

**WAGANAKISING ODAWAK STATUTE 2018-017**  
**ODAWA AVIATION CORPORATION**

**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), the purpose of this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter of incorporation for economic purpose, to provide for the management of the non-gaming, economic affairs and to delegate such management to a Tribally chartered corporation in accordance with Article VII (D) (24) 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 “Odawa Aviation Corporation Statute.”

**SECTION II. DEFINITIONS**

**A.** *“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).

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

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

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

**SECTION III. CREATION OF THE ODAWA AVIATION CORPORATE CHARTER**

A. A tribally chartered corporation is authorized by this Statute and shall be named the "Odawa Aviation, Inc." The organization is recognized by the approval of the tribal corporation charter; "Odawa Aviation, Inc." by Tribal Council.

B. The tribally chartered corporation, Aviation Inc., shall be managed by a board of three (3) to five (5) members selected and appointed by majority vote of Tribal Council.

**SECTION IV. SCOPE OF ACTIVITIES**

A. The Odawa Aviation, Inc. is created as a tribally chartered corporation that creates jobs in the area of economic development and general business.

B. The Odawa Aviation, Inc. is authorized to create operating subsidiaries in accordance with tribal law, provided that they have prior approval by Tribal Council.

C. The Corporation will provide Tribal Council an annual report and audited financial statements.

D. The Corporation will submit an annual development plan to the Tribal Council for approval.

**SECTION V. MANAGEMENT; STRUCTURE AND FUNCTION**

A. The Odawa Aviation, Inc. shall have sole authority and responsibility for managing the Odawa Aviation, Inc. and related Aviation projects, in accordance with the policies, Statutes, Resolutions, regulations as approved by Tribal Council.

B. The Odawa Aviation, Inc. shall abide by all tribal and federal laws and regulations as may be applicable.

C. It is the duty of the Odawa Aviation, Inc. to protect assets of the Tribe and generate revenues and jobs.

## **SECTION VI. REPORTING TO TRIBAL COUNCIL**

In order to regulate, the Odawa Aviation, Inc. shall provide to Tribal Council a monthly report for the Corporation and all subsidiaries; and shall report quarterly at the regularly scheduled Tribal Council Meetings or such special meetings as requested by the Tribal Council, or as requested the following:

- A. Annual operating plan;
- B. Financial performance measures;
- C. Audits, whether internal or external;
- D. Financial records or statements;
- E. Tribal Council may request reports regarding all aspects of the Odawa Aviation, Inc.;
- F. Monthly profit and loss statement of all non-gaming enterprises, joint ventures and investments.

## **SECTION VII. FINANCING OF THE ODAWA AVIATION, INC. AND ACTIVITIES**

- A. The annual budget for the Odawa Aviation, Inc. shall be approved by Tribal Council in accordance with an approval process as designated by the Tribal Council.
- B. Tribal Council approval is required for borrowing of funds. The Odawa Aviation, Inc. is not authorized to enter into financing approval without prior ratification by the Tribal Council.

## **SECTION VIII. 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 IX. 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 adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on August 9, 2018 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
Frank Bernard				X
David Harrington	X			
Dexter McNamara	X			
Emily Proctor	X			
Julie Shananaquet	X			
Shanna Wemigwase	X			
Marcella R. Reyes	X			
Tamara Kiogima	X			
Fred Harrington, Jr.	X			

Date: 08-09-18  
 \_\_\_\_\_  
 Legislative Leader Fred Harrington Jr.

Date: 08-10-18  
 \_\_\_\_\_  
 Secretary Tamara Kiogima

Received by the Executive Office on: 08-10-18 by: Julie Janiskee


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.

**VETO**


Date: 09-07-18  
 \_\_\_\_\_  
 Tribal Chairperson Regina Gasco-Bentley

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 September 27, 2018 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent.

Date: 10.02.18

  
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Legislative Leader Fred Harrington, Jr.

Date: 9-27-18

  
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Secretary Tamara Kiogima

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.

