

**POLICY AND PROCEDURES FOR  
APPOINTMENT FOR A VACANT SEAT ON TRIBAL COUNCIL**

**SECTION I. PURPOSE**

The purpose of this Statute is for the Little Traverse Bay Bands of Odawa Indians Tribal Council to establish a standard to declare a vacant seat on Tribal Council and how the vacant seat will be filled, in accordance with the Little Traverse Bay Bands of Odawa Indians Constitution: "*Vacancies in the Tribal Council, When a vacancy occurs in the Tribal Council, the Tribal Council shall appoint a Tribal member who meets all of the qualifications in [Constitution] Article VII (H) to fill the balance of the unexpired term.*"

**SECTION II. ELIGIBLE CANDIDATES**

In accordance with the Tribal Constitution, eligible candidates will meet the following requirements:

1. Members of the Tribal Council shall be Little Traverse Bay Bands of Odawa Indians members at least eighteen (18) years of age.
2. No person shall be sworn in as a Tribal Council member if he or she is employed by the Little Traverse Bay Bands of Odawa Indians Tribal government, as described in Article XV (A)(2).
3. No person shall serve as a Tribal Council member within seven (7) years of completion of a sentence or probation upon being convicted of a felony, unless such conviction has been vacated or overturned.

**SECTION III. DECLARATION OF VACANT SEAT**

At a regularly scheduled Tribal Council meeting, the Legislative Leader, or in the absence of the Legislative Leader, the Secretary or where appropriate the Treasurer, shall

call for a motion to declare a seat vacant.

#### **SECTION IV. GENERAL ELECTION CANDIDATES**

If the declaration of a vacancy occurs on or within three-hundred and sixty-five days from the last general election, the following shall apply:

1. Using the Official Election Results, the person, with the most votes who was not elected in the most recent General Election, will be the Appointed Candidate.
2. Tribal Council shall authorize the Legislative Office Manager to contact the Appointed Candidate to determine their willingness to be appointed to Tribal Council.
3. If the Appointed Candidate accepts the appointment to Tribal Council, a motion to appoint the Candidate will be held at the next Regularly Scheduled Tribal Council meeting.
4. If the Appointed Candidate declines the appointment, the Legislative Office Manager will contact the person with the second highest votes. If the Appointed Candidate accepts the appointment to Tribal Council, a motion to appoint the Candidate will be held at the next Regularly Scheduled Tribal Council meeting.
5. If this person also declines, the Legislative Office Manager will continue with the next person with highest votes (third).
6. The Appointed Candidate will have three (3) business days to accept the appointment.
7. If there is a tie on the Official Election Results, the Legislative Office Manager will contact both Candidates. If both Candidates accept the appointment, then Tribal Council will vote to determine which Candidate will be

appointed to Tribal Council in accordance with Section V.

8. If none of the persons with the three (3) highest votes from most recent General Election accept the position, then Tribal Council will post on the Tribal website and in the Tribal Government Administration building a request for Letters of Interest.

#### **SECTION V. LETTER OF INTEREST CANDIDATES**

If the declaration of a vacancy occurs after three-hundred and sixty-five days from the last general election, the following shall apply:

1. A request for Letters of Interest shall be posted on the Tribal website and in the Tribal Government Administration building.
2. All candidates shall submit a copy of his/her Tribal Identification card with their Letter of Interest that includes their qualifications, i.e. education, experience, tribal community involvement or participation in other activities, and any other skills or attributes.
3. Candidate interviews will be held at a Tribal Council Work Session as motioned and approved, but shall not exceed thirty (30) days. The vote on filling the vacancy shall occur at the following Regularly Scheduled Tribal Council meeting following the Tribal Council Work Session, in accordance with Section V.

#### **SECTION VI. SELECTION PROCESS for LETTER OF INTEREST CANDIDATES**

The following process will be used for each vacant seat:

1. If there is more than one vacant seat, each vacant seat will be voted on individually.

2. Legislative staff shall prepare and distribute to each Councilor a typed ballot with a list of each of the names of the candidates.
3. All Tribal Councilors shall have the opportunity for discussion regarding their candidate(s) of choice, prior to the vote.
4. Each Tribal Councilor shall rank each of the candidates from one (1) to the number of candidates, with one (1) standing for the best candidate and the highest number standing for the least favorable candidate. The results will be tallied by the Legislative staff and the candidate with the lowest number (best candidate) will be appointed by a majority vote of Tribal Council.
5. If there is a tie, there will be runoff elections between the top contenders until a winner is selected. If after three (3) runoff elections and there is still a tie, the winner will be selected by a coin toss.
6. All Tribal Councilors shall have the opportunity to view the ballots.

## **SECTION VII. PROHIBITION OF APPOINTMENT**

In accordance with the Constitution, no person shall be appointed if they are an immediate family member of a person on Tribal Council, Chairperson or Vice-Chairperson. Immediate family member means: wife, husband, [spouse], son, daughter, mother, father, brother, sister, step-mother, step-father, step-brother, step-sister, father-in-law, mother-in-law, child and step-child, grandmother, grandfather, brother-in-law and sister-in-law.

## **SECTION VIII. APPOINTMENT and REQUIREMENTS**

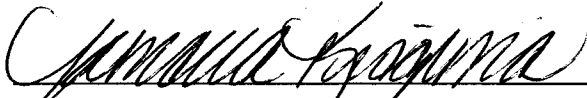
1. The Appointed Candidate will fill the balance of the unexpired vacant term.

2. A financial disclosure by the Appointed Candidate shall be provided in accordance with Waganakising Odawak Statute 2016-003. Financial Disclosure by Tribal Officials, Section III.

3. The appointed person's name shall be given to the Tribal Law Enforcement for a Law Enforcement Information Network (LEIN) check to ensure that no person shall serve on Tribal Council within seven (7) years of completion of a sentence or probation upon being convicted of a felony, unless such conviction has been vacated or overturned.

4. The Appointed Candidate shall receive the Oath of Office administered by a member of the judiciary at the next regularly scheduled Tribal Council meeting and shall then assume the Constitutional duties of the position for which they were appointed provided that the person meets the qualifications of the Little Traverse Bay Bands of Odawa Indians Constitution Article VII (H).

This Policy was approved by Tribal Council on:

  
Tamara Kiogima, Tribal Council Secretary

1-13-18  
Date

