

TITLE VI. GOVERNMENT AND ADMINISTRATION

Chapter 1. Legislative Procedures, Odawa Register

6.101 PURPOSE

This Statute establishes uniform terminology and procedures for the consideration, enactment, certification, naming, numbering and filing of legislation, and authorizes the Executive power of veto. This Statute repeals and replaces Waganakising Odawak Statute 2002-01 of February 17, 2002.

(Source: WOS 2005-10, August 21, 2005, Section I)

6.102 DEFINITIONS

- A. “**Tribal Council**” or “**Council**” means the elected body of the Little Traverse Bay Bands of Odawa Indians to carry out legislative powers under Article VII of the Constitution.
- B. “**Legislative Agenda**” means a list kept by the Tribal Council of all proposed legislation.
- C. “**Election Cycle**” means the two (2) year period between elections as per Constitution Article XII (A).
- D. “**Executive**” means the Executive Branch of government under Article VIII of the Constitution the power of which is vested in the Tribal Chairperson and the Vice-Chairperson.

(Source: WOS 2005-10, August 21, 2005, Section II)

6.103 TERMINOLOGY

- A. Terminology and Numbering. Legislative enactments of the Little Traverse Bay Bands of Odawa Indians shall be titled “Waganakising Odawak Statute” followed by a unique number. Statutes shall be identified by a seven (7) digit number. The first four (4) digits will be the year of the enactment. The last three (3) digits will specify the chronological order in which statutes

are enacted in a given year. For example, the first statute passed in 1996 will be Waganakising Odawak Statute 1996001.

B. Retroactive Naming and Numbering. All legislative enactments of the Tribal Council of the Little Traverse Bay Bands of Odawa Indians since adoption of the Tribal Constitution and By-laws on March 11, 1989 are hereby named and numbered according to the system set out in Section III(A) [WOTC 6.103].

(Source: WOS 2005-10, August 21, 2005, Section III)

6.104 INTRODUCTION AND PASSAGE OF STATUTES

A. Introduction by Tribal Council.

1. Any member of the Tribal Council at any regular Council meeting may move to place a proposed statute, which may involve a revision of an existing statute or a new draft, on the Tribe's legislative agenda. Prior to formally placing the draft statute on the legislative agenda, Tribal Council may develop such draft at regular or special Council meetings and work sessions.

2. A proposed statute may also be prepared and presented by any Tribal member by providing their typed or computer generated proposed statute in a Tribal Council approved format to the Tribal Council. The Tribal Council shall designate one of its members or a staff person to enter the name of the submitter, date of submission, and a unique number, at the top of the member's proposal. Each Tribal Council member will receive a copy of the draft. Consideration to place the proposal on the legislative agenda will occur within sixty days of submission. After consideration, Council may at its discretion adopt a motion placing the proposal on the legislative agenda. If such motion is not adopted within sixty days, the proposal will not be placed on the legislative agenda. Tribal Council shall maintain a list of submissions indicating the date considered, and action taken.

3. The sponsor and co-sponsor(s), if any, shall be identified on the record upon introduction of legislation.

B. Notice to Tribal Members. When a proposed statute is placed on the legislative agenda under subsection A above, Tribal Council shall notify members by posting the proposed statute in the Odawa Register, in Tribal governmental office buildings, and other readily available methods of publication, such as a tribal newsletter. The Tribal Council will consider passage of the proposed statute no sooner than the next regularly scheduled meeting at least twenty five (25) days from its introduction. Written comments may be submitted to the Tribal Council at any time prior to passage. Verbal comments will be heard during any public comment period prior to passage of the legislation.

C. Passage. When the Council considers a proposed statute that has been placed on the legislative agenda, the Council may vote on the legislation as presented or hold one or more legislative mark-up sessions. Upon conclusion of discussion and/or mark-up session(s), the Legislative Leader shall request a motion and support to pass the statute as marked-up or as originally presented if no changes were made. If such motion is made and supported, the Legislative Leader shall call for a vote. An affirmative vote of a majority of a quorum of the Council is required to pass a statute except the unanimous vote of emergency legislation as provided for in section IV(E) [WOTC 6.104]of this statute.

D. End of Election Cycle. Any proposed statute on the legislative agenda of a sitting Tribal Council that has not been passed during an Election Cycle in which the proposed statute was submitted shall be removed from the agenda upon the swearing in of newly elected Council members. Once removed, these proposed statutes will be considered dead, meaning they may not be considered for passage unless resubmitted to Tribal Council according to the legislative process set out in this Statute. Provided, the first Tribal Council sworn in under the Constitution approved by the membership on February 1, 2005 will have a sixty day period to pass previously introduced legislation.

E. Emergency Legislative Action. In the event that immediate legislative action is absolutely necessary to preserve or promote the rights or resources of the Tribe or its members, a statute may be passed at the same meeting that it is introduced and placed on the legislative agenda, or at a special meeting called for that purpose. However, such emergency passage shall require a unanimous vote of all Tribal Council members present at such meeting where no more than one sitting Tribal Council member is absent.

(Source: WOS 2005-10, August 21, 2005, Section IV)

6.105 CERTIFICATION

Proof of passage of a Tribal Statute shall be by written certification signed by both the Tribal Legislative Leader and the Tribal Secretary. The certification shall state at a minimum the date of passage, that a quorum of the Council was present, and a roll call record of the vote.

(Source: WOS 2005-10, August 21, 2005, Section V)

6.106 SUBMISSION TO EXECUTIVE

Upon passage and certification of statutes by the Tribal Council, the Tribal Council Secretary or designee shall send the certified original to the Executive for signature. Statutes shall be enacted into law upon approval by signature of the Executive, or if not expressly vetoed by the Executive within thirty (30) days of submission. If expressly vetoed by written signature of the Executive within thirty (30) days of submission, such vetoed statute shall not become enacted law unless the Tribal Council, by an affirmative vote of seven (7) members of the Tribal Council in the same Election Cycle, votes to override a veto by the Executive.

(Source: WOS 2005-10, August 21, 2005, Section VI)

6.107 INITIATIVE AND REFERENDUM

The process for initiative and referendum is set out in Article XIV of the Constitution.

(Source: WOS 2005-10, August 21, 2005, Section VII)

6.108 COMPILATION

A. All enacted statutes of the Little Traverse Bay Bands of Odawa Indians shall be compiled in chronological order in a book entitled “Waganakising Odawak Constitution and Statutes” which shall consist of as many volumes as necessary.

B. The Tribe shall maintain at least four identical copies of “Waganakising Odawak Constitution and Statutes.” One shall be kept in the Tribal Council office containing the original

signed documents. One copy shall be kept in the Tribal Executive office; one copy shall be kept at the home or office of the Tribal Secretary, and one copy shall be kept at the office of the Tribal attorney.

C. Statutes that are amended or repealed by subsequent legislation shall not be removed from “Waganakising Odawak Constitution and Statutes.” The Tribal Council shall direct the development of a separate Tribal Code to keep tribal laws organized and current.

(Source: WOS 2005-10, August 21, 2005, Section VIIi)

6.109 ODAWA REGISTER

A. **The Odawa Register is hereby created.** The Odawa Register is a publication of official election, legislative, executive and judicial notices including but not limited to:

1. pending legislation and legislative history;
2. draft Tribal Council meeting minutes and approved minutes;
3. posting notices for appointed positions in Tribal government;
4. approved intergovernmental agreements and accords;
5. approved minutes from Tribal Commissions and Boards, except for minutes of closed sessions as authorized by the LTBB Constitution or statutes;
6. the compiled LTBB laws in a Tribal Code, which shall be updated at least yearly;
and
7. other notices or documents deemed to be appropriate by any of the branches of tribal government.

B. The Odawa Register shall be located on the LTBB official website if such a site exists, and if it does not exist, it shall be located on a website dedicated to the Odawa Register.

C. Printed copies of items in the Odawa Register shall be available at the Tribal Administration offices and shall be provided to Tribal members upon their submitting a written request for specific documents to the Tribal Chairman's office.

D. The Tribal Council may authorize the publication of the full or abbreviated minutes of its meetings in a Tribal publication such as a newsletter.

(Source: WOS 2005-10, August 21, 2005, second Section VII [formatting error in original])

6.110 SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

(Source: WOS 2005-10, August 21, 2005, Section IX)

6.111 EFFECTIVE DATE

This Statute shall take effect upon the swearing in of the first Tribal Council under the Constitution [September 11, 2005] approved by the membership on February 1, 2005.

(Source: WOS 2005-10, August 21, 2005, Section X)

Chapter 2. Administrative Procedures Act

6.201 PURPOSE

This Administrative Procedures Act is hereby enacted to establish a standard set of requirements for Executive Branch actions after enactment of a law. This statute shall repeal and replace the Administrative Procedures Act 2005-015.

(Source: WOS 2006-028, December 29, 2006 Section I)

6.202 DEFINITIONS

- A.** “**Administrative Procedures**” shall mean procedures required by a statute or regulation to clarify the implementation of a statute or regulation. These procedures shall not be a rewrite of the statute but define how an office or officer will implement the daily activities of a statute such as applications procedures and forms for a Tribal program.
- B.** “**Departmental Procedures**” shall mean procedures not required by statute or regulation.
- C.** “**Tribal Codes of Regulations**” shall mean regulations that implement a statute and that shall have the force of law.
- D.** The “**Tribe**” shall mean the Little Traverse Bay Bands of Odawa Indians.

(Source: WOS 2006-028, December 29, 2006 Section II)

6.203 TRIBAL CODES OF REGULATION

- A.** Regulations required by law shall be called Tribal Codes of Regulations.
- B.** The Tribal Executive shall develop Tribal Codes of Regulations to implement statutes that require regulations.
- C.** Tribal Codes of Regulations shall be developed within 120 days of enactment of a law.
- D.** Tribal Codes of Regulations shall be forwarded to the Tribal Council for approval.
- E.** The Tribal Executive shall ensure that the benefits provided Tribal Citizens are carried out even if Tribal Codes of Regulation have not been developed or approved.

(Source: WOS 2006-028, December 29, 2006 Section III)

6.204 REQUIREMENTS OF TRIBAL CODES OF REGULATIONS

- A.** Tribal Codes of Regulations shall reflect the intent of the law, and shall be written in a manner that protects the best interests of the Tribal Citizens.
- B.** Tribal Citizens shall be provided an opportunity to comment on proposed regulations prior to approval.
- C.** Tribal Codes of Regulations shall clearly identify for whom they are intended to apply.
- D.** Tribal Codes of Regulations shall be written in language that is clear and easily understood by the individuals or agencies under the jurisdiction of the regulation.
- E.** Tribal Codes of Regulations shall be forwarded to Tribal Council for approval.
 - 1.** Tribal Codes of Regulations shall be considered approved within one month of submission, provided Tribal Council shall have the authority to revoke part or all of the Tribal Codes of Regulations at any time after submission.
 - 2.** Rejections shall be sent to the Executive with an explanation of why they were rejected.
 - 3.** Rejections once rewritten shall be resubmitted to Tribal Council.
- F.** Tribal Codes of Regulations must be approved or considered approved to carry the force of law. The Executive may implement interim regulations to carry out the intent of the law prior to the enactment of required Tribal Codes of Regulations; however interim regulations do not carry the force of law.
- G.** Violations of Tribal Codes of Regulations shall be considered civil infractions and may carry penalties, fines or incarceration provided that any part of Tribal Codes of Regulation carrying such penalties shall require the express approval of Tribal Council.

(Source: WOS 2006-028, December 29, 2006 Section IV)

6.205 ADMINISTRATIVE PROCEDURES

- A. Procedures required by law or regulation shall be called Administrative Procedures.
- B. The Tribal Executive shall develop Administrative Procedures to implement statutes and regulations that require procedures.
- C. Administrative Procedures shall be developed within 120 days of requirement.
- D. Administrative Procedures required by a statute shall be forwarded to the Tribal Council for approval.
- E. The Tribal Executive shall ensure that the benefits provided Tribal Citizens are carried out even if Administrative Procedures have not been developed or approved.

(Source: WOS 2006-028, December 29, 2006 Section V)

6.206 REQUIREMENTS OF ADMINISTRATIVE PROCEDURES

- A. Administrative Procedures shall reflect the intent of the statute or regulation they are intended to implement, and shall be written in a manner that protects the best interests of the Tribal Citizens.
- B. Administrative Procedures shall clearly identify who they are intended to apply in whole or in part.
- C. Administrative Procedures shall be written in language that will be clear and easily understood by the individuals or agencies under the jurisdiction of the regulation.
- D. Administrative Procedures that require Tribal Council approval shall:
 - 1. Be considered approved within one month of submission, provided that Tribal Council shall have the authority to revoke part or all of the procedure at any time after submission.
 - 2. Rejections shall be sent to the Executive to with an explanation of why they were rejected.

3. Rejections once rewritten shall be resubmitted to Tribal Council.

(Source: WOS 2006-028, December 29, 2006 Section VI)

6.207 DEPARTMENTAL PROCEDURES

- A. The Tribal Governmental offices, departments, and programs should develop Departmental Procedures to implement statutes and regulations that do not have a statutory requirement for procedures and when necessary to promote efficiency in their office.
- B. Departmental Procedures are required to promote a fair and standard method of implementing daily activities of Tribal Departments.
- C. Departmental Procedures shall reflect the intent of the program, statute or regulation they are intended to implement, and shall be written in a manner that protects the best interests of the Tribal Citizenship.
- D. Departmental Procedures shall clearly identify who they are intended to apply in whole or in part.
- E. Departmental Procedures shall be written in language that is clear and easily understood by the individuals or agencies under the jurisdiction of the regulation.

(Source: WOS 2006-028, December 29, 2006 Section VII)

6.208 EXECUTIVE MANDATES

- A. The Tribal Executive is hereby mandated to publish all documents within seven (7) working days of submission to Tribal Council and provide a method for Tribal Citizens to submit comments prior to and after approval.
- B. The Tribal Executive is hereby mandated to develop a standardized numbering system for all Tribal Codes of Regulation, Administrative Procedures, and Departmental Procedures and establish a method of periodic review of approved regulations and procedures.

C. Tribal Codes of Regulation and Administrative Procedures may be presented for approval at the same time as their authorizing legislation.

D. The Tribal Executive Branch is hereby mandated to enforce all approved Tribal Codes of Regulation and to implement all required Administrative Procedures.

(Source: WOS 2006-028, December 29, 2006 Section VIII)

6.209 EXECUTIVE RESOLUTIONS AUTHORIZED

The Executive is hereby authorized to use Executive Resolutions, Directives and other such instruments deemed necessary for operation of the Executive provided that each instrument has an approved policy delineating its use. Resolutions under this section do not carry the force of law.

(Source: WOS 2006-028, December 29, 2006 Section IX)

6.210 TRIBAL COUNCIL RESOLUTIONS AUTHORIZED

The Tribal Council is hereby authorized to use Tribal Council Resolutions, Directives and other such instruments deemed necessary for operation of the Legislative Branch provided that each instrument has an approved policy delineating its use and resolutions that do not provide for Executive approval or disapproval do not carry the force of law.

(Source: WOS 2006-028, December 29, 2006 Section X)

6.211 TRIBAL RESOLUTIONS

A. Certification. Proof of passage of a Tribal Resolution shall be by written certification signed by both the Tribal Legislative Leader and the Tribal Secretary. The certification shall state at a minimum the date of passage, that a quorum of the Council was present, and a roll call record of the vote.

B. Submission to Executive. Upon passage and certification of Tribal Resolutions by the

Tribal Council, the Tribal Council Secretary or designee shall send the certified original to the Executive for signature. Tribal Resolutions shall be enacted into law upon approval by signature of the Executive, or if not expressly vetoed by the Executive within thirty (30) days of submission. If expressly vetoed by written signature of the Executive within thirty (30) days of submission, such vetoed Tribal Resolution shall not become enacted law unless the Tribal Council, by an affirmative vote of seven (7) members of the Tribal Council in the same Election Cycle, votes to override a veto by the Executive.

(Source: WOS 2006-028, December 29, 2006 Section XI)

6.212 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.

(Source: WOS 2006-028, December 29, 2006 Section XII)

6.213 EFFECTIVE DATE

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

(Source: WOS 2006-028, December 29, 2006 Section XIII)

Chapter 3. Budget Formulation Process

6.301 PURPOSE AND SHORT TITLE

The purpose of this Statute is to mandate procedures and deadlines for the Tribal Council to follow in the formulation of the annual Tribal governmental budget. It may be cited as the “Budget Act.” This Statute repeals and replaces Waganakising Odawak Statute 2001-09 of April 22, 2001.

(Source: WOS 2005-11, August 21, 2005, Section I)

6.302 FISCAL YEAR

The fiscal year shall be from January 1 to December 31.

(Source: WOS 2005-11, August 21, 2005, Section II)

6.303 STEPS IN PREPARATION OF ANNUAL BUDGET

A. By October 15 of each year the Tribal Council shall adopt the Tribal Government priority funding allocation which shall set forth the allocation of funds among the five divisions, (Executive, Legislative, Judicial, Prosecutor, and Election Board), for the fiscal period budgets that will begin 14 ½ months from this date. Prior to approval of this allocation the Tribal council may hold public hearings.

B. By December 15 all budgets, for the fiscal year specified in A above, from all divisions are to be turned in to the Tribal Council.

C. Between December 15 and May 1st the Tribal Council will schedule work sessions and public hearing(s) to reconcile the budget requests.

D. By May 1st the Tribal Council shall approve the annual budget.

E. Tribal Membership Input. The Tribal Council shall hold a public hearing on the budget at an open session of the Tribal Council. Members shall be given reasonable notice, such as an announcement in the newsletter of the date, time and location of such meeting. Copies of the draft budget and summary totals of each departmental request will be provided to the membership upon request. There will be time for comments from Tribal Council, Tribal Administration, and Tribal Membership.

(Source: WOS 2005-11, August 21, 2005, Section III)

6.304 AVAILABILITY AND SURPLUS FUNDS

A. Funding Availability. Programs and budgeted items shall be subject to funding availability. If actual revenues during a fiscal period fall short of projected revenues the Tribal Council shall take necessary actions to reduce budgeted expenditures of all divisions in accordance with budgetary priorities.

B. Surplus Funds. Surplus funds remaining at the end of the fiscal year will be carried forward for reallocation by the Tribal Council in the next fiscal year if allowed by existing regulations.

(Source: WOS 2005-11, August 21, 2005, Section IV)

6.305 BUDGETARY REVIEW

The Tribal Council may review the budget monthly and reallocate funds as needed. The Tribal Council shall have the right to make emergency appropriations or shift funds between the various branches of government as needed and to borrow money to cover such appropriations or reallocations if necessary.

(Source: WOS 2005-11, August 21, 2005, Section V)

6.306 BUDGET MODIFICATIONS

A. Prior to modifying their budget each division shall adopt and submit to Tribal Council for approval a method of conducting budget modifications that do not materially modify the scope of a program or increase the divisions overall budget.

B. A material modification in the scope of a program or an increase in its budget that requires an overall increase in a division's budget must be presented to the Tribal Council for approval and or a new appropriation.

C. All budget submissions and modifications will be in the form and format required by the governmental accounting office.

(Source: WOS 2005-11, August 21, 2005, Section VI)

6.307 CHECK SIGNERS

The Tribal Chair shall have the authority to issue Executive Resolutions authorizing individuals to sign checks and defining methods and limitations for mechanical signatures. These resolutions do not need approval of Tribal Council. Copies of these resolutions shall be forwarded to the Treasurer.

(Source: WOS 2005-11, August 21, 2005, Section VII)

6.308 SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

(Source: WOS 2005-11, August 21, 2005, Section VIII)

6.309 EFFECTIVE DATE

This Statute shall take effect upon swearing in of the first Tribal Council under the Constitution [September 11, 2005] approved by the membership on February 1, 2005.

(Source: WOS 2005-11, August 21, 2005, Section IX)

Chapter 4. Commissions, Boards, and Committees

6.401 SHORT TITLE

This Statute shall be entitled “The Commissions, Boards and Committees Statute.” It is repealing and replacing Waganakising Odawak Statute 2002-05. This statute shall comply with all provisions of the Little Traverse Bay Bands of Odawa Indians Constitution.

(Source: WOS 2006-007, May 21, 2006, Section I(A))

6.402 DEFINITIONS

As used in this Statute:

- A. **“LTBB”** The Little Traverse Bay Bands of Odawa Indians.
- B. **“Commissions”** Commissions, boards and committees which are created by statute, except as otherwise specified in this Statute.
- C. **“Constitutional Commission”** A tribal commission mandated in the LTBB Constitution, which shall officially be known as a board.
- D. **“Program Commission”** A Tribal commission mandated by various federal or state grants or contracts.
- E. **“Ad Hoc Committee”** Committees created by Tribal Council for a special, singular purpose that dissolve upon completion of its assigned task or purpose.
- F. **“Staff Members”** LTBB Employees.

(Source: WOS 2006-007, May 21, 2006, Section I(B))

6.403 PURPOSE

The purpose of this Statute is to provide uniform provisions that apply to all Tribal Commissions. Except as specifically stated, this Statute shall not be construed to apply to the Tribal Council or Election Board. This statute shall not override specific statutory provisions in Commission statutes unless explicitly noted.

- A. **Tribal Council.** Commissions may be created by the Tribal Council pursuant to article VII, § D(16) of the Constitution.
- B. **Tribal Chairperson.** As per article VIII, § C(3), (5) of the Constitution, Commissions shall be overseen by the Tribal Chairperson.

(Source: WOS 2006-007, May 21, 2006, Section I(C))

6.404 CREATION OF TRIBAL COMMISSIONS

- A.** All Commissions shall be created by Tribal Council action:
 - 1.** Commissions shall be created or established by statute.
 - 2.** Program commissions shall be created or established by Tribal Resolution.
 - 3.** Ad Hoc committees shall be created or established by Tribal Resolution.

(Source: WOS 2006-007, May 21, 2006, Section II)

6.405 DURATION OF TRIBAL COMMISSIONS

- A.** Constitutional commissions shall be permanent in nature.
- B.** Commissions shall exist for the time specified by statute, or if no time is specified a Commission shall exist until extinguished by future statute.
- C.** Program commissions shall terminate upon expiration of the underlying program's grant or contract.
- D.** Ad Hoc committees shall terminate upon completion of their specific task, or a time certain, as detailed in the Tribal Resolution creating the Ad Hoc committee.

(Source: WOS 2006-007, May 21, 2006, Section III)

6.406 AUTHORITY OF COMMISSIONS

- A.** Commissions are authorized to:
 - 1.** Gather and/or disseminate information;

2. Carry out the responsibilities with which a particular commission is charged;
3. Issue, suspend or revoke licenses statutorily delegated to be under their authority;
and
4. Make recommendations to the Tribal Chairperson which shall then report the Commission's recommendations to the Tribal Council.

(Source: WOS 2006-007, May 21, 2006, Section IV)

6.407 MEETINGS OF COMMISSIONS

- A. Constitutional commissions shall meet according to the terms of the Constitution.
- B. Commissions shall meet no more than twice (2) monthly, unless otherwise authorized by the statute creating the Commission.
- C. Program Commissions shall meet as required by the program to assist the staff in carrying out its program mandate.
- D. Ad Hoc committees shall meet as needed to achieve the goals and objectives as outlined in the Tribal Resolution creating the Ad Hoc committee.

(Source: WOS 2006-007, May 21, 2006, Section V)

6.408 PHONE POLLS

In situations where vital interests of the Tribe require immediate emergency action prior to a regular or special meeting, such action can be taken by phone poll or teleconference call for the limited purpose of addressing a matter for which the Tribe will suffer severe damage. In such situations, the Commission Secretary or designee must certify that more than one attempt was made to contact each Commission member by any practical means including telephone, fax, e-mail or in person. The action taken must be ratified at the next regular meeting of the Commission, and the minutes must state the reason such emergency action was necessary.

(Source: WOS 2006-007, May 21, 2006, Section VI)

6.409 COMPOSITION OF TRIBAL COMMISSIONS

A. Constitutional Commissions, Committees and Boards shall be composed of three (3) or not more than five (5) members unless the Constitution or the statute creating the Commission provide otherwise. All current Commission members shall complete their terms unless they voluntarily resign earlier.

1. Commission members shall be appointed by the Tribal Council to a prescribed term or to fill the remaining time of a vacant prescribed term.

2. The Executive may solicit citizens to serve on Commissions.

3. All appointed Commission members shall take an oath of office administered by the Tribal Court.

B. Program Commissions shall be of a size prescribed in the program's grant or contract.

1. Members shall be appointed by the Tribal Council.

C. Ad Hoc committees shall be of a size that is needed to complete the purpose for which it was created.

D. It shall be the responsibility of all Commission chairpersons to keep a record of Commission members' terms: date appointed, time to recruit for vacancy, date appointment ends.

E. In making Commission appointments after the effective date of this Statute, commissioners shall serve on no more than two Commissions simultaneously.

(Source: WOS 2006-007, May 21, 2006, Section VII)

6.410 RULES OF PROCEDURES, NOTICE

- A.** Commissions shall adopt rules of procedures for the conduct of their business subject to the approval of the Tribal Chairperson unless such rules are contained within the statute or resolution that created the commission.
- B.** Notice requirements for commission meetings shall comport with “notification of meeting” requirements of LTBB then in place.
- C.** Commissions shall submit at a minimum a quarterly report to the Tribal Chairperson.
- D.** Stipends cannot be paid to Commission members if that body has failed to send draft minutes with the stipend request from the same meeting, to the Executive Department as well as posting any meeting minutes on the Tribal website and in government buildings. Matters of confidentiality as defined by Tribal or Federal law, such as confidential personnel or legal matters must be removed from the posted minutes.
- E.** Unless otherwise specified in a Commission’s statute, a quorum shall consist of a simple majority of the number of commissioners notwithstanding vacancies. A meeting may not be called to order without a quorum present and no official business may be conducted absent a quorum.

(Source: WOS 2006-007, May 21, 2006, Section VIII)

6.411 RECOMMENDATIONS, PROPOSED LEGISLATION

- A.** Proposed legislation shall originate with or be referred to the appropriate Commission which shall discuss the proposed legislation in an open meeting.
- B.** The Commission shall then make written recommendations to the Executive which shall report the recommendations to the Tribal Council. Any Commission member who disagrees with the recommendations may make a written minority report outlining their opposition to the Commission’s recommendations to the Tribal Chairperson which shall report the minority report to the Tribal Council.

(Source: WOS 2006-007, May 21, 2006, Section IX)

6.412 OPEN MEETINGS, COMMISSION RECORDS

A. Commission meetings shall be open to citizens except in cases involving Indian Child Welfare matters, matters of confidentiality as defined by Tribal statute, personnel matters, and legal matters.

B. Commission records shall be open to citizens except in cases involving Indian Child Welfare matters, matters of confidentiality as defined by Tribal statute, personnel matters, and legal matters.

(Source: WOS 2006-007, May 21, 2006, Section X)

6.413 APPLICATION OF INDIAN CIVIL RIGHTS ACT OF 1968

Tribal commissions shall comply with the provisions of the Indian Civil Rights Act of 1968, 25 U.S.C. §§ 1301-1303.

(Source: WOS 2006-007, May 21, 2006, Section XI)

6.414 COMPENSATIONS, STIPENDS

A. Commission members who attend any conference, training, meeting or hearing directly related to their duties or attend any event where their attendance is required may be compensated for attendance so long as there are funds available in the Commission's budget.

B. Commission members shall receive a stipend for attendance at commission meetings subject to the availability of funds.

C. Ad Hoc Committee members may receive stipends if authorized by the Tribal Resolution creating the Ad Hoc Committee.

D. Any Commission member who attends a properly noticed meeting shall be eligible for a stipend, mileage, and expenses, even if no official action can be taken due to lack of a quorum.

(Source: WOS 2006-007, May 21, 2006, Section XII)

6.415 STAFF PARTICIPATION

Staff members may serve on Commissions and be compensated by stipend if that commission is not directly related to their employment, does not interfere with their work, and does not meet during scheduled work hours. If a Commission meets during scheduled working hours and the staff member wishes to attend, the staff member must utilize PTO (personal time off), or flextime upon prior approval of the individual's supervisor.

(Source: WOS 2006-007, May 21, 2006, Section XIII)

6.416 TRIBAL PREFERENCE

In appointing Commission members only tribal citizens shall be appointed to Commissions and Constitutional Commissions.

(Source: WOS 2006-007, May 21, 2006, Section XIV)

6.417 NEPOTISM

This Section XIV repeals and replaces Section III of Waganakising Odawak Statute 2000-10 of July 22, 2001.

A. Two or more members of the same immediate family shall not serve on the same Commission at the same time. Further, when a Commission is formed to address issues that pertain to a specific Executive department, a person shall not serve as Commission Chairperson if the department director, assistant director, co-director, Tribal Chairperson or Vice-Chairperson is an immediate family member. For purposes of this section immediate family means husband, wife, son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother, mother-in-law, brother, step-brother, brother-in-law, son-in-law, daughter-in-law, sister, step-sister, sister-in-law, child, step-child, Grandfather, Grandmother.

B. No Commission member may participate in making any decision that involves a personal or financial interest of the Commissioner or a member of his or her immediate family unless such interest is held in common with the Tribe and its citizens.

(Source: WOS 2006-007, May 21, 2006, Section XV)

6.418 SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

(Source: WOS 2006-007, May 21, 2006, Section XVI)

6.419 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.

(Source: WOS 2006-007, May 21, 2006, Section XVII)

Chapter 5. Removal of Commissioners and Nepotism

6.501 SHORT TITLE AND PURPOSE

A. Short Title. This Statute may be cited as the “Commissioner Removal and Nepotism Act.

B. Purpose. This Act sets out standard procedures for the removal of members of commissions of the Tribe, and rules regarding nepotism. This Act shall apply to all commissions of the Tribe unless otherwise specified in a specific commission statute. This Statute repeals and replaces the Removal of Commissioners and Nepotism Statute enacted on April 20, 1997 (Waganakising Odawak Statute 1997005).

(Source: WOS 2001-10, July 22, 2001, Section I)

6.502 REMOVAL OF COMMISSIONERS

A. Hearing Board. Hearings held under this section shall be before a Hearing Board consisting of one member of the Tribal Judiciary to be selected by the Judiciary itself, and two Tribal members at large to be selected by the Tribal Judiciary. All members of the Hearing Board shall be subject to the same rules regarding recusal as would a judge hearing a Tribal Court case.

B. Removal or Discipline. Members of a commission appointed by the Tribal Council shall not be removed during their terms of office except for misconduct, neglect of duties, or defying legally issued directives of the Tribal Council. The procedure for removal shall be as follows:

1. The Chairman of the Little Traverse Bay Bands of Odawa Indians shall call a special meeting of the Tribal Council to deal with a request to remove the member or place the item on the agenda of the next regularly scheduled Council meeting in response to any one of the following:

a. The Tribal Council by majority vote determines that there is cause to suspect that a member may be subject to removal for one or more of the reasons specified in this section;

b. The Tribal Council receives a petition signed by at least fifty (50) members of the Little Traverse Bay Bands of Odawa Indians alleging cause to suspect that a member may be subject to removal for one or more of the reasons specified in this section;

c. The Tribal Council receives a petition signed by a majority of the commissioners sitting on the commission at issue alleging cause to suspect that a member may be subject to removal for one or more of the reasons specified in this section.

2. In the event that the Tribal Council receives a petition under this section, or determines itself that there may be grounds for removal the Council shall:

a. Submit the petition to the Election Board for verification that the petition

contains a sufficient number of valid signatures;

b. If the Election Board finds the petition to contain a sufficient number of valid signatures, the Tribal Council shall submit the petition to the Hearing Board to determine if the charges, if proven true, would constitute grounds for removal;

c. In the event that Council itself has determined that there is cause to suspect that a member may be subject to removal, Council shall submit its reasons in writing to the Hearing Board to determine if the charges, if proven true, would constitute grounds for removal.

d. If the Hearing Board determines that the charges, if proven true, would constitute grounds for removal of a commissioner from his or her appointed position, the Hearing Board shall set a date for hearing the charges on the petition and shall provide notice to the member whose removal is being sought.

3. Notice to the member whose removal is being sought shall be served no later than two (2) weeks prior to the date set for the hearing, shall include the date, time and location of the hearing, shall attach a full and complete copy of a statement of the Tribal Council or the petition seeking removal, and shall attach a copy of the rules to be followed during the hearing. Upon good cause shown, the Hearing Board may postpone the hearing to a later date. Notice shall also advise the recipient of his/her right to bring witnesses or documents to the hearing that the recipient deems necessary in order to attempt to defend against the charges contained in the petition, and the right of the commissioner to have one attorney or Tribal member advocate present to represent and assist the commissioner at the hearing.

4. The Hearing Board shall also provide copies of the notice to the other members of the commission from which removal is sought, to the member of the Little Traverse Bay Bands of Odawa Indians who presented the petition, and to the members of the Tribal Council advising each of them of the opportunity to appear and to present evidence, either in support of the charges against the member of the commissioner whose removal is sought or in support of the defense of such member.

5. The Hearing Board shall preside at the hearing of the charges contained in any

such petition and shall allow as much time as necessary for the testimony of witnesses and presentation of evidence in support of the charges, as much time as necessary for the testimony of witnesses and presentation of evidence to refute the charges, and such time as the Hearing Board deems appropriate for summary statements and arguments. At any time, the Hearing Board may recess the hearing until a later time certain. At the request of the member whose removal is at issue, the hearing may be held in closed session. The Hearing Board also may elect to receive in closed session any evidence public disclosure of which might compromise the proprietary interests of the Tribe or any on-going law-enforcement investigation.

6. Upon the conclusion of the presentation of evidence and of summary statements and arguments, the Hearing Board shall deliberate in closed session and shall either dismiss the petition, remove the member charged in the petition from the commission, or take such other disciplinary action as it deems appropriate short of removal, upon such findings of fact as may be appropriate. The decision of the Hearing Board shall be final, and no appeal to any other tribunal shall be available.

7. Upon conclusion of the hearing, any information disclosing possible criminal activity shall be promptly reported to Tribal Law Enforcement.

(Source: WOS 2001-10, July 22, 2001, Section II)

6.503 NEPOTISM AND CONFLICT OF INTEREST

(WOS 2001-10 Section III was repealed and replaced by WOS 2002-05, section XIV [WOTC 6.414] which has been repealed by WOS 2006-007, section XV [WOTC 6.418])

6.504 SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this Statute is found by a court of competent jurisdiction to violate the Constitution, or laws of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the Statute to remain in full and binding force and effect.

(Source: WOS 2001-10, July 22, 2001, Section IV)

Chapter 6. Service of Commissioners

6.601 CONTINUED SERVICE OF COMMISSIONERS

Members of the Tribal Commissions created pursuant to a Waganakising Odawak Statute will serve beyond the expiration of their terms until their successors are appointed and sworn in. This Statute repeals and replaces Waganakising Odawak Statute 1997002 which was enacted on February 16, 1997.

(Source: WOS 2001-08, April 22, 2001, Section I)

Chapter 7. Indian Preference in Tribal Employment

6.701 PURPOSE

This Statute rescinds and replaces Waganakising Odawak Statute 1998015. This Tribal Employment Statute is hereby enacted to mandate the preferential employment, promotion and training of tribal members and other persons by the Tribe and its business enterprises, as permitted and promoted under federal law based on the unique political relationship between Indian tribes and the United States.

6.702 DEFINITIONS

- A.** “**Tribal Business Enterprise**” means any business owned, operated or licensed by the Little Traverse Bay Bands of Odawa Indians.
- B.** “**Employment Preference**” means a preference given to a job applicant or employee in hiring, promotion and training decisions when choosing qualified applicants or employees.
- C.** “**Qualified Applicant**” means a person who meets minimum qualifications, experience, background, abilities or education.

(Source: WOS 2002-04, July 7, 2002, Section II)

6.703 EMPLOYMENT PRACTICES

A. Indian Preference. The Tribe and Tribal Business Enterprises shall grant an Employment Preference for hiring, promotion and training to the following persons in the following order:

1. Members of the Little Traverse Bay Bands of Odawa Indians,
2. Other federally recognized members of North American Indians Tribes.

B. General. Except for the Indian preference stated in Section III (A) [WOTC 6.703], employment, promotion and training opportunities within the Tribe and Tribal Business Enterprises will be offered to qualified individuals without regard to race, religion, color, ancestry, gender, age or national origin.

C. Contractors and Subcontractors. The Tribe and its business enterprises may require adherence to this Statute when negotiating contracts.

(Source: WOS 2002-04, July 7, 2002, Section III)

6.704 EFFECTIVE DATE

Upon Enactment. [July 7, 2002]

(Source: WOS 2002-04, July 7, 2002, Section IV)

Chapter 8. Tribal Sovereignty Day

6.801 DECLARATION OF SOVEREIGNTY DAY

The Little Traverse Bay Bands of Odawa Indians Tribal Council designates September 21, 1995, and September 21 of each subsequent year to be Waganakising Odawa Tribal Sovereignty Day. The Little Traverse Bay Bands of Odawa Indians Tribal Council declares this date to be a Tribal holiday to be observed by all Tribal employees.

(Source: WOS 1995012, August 27, 1995)

Chapter 9. Odawa Property Managers

6.901 REPEAL

The Odawa Property Managers Act, being Waganakising Odawak Statute 1999004, is hereby repealed.

(Source: WOS 2000-10, September 24, 2000, Section I)

Chapter 10. Open Meetings

6.1001 PURPOSE

The purpose of this Statute is to implement the open meeting provisions of Bylaw Article I of the interim Constitution and Bylaws [WOTC 1.112], and to set standards and procedures for executive sessions when necessary to protect the interests of the Tribe and allow the Tribal Council to effectively perform its duties under Article VII of the interim Constitution and Bylaws [WOTC 1.108].

(Source: WOS 2000-14, October 22, 2000, Section I)

6.1002 REGULAR AND SPECIAL MEETINGS, EMERGENCY ACTION

A. With the exception of emergency action described in subsection (B), all official action of the Tribal Council must take place at regular and special meetings properly called under Bylaw Article I of the interim Constitution and Bylaws.

B. In situations where vital interests of the Tribe require immediate emergency action prior to a regular or special meeting, such action can be taken by phone poll or teleconference call for the limited purpose of addressing a matter for which the Tribe will suffer severe damage. In such situations, the Tribal Secretary or designee must certify that more than one attempt was made to contact each Tribal Council member by any practical means including telephone, fax, e-mail or

in person. The action taken must be ratified at the next regular meeting of the Tribal Council, and the minutes must state the reason such emergency action was necessary.

(Source: WOS 2000-14, October 22, 2000, Section II)

6.1003 OPEN MEETINGS, EXECUTIVE SESSIONS

A. Pursuant to Bylaw Article I, Section 3 of the interim Constitution and Bylaws [WOTC 1.112] , all regular and special meetings are open to all LTBB members. The Tribal Council may by motion exclude non-LTBB members from all or part of a regular or special meeting.

B. When necessary to protect the interests of the Tribe and fulfill its responsibilities under Article VII of the interim Constitution and Bylaws the Tribal Council may, by motion and majority vote of a quorum, go into executive session during a regular or special meeting. Such motion shall state the reason for going into executive session, which can only include one or more of the following:

- 1.** Pending litigation, negotiation, and other legal matters for which the interests of the Tribe could be damaged if publicly discussed;
- 2.** Land purchases and other sensitive economic matters for which the interests of the Tribe could be damaged if publicly discussed;
- 3.** Matters which involve questioned and sensitive activity of specific individual employees, commissioners, or Council members. General personnel policy issues are not to be the subject of executive sessions.

C. The Tribal Council shall not discuss anything in executive session beyond the scope of the matters under subsections (B)(1),(2) or (3) for which the executive session was called. Tribal Council shall return to open session immediately upon completion of executive session discussions. Any action considered in executive session that can be taken in open session without harming Tribal interests shall be taken after the Tribal Council returns to open session.

(Source: WOS 2000-14, October 22, 2000, Section III)

6.1004 EFFECTIVE DATE

This Statute takes effect immediately upon enactment.

(Source: WOS 2000-14, October 22, 2000, Section IV)

6.1005 SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this Statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of or governing the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, paragraph, subsection or section shall be considered to stand alone and to be deleted from this Statute, the entirety of the balance of the Statute to remain in full and binding force and effect.

(Source: WOS 2000-14, October 22, 2000, Section V)

Chapter 11. Whistle Blower Protection

6.1101 PURPOSE

The purpose of this Statute is to protect the interests of Tribal employees and the Tribe by prohibiting retaliatory action against employees who report violations of the law.

(Source: WOS 2000-15, November 5, 2000, Section I)

6.1102 DEFINITIONS

A. “**Employee**” means any person employed on a full or part time, salaried or hourly basis, by the Tribal Governmental administration of the Little Traverse Bay Bands of Odawa Indians or by any Tribally owned economic enterprise.

(Source: WOS 2000-15, November 5, 2000, Section II)

6.1103 RETALIATION PROHIBITED

A. No employee shall be terminated, demoted, penalized or disciplined in any way as a direct result of the employee's reporting of activity, over which the employee has actual knowledge and which the employee reasonably believes to be in violation of any applicable law, to a supervisor, tribal law enforcement official, or the Tribal Council.

B. Cause of Action. Any employee who is subject to retaliatory action based on good faith and reasonable reporting as described in subsection (A) shall have standing to bring a cause of action in Tribal Court against his/her individual supervisor or other individual alleged to have acted in violation of subsection (A). If the Court finds the employee to have acted in a good faith and reasonable fashion in reporting possibly illegal activity, and to have been subject to negative action as a result of such reporting, the Court shall order reinstatement of the employee's position and back pay if appropriate. The Court may also order a party that it finds to have taken such retaliatory action to pay the employee's Court costs and attorney's fees.

C. False Reporting. An employee who knowingly or recklessly makes a false report to a supervisor, law enforcement official or to the Tribal Council may be subject to disciplinary action as appropriate under the applicable personnel policies.

(Source: WOS 2000-15, November 5, 2000, Section III)

Chapter 12. Constitutionally Mandated Compensation

6.1201 PURPOSE

This Compensation Statute is hereby enacted to establish a standard method of setting compensation levels for the Tribal Chairperson, Tribal Vice-Chairperson, Tribal Councilors, Legislative Leader, Tribal Judges, Justices, and the Prosecutor, and Election Board Members. This Statute replaces and repeals Waganakising Odawak Statute 2003-05 Tribal Council Compensation.

(Source: WOS 2005-04, April 17, 2005, Section I)

6.1202 DEFINITIONS

- A.** The “**Tribe**” shall mean the Little Traverse Bay Bands of Odawa Indians.
- B.** “**Compensation**” shall mean any form of salary, pay, stipend, fringe benefit, discount not given to all Tribal Members, or other monetary benefit.

(Source: WOS 2005-04, April 17, 2005, Section II)

6.1203 COMPENSATION CHANGE RESTRICTIONS

- A.** Tribal Council action changing the level of compensation for the Tribal Council and Legislative Leader shall not take effect until after the next regularly scheduled Tribal Council Election and new Councilors have been sworn in.
- B.** Tribal Council action changing the level of compensation for the Tribal Chairperson and Vice-Chairperson shall not take effect until after the next regularly scheduled election for Tribal Chairperson and Vice-Chairperson and the new Tribal Chairperson and Vice-Chairperson have been sworn in.
- C.** Tribal Council action changing the level of compensation for the Tribal Judges and Justices shall not take effect until after the next regularly scheduled Tribal Council Election and new Councilors have been sworn in.
- D.** Tribal Council action changing the level of compensation for the Tribal Prosecutor shall not take effect until after the next regularly scheduled Tribal Council Election and new Councilors have been sworn in.
- E.** Tribal Council action changing the level of compensation for the Tribal Election Board shall not take effect until after the next regularly scheduled Tribal Council Election and new Councilors have been sworn in, except the compensation set in this Statute shall apply to the first Election Board appointed under the Constitution adopted by the membership on February 1, 2005 upon their swearing in.
- F.** Any statutory amendment changing the level of compensation for Tribal Council members or the Chairperson or Vice-chairperson must be enacted before the Election Board distributes candidate petitions for the next election.

(Source: WOS 2005-04, April 17, 2005, Section III)

6.1204 COMPENSATION ESTABLISHED

A. All Tribal Councilors including the Legislative Leader shall be compensated the amounts of annual salary listed in Section V for attendance at regularly scheduled meetings and work sessions the day prior to any regularly scheduled meeting, and shall receive the following additional compensation:

- 1.** Stipends listed in Section V shall be paid for attendance at work sessions, meetings, training, and other activities approved by policy or motion in advance.
- 2.** Travel stipends listed in Section V shall be paid one day prior and one day after attendance at approved activities outside the service area.
- 3.** Contributions to the Tribe's retirement plan or a similar plan shall be allowed with the same conditions and restrictions applied to Tribal employees and other contributors in the Tribal Government Retirement plan.
- 4.** Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy to include mileage, per-diem, lodging, and public transportation.

B. The Legislative Leader of the Tribal Council shall be compensated the additional amount of annual salary listed in Section V for coordination and preparation of meetings and agenda items and shall not be eligible for meeting stipends the two days prior to any regularly scheduled Tribal Council meetings.

C. Tribal Council Secretary and Treasurer shall receive an extra salary listed in Section V.

D. The Tribal Chairperson and Tribal Vice-Chairperson shall be paid annual salaries listed in Section V and shall receive the following compensations:

- 1.** Contributions to the Tribe's retirement plan or a similar plan shall be allowed

with the same conditions and restrictions applied to Tribal employees and other contributors in the Tribal Government Retirement plan.

2. Health insurance, life insurance and other Tribal insurance programs at the same rate as other governmental employees.

3. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy to include mileage, per-diem, lodging, and public transportation.

E. The Chief Judge and Associate Judges shall be paid annual salaries listed in Section V and shall receive the following compensations:

1. Contributions to the Tribe's retirement plan or a similar plan shall be allowed with the same conditions and restrictions applied to Tribal employees and other contributors in the Tribal Government Retirement plan.

2. Health insurance, life insurance and other Tribal insurance programs at the same rate as other governmental employees.

3. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy to include mileage, per-diem, lodging, and public transportation.

4. Payment of Judge's annual dues for membership, as deemed beneficial by the Tribal Judiciary, for the State Bar of Michigan, Federal Bar Association, National Indian Judicial Association, and Michigan Indian Judicial Association.

F. Appellate Justices shall receive the annual salary listed in Section V and shall receive the following compensations:

1. The stipend amount listed in Section V for additional meetings.

2. Compensation for approved services, training, conferences and other approved activities at the rate listed in Section V.

3. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy to include mileage, per-diem, lodging, and public transportation.

G. Election Board Members shall be paid a stipend for approved meetings, training and work sessions at the rate listed in Section V and shall be paid a special stipend listed in Section V on election days and shall receive the following compensations:

1. Travel stipends listed in Section V shall be paid one day prior and one day after attendance at approved activities outside the service area.

2. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy to include mileage, per-diem, lodging, and public transportation.

(Source: WOS 2005-04, April 17, 2005, Section IV)

6.1205 COMPENSATION RATES

A. Tribal Chairperson

1. Annual salary, \$85,000.00

B. Tribal Vice-chairperson

1. Annual salary, \$60,000.00

C. Tribal Council

1. Annual salary, \$18,000.00

2. Meeting and event stipend, \$150.00

3. Travel stipend, \$100.00

D. Legislative Leader

1. Additional salary above that for Tribal Council salary, \$17,000.00

E. Tribal Council Treasurer and Secretary

1. Additional salary above that for Tribal Council salary, \$3,600.00

F. Chief Judge

1. Annual salary, \$100,000.00

G. Associate Judges

1. Annual salary, \$95,000.00

H. Appellate Justices

1. Annual Salary, \$5,400.00
2. Additional Meeting Stipend, \$300.00
3. Additional compensation rates:
 - a. Up to 4 hours, \$100.00
 - b. Four to eight hours, \$200.00
 - c. Exceeding eight hours, \$25.00 per hour

I. Prosecutor

1. Hourly rate, \$85.00 per hour

J. Election Board Members

1. Election day stipend, \$250
2. Meeting stipend, \$125.00
3. Travel stipend, \$100.00

(Source: WOS 2005-04, April 17, 2005, Section V)

6.1206 COMPENSATION PROHIBITIONS

A. Persons receiving compensation authorized by this Statute shall be prohibited from:

1. Receiving unemployment compensation for any reductions or termination of said compensation.
2. Accumulating PTO, vacation, or any other type of payment not explicitly listed in this Statute.

B. Contractual agreements made during an election period shall be consistent with this Statute and shall remain in effect with no changes until the agreement expires.

C. Compensation is prohibited for meetings and work sessions that are required to be posted that have not been publicized outside (i.e. Tribal web site) of the Tribal Offices for 5 days.

(Source: WOS 2005-04, April 17, 2005, Section VI)

6.1207 COMPENSATION POLICIES REQUIRED

A. The Tribal Council shall be required to adopt a meeting policy that defines how meetings and other compensated attendance is approved and a travel policy that defines how travel is approved for Tribal Council Members prior to receiving compensation provided by this Statute.

B. The Tribal Chairperson shall be required to adopt a meeting policy that defines how

meetings and other compensated attendance is approved and a travel policy that defines how travel is approved for Tribal Chairperson and Vice-chairperson prior to receiving compensation provided by this statute.

C. The Tribal Judiciary shall be required to adopt a meeting policy that defines how meetings and other compensated attendance is approved and a travel policy that defines how travel is approved for Tribal Judges and Justices prior to receiving compensation provided by this statute.

D. The Tribal Prosecutor shall be required to adopt a meeting policy that defines how meetings and other compensated attendance is approved and a travel policy that defines how travel is approved for Tribal Prosecutor prior to receiving compensation provided by this statute.

E. The Election Board shall be required to adopt a meeting policy that defines how meetings and other compensated attendance is approved and a travel policy that defines how travel is approved for Election Board Members prior to receiving compensation provided by this statute.

(Source: WOS 2005-04, April 17, 2005, Section VII)

6.1208 RETURN TO WORK EMPLOYMENT

If a Tribal member leaves employment with the Tribal government or a Tribal enterprise to serve as an elected member of the Tribal Council, or as Chairperson or Vice-chairperson, and returns to work for the Tribal government or a Tribal enterprise within one hundred eighty (180) days of the expiration of their term, then they will re-enter the Tribal workforce at a benefit and seniority level as though they continued to be employed during the period of their elected service. Provided, under Article XV of the Constitution adopted by the membership on February 1, 2005 employees of a Tribal enterprise are not required to leave their job unless their enterprise job and elected office are both full time paid positions.

(Source: WOS 2005-04, April 17, 2005, Section VIII)

6.1209 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.

(Source: WOS 2005-04, April 17, 2005, Section IX)

6.1210 EFFECTIVE DATE

Effective upon swearing in of the new Election Board subject to restrictions in Section III [WOTC 6.1203].

Chapter 13. Tribal Treasurer Responsibility

6.1301 PURPOSE

This Statute is hereby enacted to define the Tribal Council Treasurer's responsibilities that are not explicitly enumerated in the Constitution.

(Source: WOS 2005-14, October 9, 2005, Section I)

6.1302 DEFINITIONS

- A.** The "**Tribe**" shall mean the Little Traverse Bay Bands of Odawa Indians.
- B.** "**Treasurer**" means the Tribal Council Treasurer.

(Source: WOS 2005-14, October 9, 2005, Section II)

6.1303 CONSTITUTIONAL DUTIES OF THE TREASURER

- A.** The Treasurer shall:
 - 1.** Be required to acquire a surety bond in the amount of \$0.00.

(Source: WOS 2005-14, October 9, 2005, Section III)

6.1304 OTHER DUTIES OF THE TRIBAL COUNCIL

This Statute hereby establishes the Tribal Council Appropriations and Finance Standing Committee.

A. The Committee shall:

- 1.** Consist of Tribal Council Members assigned by motion, and majority vote at a regularly scheduled Tribal Council meeting;
- 2.** Be chaired by the Tribal Treasurer;
- 3.** Have authority to review all the Tribe's accounts including but not limited to enterprises and Tribally owned corporations;
- 4.** All requests and responses for information shall be forwarded to all Tribal Council Members;
- 5.** All committee members shall be compensated in accordance with the Tribal Council's stipend policy for attendance at meetings that are scheduled in advance and advertised; and
- 6.** The Committee shall report to the full Tribal Council through the Treasurer's report.

B. The Treasurer shall:

- 1.** Be signatory on all real-estate transactions;
- 2.** Shall have signatory authority for expenditures from the approved Tribal Council Budget; and
- 3.** Be assigned other duties by resolution of the Tribal Council.

(Source: WOS 2005-14, October 9, 2005, Section IV)

6.1305 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.

(Source: WOS 2005-14, October 9, 2005, Section V)

6.1306 EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever comes first.

(Source: WOS 2005-14, October 9, 2005, Section VI)

Chapter 14. Administrative Procedures

6.1401 REPEAL

This chapter of the Administrative Procedures Act is hereby repealed and replaced with Title VI, Chapter 2, Administrative Procedures Act, Waganakising Odawak Statute 2006-28.

Chapter 15. Enjinaaknegeng

6.1501 PURPOSE

As a Tribal government facing a myriad of short and long term legal issues in addressing its relations with other governments and entities as well as its own operations, LTBB requires legal services to, and representation of, the Tribe to protect and enhance Tribal sovereignty, treaty rights, federal statutory rights, and enhance internal governmental operations and services. Under the interim constitution the tribal council funded a legal department as part of its governmental administration budget. The legal department reported to and worked under the

direction of the tribal council and tribal chairman. The tribal chairman (aka “president” under interim constitution) was a voting member of the tribal council which served as a single branch of government carrying out both legislative and executive functions. The Constitution adopted by the Tribal membership on February 1, 2005, which was deemed approved by the Secretary of the Interior on March 18, 2005, creates separate legislative and executive branches of government under Articles VII and VIII, as well as a separate judicial branch under Article IX. The purpose of this Statute is to set out the roles and functions of the Legal Department now that the new Constitution is fully in effect in a way the honors the separation of powers while efficiently utilizing Tribal resources for the benefit of the membership.

(Source: WOS 2005-16, December 18, 2005, Section I)

6.1502 CREATION OF THE LEGAL DEPARTMENT

A. Pursuant to Article VII (D) (22) of the Constitution the Tribal Council approves the creation of an Executive department to be known as Enjinaaknegeng which may also be referred to in English as Legal Department (hereafter in this Statute “Department”). It shall be the duty of the Department to provide legal services and counsel to and representation of LTBB on all legal matters as directed by the Tribal Chairperson (including work with subordinate Tribal entities as directed by the Chairperson) including, but not limited to, legislative drafting, negotiations with federal, state, local and tribal governmental entities, issues relating to gaming and other economic development, reserved Treaty rights, Indian Child Welfare (in state courts to the extent not handled by the Prosecutor under the Constitution), and any litigation in Tribal, state or federal courts involving these or other areas. The Department may also utilize outside attorneys and consultants as approved by the Chairperson within a budget adopted by Tribal Council.

B. The Department will consist of a general counsel, and such other attorneys and staff as provided for in a budget approved by Tribal Council. The 2005 budget for the Department shall be that appropriated by the previous tribal council. The 2006 Department budget shall be as previously approved or as may be modified by Tribal Council under applicable law.

C. Unspent annual budgeted funds for the Legal Department shall carry over to the following year. Each year the Legal Department may budget for expenditure the cumulative amount of prior years appropriated and unspent funds. Any carryover funds not expended will be carried to future years indefinitely unless otherwise re-appropriated by the Tribal Council.

D. The current contracts with the general counsel and tribal attorneys shall remain in effect except they may be modified to fit the Constitution and this Statute.

E. In accordance with Constitution Article VII (D)(14) future attorney contracts must be approved by the Tribal Council.

(Source: WOS 2005-16, December 18, 2005, Section II)

6.1503 INTERACTION WITH BRANCHES OF GOVERNMENT

A. Status as Executive Department. The Department shall report directly to the Tribal Chairperson and Vice-Chairperson. It shall assist the Chairperson, Vice-Chairperson and Executive Departments as directed by the Chairperson. In the event that any Executive officials or staff are sued in their official capacity, the Department shall defend such suits upon approval of the Chairperson.

B. Applicability of Attorney/Client privilege to communication with Legislative Branch. The Department represents the interests of the Tribe as directed and implemented through the Executive Branch. When the Legal Department reports to, or shares information with, the Tribal Council on any matters that require Tribal Council action, such as litigation, inter-governmental negotiations, and real estate transactions, such communications and information are fully subject to the attorney/client privilege.

C. Conflict of Interest. It shall be unethical conduct for an attorney employed under this Statute to give advice on the constitutionality of actions taken by the Tribal Council or the Executive Branch requested by the other branch unless both parties agree in advance in the form of a resolution.

(Source: WOS 2005-16, December 18, 2005, Section III)

6.1504 SAVINGS CLAUSE

In the event that any section, subsection or phrase of this Statute is found by a court of competent jurisdiction to violate the Constitution or laws of the Little Traverse Bay Bands of

Odawa Indians, such part shall be considered to stand alone and to be deleted from this Statute, the entirety of the balance of the Statute to remain in full and binding force and effect so long as the overall intent of the Statute remains intact.

(Source: WOS 2005-16, December 18, 2005, Section IV)

6.1505 EFFECTIVE DATE

This Statute takes effect thirty (30) days from its enactment.

(Source: WOS 2005-16, December 18, 2005, Section V)

Chapter 16. Tribal Youth Services Department

6.1601 PURPOSE

The Tribal Youth are the Tribe's most vital and cherished future resource. To ensure that the Tribal Youth of the LTBB have the necessary opportunities to prepare them for their future, the Tribe will support the pursuit of cultural, social, educational, and leadership opportunities.

This Statute is hereby enacted to establish a Tribal Youth Services Department that will provide services for the Tribal Youth of the Little Traverse Bay Bands of Odawa Indians. The Tribal Youth will be provided financial resources when available to allow their participation in events deemed beneficial. Opportunities available through coordination or collaboration with other departments or entities that service Tribal Youth will be a priority.

(Source: WOS 2006-012, July 25, 2006, Section I)

6.1602 DEFINITIONS

- A.** The "**Tribe**" shall mean the Little Traverse Bay Bands of Odawa Indians (LTBB).
- B.** "**Youth**" A person who is less than eighteen (18) years of age.
- C.** "**Tribal Youth**" shall mean youths who are enrolled members of LTBB, from another

recognized Tribe or youth who have community ties.

D. “Volunteers” shall mean unpaid helper.

(Source: WOS 2006-012, July 25, 2006, Section II)

6.1603 APPLICATION

A. Provide funding and structure for Tribal Youth participation in activities that are cultural, social, and educational or leadership oriented.

B. Tribal Departments shall coordinate and collaborate with the Tribal Youth Services Department to provide services for Tribal Youths.

C. The program may begin within the current 2006 budget.

D. This is a stand alone department and shall not be under any other department or director.

(Source: WOS 2006-012, July 25, 2006, Section III)

6.1604 RESTRICTIONS

A. Indian Preference in Tribal Employment Statute shall apply.

B. Personnel or volunteers who have been convicted of “Criminal Sexual Conduct” or “Violent Acts against youth” in any court of competent jurisdiction shall not be allowed unrestricted access to any youth within the jurisdiction of the Tribe unless pardoned by the Tribal Executive to work with Tribal Youths.

(Source: WOS 2006-012, July 25, 2006, Section IV)

6.1605 REGULATIONS REQUIRED

A. Tribal Regulations shall be required.

B. The Tribal Regulations shall require background investigations for all personnel who have unrestricted access to Tribal Youth.

(Source: WOS 2006-012, July 25, 2006, Section V)

6.1606 PROCEDURES REQUIRED

Developed by the Executive Branch.

(Source: WOS 2006-012, July 25, 2006, Section VI)

6.1607 APPROPRIATIONS REQUIRED

Current budget proposals have enough to start the program. For future budgets the Executive is hereby directed to include appropriations requests for this program.

(Source: WOS 2006-012, July 25, 2006, Section VII)

6.1608 EXECUTIVE AUTHORITY

The Tribal Executive is hereby mandated to implement this Statute and to enforce all approved Tribal Codes of Regulation and to implement all required Administrative Procedure's.

(Source: WOS 2006-012, July 25, 2006, Section VIII)

6.1609 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.

(Source: WOS 2006-012, July 25, 2006, Section IX)

6.1610 EFFECTIVE DATE

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

(Source: WOS 2006-012, July 25, 2006, Section X)

Chapter 17. Office of the Legislative Attorney

6.1701 ESTABLISHMENT

This Statute hereby establishes under the Tribal Council an office to be known as the Office of the Legislative Services Attorney, also referred to in this Statute as the "Office".

(Source: WOS 2006-022, October 24, 2006, Section I)

6.1702 PURPOSE

The purpose of the Office shall be to advise and assist the Tribal Council, and its committees and members, in the achievement of a clear, faithful, and coherent expression of legislative policies.

(Source: WOS 2006-022, October 24, 2006, Section II)

6.1703 POLICY

The Office shall maintain impartiality as to issues of legislative policy to be determined by the Tribal Council, and shall not advocate the adoption or rejection of any legislation. The Office shall maintain the attorney-client relationship with respect to all communications relating to the development of legislation between it and any member or committee of the Tribal Council. Serve as attorney for the Little Traverse Bay Bands of Odawa Indians (LTBB) Tribal Council in any court action.

(Source: WOS 2006-022, October 24, 2006, Section III)

6.1704 FUNCTIONS

The functions of the Office shall be as follows:

A. Upon request of any one or more members of the Tribal Council or committee of the Tribal Council, to assist in the drafting of legislation, including statutes, resolutions and policies, and accompanying reports, in accordance with the policy objectives of the requestor/s. Tribal

Council may adopt such rules as are necessary to equally share the services of the Office.

B. Provide legal counsel and services by motion or consensus of Tribal Council.

C. To objectively advise Tribal Council on interpretation of any pending legislation, point out ambiguities, and make technical suggestions to improve clarity and organization to keep Tribal Council statutes current and codified in accordance with the Legislative Procedures Statute (WOS 2005-10), as may be amended, or any other applicable LTBB law.

(Source: WOS 2006-022, October 24, 2006, Section IV)

6.1705 STAFFING

The Office will be staffed by a Legislative Services Attorney, and such staff as may be provided for in a budget approved by Tribal Council.

(Source: WOS 2006-022, October 24, 2006, Section V)

6.1706 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.

(Source: WOS 2006-022, October 24, 2006, Section VI)

6.1707 EFFECTIVE DATE

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

(Source: WOS 2006-022, October 24, 2006, Section VII)

Chapter 18. Financial Disclosure by Tribal Officials

6.1801 PURPOSE

This Statute is hereby enacted to establish a standard requirement for financial disclosure from elected and appointed officials.

(Source: WOS 2006-023, November 22, 2006, Section I)

6.1802 DEFINITIONS

A. The “**Tribe**” shall mean the Little Traverse Bay Bands of Odawa Indians.

B. “**Official**” shall mean any elected position, any position appointed by Tribal Council or the Executive.

C. “**Immediate Family**” for the purpose of this statute only, means any relative of the official living in the same household as the official.

D. “**Personal Financial Interest**” shall mean a financial interest for the official or any immediate family members.

(Source: WOS 2006-023, November 22, 2006, Section II)

6.1803 CONFLICT OF INTEREST

A. The Tribal Chairperson and Vice-chairperson shall not be employed in any Tribal enterprises over which they have been delegated oversight authority.

B. In carrying out the duties of Tribal office, no Tribal Official, elected or appointed, shall make or participate in making decisions which provides to the official or the official’s immediate family a personal financial interest other than an interest held in common by all Tribal members.

C. In carrying out the duties of Tribal office, no members of Tribal Commissions, Boards or Committees shall make or participate in making decisions changing the level of any monetary Tribal benefits they are receiving.

(Source: WOS 2006-023, November 22, 2006, Section III)

6.1804 DISCLOSURE REQUIRED

A. All candidates for election in any Tribal election shall disclose the information listed in Section V with their petition for election;

B. All candidates for appointment to any commission, board, committee, or positions required by Tribal Council shall disclose the information listed in Section V, E, prior to taking office;

C. All elected and appointed officials shall disclose the information listed in Section V on an annual basis or in the event any changes occurring that effect the information listed in Section V; and

D. Any disclosure required by this statute that cannot be met due to time of enactment shall be due within 120 days after enactment of this statute.

(Source: WOS 2006-023, November 22, 2006, Section IV)

6.1805 DISCLOSURES LISTED

- A.** A statement identifying all employers, all positions currently held (board seats etc.), all financial interest in companies, corporations, stocks and, bonds but not retirement funds, mutual funds or any type of financial instrument in which the owner does not have control over the purchase and sale of the instrument's holdings;
- B.** A list of all consulting activities;
- C.** A list of all revenue derived from any Tribal sources;
- D.** All real-estate holdings;
- E.** Commissioners are exempt for supplying the above list however they must sign a statement verifying that any of their holdings in the above list are not a conflict with the position they hold.

(Source: WOS 2006-023, November 22, 2006, Section V)

6.1806 PROCEDURES REQUIRED

The Election Board shall develop a procedure to collect, hold and release information required by this statute for all elected and appointed officials.

(Source: WOS 2006-023, November 22, 2006, Section VI)

6.1807 AUTHORITY DELEGATED

The Tribal Election Board is hereby mandated to implement this Act and the Tribal Executive is hereby mandated to enforce this Act and all required Administrative Procedures.

(Source: WOS 2006-023, November 22, 2006, Section VII)

6.1808 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.

(Source: WOS 2006-023, November 22, 2006, Section VIII)

6.1809 EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval or Tribal Council override of Executive veto which ever comes first.

(Source: WOS 2006-023, November 22, 2006, Section IX)

Chapter 19. Disclosure of Public Documents Act

6.1901 PURPOSE

This Statute is hereby enacted to mandate disclosure of public documents.

(Source: WOS 2006-024, November 22, 2006, Section I)

6.1902 DEFINITIONS

- A.** The “**Tribe**” shall mean the Little Traverse Bay Bands of Odawa Indians.
- B.** “**Public Documents**” shall mean documents that are made available for Tribal Citizens’ review.

(Source: WOS 2006-024, November 22, 2006, Section II)

6.1903 APPLICATIONS

- A.** All branches of government shall release public documents to any Tribal Citizen making a request in accordance with approved regulations.
- B.** Public documents shall include but not be limited to:
 - 1. All budgets approved by Tribal Council;
 - 2. All documents supporting budgets, budget modifications and all documents used in budget formulations; and
 - 3. Reports, memos, emails, letters and other written material in the possession of any branch of government that is not classified as a document identified with restrictions in this ACT.

(Source: WOS 2006-024, November 22, 2006, Section III)

6.1904 RESTRICTIONS

- A.** Personnel files, medical records, documents covered by attorney client privilege, student records, and other records that have clearly delineated legal standing as private records shall be exempt from this statute.
- B.** Tribal Court shall have sole jurisdiction for review and final determination of whether a document is public and require release of documents.

(Source: WOS 2006-024, November 22, 2006, Section IV)

6.1905 REGULATIONS REQUIRED

- A.** The Tribal Executive shall develop regulations to implement this statute.
- B.** The regulations shall establish:
 - 1.** A method for defining classifications of documents as but not limited to public, confidential, secret, legal, enterprise proprietary, and personnel;
 - 2.** Methods of marking, controlling, keeping and releasing confidential records;
 - 3.** Reasonable costs for release of records; and
 - 4.** A requirement for conspicuous posting of the regulations in public governmental buildings, posting shall include notification of Tribal Court jurisdiction.

(Source: WOS 2006-024, November 22, 2006, Section V)

6.1906 PROCEDURES REQUIRED

None

(Source: WOS 2006-024, November 22, 2006, Section VI)

6.1907 APPROPRIATIONS AUTHORIZED

The Executive shall present Tribal Council with modifications to the present and future annual Budgets to include appropriations necessary to implement this statute.

(Source: WOS 2006-024, November 22, 2006, Section VII)

6.1908 EXECUTIVE AUTHORITY

The Tribal Executive is hereby mandated to implement this Act and to enforce all approved Tribal Codes of Regulation and to implement all required Administrative Procedures.

(Source: WOS 2006-024, November 22, 2006, Section VIII)

6.1909 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.

(Source: WOS 2006-024, November 22, 2006, Section IX)

6.1910 EFFECTIVE DATE

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

(Source: WOS 2006-024, November 22, 2006, Section X)

Chapter 20. Application of Foreign Law

6.2001 PURPOSE

The jurisdiction of the Little Traverse Bay Bands of Odawa Indians (LTBB or Tribe) over persons and entities within its territory is determined by the Tribe's inherent sovereignty, the Constitution and laws of the Tribe, and federal statutory and case law, which changes over time. Generally, the Tribe has full criminal and civil jurisdiction over its members within its territory, and outside its territory for certain Treaty rights and child welfare purposes. The extent of the Tribe's civil and criminal jurisdiction over non-LTBB members often requires a case-by-case analysis. The purpose of this Statute is to establish law for persons within LTBB territory in situations where LTBB's jurisdiction does not apply.

(Source: WOS 2005-03, March 20, 2005, Section I)

6.2002 APPLICATION OF FOREIGN LAW

All persons within LTBB's territory and that do not fall under the jurisdiction of LTBB shall be required to follow United States and State of Michigan civil and criminal laws.

(Source: WOS 2005-03, March 20, 2005, Section II)

6.2003 SOVEREIGN IMMUNITY

This Statute is neither a real or implied waiver of LTBB sovereign immunity. This Statute does not reduce or supplant jurisdiction of LTBB over Non-Tribal Members where LTBB laws apply.

(Source: WOS 2005-03, March 20, 2005, Section III)

6.2004 EFFECTIVE DATE

This Statute takes effect thirty days from adoption [March 20, 2005].

(Source: WOS 2005-03, March 20, 2005, Section IV)

Chapter 21. The Tribal Seal of the Waganakising Odawak Nation

6.2101 PURPOSE

It is recognized that the Tribal Seal represents pride in the accomplishments of the Waganakising Odawak, and it is desired that the Tribal Seal be displayed as symbol of acknowledgment of the sovereign nation status of the Waganakising Odawak.

(Source: WOS 2006-015, August 28, 2006, Section I)

6.2102 CREATION OF THE SEAL

The Tribal Seal shall be that created by the Waganakising Odawak through Tribal Council motion on December 5, 1999, which has been in common use by the Tribal Government since that action.

(Source: WOS 2006-015, August 28, 2006, Section II)

6.2103 DESCRIPTION OF THE TRIBAL SEAL

The Tribal Seal of the Waganakising Odawak Nation shall be the size of an American Silver Dollar. The design portion of the mark depicts in a circle an Anishinaabe paddling a canoe on a lake. An eagle soars across the sky in front of the sun. A crooked tree branch, an elk, a bear and a turtle are depicted within a circle with six feathers hanging from the circle.

(Source: WOS 2006-015, August 28, 2006, Section III)

6.2104 USE OF THE TRIBAL SEAL; MEANS OF AUTHENTICATION

The use of the Tribal Seal is therefore established in accordance to the following standards:

- A.** The embossed seal is the mark of identification signifying the authenticity of statutes and resolutions executed in the name of Waganakising Odawak.
- B.** The non-embossed seal may be used within the Waganakising Odawak for purposes authorized by the Waganakising Odawak Tribal Council.

(Source: WOS 2006-015, August 28, 2006, Section IV)

6.2105 PROTECTOR OF THE TRIBAL SEAL

Under the Constitution the Secretary “shall maintain and protect the Tribal Seal.” The Tribal Secretary may carry out this duty through ensuring safe storage of the Tribal Seal at the Tribal Governmental offices with staff assistance.

(Source: WOS 2006-015, August 28, 2006, Section V)

6.2106 ALTERATION OF TRIBAL SEAL

The Tribal Seal shall not be altered unless by a unanimous vote of the Waganakising Odawak Tribal Council.

(Source: WOS 2006-015, August 28, 2006, Section VI)

6.2107 UNAUTHORIZED USE; CONVICTION; PENALTY

- A. Any unauthorized use of the Tribal Seal, shall be deemed a civil offense.
- B. Any person convicted of a violation of any of the provisions of this Statute shall be guilty of a civil offense and upon conviction thereof shall be a fine of not more than Five Hundred dollars (\$500.00), including costs, fees, per each offense.

(Source: WOS 2006-015, August 28, 2006, Section VII)

6.2108 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.

(Source: WOS 2006-015, August 28, 2006, Section VIII)

6.2109 EFFECTIVE DATE

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

(Source: WOS 2006-015, August 28, 2006, Section IX)

Chapter 22. Judicial and Prosecutorial Appointments

6.2201 PURPOSE

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

(Source: WOS 2006-003, March 19, 2006, Section I)

6.2202 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.

(Source: WOS 2006-003, March 19, 2006, Section II)

6.2203 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.

(Source: WOS 2006-003, March 19, 2006, Section III)

6.2204 APPOINTMENTS

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

(Source: WOS 2006-003, March 19, 2006, Section IV)

6.2205 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.

(Source: WOS 2006-003, March 19, 2006, Section V)

6.2206 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.

(Source: WOS 2006-003, March 19, 2006, Section VI)

Chapter 23. Membership in MAST, NIGA, and NCAI

6.2301 PURPOSE

The Tribal Council of the Little Traverse Bay Bands of Odawa Indians wishes to maintain a regional and national presence in Indian Country through membership in the Midwest Alliance of Sovereign Tribes (MAST), National Indian Gaming Association (NIGA) and the National Congress of American Indians (NCAI). This statute repeals and replaces all prior actions authorizing membership in MAST, NIGC, and NCAI by Tribal Council.

(Source: WOS 2006-002, February 5, 2006, Section I)

6.2302 DEFINITIONS

A. The “**Tribe**” shall mean the Little Traverse Bay Bands of Odawa Indians.

(Source: WOS 2006-002, February 5, 2006, Section II)

6.2303 MEMBERSHIP AUTHORIZATION

The Tribal Council authorizes annual membership in the Midwest Alliance of Sovereign Tribes, National Indian Gaming Association and the National Congress of American Indians.

(Source: WOS 2006-002, February 5, 2006, Section III)

6.2304 REPRESENTATION AT MEETINGS

The Tribal Council recognizes the Tribal Executive as the ambassadorial branch of the government and authorizes the Tribal Chair to choose and send delegates and alternates to the MAST, NIGA, and NCAI meetings.

(Source: WOS 2006-002, February 5, 2006, Section IV)

6.2305 APPROPRIATION

A. The Tribal Council has by prior action appropriated the funds necessary to pay annual dues for these organizations and hereby directs the Executive to place appropriate allocations in for future budget requests.

B. The Executive is authorized to release the information necessary for each organization to determine dues, votes, and other membership conditions.

(Source: WOS 2006-002, February 5, 2006, Section V)

6.2306 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.

(Source: WOS 2006-002, February 5, 2006, Section VI)

6.2307 EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever comes first.

(Source: WOS 2006-002, February 5, 2006, Section VII)