



Waganakising Odawak
Little Traverse Bay Bands of Odawa Indians
Office of the Tribal Chairperson
7500 Odawa Circle, Harbor Springs, MI
Phone 231-242-1401

JUDICIAL AND PROSECUTORIAL APPOINTMENTS POLICY
POL-WOS 2006-003-071019-002

- I. PURPOSE.** To ensure a standard method for Tribal Council making Judicial and Prosecutorial appointments in accordance with the Constitution and Waganakising Odawak Statute 2006-003 Judicial and Prosecutorial Appointments.
- II. DEFINITION.** "Qualified Applicant" in Waganakising Odawak Statute 2006-003 means an applicant that meets the eligibility and restriction requirements of the judicial and prosecutorial positions listed in the Little Traverse Bay Bands of Odawa Indians Constitution.
- III. RECEIPT OF NOMINATION(S) FROM THE EXECUTIVE.**

The Executive Office shall submit to the Legislative Office a Nomination Form which contains the name of the qualified applicant, the position and term of office applying for. The Nomination Form shall be accompanied by a letter of interest, resume, and the following documentation:

A. Judges:

1. Proof that the nominee has attained the age of thirty (30) years;
2. Proof that the nominee is at least one fourth (1/4) North American Indian.
3. Writing samples, preferably a court decision if applicable.

B. Justices:

1. Proof that the nominee has attained the age of thirty (30) years;
2. Is at least one fourth (1/4) North American Indian, other than the Justice who is required to be an attorney, where being Indian is preferred but not mandatory;
3. A "Letter of Good Standing" from any state bar in the United States or a current copy of a state bar license, if the nominee is being nominated at the required licensed attorney position.

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4. Proof that the nominee is a Tribal Citizen and is over the age of fifty-five, if the nominee is being nominated for the Elder Justice position.
5. Writing samples, preferably a court decision if applicable.

C. Prosecutor:

1. Is an attorney licensed to practice in the Tribal Court and courts of a state in the United States; A "Letter of Good Standing" from any state bar in the United States or a current copy of a state bar license shall suffice.
2. Proof that the nominee is at least one fourth (1/4) North American Indian if the nominee has indicated such preference.

IV. BACKGROUND CHECKS.

The Executive Office shall then prepare and submit to the Legislative Office, with the nomination, a statement as to whether a nominee has been found guilty of, or entered a plea of nolo contendere or guilty to, any misdemeanor or felonious offense, under Federal, State or Tribal Law involving crimes of: Violence, Sexual Assault, molestation, Exploitation, Contact or Prostitution, Offense Committed Against Children, Offenses Against a Person, Homicide, Assault and Reckless Endangerment, Kidnapping and Custodial Interference, Sexual Offense, Robbery, Extortion and Coercion or has been convicted of or completed a sentence of or probation of any felony within the last ten (10) years, unless such conviction has been vacated or overturned.

V. ACCEPTANCE OF NOMINATION AND INTERVIEW

- A. The Legislative Office shall submit to Tribal Council the Executive nomination with its supporting documents. Tribal Council shall then entertain a motion to vote to accept the nomination. An acceptance does not mean that they are appointing the person to the position, but only that Tribal Council is willing to set up an interview for the nomination.
- B. If Tribal Council accepts the nomination, and if it is not a nomination for re-appointment, the Legislative Office shall then obtain additional background information in the form of a report from the Human Resources Department that contains the following information, prior to Tribal Council interviewing the nominee:
 1. Education and Employment Verification: The Report shall ensure that each listed educational institution, degree(s) and employer(s) along with titles and dates of employment are verified. Discrepancies shall be reported.
 2. Civil Court Check. As to whether or not the nominee has any outstanding judgments within the last seven (7) years.

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- C. The Legislative Office shall contact the nominee and set up an interview.
 - 1. The interview shall be open to the public as defined in the Open Meetings Statute.
 - 2. A quorum of Tribal Council is not needed for an interview to be conducted.

VI. VOTING. All appointments of nominees shall be by an affirmative vote of six (6) of the nine (9) members of Tribal Council.

VII. ANTI-NEPOTISM. In accordance with the Constitutionally Mandated Rules of Conduct for Officials of Tribal Government, no Tribal government official shall employ, elect, appoint or otherwise cause to be employed, nor nominate or otherwise influence the appointment or employment to any Tribal office or position within the Tribe or any governmental or political subdivision thereof, any person or persons in their immediate family, nor any member of the same household.

CERTIFICATION

As Tribal Chair this certifies that I approve this Judicial and Prosecutorial Appointments Policy.

Date: 7-10-19

Regina Gasco-Bentley
Tribal Chair, Regina Gasco-Bentley

This Policy was approved by Tribal Council on:

Tamara Kiogima
Tamara Kiogima, Tribal Council Secretary

7-11-19
Date

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