonnie J. Sam II  
Member, Election Board

Date: May 27, 1998

## **CERTIFICATE OF RESULTS OF ELECTION (2004 AMENDMENTS)**

Pursuant to an order issued by Larry Morrin, Midwest Regional Director, on October 27, 2003, this Proposed Amendment "A" was submitted to the qualified voters of the Little River Band of Ottawa on April 26, 2004, and was duly adopted/~~rejected~~ by a vote of 379 for, and 92 against, and 5 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 997 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Pursuant to an order issued by Larry Morrin, Midwest Regional Director, on October 27, 2003, this Proposed Amendment "B" was submitted to the qualified voters of the Little River Band of Ottawa on April 26, 2004, and was duly adopted/~~rejected~~ by a vote of 375 for, and 94 against, and 7 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 997 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Pursuant to an order issued by Larry Morrin, Midwest Regional Director, on October 27, 2003, this Proposed Amendment "C" was submitted to the qualified voters of the Little River Band of Ottawa on April 26, 2004, and was duly adopted/~~rejected~~ by a vote of 378 for, and 90 against, and 8 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 997 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Gerald F. Parrish  
Chairman, Election Board

John Ross  
David Lilliberg  
Kathleen Bowen  
Susan A. Schultz

Date: April 26, 2004



### **CERTIFICATE OF APPROVAL**

I, Hilda A. Manuel, Deputy Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by Secretarial Order No. 3150 as extended by Secretarial Order No. 3177, as amended, do hereby approve the Constitution of the Little River Band of Ottawa. This Constitution is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

/s/ Hilda A. Manuel  
Deputy Commissioner of Indian Affairs Washington, D.C.

Date: Jul 10 1998

### **CERTIFICATE OF APPROVAL (2004 AMENDMENTS)**

I, Terry L. Virden, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Proposed Amendment "A" now designated as Amendment Number I to the Constitution of the Little River Band of Ottawa Indians. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

I, Terry L. Virden, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Proposed Amendment "B" now designated as Amendment Number II to the Constitution of the Little River Band of Ottawa Indians. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

I, Terry L. Virden, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Proposed Amendment "C" now designated as Amendment Number III to the Constitution of the Little River Band of Ottawa Indians. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Terrance L. Virden  
Regional Director

Date: May 13, 2004

### **CERTIFICATE OF RESULTS OF ELECTION (2016 AMENDMENTS)**

Under a Secretarial election authorized by Diane Rosen, Midwest Regional Director, on March 18, 2016, the attached Proposed Amendment A was submitted to the registered voters of the Little River Band of Ottawa and on July 11, 2016 duly [adopted/~~rejected~~] by a vote of 337 for, and 71 against, and 0 cast ballots found spoiled in an election in which at least 30 percent of the 955 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) (25 U.S.C. 476), as amended.

Under a Secretarial election authorized by Diane Rosen, Midwest Regional Director, on March 18, 2016, the attached Proposed Amendment B was submitted to the registered voters of the Little River Band of Ottawa and on July 11, 2016 duly [adopted/~~rejected~~] by a vote of 278 for, and 130 against, and 0 cast ballots found spoiled in an election in which at least 30 percent of the 955 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) (25 U.S.C. 476), as amended.

Under a Secretarial election authorized by Diane Rosen, Midwest Regional Director, on March 18, 2016, the attached Proposed Amendment C was submitted to the registered voters of the Little River Band of Ottawa and on July 11, 2016 duly [adopted/~~rejected~~] by a vote of 266 for, and 138 against, and 0 cast ballots found spoiled in an election in which at least 30 percent of the 955 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) (25 U.S.C. 476), as amended.

Under a Secretarial election authorized by Diane Rosen, Midwest Regional Director, on March 18, 2016, the attached Proposed Amendment D was submitted to the registered voters of the Little River Band of Ottawa and on July 11, 2016 duly [adopted/~~rejected~~] by a vote of 307 for, and 100 against, and 0 cast ballots found spoiled in an election in which at least 30 percent of the 955 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) (25 U.S.C. 476), as amended.

Under a Secretarial election authorized by Diane Rosen, Midwest Regional Director, on March 18, 2016, the attached Proposed Amendment E was submitted to the registered voters of the Little River Band of Ottawa and on July 11, 2016 duly [adopted/~~rejected~~] by a vote of 320 for, and 89 against, and 0 cast ballots found spoiled in an election in which at least 30 percent of the 955 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) (25 U.S.C. 476), as amended.

Under a Secretarial election authorized by Diane Rosen, Midwest Regional Director, on March 18, 2016, the attached Proposed Amendment F was submitted to the registered voters of the Little River Band of Ottawa and on July 11, 2016 duly [adopted/~~rejected~~] by a vote of 310 for, and 96 against, and 0 cast ballots found spoiled in an election in which at least 30 percent of the 955 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) (25 U.S.C. 476), as amended.

Under a Secretarial election authorized by Diane Rosen, Midwest Regional Director, on March 18, 2016, the attached Proposed Amendment G was submitted to the registered voters of the Little River Band of Ottawa and on July 11, 2016 duly [adopted/~~rejected~~] by a vote of 308 for, and 101 against, and 0 cast ballots found spoiled in an election in which at least 30 percent of the 955 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) (25 U.S.C. 476), as amended.

/s/ Jason D. Oberle, Chairman Election Board

/s/ Terri Burmeister, Member Election Board

/s/ Tammy Bowen, Member Election Board

/s/ Carol Gibner, Member Election Board

/s/ Karen Love, Member Election Board

Date: July 11, 2016

#### **CERTIFICATE OF APPROVAL (2016 AMENDMENTS)**

I, Diane K. Rosen, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Proposed Amendment "A" now designated as Amendment IV to the Constitution of the Little River Band of Ottawa Indians. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

I, Diane K. Rosen, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Proposed Amendment "B" now designated as Amendment V to the Constitution of the Little River Band of Ottawa Indians. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

I, Diane K. Rosen, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Proposed Amendment "C" now designated as Amendment VI to the Constitution of the Little River Band of Ottawa Indians. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

I, Diane K. Rosen, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve

Proposed Amendment "D" now designated as Amendment VII to the Constitution of the Little River Band of Ottawa Indians. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

I, Diane K. Rosen, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Proposed Amendment "E" now designated as Amendment VIII to the Constitution of the Little River Band of Ottawa Indians. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

I, Diane K. Rosen, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Proposed Amendment "F" now designated as Amendment IX to the Constitution of the Little River Band of Ottawa Indians. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

I, Diane K. Rosen, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Proposed Amendment "G" now designated as Amendment X to the Constitution of the Little River Band of Ottawa Indians. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

/s/ Diane K. Rosen  
Regional Director

Date: August 24, 2016



*Gaa Ching Ziibi Daawaa Anishinaabek*  
**Little River Band of Ottawa Indians**

**Oath of Office**

**Tribal Ogema**

***Larry "Little Thunder" Romanelli***

I, *Larry "Little Thunder" Romanelli*, swear to uphold and protect the Constitution of the Little River Band of Ottawa Indians and the Constitution of the United States of America. I swear to uphold all laws and regulations of the Little River Band of Ottawa and the United States of America.

I will maintain the respect and honor of the Tribal Ogema Office of the Little River Band of Ottawa Indians, and place the concerns of the Tribe before personal considerations in matters that come before me. To the best of my ability, I will perform the responsibilities and duties that go with the position I hold, so I affirm by all that I hold dear and sacred.

Signed and sworn before me this 22nd day of May, 2019.

Four-Year Term

*Larry B. Romanelli*  
Larry "Little Thunder" Romanelli

*Angela Shenigan*  
In Witness: Honorable Judge Angela Shenigan

**Tribal Council Procedures Ordinance**  
**Ordinance #06-100-02**

**Article I. Authority and Purpose.**

- 1.01. *Authority.* Authority for this Ordinance is Article IV, Section 6(e) and Section 7(g) of the Tribal Constitution, approved by a vote of the membership on May 27, 1998 and approved by the Assistant Secretary-Indian Affairs on July 10, 1998.
- 1.02. *Purpose.* The purpose of this Ordinance is to establish procedures governing the conduct of meetings of the Tribal Council, to give definitions to terms used in the Tribal Constitution relating to the implementation of legislative powers vested with the Tribal Council, and to clarify those procedures for the Tribal membership in order to facilitate member participation in the legislative and policy-making process.

**Article II. Adoption; Amendment; Repeal; Severability.**

- 2.01. *Adoption.* This Ordinance is re-authorized and adopted by resolution #04-0922-379.
- a. Original Adoption- January 10, 2001.
  - b. Amended - by Resolution #04-0519-208.
  - c. Amended - by Resolution #05-0504-183.
  - d. Amended- by Resolution #05-1012-510 regarding emergency amendments to adopt Article IX.
  - e. Permanent Amendments - Resolution #06-0113-06.
  - f. Amended by Resolution #08-0625-188.
  - g. Amended by Resolution #12-0222-045, to allow for videotaping of Tribal Council official Open Session Public Meetings.
  - h. Amended by Resolution #16-0928-276, to fix grammatical errors, typos and address changes to names of departments/buildings; to clarify the definition of majority vote; and to create a procedure for pro tempore Speaker and Recorder in order to address the business needs of Tribal Council.
  - i. Emergency Amendments by Resolution # 17-0118-014, to create an exception for weather delays and closures of the Government Center so that regular Tribal Council meeting times are adjusted in a consistent manner for the public.
  - j. Permanent Adoption of the Emergency Amendments by Resolution # 17-0719-246.

- k. Amended by Resolution #18-0214-058, changing the name of the Ordinance, adding a definition and procedures for censure; clarifying that the Speaker may shorten Tribal Council discussion of topics; clarifying the consent to record; and fixing formatting issues.
  - l. Amended by Resolution #19-0626-174, to change the posting requirement for the meeting notice and proposed agenda to the Tribe's website from as early as possible to at least five (5) days prior to the meeting; to clarify additions to agenda may be added by majority vote of the Tribal Councilors present at such meeting; and to fix formatting, grammatical errors, and typos.
- 2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.
- 2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
- 2.04. *Substantial Compliance.* In cases of disputes as to compliance with this Ordinance, substantial compliance, rather than complete compliance with this Ordinance shall be deemed adequate.

### **Article III. Definitions.**

- 3.01. For purposes of this Ordinance, certain terms are defined in this Section. The word shall is always mandatory and not merely advisory.
- 3.02. "*Ad Hoc Committee*" means a committee authorized by the Tribal Council for a special or singular purpose that dissolves upon completion of the purpose for which it was established.
- 3.03. "*Call of Meeting*" means the action taken by the person or persons who is (are) properly authorized to bring an official meeting of the Tribal Council into existence.
- 3.04. "*Censure*" is a formal resolution by the Tribal Council expressing its significant disapproval of the conduct of a currently seated Little River Band of Ottawa Indians Tribal Council member.
- 3.04. "*Closed Session*" means that portion of a meeting, which is closed to the public to address personnel, business matters, or legal matters pursuant to Article IV, Section 6(d) of the Constitution.
- 3.05. "*Tribal Council*" means the nine (9) person body described in Article IV of the Constitution.
- 3.06. "*Council Officers*" means the Council Speaker and the Council Recorder.
- 3.07. "*Directive*" means a request of the Tribal Council to the Ogema, or subdivision, to present a report on a matter before the Tribal Council.

- 3.08. "*Council Districts*" shall mean the three (3) Districts, consisting of the At-Large District, the "Nine County District" and the "Tribal District," from which the nine (9) seats on the Tribal Council are elected.
- 3.09. "*Elders*" shall mean those members of the Tribe who are fifty-five (55) years of age or older.
- 3.10. "*Legal matters*" means all matters of the Tribe wherein the Tribe is, or may be, a party, either directly or indirectly, to a legal proceeding in federal, state, or Tribal court or an administrative forum addressing a matter to which the attorney-client privilege attaches; a matter wherein the Tribe is considering acting in its legal capacity as a party; e.g., purchase of land. Legal matters may be discussed by the Tribal Council in closed session pursuant to Article IV, Section 6(d) of the Tribal Constitution.
- 3.11. "*Legislative Matter*" means any action under consideration by the Tribal Council which involves the drafting, review or passage of an ordinance or the promulgation of policies or rules applicable to the Tribal government or any subdivision of the Tribal government.
- 3.12. "*Majority vote*" means a vote of a majority of the Tribal Council on a motion, ordinance, or resolution under consideration by the Tribal Council at an official meeting of the Tribal Council, where quorum is present.
- 3.13. "*Meeting*" means a prearranged gathering of the Tribal Council, properly noticed and held in accordance with a properly executed resolution or call of meeting for the purpose of deliberating on public business of the Tribe.
- 3.14. "*Tribal Member*" shall mean a person who is duly enrolled in the Little River Band of Ottawa Indians.
- 3.15. "*Motion*" means a request and proposal for action, made by one (1) Tribal Councilor and seconded by another Tribal Councilor.
- 3.16. "*Notice of Meeting*" means the official posting of the date, time, and place for a future meeting of the Tribal Council. A Notice of Meeting for any Special or Emergency Meeting shall also include the agenda for such Tribal Council meeting.
- 3.17. "*Ordinance*" means a Tribal law duly enacted by the Tribal Council.
- 3.18. "*Personnel Matter*" means those issues dealing with Tribal personnel that may be discussed in closed session pursuant to Article IV, Section 6(d) of the Constitution.
- 3.19. "*Quorum*" means the necessary minimum number of Tribal Councilors required to be present in order for official business to take place pursuant to Article IV, Section 6(f)(1) of the Constitution.
- 3.20. "*Record*" means the approved Agenda for a Tribal Council meeting, the approved, written minutes summarizing the discussion/debate on matters considered at Tribal Council meetings, all documents submitted in connection with any agenda item considered by Tribal Council, as well as any resolution(s), ordinances approved by the Tribal Council.



- 3.21. "*Tribal Council Recorder*" means the Tribal Councilor nominated and appointed by fellow Tribal Councilors to maintain the minutes and records of the Tribal Council, publish the Notice of Meetings, and other duties pursuant to Article IV, Section 5(b) of the Constitution.
- 3.22. "*Registered Voters*" shall mean any Tribal member, who is at least 18 years old and eligible to vote in Tribal elections pursuant to any requirements prescribed by the Election Board.
- 3.23. "*Resolution*" means an official action of the Tribal Council, which is a document that can stand alone as a representation of the Tribal Council's actions, and generally contains Whereas, Resolves and a certification.
- 3.24. "*Roll call*" means to call each Tribal Councilor by name requesting their vote off aye, nay, or abstain. The order of the roll call shall be randomly ordered before each vote, and random lists may be generated prior to any meeting.
- 3.25. "*Tribal Council Speaker*" means the Tribal Councilor nominated and appointed by fellow Tribal Councilors to preside at all meetings of the Tribal Council, performs the duties of the Ogema in the absence of the Ogema, and other duties pursuant to Article IV, Section 5(a) of the Constitution.
- 3.26. "*Ogema/Ogema-kwe*" means the chief executive officer of the Tribe elected by majority vote of the Registered Voters of the Tribe or appointed by the Tribal Council pursuant to Article X, Section 4(a) of the Constitution.
- 3.27. "*Tribal Councilor*" means a person elected to the Tribal Council by the voters of one of the Council Districts or a person nominated and appointed to fill a vacancy on the Tribal Council pursuant to Article X, Section 4(a) of the Constitution.
- 3.28. "*Waiver of Notice*" means the act of intentionally relinquishing or abandoning the notice requirement for purposes of a Special or Emergency Meeting defined in Article IV, Section 6(b)(2) and Section 6(c) of the Constitution. Tribal Council members waiving the notice requirement for any meeting must do so expressly on the record at the Tribal Council meeting to which such waiver applies.

#### **Article IV. Classification of Tribal Council Meetings.**

- 4.01. *Regular Meetings.* Those meetings of the Tribal Council, held at least monthly, at which official business is transacted in accordance with Article IV, Section 6(a) of the Constitution shall be identified as regular meetings.
- 4.02. *Emergency Meetings.* Meetings of the Tribal Council, called pursuant to Article IV, Section 6(c) of the Constitution, to take official action(s) deemed necessary for the preservation or protection of the health, welfare, peace, safety or property of the Tribe.
- 4.03. *Special Meetings.* Meetings of the Tribal Council, called pursuant to Article IV, Section 6(b) of the Constitution, for the purpose of transacting official business of the Tribe, which is not a regular or emergency meeting

- 4.04. *Work Sessions.* Meetings of the Tribal Council, called for the purpose of reviewing, discussing, and receiving public comment or other matters on a matter under consideration by the Tribal Council. Work sessions are not official meetings of the Tribal Council and no quorum is required.

**Article V. Tribal Council Meetings: Authority to Call; Scheduling; Notice Requirement.**

5.01. *Regular Council Meetings.*

- a. *Set by Resolution.* The date, time and location for all regular meetings of the Tribal Council shall be set by resolution of the Tribal Council at the last regular meeting of each calendar year.
- b. *Publication.* The schedule of regular meetings shall be published on a quarterly basis and shall be posted at Little River Band Government Center; Little River Band Community Center; Little River Tribal Offices; Little River Band Justice Center and Little River Band Health Center.
- c. *Change in Meeting Schedule.* No change may be made in the date or time for any regular meeting except by resolution of the Tribal Council or in accordance with the exception described in 5.01(d) of this Ordinance. Notice of any changes in the meeting schedule shall be published and posted at Little River Band Government Center; Little River Band Community Center; Little River Tribal Offices; Little River Band Health Center; and Little River Band Justice Center. The Tribal Council may change the location for a regular meeting, if circumstances reasonably require, provided notice of the change is posted at the scheduled meeting location and at the tribal government offices. Notice of changes to meeting schedules must be made:
  1. Weekly meetings. 24 hours prior to the weekly meeting.
  2. Monthly meeting. 15 days prior to the monthly meeting.
- d. *Little River Band Government Center Alternate Hours Exception.* In the event that the Government Center has an unexpected delay in its regular business hours or closure due to circumstances such as inclement weather and hazardous travel conditions, and the delay or closure occurs on a Wednesday with a scheduled regular meeting of the Tribal Council, then the meeting time will change as follows:
  1. If the Little River Government Center announces a two (2) hour delay in opening, the regular meeting of the Tribal Council will commence at 11:00 a.m. unless otherwise posted in accordance with 5.01(c) of this Ordinance.
  2. If the Little River Government Center announces a closure, the regular meeting of the Tribal Council will commence on Thursday at 10:00 a.m. unless otherwise posted in accordance with 5.01(c) of this Ordinance.

5.02. *Special Council Meetings.*

- a. *Authority to Call.* A special meeting of the Tribal Council may be called by the following persons:
  1. The Ogema;
  2. The Tribal Council Speaker;
  3. Two (2) or more Council members;
  4. Ten percent (10%) of the Elders; or
  5. Ten percent (10%) of the registered voters of the Tribe.
- b. *Ogema, Tribal Council Speaker, Tribal Council: Written Request Required.* The Ogema, Tribal Council Speaker, or Tribal Councilors may call a special meeting by submitting a written request for a special meeting to the Tribal Council Recorder. Such request must be executed by the person(s) authorized to call a special meeting, include a description of item(s) to be considered at such special meeting, the action requested (i.e. approval by motion or resolution), together with the date and time such request was submitted to the Council Recorder.
- c. *Elders or Registered Voters: Written Petition Required.* Elders and registered voters of the Tribe may call a special meeting by submitting a petition containing the signatures, names and addresses of the required number of persons. Such petition must include a description of the item(s) to be considered at such special meeting, the action requested, together with the date and time such petition was submitted to the Tribal Council Recorder. Upon receipt of a petition requesting a special meeting, the Tribal Council Recorder shall submit such petition to the Election Board to verify the validity of the signatures of the members signing the petition and that the requisite number of signatures are contained on that petition.
- d. *Scheduling.* The date, time, place, for all special meetings of the Tribal Council shall be scheduled by the Tribal Council Recorder following receipt of a written request or written petition. The agenda shall be forwarded as required in the Constitution.
- e. *Publication.* The date, time and place for each special meeting, together with a description of each item of business to be transacted or discussed at such meeting shall be posted at Little River Band Government Center; Little River Band Community Center; Little River Tribal Offices; Little River Band Health Center; and Little River Band Justice Center. If more than one action is required in connection with a single topic requested for discussion and action at special session, the notice of meeting published shall specify each action as a

separate item. Agenda items shall be described with sufficient specificity so as to provide tribal members with reasonable notice of the issue and the form of action requested.

- f. *Notice of Meeting.* The notice of meeting described in paragraph (b) shall be mailed to each Tribal Councilor at his/her designated mailing address and posted no less than seventy-two (72) hours before the date and time set for such meeting. Efforts shall also be made to provide each Tribal Council or with any documentation pertaining to the business item(s) to be considered at any special meeting.
  - g. *Forms.* The Tribal Council shall develop such forms as may be necessary to implement this section and shall make such forms available to tribal members.
- 5.03. *Work Sessions; Scheduling.* Work sessions are scheduled by the Tribal Council on an as-needed basis to permit detailed discussion of ordinances, policies, or other matters under consideration and, if appropriate, to obtain public comment/input concerning such matters.
- 5.04. *Emergency Meetings.*
- a. *Authority to Call.* An emergency meeting of the Tribal Council may be called by the following persons:
    - 1. The Ogema; or
    - 2. The Tribal Council Speaker.
  - b. *Procedure.* The Ogema or the Tribal Council Speaker may call an emergency meeting by submitting a written request for an emergency meeting to the Tribal Council Recorder. Such request must be executed by the person authorized to call an emergency meeting, include a description of item(s) to be considered at such emergency meeting, the need for emergency action, the action requested (i.e. approval by motion or resolution), together with the date and time such request was submitted to the Tribal Council Recorder.
  - c. *Scheduling.* An emergency meeting of the Tribal Council shall be scheduled by the Tribal Council Recorder upon receipt of a verified call of emergency meeting executed by the Tribal Council Speaker or by the Ogema.
  - d. *Notice.* The date, time, place and agenda for each emergency meeting shall be posted at Little River Band Government Center; Little River Band Community Center; Little River Tribal Offices; Little River Band Health Center; and Little River Band Justice Center. The record for each emergency meeting shall contain a statement from the Tribal Council Recorder of all efforts made to provide each Tribal Councilor with notice of such meeting.

## **Article VI. Election of Tribal Council Speaker Pro Tempore and Tribal Council Recorder Pro Tempore.**

- 6.01. *General.* Tribal Council acknowledges the need for a procedure to elect a Speaker/Recorder pro tempore in the event that the Tribal Council Speaker and Tribal Council Recorder are unable to attend a Regular Meeting of the Tribal Council.
- 6.02. *Purpose.* This measure will be limited to conducting Tribal Council business as described in Article IV, Section 5(a)(1),(3) and Section 5(b)(1) of the Constitution.
- 6.03. *Procedure for pro tempore election.* Tribal Council shall use the following procedure when the Tribal Council Speaker and Recorder are absent:
- a. In the event that Tribal Council has advanced notice of the absence of both officers, Tribal Council may elect officers pro tempore by motion and roll call vote.
  - b. If no motion is in place to address the absence of the officers at the time meeting:
    1. Any Tribal Councilor may call the meeting to order.
    2. The Tribal Councilor that calls the meeting to order will announce the necessity to elect a Tribal Council Speaker and Recorder pro tempore.
    3. The vote for both officers will occur immediately. Any Councilor may nominate themselves and a majority vote is required to serve.
    4. The Tribal Council Speaker pro tempore will preside over the remainder of the meeting.
- 6.04. A single Council member may not hold both Officer pro tempore positions.
- 6.05. *Absence of the Tribal Council Speaker only.* In the event that the Tribal Council Speaker is absent, Article IV, Section 5(b)(4) of the Constitution shall be followed. The procedures outlined in Section 6.03 may be followed to elect a Tribal Council Recorder pro tempore.

## **Article VII. Conduct of Tribal Council Meetings.**

- 7.01. *Setting the Agenda for Regular Meetings.*
- a. *Agenda Requests.* Any Tribal Councilor, the Ogema, the Election Board, the Tribal Court, or a Tribal member, may request consideration and action by the Tribal Council by

completing an agenda request form and submitting such form to the Tribal Council Recorder. Agenda requests should include the following supporting information:

1. a description of the issue (including any supporting documentation);
  2. whether any action (motion, resolution, ordinance) is requested;
  3. the need for such action;
  4. the Tribal Council's authority for such action;
  5. whether the action requested is addressed by existing policies or ordinances;
  6. how any decision would be implemented; and, the persons who would be responsible for implementing any decision.
- b. *Agenda Request Forms.* The Tribal Council shall develop any forms necessary to implement this section and shall notify tribal members and employees of the availability of such forms and the procedures by which an item may be placed on the Tribal Council agenda for discussion and/or action.
- c. *Submission in Advance of Meeting.* Requests for an item of business to be placed on the agenda for a Tribal Council meeting must be submitted at least eight (8) calendar days in advance of that meeting.
- d. *Agenda Subject to Change.* The meeting notice and proposed agenda posted shall include a statement that the agenda is not official until adopted by Tribal Council. The agenda, once approved by the Tribal Council Recorder, shall be posted to the Tribe's website at least five (5) days prior to the meeting, with the following language clearly identified on the posted agenda: "This agenda is subject change upon adoption or by amendment by vote of the Tribal Council after adoption."
- e. *Additions to the Agenda.* No additional items may be added to the agenda, except by majority vote of the Tribal Councilors present at such meeting.
- f. *Carry-over Agenda.* Any item placed on the Tribal Council agenda, which is not approved or disapproved, or removed by roll call vote, tabled by roll call vote, or postponed by roll call vote, is considered to be removed from that meeting's agenda. At the conclusion of a meeting, any item not removed from the table is removed from the agenda. Removal from the agenda as a result of this subsection is not prohibited from being brought before the

Tribal Council at a subsequent meeting; all such items must have a new agenda request and will be placed under new business.

7.02. *Agenda for Special Meetings.* The agenda items for all special meetings shall be limited to those specific items included on the special meeting notice published in accordance with Section 5.02.

7.03. *Procedure for Taking Action on Agenda Items.*

- a. Each item on the agenda will be introduced by the Tribal Council Speaker. The Tribal Council Speaker will summarize the item, as described on the agenda request; describe any supporting documentation submitted with the request, and the person/entity submitting the request.
- b. Following introduction of the agenda item, the Tribal Council Speaker may ask the individual or a representative of the entity that submitted the request to provide a brief overview of the item.
- c. At the conclusion of the presentation of the agenda item, the Tribal Council Speaker will open the item up for discussion or questions from the Tribal Council. The Tribal Council Speaker will ask the other members or the Tribal Council if any of them are going to abstain from voting on the agenda item; Tribal Council members who plan to abstain shall not be permitted to engage in deliberations regarding the agenda item. Members of the Tribal Council wishing to ask questions during presentation of an agenda item must first be recognized by the Tribal Council Speaker. Tribal Council members will be permitted to ask the presenter questions; state his/her position, or make other statements concerning the agenda item.
- d. After giving Tribal Councilors the opportunity to ask questions or make statements concerning the agenda item, the Tribal Council Speaker will open the matter to the floor for questions/discussions from tribal members.
- e. At the conclusion of public comment, the Tribal Council Speaker will again open the issue up for follow-up discussion from the members of the Tribal Council; follow-up discussion shall be limited to no more than five minutes. This time can be shortened at the Speaker's discretion.
- f. At the conclusion of any follow-up discussion by the Tribal Council, the Tribal Council Speaker will call for a motion on the item.

- g. The Tribal Councilor making the motion must specify the action to be taken (i.e. approval as presented; form or approval; approved with modification; tabled and referred for additional comment/review/action; tabled; disapproval) in the context of the motion.
- h. Once a motion has been made, the Tribal Council Speaker will ask if there is support for the motion on the Floor. A motion must have support to be acted upon by Tribal Council.
- i. A Tribal Councilor may change the terms of the motion on the floor, which will be treated as a motion to amend the motion and support will be requested for the amendment.
- j. Upon receipt or support for the amendment, and conclusion of any discussion on the amendment, the Tribal Council Speaker will direct the Tribal Council Recorder to repeat the substance of the amendment and conduct a roll call vote of the Tribal Council.
- k. Upon conclusion or a vote on an amendment, the Tribal Council Speaker shall question the Tribal Council on whether it wishes to continue discussion on the motion on the floor, or vote on the motion on the floor.
- l. The Tribal Council Speaker will call for discussion on all motions and amendments to motions before the Tribal Council before a roll call vote is requested. The Tribal Council Speaker shall not entertain discussion on motions to adjourn a meeting, or to adjourn to Closed or Open Session.
- m. Upon conclusion of any discussion or a request to vote on the motion, the Tribal Council Speaker will direct the Council Recorder to repeat the motion and conduct a roll call vote of the Tribal Council.

7.04. *Interpretation of Actions, Additional Direction.* The actions of the Tribal Council shall be interpreted in light of the processes set forth in this Ordinance. In the event additional direction is necessary, the latest edition of Robert's Rules of Procedure recognized by the National Association of Parliamentarians shall govern that interpretation. Provided that, the following specific rules of order shall supersede Robert's Rules of Procedure:

- a. *Reconsider.* A motion to reconsider must be made within the same meeting as the reconsidered motion. If adopted, a motion to reconsider places the Tribal Council in the position as if no vote on the reconsidered motion had been taken and discussion may be had on the reconsidered motion. A motion to reconsider may be brought on a prior action only once during a meeting. A motion to reconsider contains two parts:
  - 1. Calling the motion to the floor. The initial motion to reconsider, or calling the motion to the floor, does not require a second. The Tribal Council Speaker must



recognize the motion has been brought forward by a Councilor on the prevailing side of the motion being called to the floor. A Tribal Council member need not be recognized to reconsider, or call a motion to the floor, but cannot interrupt another Tribal Council member who has been recognized by the Tribal Council Speaker. The Tribal Council Speaker must identify when the motion to reconsider will be acted upon.

2. Voting to reconsider. At the time of voting to reconsider, a second to the motion to reconsider must be made. The Tribal Council member seconding the motion need not have been on the prevailing side. The motion to reconsider is adopted by a simple majority of those present at the meeting.
- b. *Abstention from Voting.* Tribal Council members shall have a duty to vote for each matter up for vote while the Tribal Council member is in attendance at a Tribal Council Meeting, subject to a Tribal Council member's obligation to abstain from voting. An abstention shall be valid only for the reasons stated below:
1. *Abstention Required.* Tribal Council Members shall abstain from voting when that Tribal Council Member, or Tribal Council by majority vote, deems that the item presents a conflict-of-interest, as that term is defined by Article IV, Section 6(f)(2) of the Constitution of the Little River Band or Ottawa Indians.
  2. *No Participation in Deliberations.* Prior to beginning deliberations on an agenda item, the Tribal Council Speaker shall read the following statement: "Any Tribal Councilor who intends to abstain from voting on this agenda item must state that intention now." Any member of the Tribal Council who declares that they intend to abstain from voting based on a conflict of interest must also declare the circumstances and/or nature of the conflict. The Tribal Council, in accordance with Article IV, Section 6(f)(4) of the Constitution of the Little River Band of Ottawa Indians, shall then determine by a majority vote if that member should abstain from voting on the agenda item; provided however that if the Tribal Council member believes that a conflict exists they cannot be compelled to vote.
- c. *Table.* A motion to table, whether to a specific location on the agenda or otherwise, means to temporarily suspend consideration of, or action on, an agenda item with the intent of bringing the item back for consideration at a later part of the meeting. A motion and majority vote of the Tribal Council is needed to table an item. Unless tabled to a specific location on the agenda of the same date, a motion and majority vote of the Tribal Council is needed to remove an item from the table, at which time it is immediately under consideration. If a tabled agenda item is not removed from the table during the same

meeting, the item is considered to be removed from that meeting's agenda and must be brought back with a new agenda request.

- d. *Postpone.* A motion to postpone means to move an agenda item to a future meeting of the Tribal Council and is adopted by a majority vote.
  - 1. If the approved motion to postpone does not specify a future meeting date or a condition which must be satisfied before the item can be considered, the item will automatically appear on the agenda of the next regularly scheduled Tribal Council meeting under "Old Business."
  - 2. If the approved motion to postpone does specify a future meeting date or a condition which must be satisfied before item can be considered, it will appear under "Old Business" with a notation that no action is needed until the specified date, or the condition that must be met prior to consideration. Each postponed motion identified under this subsection must contain the word "Postponed" prior to the agenda item. No action need be taken on this item until the word "Postponed" is removed and the conditions have been met, or the date of the meeting to which the agenda item was postponed has been met.
- e. *Withdrawing Motions.* A Tribal Councilor who makes a motion may withdraw that motion prior to the Tribal Council Speaker re-stating, or asking the motion to be re-stated by the Recorder, and calling for a roll call vote.

#### 7.05. *Conduct of Tribal Members and Public.*

- a. Any Tribal member wishing to address the Tribal Council or any person presenting an agenda item must be recognized by the Tribal Council Speaker before making any comments. Tribal members must identify themselves by name and enrollment number and state why they are giving testimony. Persons speaking without first being recognized shall be considered "out of order" and will be requested to be silent until recognized.
- b. Tribal members and other members of the public in the audience may not engage in "side-bar" conversations during Tribal Council meetings, which have the effect of interrupting or disturbing a Tribal Council meeting. Persons engaging in such conversations may be considered "out of order" and will be asked to be silent.
- c. Persons who continue to speak out of order after being asked to be silent may be removed from the Tribal Council meeting.

- d. Tribal members recognized must address their comments or questions in a respectful manner, without shouting or engaging in personal attacks or profanity. Comments or questions shall be limited to the agenda item on the floor. The Tribal Council Speaker shall refer unrelated comments/questions to the public comment portion of the agenda. Tribal members shall limit their questions and comments to five minutes.
- e. All comments or questions must be presented to the Tribal Council in a respectful manner, without shouting or engaging in personal attacks, or profanity. Audience members who are "out of order" will be asked to be silent and/or cease engaging in their disruptive behavior. If the audience member continues to be "out of order," the Tribal Council Speaker shall ask the audience member to leave. If the audience member refuses to leave, he or she shall be removed from the meeting by the Little River Band of Ottawa Indians Tribal Police.

#### **Article VIII. Action by the Tribal Council.**

8.01. *Action by Tribal Council.* In accordance with Article IV, Section 6(g) of the Constitution, the Tribal Council shall act only by ordinance, resolution or motion.

8.02. *Action by Ordinance.* Under the following circumstances, the Tribal Council will act by ordinance:

- a. When adopting or establishing rules governing the conduct of members of the Tribe or other persons within the territorial jurisdiction of the Tribe;
- b. When adopting procedures prescribing standards of conduct or performance applicable to the Ogema, or any subdivision of the Tribe; and
- c. When creating regulatory commissions or subordinate organizations, particularly when any powers of the Tribal Council are to be delegated to such organizations.

8.03. *Action by Resolution.* Under the following circumstances, resolutions are either required or appropriate:

- a. If the matter is one that the Constitution, any ordinance, charter or by-laws require a resolution;
- b. If the matter consists of amendments to an ordinance or the charter or by-laws of subordinate Tribal entities;
- c. If a certificate showing the authority granted by the Constitution or by any ordinance to the Tribal Council to perform a certain act is required to be filed or is likely to be required at some future date;

- d. If the matter regulates the management of the Tribe or a subdivision of the Tribe and is meant to be permanent until changed; and
  - e. If the matter is one that is likely to be referred to from time to time.
- 8.04. *Form of Resolution.* Every formal resolution of the Tribal Council shall include the following information:
- a. A concise statement of the issue(s) presented and the relevant procedural history;
  - b. A citation to the Constitutional and statutory authority for the action taken;
  - c. A precise statement of the action taken by the Tribal Council, including any terms or conditions attached thereto; and
  - d. If applicable, a clear directive or mandate identifying the person or entity responsible for implementing the action taken.
- 8.05. *Action by Motion.* All decisions, actions or directives of the Tribal Council, which are not memorialized by ordinance or resolution, shall be made by motion and roll call vote, in accordance with the procedure described in Section 7.03. Decisions, actions or directives of the Tribal Council should be clearly described in the minutes and, in most cases, be reduced to writing by the Tribal Council Recorder. The Tribal Council Recorder shall publish the record of decision or directive to the person(s) affected by such motion or to whom such motion is directed within five (5) business days of the date of the action.
- 8.06. *Presentation of Resolutions.* The Tribal Council Recorder shall have resolutions prepared and signed no later than noon on the day following the meeting in which the resolution was adopted. Resolutions shall be forwarded to the Ogema no later than 12:00pm on the day following the meeting in which they were adopted.

#### **Article IX. Closed Meeting Procedures.**

- 9.01. *Closed Meetings Authorized.* The Tribal Council may, pursuant to Article IV, Section 6(d) of the Constitution, meet in closed session to address personnel matters, business matters or legal matters. All or part of a meeting may be held in closed session; provided that if only part of a meeting is to be held in closed session, the agenda for that meeting shall clearly identify the matters to be addressed in closed session.

9.02. *Purpose.* Closed sessions are intended to permit the Tribal Council to engage in open, frank discussion and debate regarding matters that may require confidentiality, involve proprietary business matters, negotiating positions or are covered by one or more legally recognized privileges.

9.03. *Procedures Applicable to Closed Meetings.*

- a. All matters placed on the Tribal Council's agenda for consideration in closed session shall be reviewed by the Tribal Council Recorder to determine if the matter falls within the purposes for which closed session is authorized. The Tribal Council Recorder should consult with the Unified Legal Department if he/she is uncertain as to whether the matter can or should be considered in closed session.
- b. If the Tribal Council Recorder, or any Tribal Council member, expresses reservations about the appropriateness or need to consider a matter in closed session, the question may be discussed in connection with the Tribal Council's approval of the agenda. Tribal Council members are required to preserve any confidences or proprietary/legal positions associated with the matter in the course of any discussion or debate.
- c. The Tribal Council may only move into closed session following a motion and roll-call vote of the Tribal Council. Prior to calling for a motion to move into closed session, the Tribal Council Speaker shall provide a general description of the matters to be addressed in closed session, the person(s) required to be present during the discussion of each closed session agenda item, and the general reason for discussing such matters in closed session. The Tribal Council Speaker's description of the matter(s) shall be general enough to preserve any proprietary or privileged information.
- d. A complete record of closed session business, including minutes of closed session discussion and debate, shall be maintained. Such minutes shall be filed in a sealed envelope unless all or a part of the record of such meeting is opened to the public by the Tribal Council or upon order of the Tribal Judiciary.
- e. At the conclusion of each closed session, the Tribal Council will discuss whether any portion of the record (i.e. documents or written minutes) of such meeting can be open to the public. Except where the nature of the matter makes disclosure of the decision reached or action recommended following discussion of an item in closed session (i.e. adopting litigation strategy or negotiating position), a record of the decision made or action taken by the Tribal Council should be reported in the minutes and made public. If time permits, action by the Tribal Council should be moved to open session or placed on the agenda for action in open session at a future meeting.

- f. Upon the conclusion of any closed session, the Tribal Council Speaker shall ask for a motion to move into open session and request a roll call vote.
- g. At least quarterly, the Tribal Council shall review the schedule and minutes from previous closed sessions to determine if all or a portion of such minutes should be opened to the public. The determination to open any portion of a closed session's minutes shall be published to the tribal membership.

#### **Article X. Removal Meeting Procedures.**

10.01. *General.* The Tribal Council is delegated authority and responsibility to remove elected officials of the Tribe under Article X, Section 3, of the Constitution of the Little River Band of Ottawa Indians. Requirements to carry out Section 3 removal powers are specifically identified and require notice and an opportunity to answer charges prior to a decision by the Tribal Council.

10.02. *Constitutional Grounds for Removal from Office, Defined.* The constitutional grounds for removal from elected office are defined in this section.

- 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 or 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.
- 10.03. *Resolution- Notice.* The elected official subject to removal shall receive a resolution, or resolutions, which sets forth, with specificity, the reasons for removal. The resolution shall be accompanied by a cover letter identifying the date, time and place, of the Tribal Council meeting at which the elected official may answer the charges against them.
- a. *Content of Resolution.* The resolution shall identify the constitutional authority to take action, the elected official who is the subject of the removal action, the date, time and place of the Tribal Council meeting where the removal resolution will be voted upon.
  - b. The resolution shall have attached a separate document which identifies the conduct, incident, action, etc. that is the basis for the removal action and shall include the following information: the date and place the conduct, incident, action, etc. occurred, any documents relevant to the conduct, incident, action, etc., names of witnesses or other individuals with information regarding the conduct, incident, action, etc.
  - c. *Content of Notice.* The notice shall be the cover letter for the resolution, and shall identify the time and date of presentation to the elected official.
  - d. *Filing of Notice and Resolution.* A copy of the notice and each resolution shall be returned to the Tribal Council Recorder.
- 10.04. *Confidentiality; Sovereign Immunity.* Notwithstanding any law or regulation to the contrary, nothing shall prohibit or restrict the presentation of information related to removal in a resolution, the Tribal Council Meeting, the reading of the allegations, and in the answer to the allegations by the elected official. No law, regulation or other document shall, nor shall closed Tribal Council meeting restrictions, be authorized to prohibit the release of information necessary for presentation of allegations or answers. The constitutional requirements for an open meeting and answer to the

allegations do not waive the sovereign immunity of the Tribe, and is not an authorization for action to be brought against the Tribe for any action read and established.

- 10.05. *Receipt of Removal Resolution: Acceptance.* The Tribal Council Recorder, upon receipt of a resolution for removal of an elected official, shall place the resolution on the Tribal Council agenda for acceptance by the Tribal Council. The Tribal Council shall review the resolution and make a determination that the allegations have sufficient documentation to prove the truth of the allegations. Acceptance of the resolution shall not constitute approval of the reasons presented, and shall not constitute a determination for removal. The Tribal Council may appoint one or more members to verify the accuracy and/or authenticity of documentation presented.
- 10.06. *Setting Special Meeting for Public Hearing: Providing Notice.* The Tribal Council Recorder shall request a Tribal Council meeting to be scheduled which provides for service of notice on the elected official and ten days' notice to the elected official after presentation of the removal resolution. The agenda for the meeting shall contain items for Calling the Meeting to Order and Stating its Purpose, Roll Call, recusal of Tribal Councilors for conflict of interest, reading of the removal resolution ; answer to the allegations for removal, Tribal Member Comment, deliberation of Tribal Council, vote on resolution , and adjournment. Upon setting of the meeting date, time and place, the Tribal Council Recorder shall prepare the notice and copies of the resolution and any supporting documentation submitted, and request the Public Safety Department to serve the elected official.
- 10.07. *Witnesses: Documents.* The elected official shall submit to the Tribal Council Recorder, no later than 48 hours prior to the hearing date and time, a list of proposed witnesses that will be called and/or a copy of all documents that will be presented at the public hearing. Witnesses, at the time of the public hearing, shall swear an oath as to the truth and accuracy of their statements.
- 10.08. *Public Meeting for Removal- Procedures.* A meeting regarding the removal of an elected official shall be heard in the following order. The hearing shall be conducted regarding each count in each resolution, in the order as presented in the List of Counts.
  - a. The Tribal Council Speaker shall call the meeting to order, by identifying the purpose of the meeting B "A Meeting to Consider the Removal of [Name], [Office], from office under Article IX, Section 3 of the Constitution" and request the Tribal Council Recorder to conduct a Roll Call.
  - b. The Tribal Council Speaker shall request that Tribal Council members assert any conflicts of interests and requests for a determination on the conflict under Article IV, Section 6(f)(2),(4) of the Constitution.
  - c. The Tribal Council Speaker shall read the removal resolution.



- d. The Tribal Council Speaker shall then identify and individually present the grounds for removal. The Tribal Council Speaker, or another member of the Tribal Council, shall then present documents and/or witnesses substantiating the validity of the Count.
- e. The Tribal Council Speaker, upon conclusion of the presentation of each count, shall call upon the elected official and offer them the ability to answer the charges if they so desire. In all cases, the next count shall not be read until such time as the elected official has either identified that he or she has concluded their response or intends not to respond.
  - 1. An elected official may choose not to answer the charges, provided that a decision to not answer the charges, either verbally, with a written statement, or by presentation of other documentation, shall be considered a waiver of this constitutional right by the elected official.
  - 2. The right to answer the charges is offered at the meeting, and is not subject to a request for additional time, delay or other method to extend the time of the scheduled meeting.
  - 3. The elected official may not request another to speak on his or her behalf, and must answer the charges personally. The elected official may have assistance in organizing their presentation, but this assistant shall not be allowed to speak on his or her behalf.
- f. The elected official shall then present his or her witnesses or evidence in regard to each count. New evidence, not presented in accordance with section 10.07, which could not have been obtained 48 hours prior to hearing, may be accepted for the record by majority vote of the Tribal Council at the time of submission of the evidence.
- g. The Tribal Council and the elected official may question any witnesses presented during the hearing while that witness is presented. After the original presentation, the other party may ask questions immediately following the original presentation.
- h. Upon conclusion of the answer to each count in each removal resolution, the Tribal Council Speaker shall call for Public Comment by the membership present in accordance with Article IV, Section 6(e). Each tribal member shall be allowed one opportunity to speak for no more than five minutes. Time may not be split, traded, or given away to another tribal member. All comments are addressed to the Tribal Council.
  - 1. Upon conclusion of the public comment period, the Tribal Council Speaker shall ask the Tribal Council if they wish to recess for deliberations and review of the information

submitted. If a recess is requested, the Tribal Council Speaker shall set a recommended time for the Tribal Council to re-convene.

- j. Upon conclusion of the recess, or if no recess is taken, the Tribal Council Speaker shall ask for a motion to adopt the resolution and a second. Upon receipt of a motion, the Tribal Council Speaker shall request the Tribal Council Recorder to take a roll call vote on the motion. The Tribal Council Speaker shall not accept a motion to reject the resolution. If no motion to adopt the resolution, or a second to such a motion, is received upon the third call by the Tribal Council Speaker, the removal resolution shall be considered to have failed. This action shall be repeated for each removal resolution presented.
- k. If at least seven (7) of the nine (9) members of Tribal Council vote in favor of removal , the elected official shall be removed from office and the removal shall be effective as of the time of the vote in favor of removal. If less than seven (7) of the nine (9) members of Tribal Council vote in favor of removal, the removal resolution shall have failed.
- l. A removal resolution that fails to be adopted shall be considered to have had Tribal Council opinion rendered on the actions of the elected officials, and those actions may not be brought before the Tribal Council as reasons for removal or that elected official on any other occasion. Provided that nothing in this subsection shall prohibit a tribal member from filing a petition for recall before the Election Board, and nothing in the decision of the Tribal Council shall be considered determinative by the Election Board regarding those actions as being sufficient to authorize a recall petition.
- m. Upon conclusion of the vote, the Tribal Council Speaker shall announce the meeting as being adjourned as the sole item of business having been concluded and no other action is authorized.

#### **Article XI. Censure Proceedings.**

- 11.01. *Grounds for Censure.* When the Tribal Council has determined, by clear and convincing evidence, that a Tribal Councilor has engaged in conduct that Tribal Council finds reprehensible and where such conduct reflects adversely on his or her office, the Tribal Council may vote to censure that Councilor.
- 11.02. *Notice.* The Tribal Council must provide the Councilor three (3) days' notice, in writing, that a discussion and vote will take place regarding a censure.
- 11.03. *Censure Resolution.* A resolution censuring a Councilor must include a description of the facts that warrant a censure. If Tribal Council is seeking to censure more than one Councilor, Tribal

Council must provide a censure resolution for each Councilor. Voting on a resolution for censure shall follow the same procedures as other resolutions set forth in this Ordinance.

- 11.04. *Vote Required to Censure.* The Tribal Council, by majority vote of the Tribal Council Members present at a regularly scheduled Tribal Council meeting, may vote to approve a censure in accordance with this section. The Councilor who is the subject of the censure resolution shall not vote.
- 11.05. *Open Session Item.* The official vote on a censure resolution and its related discussion shall be addressed during open session of a regularly scheduled Tribal Council meeting.

## **Article XII. Records of Tribal Council Meetings.**

- 12.01. *Records Maintained of Each Tribal Council Meeting.* The Council Recorder shall be responsible for maintaining a record of each Tribal Council meeting at the offices of the tribal government.
- a. *Closed Session Records.* Closed session records of the Tribal Council shall be maintained in a separate, sealed file along with the other records for that meeting.
- 12.02. *Contents of Records to be Maintained.* The record for each meeting shall consist of the following materials:
- a. call of meeting, if applicable;
- b. notice of meeting, if applicable;
- c. published agenda for such meeting;
- d. final agenda for the meeting;
- e. a set of approved minutes for that meeting;
- f. a set of original executed resolutions and ordinances, if any, that were approved at the meeting;
- g. the materials submitted for review or action with respect to each item on the agenda;
- 12.03. *Maintenance of Minute Book; Resolution Book: Laws and Policies.* The records of the Tribal Council shall also include a minute book, a resolution book and a compiled set of all laws, ordinances and policies approved by the Tribal Council.

- 12.04. *Content of Minutes.* Each vote of the Tribal Council shall be recorded in the minutes, which shall include the following minimum information:
- a. The substance of the agenda item under consideration;
  - b. The vote of the Tribal Council, including the names of each Tribal Councilor supporting, opposing or abstaining; and
  - c. If applicable, a reference to the existence of a formal resolution concerning the matter.
- 12.05. *Preparation of the Minutes.* The Tribal Council shall prepare the meeting minutes for adoption by the next scheduled meeting. Provided that, there shall be at least five business days between meetings, and minutes may be delayed to the next regular meeting if less than five business days exist between regular meetings. Upon approval, the Tribal Council Recorder shall forward the minutes for posting on the Tribe's website and in the Tribal Newsletter.
- 12.06. *Minutes Constitute Official Record.* For purposes of official tribal action, only formally approved Tribal Council minutes shall be used to prove the truth of the matter asserted or to resolve the evidentiary issue in question.
- 12.07. *Access to Council Minutes and Records.* In accordance with Article III, Section 2 of the Tribal Constitution, the general presumption is that all regular, special and emergency meetings are required to be recorded, with published meeting. All Tribal Council meeting minutes and records, excluding closed session minutes and records, shall be available for review during normal business hours of 8:00a.m. to 5:00 p.m. on Monday through Friday. Copies of meeting minutes and records shall be available upon request. Copies of approved meeting minutes will be provided to Tribal members without charge. All tribal members, and other members of the public, requesting other records or documents (i.e. reports and supporting documents) pertaining to Tribal Council meetings, may be required to reimburse the Tribe a reasonable amount for the cost of reproduction. Requests for copies of meeting minutes and records shall be made on a form approved by the Tribal Council and available at the tribal administrative office.

### **Article XIII. Membership Access to Video Recorded Tribal Council Public Sessions.**

- 13.01. *General.* Tribal Council believes that Membership participation in the governance process, including member access to open proceedings of the Council, will enhance governance process and improve transparency, while serving to improve information access to the Membership it serves.
- 13.02. *Authorization.* The Tribal Council consents to record, via digital or other efficient recording method, the public sessions of Tribal Council Meetings. The Tribal Council authorizes the Historic

Preservation Department and/or the IT Department to create the mechanisms necessary to grant access to Tribal Members that will enable Membership to watch Council Meeting Recordings, through the Tribe's Secured Website.

- 13.03. *Video does not replace Record.* The Tribal Council's official record is described in Article XII of this code. Video Recording of any meeting as authorized by this section does not replace the official record defined by Article XII.

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**CERTIFICATION**

I, Gary DiPiazza, Tribal Council Recorder, do hereby certify that this is a true and correct copy of the Tribal Council Procedures Ordinance permanently adopted by the Tribal Council on February 22, 2012 and amended on June 26, 2019.

  
Gary Di Piazza, Tribal Council Recorder

[Seal]



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

OCT 30 2024

Certified Mail – Return Receipt Requested

## NOTICE OF CHANGE IN PAYMENT METHOD

The Honorable Larry Romanelli  
Tribal Ogema  
Little River Band of Ottawa Indians  
2608 Government Center Drive  
Manistee, Michigan 49660

Dear Tribal Ogema Romanelli:

By a letter dated June 24, 2024, and signed by the Director, Office of Self Governance (OSG), you were notified that OSG intended to impose sanctions during fiscal year **2025** on Indian tribes or tribal organizations, which have failed to meet the statutory and regulatory requirements for annual submission of Single Audit Reports. Under the requirements of Title 2, Code of Federal Regulations, Chapter II, Part 200 (2 CFR 200), recipients are required to file their Single Audit Reports with the Federal Audit Clearinghouse within 9 months of the end of its fiscal year. According to the records of the Federal Audit Clearinghouse and the Division of Internal Evaluation and Assessment, your Tribe has not submitted its Single Audit Report for **fiscal year 2023**, which was due September 30, 2024.

The Indian Self-Determination and Education Assistance Act contains the following requirement:

*For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract entered into, or grant made, under this subchapter, the tribal organization that requested such contract or grant shall submit to the appropriate Secretary a single-agency [sic] audit report required by chapter 75 of Title 31. [Title 25 U.S.C. § 5305]*

This action is taken pursuant to the authority contained in the Single Audit Act and the implementing guidance issued by the Office of Management and Budget through 2 CFR 200.505 which provides:

*In cases of continued inability or unwillingness to have an audit conducted in accordance with this part, Federal agencies and pass-through entities shall take appropriate action using sanctions such as:*

- a) *Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.*

2 CFR § 200.505 provides:

*In cases of continued inability or unwillingness to have an audit conducted in accordance with this part, Federal agencies and pass-through entities must take appropriate action as provided in section 200.338 Remedies for Noncompliance.*

2 CFR § 200.339 provides:

- a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.*
- b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.*
- c) Wholly or partly suspend or terminate the Federal award.*
- d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).*
- e) Withhold further Federal awards for the project or program.*
- f) Take other remedies that may be legally available.*

Single audit reports are to be sent by email to the Federal Audit Clearinghouse and Division of Internal Evaluation and Assessment, which can be contacted at the following addresses:

<p>The Internet Data Entry System (IDES) is the place to submit the Single Audit reporting package, including form SF-SAC, to the Federal Audit Clearinghouse (FAC)</p> <p>IDES can be accessed at: <a href="https://facweb.census.gov">https://facweb.census.gov</a></p> <p>Phone: (800)253-0696</p>	<p>U.S. Department of the Interior Assistant Secretary-Indian Affairs Office of Chief Financial Officer Division of Internal Evaluation and Assessment 12201 Sunrise Valley Drive Reston, Virginia 20191 E-mail: <a href="mailto:oiea@bia.gov">oiea@bia.gov</a></p>
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#### APPEAL NOTICE

This is a final decision of the Awarding Official. You may appeal this decision to the Civilian Board of Contract Appeals, 1800 M Street, NW 6<sup>th</sup> Floor, Washington, DC 20036. The Civilian Board of Contract Appeals (CBCA) is the authorized representative of the Secretary of the Interior with jurisdiction to hear and determine appeals relating to contracts (or grants) made by any Bureau or Office of the Department of the Interior.

If you decide to appeal, you must mail or otherwise furnish a written notice of appeal to the CBCA within 90 days of receipt of this decision and provide a copy to the Awarding Official from whose decision the appeal is taken. The notice of appeal must indicate that an appeal is intended, reference this decision, and identify the contract number.

If you appeal to the CBCA, you may, solely at your election, proceed under the Board's small claims procedure for claims of \$50,000 or less or its accelerated procedure for claims of \$100,000 or less. Instead of appealing to the CBCA, you may bring an action directly in the U.S. Court of Federal Claims within 12 months of the date you receive this decision, pursuant to section 110 of the ISDEAA, 25 U.S.C. § 5331, and the Contract Disputes Act, 41 U.S.C. § 601.

Questions may be directed to OSG Financial Specialist, Cheryl Barnaby, at (360) 699-1414 or email [cheryl.barnaby@bia.gov](mailto:cheryl.barnaby@bia.gov). Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Sharee M. Freeman". The signature is written in a cursive, flowing style.

Sharee M. Freeman  
Director  
Office of Self Governance

cc: Division of Internal Evaluation and Assessment Group Email  
Laurel Luckey, Supervisory Auditor, DIEA  
Matthew Kallappa, Compact Negotiator, OSG  
Jolene John, Regional Director, Alaska Region  
OSG Finance Department Group Email  
OSG Audit Team Group Email