

1 **Waganakising Odawak Statute _____**

2 **Open Meetings of the Tribal Council**

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4 **SECTION I. PURPOSE**

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6 The purpose of this Statute is to mandate that all Regular, Special and Emergency
7 meetings of the Little Traverse Bay Bands of Odawa Indians Tribal Council with the
8 exception of phone conference calls and closed sessions be open to Tribal Members
9 pursuant to Constitutional Article VII J (8) and provide a reasonable opportunity for
10 Tribal Citizens to be heard.

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13 **SECTION II. REPEAL**

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15 This Statute repeals and replaces Waganakising Odawak Statute 2000-014 *Open*
16 *Meetings*.

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19 **SECTION III. DEFINITIONS**

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21 A. "Immediate Family" or "Family member" means a person who is related to a
22 Tribal Citizen by one of the following relationships: wife, husband, son, daughter,
23 mother, father, brother, sister, step-mother, step-father, step-brother, step-sister, father-in-
24 law, mother-in-law, child, step-child, grandmother, grandfather, brother-in-law and sister-
25 in-law.

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27 B. "Official Act" means to take action to approve or disapprove.

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29 C. "Public" means the Tribal Citizens of Little Traverse Bay Bands of Odawa
30 Indians.

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32 D. "Tribal Citizen" means an enrolled member of the Little Traverse Bay Bands of
33 Odawa Indians.

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35 E. "Tribe" shall mean the Little Traverse Bay Bands of Odawa Indians.
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SECTION IV. REGULAR, SPECIAL AND EMERGENCY MEETINGS

A. Regular Meetings: In accordance with the Constitution, Tribal Council shall hold at least one (1) regularly scheduled meeting each month, but may schedule additional meetings as needed.

B. Special Meetings: Tribal Council may between regularly scheduled meetings hold a special meeting.

C. With the exception of emergency action described in subsection (D), all official action must take place at regular and special meetings properly called.

D. Emergency Meeting: In situations where vital interests of the Tribe require immediate emergency action prior to a regular or special meeting, Tribal Council may hold an emergency meeting or a may conduct a phone poll or teleconference call for the limited purpose of addressing a matter for which the Tribe will suffer severe damage.

SECTION V. OPEN MEETINGS

A. Pursuant to constitutional Article VII, J (8), all meetings of Tribal Council except phone conferences and closed sessions are open to all Tribal Citizens. The Tribal Council may by motion exclude non-Tribal members from all or part of a meeting.

B. All others who request attendance at any Tribal Council meeting must contact the Legislative Office or a Tribal Councilor who shall in writing including signature and date forward such request to all of the Tribal Council members. Tribal Council may by a majority vote motion allow a non-Tribal Citizen to attend the Tribal Council meeting as requested.

C. Immediate Family members of a Tribal Citizen may attend Tribal Council meetings as defined within this Statute.

SECTION VI. CITIZEN COMMENT PERIOD and DISCUSSION

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A. There shall be at least one (1) comment periods set aside for Tribal Citizens or family members of Tribal Citizens to provide comments to the Tribal Council during regularly scheduled meetings.

1. Such comments shall be limited to three (3) minutes per person. If necessary, an additional three (3) minutes may be granted subject to the approval of the Tribal Council Legislative Leader.

2. All speakers shall give their name and Tribal enrollment number or their family relationship to Tribal Citizen.

3. Written Citizen's comments will be accepted and must be signed and dated. Any written comments received will be available for review within the Legislative Office in accordance with any laws regarding such documents.

4. Tribal Citizens or family relatives of a Tribal Citizen shall only speak during Tribal Citizen Comment Period. Comments made by Tribal Citizens during the meeting, other than during Tribal Citizen Comment Period, have the potential to interfere with the conduct of business and can give rise to an unfair or unequal exchange of information.

B. There shall be a Tribal Citizen Discussion Period at the end of each Tribal Council regularly scheduled meeting.

1. Such Discussion Periods shall be open to Tribal Citizens or their family members to ask questions of the Tribal Council or to bring forth a matter to be discussed with Tribal Council.

2. All speakers shall give their name and Tribal enrollment number or their family relationship to Tribal Citizen.

C. Neither the Comment Period nor the Discussion Period shall be used as a method for Tribal employees to circumvent appropriate chain of command as established by any LTBB Employee Handbook as may be amended or any other Tribal business employee handbook that outlines a chain of command process for complaints.

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D. Initiatives and referendums shall go through the proper legislative procedures.

E. Unruly behavior, abusive language, or any personal attacks will not be tolerated. If in the opinion of the Tribal Council Legislative Leader unacceptable behavior occurs, that person shall be asked to leave by the Tribal Council Legislative Leader.

F. Tribal Council will not accept comments nor discuss matters that are under investigation or are being adjudicated before an administrative or judicial tribunal.

G. Tribal Council will not accept comments nor discuss matters that relate to the following:

1. Personal information affecting an individual's privacy, including personnel matters or medical conditions or similar matters that constitute a clearly unwarranted invasion of personal privacy unless it pertains to the Tribal Citizens who is raising the matter.
2. Matters covered by attorney client privilege.
3. Matters considered confidential by other Statutes.
4. Matters regarding confidential business or legal matters of the Tribe or a Tribal Citizen.
5. Matters that could impair a criminal investigation.

SECTION VII. CLOSED SESSION

When necessary to protect the interests of the Tribe and fulfill its responsibilities to the Tribal Citizenship, Tribal Council may by motion and majority vote of a quorum, go into closed session during a regular, special or emergency meeting.

A. Tribal Council shall not discuss anything in closed session beyond the scope of the matters for which the close session was called. Closed session shall be limited to:

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1. Personnel under the authority of Tribal Council.
2. Litigation.
3. Confidential business matters.
4. Legal matters.
5. Other matters that raise significant privacy or confidentiality concerns.

B. Tribal Council shall return to open session immediately upon completion of the close session discussions. Any action considered in closed session that can be taken in open session without harming Tribal interests shall be taken after the Tribal Council returns to open session.

SECTION VIII. 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, laws or ordinances 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.

SECTION IX. 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.