

WAGANAKISING ODAWAK STATUTE 2006-003
Judicial and Prosecutorial Appointments

SECTION I. PURPOSE

This Judicial and Prosecutorial Appointments Statute is hereby enacted to establish a standard method of selecting judges, justices, and prosecutors.

SECTION II. DEFINITIONS

- A. The "Tribe" shall mean the Little Traverse Bay Bands of Odawa Indians (LTBBOI).
- B. "Qualified Applicants" means an applicant that meets the eligibility and restriction requirements of the judicial and prosecutorial positions listed in the LTBBOI Constitution.

SECTION III. DEVELOPMENT OF PROCEDURES; RECEIPT OF NOMINATIONS; SUBMISSION TO TRIBAL COUNCIL

- A. The Tribal Executive shall develop an Administrative Procedure to receive applications from "qualified applicants" to fill the Tribe's Judicial and Prosecutorial offices, and to fill any vacancies in the Tribe's Judicial and Prosecutorial offices. The procedure shall provide for recommendations originating from the Executive, individual applications, and recommendations by official action at a Tribal Membership meeting. The procedure shall ensure each submission is for a specific position and term and shall establish timelines for making nominations to fill vacancies.
- B. Tribal Executive shall receive all petitions and applications for nomination to the positions of judges, justices, and prosecutors and shall ensure that only qualified applicants are forwarded to the Tribal Council as nominations.
- C. The submission of nominations to the Tribal Council for appointments, and to fill vacancies, shall be prepared by the Tribal Executive. Each submitted nomination must be for a specific position and term.

SECTION IV. APPOINTMENTS

Tribal Council shall adopt a procedure for making judicial and prosecutorial appointments.

SECTION V. SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION VI. EFFECTIVE DATE

Effective upon the signature of the Executive, or 30 days from Tribal Council approval, or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

Certification

As the Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on March 19, 2006 at which a quorum was present, by a vote of 7 in favor, 1 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Regina Gasco Bentley	X			
Fred Harrington, Jr.	X			
Dexter McNamara	X			
Mary Roberts	X			
Rita Shananaquet				X
Alice Yellowbank	X			
Shirley Oldman		X		
Melvin L. Kiogima	X			
Beatrice A. Law	X			

Date: 4/24/06

Beatrice A. Law

Beatrice A. Law, Legislative Leader

Date: 5/1/06

Melvin L. Kiogima

Melvin L. Kiogima, Secretary

Received by the Executive Office on 5/3/06 by Ellie Payne

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 5-29-2006

Frank Ettawageshik

Frank Ettawageshik, Tribal Chairperson

