

Chapter 45. Succession Plan for Officers of Tribal Council

6.4501 PURPOSE

To establish a succession plan for emergency, temporary, or permanent vacancy on Tribal Council Officer positions in accordance with the Constitution Article XIII, Section (F) to avoid any unnecessary delays in the regular business of Tribal Council.

(Source: WOS 2012-018, October 7, 2012, Section I)

6.4502 DEFINITIONS

- A. **“Constitution”** means the Little Traverse Bay Bands of Odawa Indians Constitution adopted February 01, 2005.
- B. **“Emergency Vacancy”** means being unavailable or unresponsive by phone, electronic communications, or other means for a period of not less than twenty-four (24) hours and the matter needs to be addressed within forty-eight (48) hours or the matter needs immediate attention within a twenty-four (24) hour period to prevent the Tribe from suffering detrimental harm.
- C. **“Legislative Leader”** means the Tribal Councilor that fulfills the duties set out in the Constitution, Article VII, Section (C)(1).
- D. **“Permanent Vacancy”** means a vacancy by reason of death, resignation, removal from office, or an inability or incapacity that is for more than thirty (30) days..
- E. **“Temporary Vacancy”** means being unavailable or unresponsive by phone, electronic communications, or other means for a period of less than thirty (30) days or the position is vacant for a period of less than thirty (30) days.

(Source: WOS 2014-002, February 19, 2014, Section II)

- F. **“Tribal Councilor”** means any person that sits on Tribal Council including all Tribal Council Officers.

- G.** “**Tribal Council Officer**” means the Legislative Leader, Secretary and Treasurer of Tribal Council as set forth in the Constitution, Article VII, Section (B).
- H.** “**Tribal Secretary**” means the Tribal Councilor that fulfills the duties set out in the Constitution, Article VII, Section (C)(2).
- I.** “**Tribal Treasurer**” means the Tribal Councilor that fulfills the duties set out in the Constitution, Article VII, Section (C)(3).
- J.** “**Tribal Council**” means the Little Traverse Bay Bands of Odawa Indians Tribal Council.
- K.** “**Vacancy**” means any absence or inability to perform the required duties of the Tribal Councilor in question regardless of the length of the absence.

(Source: WOS 2012-018, October 7, 2012, Section III)

6.4503 SCOPE

This Statute shall apply whenever a vacancy of an Officer position of Tribal Council occurs.

(Source: WOS 2012-018, October 7, 2012, Section III)

6.4504 EMERGENCY AND TEMPORARY VACANCIES OF LEGISLATIVE LEADER

If the Legislative Leader is vacant from his or her position because of an emergency vacancy or a temporary vacancy or the position is temporarily vacant the following shall apply:

- A.** The Secretary shall assume the responsibilities of the Legislative Leader until there is no longer a vacancy, not to exceed thirty (30) days.
- B.** If there is a vacancy of the Secretary, the Treasurer shall assume the responsibilities of the Legislative leader until there is no longer a vacancy, not to exceed thirty (30) days.

(Source: WOS 2014-002, February 19, 2014, Section IV)

6.4505 PERMANENT VACANCY OF OFFICERS

- A.** If a permanent vacancy occurs there shall be a motion by Tribal Council to declare an Officer position vacant.

- B.** Upon declaration by Tribal Council of a vacancy, the following shall apply:
 - 1.** The Tribal Council shall appoint a Tribal member who meets all of the qualifications set forth in the Constitution, Article VII (H).

 - 2.** Article VII (H) states the required qualifications to serve as a Tribal Councilor:
 - a.** *Members of the Tribal Council shall be Little Traverse Bay Bands of Odawa Indians members at least eighteen (18) years of age.*

 - b.** *No person shall be sworn 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).*

 - c.** *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.*

(Source: WOS 2012-018, October 7, 2012, Section V)

6.4506 VOTE OF NO CONFIDENCE OF OFFICERS

- A.** A vote of no confidence can be taken when an Officer of Tribal Council has acted or has failed to act in such a way that has caused an extreme hindrance in conducting Tribal Council's regular business.

- B.** Such a vote requires a unanimous vote of eligible Tribal Councilors.

- C.** The Officer of Tribal Council, of whose actions are in question, shall not be eligible for voting on his or her own no confidence action.

(Source: WOS 2012-018, October 7, 2012, Section VI)

6.4507 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 2012-018, October 7, 2012, Section VII)

6.4508 OTHER RELATED STATUTES

See Waganakising Odawak Statute 2012-017, Tribal Secretary Responsibilities and Waganakising Odawak Statute # 2012-019 Amendment to Waganakising Odawak Statute 2005-014 Tribal Treasurer Responsibilities.

(Source: WOS 2014-002, February 19, 2014, Section IX (VIII))

6.4509 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.

(Source: WOS 2014-002, February 19, 2014, Section IV (IX))