

Chapter 29. Asset Disposition

6.2901 PURPOSE

The purpose of this Statute is to establish the law governing the disposition of Tribal assets in accordance with the Constitution of the Little Traverse Bay Bands of Odawa Indians. This statute repeals and replaces Waganakising Odawak Statute 2012-015.

(Source: WOS 2023-009, October 6, 2023, Section I)

6.2902 APPLICABILITY

This statute applies to the disposal of assets owned by the Little Traverse Bay Bands of Odawa Indians, including Tribal assets leased or assigned to a corporation or entity established by the Tribe under the Waganakising Odawak Tribal Code of Law.

(Source: WOS 2023-009, October 6, 2023, Section II)

6.2903 DEFINITIONS

- A. “*Capital Asset*” means tangible property such as equipment that cannot easily be converted into cash and is usually held for a long period of time.
- B. “*Competitive Bidding*” means a transparent process for disposal of an asset and may include soliciting bids, competitive negotiation using a request for proposals, fixed pricing, public auctions, on-line auctions or sealed bids.
- C. “*Disposal*” means the relinquishment of ownership of an asset by sale, exchange, transfer, abandonment, demolition, donation or similar conclusive manner.
- D. “*Donation*” means the relinquishment of ownership of an asset for the benefit of Tribal Citizens in the areas of social, educational, cultural and health activities.
- E. “*Fixture*” means personal property that is attached to land or a building and that is regarded as an irremovable part of the real property.

F. “*Intangible Asset*” means something of value that cannot be physically touched such as a brand, franchise, trademark or patent.

G. “*Real Property*” means land, buildings and fixtures, as well as intangible interests in land such as an easement.

H. “*Surplus property*” means tangible personal property, including minor equipment, office furniture, computer equipment, vehicles and other items determined to be obsolete, over stocked or no longer needed.

I. “*Tribe*” means the Little Traverse Bay Bands of Odawa Indians.

(Source: WOS 2023-009, October 6, 2023, Section III)

6.2904 DISPOSAL OF REAL PROPERTY

Disposal of the following shall require prior approval by Tribal Council:

A. Land, in accordance with Constitutional requirements.

B. Buildings and fixtures, unless disposal is authorized by a lease, assignment or similar written document approved by Tribal Council.

(Source: WOS 2023-009, October 6, 2023, Section IV)

6.2905 DISPOSAL OF CAPITAL ASSETS

A. Capital assets retired from service shall be disposed of in the most efficient and cost-effective manner possible.

B. Retired capital assets shall be disposed of in a manner that is environmentally responsible.

C. Retired capital assets with a book value greater than \$10,000 shall be disposed of by competitive bidding. All other retired capital assets shall be designated as surplus.

(Source: WOS 2023-009, October 6, 2023, Section V)

6.2906 DISPOSAL OF TANGIBLE PROPERTY

- A.** Tangible personal property retired from service shall be designated as surplus.
- B.** Any surplus property shall be disposed of without warranty.
- C.** Surplus property shall be disposed of in whatever lawful manner provides maximum value to the Tribe.
- D.** Surplus property shall be disposed of in a manner that is environmentally responsible.
- E.** Information technology and communication equipment shall have all data and software removed from the equipment prior to disposal.

(Source: WOS 2023-009, October 6, 2023, Section VI)

6.2907 DISPOSAL OF INTANGIBLE ASSETS

Disposal of intangible property shall require prior approval by Tribal Council.

(Source: WOS 2023-009, October 6, 2023, Section VII)

6.2908 FIRST REFUSAL

All retired capital assets and surplus tangible property shall be offered to governmental departments and enterprises before disposal by any other method.

(Source: WOS 2023-009, October 6, 2023, Section VIII)

6.2909 REGULATIONS

The Executive shall develop regulations for the implementation of this statute pursuant to the process set forth in the Administrative Procedures Act.

(Source: WOS 2023-009, October 6, 2023, Section IX)

6.2910 RECORDS

All Tribal departments, corporations and other entities shall maintain accurate asset-disposition records and make those records available to Tribal Council upon request.

(Source: WOS 2023-009, October 6, 2023, Section X)

6.2911 SAVINGS CLAUSE

If any phrase, provision, part, paragraph, subsection or section 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 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.

(Source: WOS 2023-009, October 6, 2023, Section XI)

6.2912 EFFECTIVE DATE

This statute shall be effective upon signature of the Executive or 30 days from Tribal Council approval whichever comes first, or if the Executive vetoes the legislation, then upon the date on which Tribal Council overrides the veto.

(Source: WOS 2023-009, October 6, 2023, Section XII)