

## Chapter 16. Odawa Aviation Corporation

### 7.1601 PURPOSE AND TITLE

**A. Purpose.** The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises powers of self-government over its Citizens and territory. In accordance with Article VII (D) (4), the purpose of this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter of incorporation for economic purpose, to provide for the management of the non-gaming, economic affairs and to delegate such management to a Tribally chartered corporation in accordance with Article VII (D) (24) and regulate such tribally chartered corporation activities in accordance with Article VII (D) (4).

**B. Short Title.** This Statute shall be known and cited as the “Odawa Aviation Corporation Statute.”

(Source: WOS 2018-017, October 2, 2018, by Veto Override, Section I)

### 7.1602 DEFINITIONS

**A.** “*Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians*” means “*areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.*” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

**B.** “*Tribe*” or “*LTBB*” means the Little Traverse Bay Bands of Odawa Indians.

**C.** “*Tribal Constitution*” means the Little Traverse Bay Bands of Odawa Indians Constitution as adopted by its membership on February 1, 2005.

**D.** “*Tribal Council*” means the elected body of nine (9) Tribal members of Little Traverse Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII. “Tribal Council”.

(Source: WOS 2018-017, October 2, 2018, by Veto Override, Section II)

### **7.1603 CREATION OF THE ODAWA AVIATION CORPORATE CHARTER**

**A.** A tribally chartered corporation is authorized by this Statute and shall be named the “Odawa Aviation, Inc.” The organization is recognized by the approval of the tribal corporation charter; “Odawa Aviation, Inc.” by Tribal Council.

**B.** The tribally chartered corporation, Aviation Inc., shall be managed by a board of three (3) to five (5) members selected and appointed by majority vote of Tribal Council.

(Source: WOS 2018-017, October 2, 2018, by Veto Override, Section III)

### **7.1604 SCOPE OF ACTIVITIES**

**A.** The Odawa Aviation, Inc. is created as a tribally chartered corporation that creates jobs in the area of economic development and general business.

**B.** The Odawa Aviation, Inc. is authorized to create operating subsidiaries in accordance with tribal law, provided that they have prior approval by Tribal Council.

**C.** The Corporation will provide Tribal Council an annual report and audited financial statements.

**D.** The Corporation will submit an annual development plan to the Tribal Council for approval.

(Source: WOS 2018-017, October 2, 2018, by Veto Override, Section IV)

### **7.1605 MANAGEMENT; STRUCTURE AND FUNCTION**

**A.** The Odawa Aviation, Inc. shall have sole authority and responsibility for managing the Odawa Aviation, Inc. and related Aviation projects, in accordance with the policies, Statutes, Resolutions, regulations as approved by Tribal Council.

**B.** The Odawa Aviation, Inc. shall abide by all tribal and federal laws and regulations as may be applicable.

C. It is the duty of the Odawa Aviation, Inc. to protect assets of the Tribe and generate revenues and jobs.

(Source: WOS 2018-017, October 2, 2018, by Veto Override, Section V)

#### **7.1606 REPORTING TO TRIBAL COUNCIL**

In order to regulate, the Odawa Aviation, Inc. shall provide to Tribal Council a monthly report for the Corporation and all subsidiaries; and shall report quarterly at the regularly scheduled Tribal Council Meetings or such special meetings as requested by the Tribal Council, or as requested the following:

- A. Annual operating plan;
- B. Financial performance measures;
- C. Audits, whether internal or external;
- D. Financial records or statements;
- E. Tribal Council may request reports regarding all aspects of the Odawa Aviation, Inc.;
- F. Monthly profit and loss statement of all non-gaming enterprises, joint ventures and investments.

(Source: WOS 2018-017, October 2, 2018, by Veto Override, Section VI)

#### **7.1607 FINANCING OF THE ODAWA AVIATION, INC. AND ACTIVITIES**

- A. The annual budget for the Odawa Aviation, Inc. shall be approved by Tribal Council in accordance with an approval process as designated by the Tribal Council.
- B. Tribal Council approval is required for borrowing of funds. The Odawa Aviation, Inc. is not authorized to enter into financing approval without prior ratification by the Tribal Council.

(Source: WOS 2018-017, October 2, 2018, by Veto Override, Section VII)

### **7.1608 SAVING CLAUSE**

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances or statutes 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 2018-017, October 2, 2018, by Veto Override, Section VIII)

### **7.1609 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 2018-017, October 2, 2018, by Veto Override, Section IX)