

WAGANAKISING ODAWAK STATUTE # 2014-005
ZIIBIMIJWANG INCORPORATED STATUTE

SECTION I. PURPOSE AND TITLE

A. Purpose. The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises powers of self-government over its Citizens and territory. In accordance with Article VII (D) (4) of the Tribal Constitution, the purpose of this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter of incorporation for non-profit purposes, and regulate such tribally chartered corporation activities in accordance with Article VII (D) (4).

B. Short Title. This Statute shall be known and cited as the “Ziibimijwang, Inc. Statute.”

SECTION II. DEFINITIONS

A. “*Non-profit*” means any generated surplus revenues must be retained by the corporation for self-preservation, expansion, plans or services, and not submitted to the Tribe except for repayment of funds.

B. “*Organic*” means food, feed or fiber produced in a way that complies with at a minimum the USDA National Organic Program (NOP) Standards.

C. “*Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians*” means areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) “as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

D. *“Tribal Corporation”* means any for-profit businesses and non-profit organizations formed by the Tribal Council and wholly owned by the Tribe, in accordance with WOS 2003-07, or as amended.

E. *“Tribe”* or *“LTBB”* means the Little Traverse Bay Bands of Odawa Indians.

F. *“Tribal Constitution”* means the Little Traverse Bay Bands of Odawa Indians Constitution as adopted by its membership on February 1, 2005.

G. *“Tribal Council”* means the elected body of nine (9) Tribal Citizens of Little Traverse Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII. *“Tribal Council”*.


H. *“Ziibimijwang”* means *“Place of the Flowing River”*.

SECTION III. CREATION OF ZIIBIMIJWANG, INC. CORPORATE CHARTER

A tribally chartered corporation is authorized by this Statute and shall be named *“Ziibimijwang”*, Inc.” and shall be a self-sustaining non-profit entity and shall provide for the health and welfare of the Tribal Community through the use of sustainable farming with emphasis toward organic foods, providing for exercising treaty rights of hunting, fishing and gathering, agricultural activities, caring for livestock, and other activities that promote nutrition, fitness and wellbeing. The organization is recognized by the approval of the tribal corporation charter; Ziibimijwang, Inc., by Tribal Council.

SECTION IV. SCOPE OF ACTIVITIES

A. Ziibimijwang, Inc. is authorized to conduct activities on lands designated and approved by Tribal Council, including providing for the health and welfare of the Tribal Community through the use of sustainable farming with emphasis toward organic foods, providing for Ziibimijwang Incorporated Statute, Inc.

Secretary Shananaquet 

exercising treaty rights of hunting, fishing and gathering, agricultural activities, caring for livestock, and other activities that promote nutrition, fitness and wellbeing.

B. The Ziibimijwang, Inc. shall be assigned those assets as existed and are currently within any designated and approved lands, tangible and intangible properties, unless otherwise excluded by Tribal Council. Such assets shall be held by Ziibimijwang, Inc. on behalf of the Tribe. The assets assigned Tribal Council shall be independently managed by Ziibimijwang, Inc.

SECTION V. COMPOSITION and ELIGIBILITY

A. Composition

1. The Board shall consist of five (5) to seven (7) persons, of which three (3) shall be LTBB Tribal Citizens, and who meet the eligibility requirements set out in subsection (B) of this section.

2. The Board members shall have a Chairperson, Treasurer and Secretary elected by the Board members, every two years.

B. Eligibility

To serve on the Board a person must meet all of the following criteria:

1. A person must be at least eighteen years of age;

2. No person can serve on the Board within seven (7) years of completion of a sentence or probation upon being convicted of a felony in tribal, state or federal court, unless such conviction has been vacated or overturned.

3. To be considered, a person should meet at least two of the following criteria:

- i. High School Diploma or General Educational Development, (G.E.D.)
- ii. Two years of secondary education in agriculture, natural resources, or other related field
- iii. At least five (5) years of experience in one of the following: farming or gardening, providing for exercising treaty rights of hunting, fishing and gathering, agricultural activities, caring for livestock, and other activities that promote nutrition, fitness and wellbeing
- iv. Associate or Bachelor's degree in business, grantsmanship, accounting, marketing or other expertise that promotes the scope of activities

SECTION VI. MANAGEMENT; STRUCTURE AND FUNCTION

- A.** Ziibimijwang, Inc. shall have sole authority and responsibility for managing Ziibimijwang, Inc., in accordance with the policies, Statutes, Resolutions, regulations as approved by Tribal Council.
- B.** Ziibimijwang, Inc. shall abide by all tribal and federal laws and regulations as may be applicable.
- C.** It is the duty of Ziibimijwang, Inc. to monitor activities and provide guidance to the management use of sustainable farming with emphasis toward organic foods, providing for exercising treaty rights of hunting, fishing and gathering, agricultural activities, caring for livestock, and other activities that promote nutrition, fitness and wellbeing operations.
- D.** It is the duty of Ziibimijwang, Inc. to protect assets of the Tribe and to support Tribal Governmental Services and Programs and Tribal Citizens.

SECTION VII. REPORTING TO TRIBAL COUNCIL

In order to regulate, Ziibimijwang, Inc. shall report to the Tribal Council on the following information regarding Ziibimijwang, Inc. and at the regularly scheduled Tribal Council Meetings or such special meetings as requested by the Tribal Council, at least quarterly or as requested:

- A. Annual operating plan;
- B. Financial status, including grants, records and statements;
- C. Audits, whether internal or external;
- D. Tribal Council may request reports regarding all aspects of Ziibimijwang, Inc.

SECTION VIII. FINANCING OF ZIIBIMIJSWANG, INC. AND OTHER ACTIVITIES

- A. If funds are requested from the Tribe, Ziibimijwang, Inc. shall follow any laws, process or procedures in effect.
- B. Tribal Council approval is required for borrowing of funds. Ziibimijwang, Inc. is not authorized to enter into financing approval without prior ratification by the Tribal Council.
- C. Any lease of property, tangible or intangible, shall have Tribal Council's approval.

SECTION IX. DISSOLUTION CLAUSE

In the event that the board is no longer fulfilling the purpose of this Statute, the corporation may be dissolved by repealing this Statute.

SECTION X. SAVING 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.

SECTION XI. EFFECTIVE DATE

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly enacted by Tribal Council Override of Executive Veto at a regular meeting of the Tribal Council of the Little Traverse Bay Bands of Odawa Indians held on May 18, 2014 at which a quorum was present, by a vote of 7 in favor, 1 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Winnay J. Wemigwase	X			
Beatrice A. Law		X		
Bill Denemy	X			
Michael Naganashe				X
John Keshick III	X			
Aaron Otto	X			
Marcella Reyes	X			
Julie Shananaquet	X			
Regina Gasco Bentley	X			

Date: 5-20-14

Regina Gasco Bentley

 Regina Gasco Bentley, Legislative Leader

Date: 5-20-14

Julie Shananaquet

 Julie A. Shananaquet, Secretary

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005. The Tribal Council hereby overrides the Executive veto.

1 Legislative Office Reports:

2 Motion made by Councilor Wemigwase and supported by Councilor Keshick to
3 accept Treasury Director Garrow's verbal and written report of May 18, 2014.

4 Vote: 8-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Naganashe)

5 Motion carried.

6
7 Motion made by Councilor Law and supported by Councilor Wemigwase to
8 accept Legislative Services Attorney Budnick's verbal and written report of May
9 18, 2014.

10 Vote: 8-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Naganashe)

11 Motion carried.

12
13 Enjinaaknegeng: No Report.

14
15 Motion made by Councilor Wemigwase and supported by Treasurer Reyes to
16 accept Legislative Office Manager LaCount's written and verbal report of May 18,
17 2014.

18 Vote: 8-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Naganashe)

19 Motion carried.

20
21 Action Items:

22 Motion made by Councilor Otto and supported by Councilor Wemigwase to
23 acknowledge receipt of the Odawa Fishery Corporate Charter 1st Quarter report
24 for 2014 as presented on May 15, 2014.

25 Vote: 8-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Naganashe)

26 Motion carried.

27
28 Motion made by Councilor Law and supported by Councilor Wemigwase to
29 acknowledge receipt of the 2013 Little Traverse Bay Bands of Odawa Indians
30 Trust Fund Board Audit as prepared by Rehmann Robson and received on May
31 15, 2014.

32 Vote: 8-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Naganashe)

33 Motion carried.

34
35 Motion made by Councilor Keshick and supported by Councilor Wemigwase to
36 override the VETOED Waganakising Odawak Statute 2014 Ziibimijwang
37 Incorporated.

38 Vote: 7-Yes, 1-No (Councilor Law), 0-Abstained, 1-Absent (Councilor
39 Naganashe)

40 Motion carried.

41
42 Motion made by Councilor Wemigwase and supported by Councilor Keshick to
43 acknowledge receipt of the Odawa Economic Development Management, Inc.
44 Audit and Financial Statements for 2013.

45 Vote: 8-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Naganashe)

46 Motion carried.

47