

VETOED

**Little Traverse Bay Bands of Odawa Indians
7500 Odawa Circle
Harbor Springs, MI 49740**

**TRIBAL RESOLUTION #072717-03
Ethics Committee**

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians (LTBB), and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS Little Traverse Bay Bands of Odawa Indians officials are Public Servants and public service is public trust. Each Official has a responsibility to the Tribe and its Tribal Citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every Tribal Citizen can have complete confidence in the integrity of the Tribal Government, each Official shall respect and adhere to the principles of ethical conduct set forth in Constitutionally Mandated Rules of Conduct for Officials of Tribal Government, in accordance with the Constitution, Section VII. D. Powers of Tribal Council 6. Adopt rules of conduct to govern all levels of Tribal government;

WHEREAS The Ethics Committee was appointed by Tribal Council on October 29, 2015 and consists of three Tribal Councilors: Beatrice Law, Dexter McNamara and Julie Shananaquet. Councilor Emily Proctor was appointed temporarily to the Ethics Committee on July 13, 2017, because of the recusal of Councilor Shananaquet for Ethics Case 061317-01, -02.

WHEREAS Tribal Council, on March 9, 2017, passed the Ethics Committee Statute and the Ethics Committee Policy and Procedures, and on February 16, 2017 the Constitutionally Mandated Rules of Conduct for Official of Tribal Government was passed by Tribal Council. On April 13, 2017, the Chair vetoed the Ethics

Committee Statute. A vote to override the veto was held by Tribal Council on April 20, 2017, and the motion to override failed.

WHEREAS in order to best preserve the public trust, an Ethics Committee is needed to receive complaints, investigation, and make recommendations to Tribal Council and other related matters;

WHEREAS this Resolution will clarify duties and authority of the Ethics Committee.

THEREFORE, BE IT RESOLVED that the Tribal Council approves the Ethics Committee, with the following:

**SECTION I. ETHICS VIOLATIONS; ETHICS COMMITTEE;
HEARINGS; PENALTIES AND CONSEQUENCES**

- A. The Ethics Committee shall be comprised of three members from Tribal Council.
- B. The length of term of the appointment shall be two (2) years, provided that the person is serving in their official capacity on Tribal Council.
- C. Any Tribal Citizen, who claims that a Tribal Official has violated the Rules of Conduct, shall submit a signed notarized written statement alleging a violation against one or more named persons and shall include the following:
 - 1. The specific section of the Rules of Conduct that has been violated;
 - 2. A clear and concise statement of the alleged actions and facts
- D. The complaint must be filed with the Legislative Office within 60 days of the alleged violation.
- E. The Committee shall have no jurisdiction in absence of a complaint. A member of the Committee may file a complaint. If a complaint is filed by an individual and later withdrawn, the Committee may still proceed with the proceedings.

F. The Legislative Office, upon receipt of a complaint, shall forward it to the Ethics Committee members.

G. The Ethics Committee has the authority to conduct an investigation of the alleged violations.

H. All Ethics Committee proceedings, including the initial complaint, would remain confidential until a final determination is made except:

1. the Committee may, at any time, turn over to the Tribal Prosecutor evidence which may be used in criminal proceedings; and
2. if the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the Committee may publicly confirm the existence of the inquiry and, in its discretion, make public any documents which were issued to either party.

I. Following a preliminary investigation of a complaint, the Committee would have several options:

1. dismiss the complaint if no such substantial credible evidence is found;
2. admonish the Official either privately or publicly if such substantial credible evidence is found, but the alleged violation is inadvertent, technical or otherwise of de minimis in nature;
3. recommend it for a hearing before the Tribal Council where there is such substantial credible evidence and the matter cannot be disposed of as de minimis along with a recommendation of potential sanctions. Such sanctions may include but not limited to: censure, payment of restitution, suspension, or a combination of these, but shall not include removal for Constitutionally Mandated Official positions other than Prosecutor or Assistance Prosecutor.

J. The Tribal Council retains the authority to discipline Officials for violations of the Rules of Conduct, up to but not including removal from Office.

K. The jurisdiction of the Committee may run concurrent with any other court, commission or tribunal.

L. Any frivolous complaints that may be filed for political purposes, where the person who filed the complaint knew the allegation to be false, will be barred from filing any future complaints.

SECTION II. RECALL, REMOVAL and OTHER CODES OF CONDUCT

A. The Tribal Constitution provides for the recall and removal of the Members of the Tribal Council, the Chairperson and Vice Chairperson, and Members of the Judiciary and Members of the Election Board and other Elected or Appointed Officials. The Tribal Council shall defer to the procedures outlined in the Tribal Constitutions for all matters relating to removal or recall of such named Officials.

B. According to the Tribal Constitution, the Tribal Council may remove a Prosecutor or Assistance Prosecutor.

C. Nothing in these Rules prevents the individual Branches of government from adopting individual Codes of Conduct that provide for internal procedures for violations of Ethics and from making determinations of violations that may or may not be concurrent with these Rules.

SECTION III. RECUSAL

Any Ethics Committee member facing the allegation(s) at issue shall recuse him or herself from the Ethics Committee, and the Tribal Council shall appoint another in his or her place.

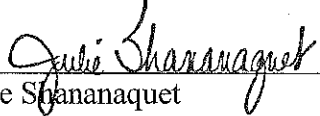
FINALLY, BE IT RESOLVED that the Ethics Committee shall serve until the enactment of an Ethics Committee Statute or for one year from the date of enactment of this Resolution, whichever is sooner.

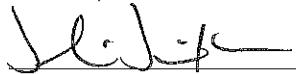
CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on July 27, 2017 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
Frank Bernard	X			
David Harrington	X			
Beatrice A. Law	X			
Dexter McNamara	X			
Michael Naganashe				X
Emily Proctor	X			
Marcella R. Reyes	X			
Julia Shananaquet		X		
Aaron Otto	X			

Date: 7-28-2017 
 Legislative Leader, Aaron Otto

Date: 7.28.17 
 Secretary, Julie Shananaquet

Received by the Executive Office on 7-28-17 by 

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

VETO

Date: 8-25-17 
 Regina Gasco Bentley, Tribal Chairperson

RECEIVED
 AUG 28 2017
 BY: THK