

ARTICLE VII. TRIBAL COUNCIL

A. Composition of the Tribal Council

Legislative powers shall be vested in the Tribal Council. The Tribal Council shall be composed of nine (9) Tribal members elected in an open election by popular vote.

B. Tribal Council Officers

The officers of the Tribal Council shall be the Legislative Leader, Secretary and Treasurer, and shall be filled from among the Tribal Council members after each general election, by majority vote of the Tribal Council. No member may simultaneously serve as more than one officer. In the event of a vacancy in a Tribal Council office, the Tribal Council shall appoint a Tribal Council member to fill the vacated office until new officers are selected following the next general election.

C. Duties of Officers

- 1.** The Legislative Leader shall:
 - a.** Monitor all Tribal mandates and directives approved by the Tribal Council for compliance through the Executive Branch;
 - b.** Make recommendations to the Tribal Council on the matter of laws, statutes, programs, or policies that would be of interest or benefit to the Little Traverse Bay Bands of Odawa Indians;
 - c.** Acquire a surety bond, in an amount and with a surety company satisfactory to the Tribal Council;
 - d.** Preside over meetings of the Tribal Council;
 - e.** The Legislative Leader shall vote on all issues except in cases in which he or she would have a conflict of interest; and
 - f.** Perform such other duties as required by the Tribal Council.

2. The Secretary shall:

- a.** At each Tribal Council meeting, submit the minutes of the previous meeting to the Tribal Council for approval;
- b.** Acquire a surety bond, in an amount and with a surety company satisfactory to the Tribal Council;
- c.** Post minutes approved by the Tribal Council in the Tribal administrative office within seven (7) days of approval;
- d.** Maintain and protect the Tribal Seal;
- e.** Preside over meetings of the Tribal Council in the absence of the Legislative Leader; and
- f.** Perform such other duties as required by the Tribal Council.

3. The Treasurer shall:

- a.** Submit an annual report, prepared by the Tribal accounting department, to the Tribal Membership at its annual meeting. This report shall include all funds received by the Little Traverse Bay Bands of Odawa Indians or through Tribal enterprises. This report shall also include all appropriations of operating funds and Tribal enterprises by department showing how the funds were spent and to include profit and loss statements where applicable;
- b.** Acquire a surety bond, in an amount and with a surety company satisfactory to the Tribal Council;
- c.** Preside over meetings of the Tribal Council in the absence of the Legislative Leader and Secretary; and
- d.** Perform such other duties as required by the Tribal Council.

D. Powers of the Tribal Council

The Tribal Council shall have the power to:

- 1.** Make laws not inconsistent with this Constitution, including statutes and resolutions necessary to exercise Tribal jurisdiction, including civil and criminal authority and the regulation of commerce, and send them to the Executive for signature. They 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.
- 2.** Approve or disapprove policies, resolutions and regulations presented from the Executive branch;
- 3.** Provide by law for the jurisdiction of the Little Traverse Bay Bands of Odawa Indians over Indian Child Welfare matters and all other domestic relations matters;
- 4.** Enact laws governing 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;
- 5.** Implement, by statute not inconsistent with this Constitution, the Little Traverse Bay Bands of Odawa Indians' inherent right to exclude person(s) or other parties from Tribal lands;
- 6.** Adopt rules of conduct to govern all levels of Tribal government;
- 7.** Shall establish rules 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. Such review shall be conducted during normal office hours, in accordance with the rules and procedures established by the Tribal Council, and not inconsistent with any other provision of this Constitution. All Tribal records are subject to this review by the membership unless specifically excluded by this Constitution or applicable law;
- 8.** Enact laws governing the encumbrance of Tribal lands or other intangible assets,

and the encumbrance and disposition of non-real estate tangible assets;

9. Purchase, receive by gift, or otherwise acquire land, interests in land, personal property or other intangible assets which the Tribal Council may deem beneficial to the Little Traverse Bay Bands of Odawa Indians;

10. Request lands be placed in trust with the United States for the benefit of the Little Traverse Bay Bands of Odawa Indians when the Tribal Council deems this beneficial to the Tribe;

11. Approve land use plans and zoning of lands subject to the jurisdiction of the Little Traverse Bay Bands of Odawa Indians;

12. Approve leases for Tribally owned land and lands held in trust for the Little Traverse Bay Bands of Odawa Indians by the United States subject to the approval of the Secretary of the Interior if required by Federal law;

13. Approve all sales, or dispositions of Tribal lands, provided that such sale or disposition must also be approved by a majority vote by referendum, or by a quorum at an annual membership meeting;

14. Employ legal counsel;

15. Approve 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 Tribe without Executive concurrence by an affirmative vote of six (6) members of the Tribal Council;

16. Establish committees, commissions, and boards, and approve appointments as presented by the Executive. The Tribal Council shall develop laws setting out qualifications for appointees and ensuring that the Tribal membership is given reasonable notification of available positions;

17. Establish and maintain government offices for the Little Traverse Bay Bands of Odawa Indians;

18. Appropriate funds, and enact a budget formulation statute that allows for public input from the Tribal membership;
19. Raise revenue, including the power to enact laws to levy taxes and govern the collection of taxes and license fees;
20. Develop policies for receiving any grants, donations, or other funding from any person, corporation, municipality, government, or other entity, and the policy shall provide that such receipts are a matter of Tribal record;
21. May establish such lower courts as may be deemed necessary upon request from the Judiciary;
22. 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, of the Little Traverse Bay Bands of Odawa Indians and its members;
23. Approve negotiations with any other governments, businesses or individuals by a majority vote of the Tribal Council; and
24. To provide by statute for the management of 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. Such statutes will delegate management responsibilities to Tribally chartered corporations or other subordinate Tribal entities, or where appropriate, to the Executive Branch.

E. Reserved

The Tribal Council shall not exercise any powers not listed in this Constitution unless an amendment of the Constitution has been approved pursuant to Article XVII.

F. Compensation

All members of the Tribal Council shall receive reasonable compensation governed by statute. No increase or decrease in compensation shall take effect until after the next general

election.

G. Term of Office

The term of office shall be four (4) years except as provided in Article XII for the first election under this Constitution. The term shall extend from their oath of office until a successor is sworn in.

H. Qualifications

1. Members of the Tribal Council shall be Little Traverse 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.

I. Budget

The Tribal Council shall enact an annual budget for the upcoming fiscal year. The budget shall identify all funding sources, appropriations of operating funds and Tribal enterprises. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members.

J. Meetings

Meetings of the Tribal Council are as follows:

1. **Presiding Over Meetings.** The Legislative Leader, or person designated under this Constitution to preside in his/her absence, shall preside over all meetings of the Tribal Council.

2. Quorum. Five (5) Tribal Council members shall constitute a quorum. A quorum shall be necessary to transact official business of the Tribal Council.
3. No Voting by Proxy. All votes must be cast only by those actually present at the meeting during which the vote was taken.
4. Regular Meetings. The Tribal Council shall hold regular meetings at least once a month at the Tribal government offices. Official minutes shall be taken and recorded, and shall be approved within sixty (60) days of the meeting.
5. Special Meetings. Special meetings may be called from time to time by the Legislative Leader, by a majority of the Tribal Council, or by a request from the Executive. Notice of such special meetings shall be given to all members of the Tribal Council at least five (5) days in advance of such meetings, and shall state the purpose or purposes of the meeting. Special meetings shall be restricted to the purpose or purposes for which they are called.
6. Emergency Meetings. When immediate official action of the Tribal Council is necessary to preserve or promote essential interests of the Little Traverse Bay Bands of Odawa Indians, the Legislative Leader or a three fourths (3/4) majority of the Tribal Council may call an emergency meeting. Advance written or verbal notice of such meeting shall be given to each Council member to the greatest extent feasible. Emergency meetings shall be restricted to the urgent subject matter necessitating the meeting. Emergency meetings may be conducted by phone conference call or with the aid of such other communication technology as may be available and in common use. A statement shall be put in the minutes of the next scheduled meeting indicating the date and time that the emergency meeting was held. The Tribal Council shall keep records of emergency meetings at the Tribal administrative offices which shall include the reason for the meeting and the action taken, which records shall be available to the Tribal membership to the same extent as regular meeting minutes, and the same rules regarding closed sessions and closed sessions minutes apply.
7. Phone Polls. Use of phone polls shall be governed by the rules and procedures of the Tribal Council.
8. Open Meetings. The Tribal Council shall adopt an Open Meetings Statute to

ensure that all meetings of the Tribal Council called pursuant to this Article, except phone conference calls and closed sessions allowed under subsections J(6) and J(9) of this Article, are open to Tribal members and Tribal members shall have a reasonable opportunity to be heard, under such rules as the Council may prescribe in the Statute.

9. Closed Sessions.

a. The Tribal Council may meet in closed session only for reasons clearly expressed in the Open Meetings Statute. Closed sessions shall be limited to personnel, litigation, confidential business or legal matters, or other matters that raise significant privacy or confidentiality concerns.

b. The Tribal Council shall develop a disclosure of closed session minutes policy.