

## Chapter 2. Removal of Commissioners

### 15.201 SHORT TITLE AND PURPOSE

- A. Short Title.** This Statute may be cited as the "Commissioner Removal and Nepotism Act."
- B. Purpose.** This Act sets out standard procedures for the removal of members of commissions of the Tribe, and rules regarding nepotism. This Act shall apply to all commissions of the Tribe unless otherwise specified in a specific commission statute. This Statute repeals and replaces the WOS 1997005 Removal of Commissioners and Nepotism Statute and WOS Removal of Commissioners and Nepotism 2001-10.

(Source: WOS 2016-001, February 26, 2016, Section I)

### 15.202 REMOVAL OF COMMISSIONERS

- A.** A Commissioner may only be removed for cause by a majority vote of Tribal Council.
- B.** Cause of removal shall be one of the following:
1. Unethical conduct, as defined by the Little Traverse Bay Bands of Odawa Constitutionally Mandated Rules of Conduct for Officials of Tribal Government or any other approved ethical standards.
  2. Physical or mental disability which prevents the performance of Commissioner's duties;
  3. Persistent failure to perform duties in a timely manner;
  4. Gross misconduct;
  5. Conviction of a felony.

(Source: WOS 2016-001, February 26, 2016, Section II)

### **15.203 ETHICS**

Commissioners shall follow Constitutionally Mandated Rules of Conduct for Officials of Tribal Government or any other approved ethical standards.

(Source: WOS 2016-001, February 26, 2016, Section III)

### **15.204 SEVERABILITY**

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Source: WOS 2016-001, February 26, 2016, Section IV)

### **15.205 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, but shall not be implemented until after the next election and until the next Tribal Council or individual councilors are sworn in.

(Source WOS 2016-001, February 26, 2016, Section V)