

**WAKANAKISING ODAWAK STATUTE  
AMENDMENT TO WAGANAKISING ODAWAK STATUTE 2008-001  
ADMINISTRATIVE PROCEDURES STATUTE**

**REPEAL :**

**SECTION XI. TRIBAL RESOLUTIONS**

**A.** In accordance with the Tribal Constitution, Article VII (D)(1), Resolutions carry the force of law and shall be sent to the Executive for signature.

**B.** 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.

**C.** 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.

**REPLACE WITH:**

**SECTION XI. TRIBAL LAW**

**A.** In accordance with the Tribal Constitution, Tribal Council passes laws. Laws shall be in the form of either a Resolution or Statute; or an amendment of the same.

**B.** Laws that are passed by Tribal Council shall be submitted to the Executive.

**C.** Laws shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative vote of seven (7) members of the Tribal Council, override a veto by the Executive.

**D.** Tribal Council will exercise the following Constitutional powers by passing laws:

**1.** To exercise Tribal jurisdiction, including civil and criminal authority and the regulation of commerce.

**2.** To exercise the jurisdiction of the Little Traverse Bay Bands of Odawa Indians over Indian Child Welfare matters and all other domestic relations matters.

**3.** To govern the issuance of the Little Traverse Bay Bands of Odawa Indians charters of incorporation for economic or other purposes, and to regulate the activities of these corporations;

**4.** To exclude person(s) or other parties from Tribal lands;

**5.** To govern the encumbrance of Tribal lands or other intangible assets, and the encumbrance and disposition of non-real estate tangible assets;

**6.** To manage any and all economic affairs and enterprises of the Little Traverse Bay Bands of Odawa Indians that will further the economic development of the Tribe or its members.

**7.** To set the qualifications for appointees to committees, commissions, and boards.

**8.** To enact a budget formulation process.

**9.** To levy taxes and govern the collection of taxes and license fees.

**10.** Enact laws regarding Membership and implementation of Membership provisions.

11. Enact compensations statutes for Tribal Council, Tribal Chair and Vice Chair, Judges and Appellate Judges, Election Board Members and Prosecutor and Assistant Prosecutors.

12. Enact laws regarding Open Meetings.

13. Enact laws for protecting the Office of the Prosecutor from inappropriate influence

14. Enact a law regarding removal of elected or appointed officials not listed in the Constitution for neglect of duties or intentional wrongdoing.

15. Enact a law requiring financial disclosure statements of candidates, and elected and appointed governmental officials.

16. Any other duties that are required by the Constitution to be exercised through the use of laws.

E. Resolutions shall be certified by the Legislative Leader and Tribal Council Secretary that indicates that Resolution was passed at a meeting of Tribal Council where a quorum was present.

## **SECTION XII. TRIBAL MOTION and CERTIFICATION**

A. In accordance with the Tribal Constitution, Tribal Council shall transact official business by voting only at a meeting where a quorum of five Tribal Council members is present.

B. Tribal Council shall transact its official business through the use of voting on Motions.

C. Motions shall be made at a Regular, Special or Emergency Meetings, unless otherwise indicated by the Tribal Consitution.

D. Votes on Motions must be in person and proxy votes are not allowed unless otherwise indicated by the Constitution.

**E.** All Motions shall be reflected in the minutes indicating the person who made the motion, the person who seconded the motion and the result of the vote.

**F.** Only Motions that have a majority vote of the eligible voting Tribal Council members shall be considered the official action of the Tribal Council.

**G.** Tribal Council will exercise its official powers through the use of Motions, including but not limited to the following:

1. To approval or disapproval of policies, resolutions and regulations presented from the Executive branch.
2. To purchase, receive by gift, or otherwise acquiring of land, interests in land, personal property or other intangible assets.
3. To request for lands be placed in trust with the United States.
4. To approval of land use plans and zoning of lands.
5. To approval of leases for Tribally owned land and lands held in trust.
6. To approval of all sales, or dispositions of Tribal lands.
7. To employ or legal counsel.
8. To approval of the filing of lawsuits in the name of the Tribe as proposed by the Executive, provided; the Tribal Council may approve the filing of a lawsuit in the name of the Tribal without Executive concurrence by an affirmative vote of six (6) members of the Tribal Council.
9. To establish committees, commissions, and boards, and approve appointments as presented by the Executive.
10. To establish and maintain government offices for the Little Traverse Bay Bands of Odaw Indians.
11. To appropriate funds.
12. To raise revenue.
13. To develop policies for receiving any grants, donations, or other funding

from any person, corporation, municipality, government, or entity.

14. To establish such lower courts as may be deemed necessary upon request from the Judiciary.

15. To approve the creation or dissolution of Executive divisions or departments to promote and protect the peace, health, safety, education, and general welfare, including but not limited to cultural and natural resources.

16. To approve negotiations with any other governments, businesses or individuals.

17. To adopt rules of conduct to govern all levels of Tribal government.

18. To establish and procedures to provide access for review by any Tribal member or his/her authorized representative, who is a Tribal member, of the records of the Little Traverse Bay Bands of Odawa Indians.

H. Motions may be certified by the Legislative Leader and Tribal Council Secretary that indicates that the Motion was passed at a meeting of Tribal Council where a quorum was present.

### **SECTION XIII. DELEGATION OF POWERS**

Tribal Council retains those powers that are not expressly delegated.

### **SECTION XIV. 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.

### **SECTION XV. EFFECTIVE DATE**

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

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**SECTION XV. EFFECTIVE DATE**

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

VETOED

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on April 17, 2011 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Marvin Mulholland	X			
Belinda Bardwell	X			
Melvin L. Kiogima	X			
Gerald V. Chingwa	X			
Rita Shananaquet	X			
Aaron Otto	X			
John Bott	X			
Regina Gasco Bentley	X			
Julie Shananaquet				X

Date: 4-18-11

Julie/A. Shananaquet, Legislative Leader

Date: 4-18-11

Regina Gasco Bentley, Secretary

Received by the Executive Office on 4-19-11 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 in this action of the Tribal Council.

Date: 5-19-11

Ken Harrington, Tribal Chairperson

**VETO**