

## **ARTICLE I. RESERVED RIGHTS OF TRIBAL MEMBERSHIP**

### **A. Purpose**

This Article enumerates certain rights as reserved by the Tribal membership. All governing authority rests with the Tribal membership. Through this Constitution, the Tribal membership delegates specific powers and functions to the branches of government, which can only be added to or removed by amendments to this Constitution. All powers and functions not so delegated remain with the Tribal membership. To assure that the power of our government rests with the membership of the Little Traverse Bay Bands of Odawa Indians, the membership reserves the right to hold at a minimum an annual meeting and such other meetings as the membership deems necessary, as provided for in this Article.

### **B. Directive Principles**

In consideration of the next seven generations, each generation of the Tribal Membership to assert tribal sovereignty directs the Legislative, Executive and Judicial branches of government to:

1. Promote the preservation and revitalization of Anishinaabemowin and Anishinaabe culture;
2. Promote with special care the health, educational and economic interests of all the people, especially our children and elders, and shall protect them from social injustice and all forms of exploitation;
3. Regard the raising of the level of nutrition and the standard of living of our people, and the improvement of public health as among their primary duties;
4. Establish and maintain within the limits of their economic capacity and development, effective provision for securing the right to work, to education and assistance in cases of unemployment, old age, sickness and disablement, and in other cases of need; and
5. Assure and promote that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that youth and elders

are protected against exploitation.

### **C. Annual Meeting**

The Tribal Membership, through this document, directs the Executive Branch of the Little Traverse Bay Bands of Odawa Indians to be responsible to call an annual meeting of the Tribal Membership each spring. This meeting is to be held within the boundaries of our reservation as defined in by the Ottawa-Chippewa Treaty of Detroit of 1855, 11 Stat. 621, in Article I, paragraphs third and fourth of the Treaty. Notice shall be provided to all adult tribal members by first class mail or an equivalent method at least thirty (30) days prior to the annual meeting.

### **D. Quorum**

Twenty percent (20%) of all registered voters shall constitute a quorum, as certified by the Election Board. A quorum shall be necessary to transact official business except as noted in sections E(1) and E(2) of this Article. A quorum is not necessary for general information and discussion.

### **E. Conduct of Tribal Membership Meetings**

All Tribal Membership meetings shall be open to all Tribal members so long as they maintain acceptable social order and do not interfere with the conducting of the meeting. The Election Board shall be responsible for developing acceptable rules of conduct at the first Tribal Membership meeting. Subsequent meetings will be conducted in accordance with rules of conduct adopted by the Tribal Membership at a membership meeting.

- 1.** The Tribal member who will preside over the first meeting shall be elected at the meeting from nominees from the Tribal Membership in accordance with the rules of conduct and procedure developed by the Election Board. A quorum will not be necessary to conduct this election.

- 2.** Thereafter, the Tribal Membership shall elect a Tribal member to preside over the next annual or special meeting of the Tribal Membership prior to adjournment of the Tribal Membership meeting. A quorum will not be necessary to conduct this election. Provided, that if the person elected is not available or present at the following meeting,

then a member shall be elected to preside over the meeting under the same procedures as for the first meeting.

#### **F. Special Meetings of the Tribal Membership**

Special Meetings of the Tribal Membership shall be called by the Executive Branch upon receipt from the Election Board of a certified petition signed by no less than twenty percent (20%) of the registered voters, or upon written request of a majority of the Tribal Council. Notice shall be provided to all adult Tribal members by first class mail or equivalent method sent to their last known address at least two (2) weeks prior to all Special Meetings of the Tribal Membership.

#### **G. Right to Legal Representation**

The Tribal Membership, by majority vote at a meeting at which a quorum is present, may employ an attorney to represent the interests of the Tribal Membership as a whole when an issue exists as to whether Tribal government has functioned in conformity with Tribal law. If the Tribal Membership's attorney substantially prevails on the merits of the claims filed against Tribal government, or if settlement occurs which accomplishes the same, the Tribal Council shall appropriate funds to pay attorney's fees and costs, as may be determined and ordered by the Tribal Judiciary.

#### **H. Duties and Functions Reserved by the Tribal Membership**

The Tribal Membership reserves the following specific duties and functions:

1. Receive and review the Annual Report from the Tribal Council Treasurer under Article VII(C)(3)(a) of this Constitution;
2. Approve sales of Tribal lands under Article VII (D)(13) of this Constitution;
3. Make recommendations to the Tribal Council for future Tribal enterprises, services and policies;
4. Initiate a recall of a Tribal Council member, the Chairperson or Vice-Chairperson under Article XIII (A); and

5. Petition for a special election for constitutional amendments under Article XVII.