

1 **F.** “Legislative Directive” means a directive issued by the Tribal Council that establishes
2 basic internal rules of procedure, or guidelines for Tribal Council or Legislative employees and
3 does not impact Tribal Citizens or entities out-side of the Legislative Branch.
4

5 **G.** “Tribal Regulations” means regulations that implement a statute
6

7 **H.** “Tribal Code of Regulations” means the codification of the approved Tribal Regulations.
8

9 **I.** “Tribe” means the Little Traverse Bay Bands of Odawa Indians.
10

11
12 **SECTION III. TRIBAL REGULATIONS**
13

14 **A.** Regulations required by law shall be called Tribal Regulations.
15

16 **B.** The Tribal Executive shall develop Tribal Regulations to implement statutes that require
17 regulations.
18

19 **C.** Tribal Regulations shall be developed within 120 days of enactment of a law.
20

21 **D.** Tribal Regulations shall be forwarded to the Tribal Council for approval.
22

23 **E.** The Tribal Executive shall ensure that the benefits provided Tribal Citizens are carried
24 out even if Tribal Regulations have not been developed or approved.
25

26
27 **SECTION IV. REQUIREMENTS OF TRIBAL REGULATIONS**
28

29 **A.** The Executive may develop Regulations for such Statutes that the Executive deems
30 necessary for the implementation of the intent of the Statute and shall forward such Regulations
31 to the Tribal Council in accordance with this Statute. Such Statutes that mandate regulations, the
32 Executive shall draft and submit Regulations to the Tribal Council in accordance with this

1 Statute.

2

3 **B.** Tribal Regulations shall reflect the intent of the law. Tribal Regulations shall be written
4 in a manner that protects the best interests of the Tribal Citizens.

5

6 **C.** Tribal Citizens shall be provided an opportunity to comment on proposed regulations
7 prior to approval by the Tribal Council.

8

9 **D.** Tribal Regulations shall clearly identify for whom they are intended to apply.

10

11 **E.** Tribal Regulations shall be written in language that is clear and easily understood by the
12 individuals or agencies under the jurisdiction of the regulation.

13

14 **F.** Tribal Regulations shall be forwarded to Tribal Council for approval, in accordance with
15 the Tribal Constitution, Article VII (D) (2).

16

17 **1.** Tribal Regulations shall be considered approved unless disapproved by Tribal
18 Council within thirty (30) days of submission by the Executive.

19

20 **2.** Disapproved Regulations shall be sent to the Executive with an explanation of
21 why they were disapproved.

22

23

24 **SECTION V. ADMINISTRATIVE PROCEDURES**

25

26 **A.** Procedures required by law or regulation shall be called Administrative Procedures.

27

28 **B.** The Tribal Executive shall develop Administrative Procedures to implement statutes and
29 regulations that require procedures.

30

31 **C.** Administrative Procedures shall be developed within 120 days of enactment.

32

1 **D.** Administrative Procedures required by a statute shall be forwarded to the Tribal Council
2 for approval.

3
4 **E.** The Tribal Executive shall ensure that the benefits provided Tribal Citizens are carried
5 out even if Administrative Procedures have not been developed or approved.

6
7
8 **SECTION VI. REQUIREMENTS OF ADMINISTRATIVE PROCEDURES**

9
10 **A.** Administrative Procedures shall reflect the intent of the statute or regulation they are
11 intended to implement. Administrative Procedures shall be written in a manner that protects the
12 best interests of the Tribal Citizens.

13
14 **B.** Administrative Procedures shall clearly identify to whom they are intended to apply in
15 whole or in part.

16
17 **C.** Administrative Procedures shall be written in language that will be clear and easily
18 understood by the individuals or agencies under the jurisdiction of the regulation.

19
20 **D.** Administrative Procedures that require Tribal Council approval shall:

21
22 **1.** Be considered approved unless disapproved by Tribal Council within thirty (30)
23 days of submission by the Executive.

24
25 **2.** Disapproved Administrative Procedures shall be sent to the Executive with an
26 explanation of why they were disapproved.

27
28
29 **SECTION VII. DEPARTMENTAL PROCEDURES**

30
31 **A.** The Tribal Governmental offices, departments, and programs should develop
32 Departmental Procedures to implement statutes and regulations that do not have a statutory

1 requirement for procedures and when necessary to promote efficiency in their office.

2
3 **B.** Departmental Procedures are required to promote a fair and standard method of
4 implementing daily activities of Tribal Departments.

5
6 **C.** Departmental Procedures shall reflect the intent of the program, statute or regulation they
7 are intended to implement. Departmental Procedures shall be written in a manner that protects
8 the best interests of the Tribal Citizenship.

9
10 **D.** Departmental Procedures shall clearly identify to whom they are intended to apply in
11 whole or in part.

12
13 **E.** Departmental Procedures shall be written in language that is clear and easily understood
14 by the individuals or agencies under the jurisdiction of the regulation.

15
16
17 **SECTION VIII. EXECUTIVE MANDATES**

18
19 **A.** The Tribal Executive is hereby mandated to publish all documents authorized by this
20 statute on the Tribe's website. Additionally, any documents that required Tribal Council
21 approval shall be posted on the Tribe's website for seven (7) business days to provide a method
22 for Tribal Citizens to submit comments prior to approval by Tribal Council and the same shall be
23 published within seven (7) business days after approval on the Tribe's web-site.

24
25 **B.** The Tribal Executive is hereby mandated to develop a standardized numbering system for
26 Tribal Regulations to be adopted into a Tribal Code of Regulations, Administrative Procedures,
27 and Departmental Procedures and establish a method of periodic review of approved regulations
28 and procedures.

29
30 **C.** Tribal Regulations and Administrative Procedures may be presented for approval at the
31 same time as their authorizing Statute.

1 **D.** The Tribal Executive Branch is hereby mandated to enforce all approved Tribal
2 Regulations and to implement all required Administrative Procedures.

3
4
5 **SECTION IX. EXECUTIVE DIRECTIVES AUTHORIZED**

6
7 The Executive is hereby authorized to use Executive Directives necessary for operation of the
8 Executive branch. Directives do not carry the force of law and must be published on the Tribe's
9 website in order for such Directive to be executed and carry authority.

10
11 **SECTION X. TRIBAL COUNCIL DIRECTIVES AUTHORIZED**

12
13 The Tribal Council is hereby authorized to use Tribal Council Directives deemed necessary for
14 operation of the Legislative Branch. Directive shall be approved by Tribal Council motion.
15 Directives do not carry the force of law and must be published on the Tribe's website in order for
16 such Directive to be executed and carry authority.

17
18
19 **SECTION XI. TRIBAL LAW**

20
21 **A.** In accordance with the Tribal Constitution, Tribal Council passes laws. Laws shall be in
22 the form of either a Resolution or Statute; or an amendment of the same.

23
24 **B.** Laws that are passed by Tribal Council shall be submitted to the Executive.

25
26 **C.** Laws shall be deemed enacted if not expressly vetoed by the Executive within thirty (30)
27 days of submission. The Tribal Council may, by an affirmative vote of seven (7) members of the
28 Tribal Council, override a veto by the Executive.

29
30 **D.** Tribal Council will exercise the following Constitutional powers by passing laws:

31
32 **1.** To exercise Tribal jurisdiction, including civil and criminal authority and

1 the regulation of commerce.

2
3 **2.** To exercise the jurisdiction of the Little Traverse Bay Bands of Odawa
4 Indians over Indian Child Welfare matters and all other domestic relations
5 matters.

6
7 **3.** To govern the issuance of the Little Traverse Bay Bands of Odawa Indians
8 charters of incorporation for economic or other purposes, and to regulate the
9 activities of these corporations;

10
11 **4.** To exclude person(s) or other parties from Tribal lands;

12
13 **5.** To govern the encumbrance of Tribal lands or other intangible assets, and
14 the encumbrance and disposition of non-real estate tangible assets;

15
16 **6.** To manage any and all economic affairs and enterprises of the Little
17 Traverse Bay Bands of Odawa Indians that will further the economic
18 development of the Tribe or its members.

19
20 **7.** To set the qualifications for appointees to committees, commissions, and
21 boards.

22
23 **8.** To appropriate funds and enact a budget formulation process.

24
25 **9.** To levy taxes and govern the collection of taxes and license fees.

26
27 **10.** Enact laws regarding Membership and implementation of Membership
28 provisions.

29
30 **11.** Enact compensations statutes for Tribal Council, Tribal Chair and Vice
31 Chair, Judges and Appellate Judges, Election Board Members and Prosecutor and
32 Assistant Prosecutors.

1
2 **12.** Enact laws regarding Open Meetings.
3

4 **13.** Enact laws for protecting the Office of the Prosecutor from inappropriate
5 influence
6

7 **14.** Enact a law regarding removal of elected or appointed officials not listed
8 in the Constitution for neglect of duties or intentional wrongdoing.
9

10 **15.** Enact a law requiring financial disclosure statements of candidates, and
11 elected and appointed governmental officials.
12

13 **16.** Enact a law for official Tribal position in support or opposition to an issue
14 or matter.
15

16 **17.** Any other duties that are required by the Constitution to be exercised
17 through the use of laws.
18

19 **E.** Resolutions shall be certified by the Legislative Leader and Tribal Council Secretary that
20 indicates that Resolution was passed at a meeting of Tribal Council where a quorum was present.
21

22 **F.** Resolutions that are submitted by the Executive shall take immediate effect upon
23 approval of Tribal Council.
24

25 **G.** Laws that are enacted shall be codified into the Waganakising Odawa Code of Law,
26 unless the Resolution has a limited effective date of less than one year such as Appropriations for
27 a current fiscal year.
28

29 **H.** All laws, whether or not codified, shall be posted to the Tribal website.
30
31

32 **SECTION XII. TRIBAL MOTION and CERTIFICATION**
33

- 1 **A.** In accordance with the Tribal Constitution, Tribal Council shall transact official business
2 by voting only at a meeting where a quorum of five Tribal Council members is present.
3
- 4 **B.** Tribal Council shall transact its official business through the use of voting on Motions.
5
- 6 **C.** Motions shall be made at a Regular, Special or Emergency Meetings, unless otherwise
7 indicated by the Tribal Constitution.
8
- 9 **D.** Votes on Motions must be in person and proxy votes are not allowed unless otherwise
10 indicated by the Constitution.
11
- 12 **E.** All Motions shall be reflected in the minutes indicating the person who made the motion,
13 the person who seconded the motion and the result of the vote.
14
- 15 **F.** Only Motions that have a majority vote of the eligible voting Tribal Council members
16 shall be considered the official action of the Tribal Council.
17
- 18 **G.** Tribal Council will exercise its official powers through the use of Motions, including but
19 not limited to the following:
20
- 21 **1.** To approval or disapproval of policies, resolutions and regulations presented from
22 the Executive branch.
23
 - 24 **2.** To purchase, receive by gift, or otherwise acquiring of land, interests in land,
25 personal property or other intangible assets.
26
 - 27 **3.** To request for lands be placed in trust with the United States.
28
 - 29 **4.** To approval of land use plans and zoning of lands.
30
 - 31 **5.** To approval of leases for Tribally owned land and lands held in trust.
32

- 1 **6.** To approval of all sales, or dispositions of Tribal lands.
- 2
- 3 **7.** To employ or legal counsel.
- 4
- 5 **8.** To approval of the filing of lawsuits in the name of the Tribe as proposed by the
- 6 Executive, provided; the Tribal Council may approve the filing of a lawsuit in the name
- 7 of the Tribal without Executive concurrence by an affirmative vote of six (6) members of
- 8 the Tribal Council.
- 9
- 10 **9.** To establish committees, commissions, and boards, and approve appointments as
- 11 presented by the Executive.
- 12
- 13 **10.** To establish and maintain government offices for the Little Traverse Bay Bands
- 14 of Odawa Indians.
- 15
- 16 **11.** To raise revenue.
- 17
- 18 **12.** To develop policies for receiving any grants, donations, or other funding from any
- 19 person, corporation, municipality, government, or entity.
- 20
- 21 **13.** To establish such lower courts as may be deemed necessary upon request from the
- 22 Judiciary.
- 23
- 24 **14.** To approve the creation or dissolution of Executive divisions or departments to
- 25 promote and protect the peace, health, safety, education, and general welfare, including
- 26 but not limited to cultural and natural resources.
- 27
- 28 **15.** To approve negotiations with any other governments, businesses or individuals.
- 29
- 30 **16.** To adopt rules of conduct to govern all levels of Tribal government.
- 31
- 32 **17.** To establish and procedures to provide access for review by any Tribal member or

1 his/her authorized representative, who is a Tribal member, of the records of the Little
2 Traverse Bay Bands of Odawa Indians.

3
4 **H.** Motions may be certified by the Legislative Leader and Tribal Council Secretary that
5 indicates that the Motion was passed at a meeting of Tribal Council where a quorum was present.
6

7
8 **SECTION XIII. TRIBAL COUNCILOR TRIBUTES AND DECLARATIONS**
9

10 **A.** A Special Tribute is a document that acknowledges or recognizes a person(s) or
11 organization with gratitude, respect or admiration for an action or accomplishment. One or more
12 Tribal Councilors may sign onto a Special Tribute as individual Councilors. A Special Tribute
13 shall not obligate or commit the Tribal Council in any manner. Special Tributes do not require
14 formal action by the Tribal Council.
15

16 **B.** A Declaration is a formal written public statement in support or opposition of an issue or
17 matter. Declarations shall be approved by Tribal Council motion.
18

19 **C.** Copies of all Special Tributes and Declarations shall be submitted to the Legislative
20 Office for record keeping purposes and shall be posted to the Tribal website.
21

22
23 **SECTION XIV. DELEGATION OF POWERS**
24

25 Tribal Council retains those powers that are not expressly delegated.
26

27
28 **SECTION XV. ELECTRONIC FILING**
29

30 All documents may be filed electronically to an electronic address as designated by the
31 Governmental Branch. If appropriate, hard copies of the documents may be filed with the
32 designated office on the next available business day.

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SECTION XVI. 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.

SECTION XVII. EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION