

Chapter 8. Odawa Economic Development Management

7.801 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 “Economic Management Statute.”

(Source: WOS 2009-24, July 26, 2009, Section I)

7.802 DEFINITIONS

A. “*Gaming Commercial Enterprises*” means the Odawa Casino Resort and ancillary enterprises and activities, including the Odawa Casino Resort, related hotel and restaurant services, of the Tribe located in Petoskey, Michigan, wherein the Tribe operates Class II and Class III gaming to generate governmental revenue for the Tribe pursuant to the Indian Gaming Regulatory Act.

B. “*Non-gaming Economic Affairs*” means economic development enterprises and activities not related to the gaming commercial enterprises.

C. “*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).

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

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

F. “*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 2009-24, July 26, 2009, Section II)

7.803 CREATION OF THE ODAWA ENTERPRISE MANAGEMENT, INC. CORPORATE CHARTER

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

(Source: WOS 2009-24, July 26, 2009, Section III)

7.804 SCOPE OF ACTIVITIES

A. The Odawa Economic Development Management, Inc. is authorized to conduct enterprise activities at the following locations:

1. Commercial site located at 1966 US 131 South, Petoskey, Michigan.
2. Commercial site located at 1020 S Nicolet St, Mackinaw City, Michigan
3. Other such properties, enterprises or activities as designated and approved by Tribal Council.

B. The Odawa Economic Development Management, Inc. shall be assigned those assets as existed and are currently within the designated commercial sites including real property, tangible and intangible properties. Such assets shall be held by the Odawa Economic Development Management, Inc. on behalf of the Tribe and shall be managed to provide long term revenue for Tribal governmental programs and activities. The assets assigned in this Statute shall be independently managed by the Odawa Economic Development Management, Inc.

(Source: WOS 2009-24, July 26, 2009, Section IV)

7.805 MANAGEMENT; STRUCTURE AND FUNCTION

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

B. The Odawa Economic Development Management, Inc. shall abide by all tribal and federal laws and regulations as may be applicable.

C. It is the duty of the Odawa Economic Development Management, Inc. to monitor activities and operations to provide guidance to the management of the operations.

D. It is the duty of the Odawa Economic Development Management, Inc. to protect assets of the Tribe and generate revenues to support Tribal Governmental Services and Programs.

(Source: WOS 2009-24, July 26, 2009, Section V)

7.806 REPORTING TO TRIBAL COUNCIL

In order to regulate, the Odawa Economic Development Management, Inc. shall report to the Tribal Council on the following information regarding the Odawa Economic Development Management, Inc. and at the regularly scheduled Tribal Council Meetings or such special meetings as requested by the Tribal Council, at least quarterly or as requested:

- 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 Economic Development Management, Inc.

(Source: WOS 2009-24, July 26, 2009, Section VI)

7.807 FINANCING OF THE ODAWA ECONOMIC DEVELOPMENT MANAGEMENT, INC. AND ACTIVITIES

- A.** The annual budget for the Odawa Economic Development Management, 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 Economic Development Management, Inc. is not authorized to enter into financing approval without prior ratification by the Tribal Council.

(Source: WOS 2009-24, July 26, 2009, Section VII)

7.808 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 2009-24, July 26, 2009, Section VIII)

7.809 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 2009-24, July 26, 2009, Section IX)