

Chapter 37. Tribal Chair Ambassadorial Capacity and Tribal Representatives

6.3701 SHORT TITLE

This Statute shall be entitled “Ambassadorial Capacity and Tribal Representatives” Statute. This statute rescinds and replaces any and all previous Statutes, Resolutions, Regulations and/or policies related to this subject matter that is in conflict with this Statute. WOS 2006-002 is repealed and replaced by this Statute.

(Source: WOS 2012-001, March 18, 2012, Section I)

6.3702 PURPOSE

To provide clarification, authority and duties of the Ambassador and Representatives in carrying out their respective responsibilities on behalf of the Tribe.

(Source: WOS 2012-001, March 18, 2012, Section II)

6.3703 DEFINITIONS

- A. “Ambassador”** means the Tribal Chair designated by the Tribal Constitution to represent the Tribe when meeting with high-ranking officials of other sovereign nations.
- B. “Representative”** means the person designated by the Tribal Chair and approved by Tribal Council to represent the Tribe at meetings that require voting on behalf of the Tribe including meeting with the following: lower ranking government officials, Tribal organizations, Inter-Tribal organizations, non-profits, or other governmental or municipal sub-entities.
- C. “Sovereign Nations”** means United States Government, State of Michigan, Federally Recognized Tribes, and other foreign or domestic governments.
- D. “Tribe”** means the Little Traverse Bay Bands of Odawa Indians or the Waganakising Odawa.

E. “Tribal organizations/Inter-Tribal organizations” means an entity with voluntary membership and is made up of Tribes and individuals who have met eligibility criteria, such as United Tribes of Michigan, Midwest Alliance of Sovereign Tribes, National Congress of American, and National Indian Gaming Authority.

(Source: WOS 2012-001, March 18, 2012, Section III)

6.3704 AMBASSADORIAL CAPACITY

A. According to the Tribal Constitution, the Chairperson shall have the power and duty to represent the Tribe in an ambassadorial capacity. Article VIII, and does not need Tribal Council approval in representing the Tribe in an ambassadorial capacity.

B. The Chairman shall represent the Tribe when meeting with or attending functions that involve high-rank officials of other sovereign nations.

C. The Chairman does not have the authority to bind the Tribe either expressly or implied, unless approved by Tribal Council, prior to the action or vote taken.

D. The Chairperson shall stand for the best interests of the Tribe and Tribal Citizens and shall not represent, explicitly or implicitly, any interest that is adverse to the Tribe’s interest.

(Source: WOS 2012-001, March 18, 2012, Section IV)

6.3705 REPRESENTATIVE APPOINTMENT AND REMOVAL

A. The Representative may be appointed for a set term or on a temporary basis. All appointed positions shall be nominated by the Executive and approved by a majority vote of Tribal Council by Certified Motion or in limited cases by Resolution that contains the term of the appointment.

B. Where appropriate, the nominate for “Tribal organizations/Inter-Tribal organizations” such as United Tribes of Michigan, Midwest Alliance of Sovereign Tribes, National Congress of American Indians shall be the Tribal Chair/Vice Chair or in the alternative a Tribal Council member if the Tribal Chair/Vice Chair is unwilling or unable to participate. The nomination for the National Indian Gaming Authority shall be a member of the Gaming Authority or in the

alternative a Tribal Council member or Tribal Chair/Vice Chair if no member of the Gaming Authority is willing or able to participate.

C. The Representative does not have the authority to bind the Tribe either expressly or implied, unless approved by Tribal Council, prior to the action or vote taken on behalf of the Tribe.

D. The Representative shall stand for the best interests of the Tribe and Tribal Citizens and shall not represent, explicitly or implicitly, any interest that is adverse to the Tribe's interest.

E. The Representative may be removed by $\frac{3}{4}$ majority vote of those Tribal Council members who are eligible to vote.

F. If a vacancy occurs or immediate action needs to be taken, then the Executive may nominate him or herself, or a Tribal Council member to fill the representative position on an interim basis.

(Source: WOS 2012-001, March 18, 2012, Section V)

6.3706 DUTIES AND AUTHORITY OF THE REPRESENTATIVE

A. The Representative shall advocate for the best interest of the Tribe.

B. The Representative shall have voting privileges while representing the Tribe's interests.

C. The Representative shall provide a report to the Tribal Council quarterly or as requested by Tribal Council.

(Source: WOS 2012-001, March 18, 2012, Section VI)

6.3707 MEMBERSHIP AUTHORIZED

A. The Tribal Council authorizes annual membership in the Midwest Alliance of Sovereign Tribes, National Indian Gaming Association, National Congress of American Indians and United Tribes of Michigan along with other such organizations as approved by Tribal Council.

(Source: WOS 2012-001, March 18, 2012, Section VII)

6.3708 APPROPRIATIONS

- A.** This Statute shall be funded by General Funds and a line item shall be designated in the Executive Budget for the funding of this Statute or such other budgets as appropriate.
- B.** Upon approval of a Representative to an appointed position, Tribal Council shall appropriate the funds necessary to pay annual dues for organizations and hereby directs the Executive to place appropriate allocations in for future budget requests, if funds are not already appropriated otherwise.
- C.** The Executive is authorized to release the information necessary for each organization to determine dues, votes, and other membership conditions.

(Source: WOS 2012-001, March 18, 2012, Section VIII)

6.3709 DAMAGES AND LIABILITY

- A.** If the Chairperson takes actions in his/her ambassadorial capacity that is beyond the authority or adverse to the interests of the Tribe, the Tribal Chairperson shall be held personally liable for any costs or damages that arise out of such action.
- B.** If the Representative takes actions in his/her capacity of representing the Tribe that is beyond the authority or adverse to the interests of the Tribe, the Representative shall be held personally liable for any costs or damages that arise out of such action.
- C.** Tribal Council expressly waives sovereign immunity of the Tribal Chairperson and/or Representative for any liability or damages incurred as a result of his/her action if it is found to be beyond their authority or adverse to the interests of the Tribe.

(Source: WOS 2012-001, March 18, 2012, Section IX)

6.3710 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 2012-001, March 18, 2012, Section X)

6.3711 EFFECTIVE DATE

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 Tribal Council override of the veto

(Source: WOS 2012-001, March 18, 2012, Section XII)