

WAGANAKISING ODAWAK STATUTE # 2023- 006
EXECUTIVE COMMISSIONS, BOARDS AND COMMITTEES

SECTION I. PURPOSE

The purpose of this statute is to set forth general provisions applicable to Commissions, Boards and Committees within the Executive branch of the Little Traverse Bay Bands of Odawa Indians. These provisions do not apply to Commissions, Boards or Committees within the Legislative or Judicial branches of government, the Election Board, the Office of the Tribal Prosecutor, or Tribally chartered corporations. This statute repeals and replaces Waganakising Odawak Statute 2006-007.

SECTION II. RELATIONSHIP TO OTHER STATUTES

If the terms of this statute conflict with those of a statute establishing a specific Executive Commission or Board, the terms of the specific statute or resolution shall control.

SECTION III. DEFINITIONS

As used hereafter in this statute:

- A. “Commission” means a permanent commission or board within the Executive Branch of LTBB that is established by statute.
- B. “Committee” means a temporary committee within the Executive Branch of LTBB that is established by resolution for a limited time period and purpose.
- C. “Executive” means the Tribal Chairperson and the Vice-Chairperson of LTBB.
- D. “Immediate Family” means a person who is related to a Tribal Citizen by one of the following relationships: wife, husband, son, daughter, mother, father, brother, sister, step-mother, step-father, step-brother, step-sister, father-in-law, mother-in-law, child, step-child, grandmother, grandfather, brother-in-law and sister-in-law.
- E. “LTBB” or “Tribe” means the Little Traverse Bay Bands of Odawa Indians.
- F. “Public” means Tribal Citizens of LTBB and their Immediate Family.

SECTION IV. ESTABLISHMENT, DURATION AND AUTHORITY OF COMMISSIONS AND COMMITTEES

- A. Commissions shall be established by statute and are perpetual.
- B. Committees shall be established by resolution and shall expire 2 years from the date the authorizing resolution is enacted unless the resolution expressly provides otherwise.
- C. The authority of Commissions and Committees shall be strictly limited to the performance of duties prescribed by the statute or resolution establishing them.

SECTION V. ELIGIBILITY CRITERIA

A. Commissions

1. Only Tribal Citizens of LTBB shall serve on Commissions.
2. A Tribal Citizen shall serve on a maximum of two Commissions simultaneously.
3. Two or more members of the same immediate family shall not serve on the same Commission at the same time.
4. A Tribal Citizen shall not serve as Commission Chairperson if the Commission's work pertains to a specific Executive department and the director or assistant director of the department is an immediate family member of the Tribal Citizen.
5. Tribal government employees may serve on Commissions and receive a stipend if a Commission is not directly related to their employment, does not interfere with their work, and does not meet during scheduled work hours. With the consent of the Executive, a Tribal government employee may use PTO (paid time off) or flextime to avoid Commission-related conflicts with their employment duties.

B. Committees

1. Any person with relevant subject matter expertise may serve on a Committee.
2. The eligibility criteria for Commission members in Section VI(A)(3-5) shall also apply to Committee members.

SECTION VI. COMMISSION AND COMMITTEE APPOINTMENTS

- A. The Executive shall submit nominations to Tribal Council to fill Commission/Committee appointments within a reasonable period of time after the establishment of a Commission/Committee or a vacancy in a Commissioner/Committee seat. Acting Commission/Committee chairpersons shall give the Executive timely notice of any vacant seat.
- B. All appointed Commission/Committee members shall take an oath of office administered by the Tribal Court prior to beginning their term of service.

SECTION VII. TERMS OF MEMBERS

- A. The terms of Commission members shall begin and end on September 21 of the years corresponding with their appointment. Commission members may serve beyond the expiration of their term until they are reappointed and sworn in or a successor is appointed and sworn in.
- B. Committee members shall serve until a Committee expires unless the resolution establishing the Committee provides otherwise.
- C. All Commission and Committee members shall complete their terms unless they voluntarily resign or are removed earlier.

SECTION VIII. NUMBER OF MEMBERS

- A. Commissions shall be composed of at least three, but not more than five, members.
- B. Committees shall be composed of at least three members.

SECTION IX. QUORUM REQUIREMENTS

- A. No Commission or Committee meetings shall be called to order without a quorum present, and no official business may be conducted absent a quorum.
- B. A quorum shall consist of a simple majority of the total number of membership positions on the Commission or Committee, regardless of any vacancies. Thus, one member shall never

constitute a quorum; two members shall constitute a quorum only where a Commission or Committee has three membership positions; and three members shall be necessary to form a quorum on Commissions or Committees with five membership positions.

SECTION X. FREQUENCY OF MEETINGS

- A.** Commissions shall meet no more than twice monthly.
- B.** Committees shall meet as prescribed by the resolution establishing them.
- C.** The Executive may direct a Commission or Committee to increase the frequency of meetings when necessary to further the purposes of the Commission or Committee.
- D.** If vital interests of LTBB require immediate action prior to a regular or special meeting, such action may be taken by phone poll or teleconference call for the limited purpose of addressing a matter necessary to preserve or promote essential interests of the Tribe.

SECTION XI. OPEN MEETINGS

- A.** Commissions and Committees shall provide public notice of their meetings as prescribed by applicable law and policy of LTBB.
- B.** Commission and Committee meetings shall be open to all Tribal Citizens, their Immediate Family and LTBB governmental employees except phone conferences and closed sessions.
- C.** Public comments shall be solicited at all Commission and Committee meetings. A reasonable amount of time for public comments shall be afforded.
- D.** Minutes shall be taken at all Commission and Committee meetings and, following Commission/Committee approval, promptly sent to the Executive for posting on LTBB's website. Minutes taken during closed session shall be redacted.

SECTION XII. REPORTS AND RECORDS

A. Commissions and Committees shall submit a report to the Executive on at least a quarterly basis.

B. Commission and Committee records shall be available to Tribal Citizens consistent with LTBB's Public Documents Statute, Title VI, Chapter 19.

SECTION XIII. CLOSED SESSIONS

A. Commissions and Committees may enter into closed session to protect the interests of LTBB and fulfill their responsibilities to Tribal Citizens.

B. Commissions and Committees shall not discuss anything in closed session beyond the scope of the matters for which the closed session is called. Closed session shall be limited to matters concerning:

1. Child welfare;
2. Personnel under the authority of the Commission/Committee;
3. Litigation or legal issues directly related to the Commission/Committee; or
4. Other subjects that raise significant privacy or confidentiality concerns.

C. Commissions and Committees shall return to open session immediately upon completion of the closed-session discussions. Any action considered in closed session that can be taken in open session without harming Tribal interests shall be taken after the Commission/Committee returns to open session.

SECTION XIV. STIPENDS AND TRAVEL REIMBURSEMENT

A. Commission/Committee members may receive a stipend for attending required meetings subject to the availability of funds and the Commission's/Committee's compliance with applicable rules of procedure.

B. Commission/Committee members who attend a required meeting; any conference, training, meeting or hearing directly related to their duties; or any event where their attendance is required may be compensated for their reasonable costs of travel in accordance with the Tribal

Government Travel Policy for attendance so long as there are funds available in the Commission's/Committee's budget.

SECTION XV. CONFLICT OF INTEREST

No Commission or Committee member shall participate in making any decision that involves a personal or financial interest including that of a member of his or her immediate family unless such interest is held in common with the Tribe and its Citizens.

SECTION XVI. RULES OF PROCEDURE

The Executive shall promulgate regulations establishing rules of procedure applicable to all Commissions and Committees and otherwise implementing this statute.

SECTION XVII. APPLICATION OF INDIAN CIVIL RIGHTS ACT OF 1968

Commissions shall comply with the provisions of the Indian Civil Rights Act of 1968, 25 U.S.C. §§ 1301-1303.

SECTION XVIII. SAVINGS 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 or laws of LTBB, 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.

SECTION XIX. EFFECTIVE DATE

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

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on August 24, 2023 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 3 absent as recorded by this roll call:

| | In Favor | Opposed | Abstained | Absent |
|--------------------|----------|---------|-----------|--------|
| Fred Kiogima | _____ | _____ | _____ | X |
| Tamara Munson | X | _____ | _____ | _____ |
| William Ortiz | _____ | _____ | _____ | X |
| Aaron Otto | X | _____ | _____ | _____ |
| Melissa Pamp | _____ | _____ | _____ | X |
| Jordan Shananaquet | X | _____ | _____ | _____ |
| Leroy Shomin | X | _____ | _____ | _____ |
| Emily Proctor | X | _____ | _____ | _____ |
| Marcella Reyes | X | _____ | _____ | _____ |

Date: 08/25/2023

Marcella R. Reyes
Marcella Reyes, Legislative Leader

Date: 08/25/2023

Emily Proctor
Emily Proctor, Tribal Council Secretary

Received by the Executive Office on 8-25-2023 by Sakota Wortington

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 9-18-2023

Regina Gasco Bentley
Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 09.20.2023

by Jude Roke

