

**WAGANAKISING ODAWAK STATUTE 2010-010**  
**OPEN MEETINGS OF THE TRIBAL COUNCIL**

**SECTION I. PURPOSE**

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

**SECTION II. REPEAL**

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

**SECTION III. DEFINITIONS**

A. "Immediate Family" or "Family member" 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.

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

C. "Public" means Little Traverse Bay Bands of Odawa Indians Tribal Citizens and their immediate family members.

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

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E. "Tribe" shall mean Little Traverse Bay Bands of Odawa Indians.

**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 when immediate official action of the Tribal Council is necessary to preserve or promote essential interests of the Tribe.

**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. By majority vote, the Tribal Council may exclude any one who is not within the definition of public from all or part of a meeting.

B. All others excluding official business of Tribal employees, and appointed officials who request attendance at any Tribal Council meeting must contact a Tribal Councilor who shall forward such request to all of the Tribal Council members.

**SECTION VI. PUBLIC COMMENT PERIOD**

The following rules shall apply to public comment:

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A. Tribal Council shall allow for at least one public comment period per regularly scheduled meeting. Tribal Council shall allow for a reasonable amount of time for comments from the public but may limit such time for comments as necessary to conduct business.

B. Only the individuals within the definition of public may provide comment during public comment period.

C. Tribal Council shall only accept verbal comments from individuals physically present for the public comment period.

D. Written public comments will be accepted by the Legislative Office. All comments must be in writing and shall be open to review within the Legislative Office in accordance with any laws regarding such documents.

E. The public comment period shall not 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.

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

G. Unruly behavior, abusive language, or any personal attacks will not be tolerated. If unacceptable behavior occurs, a person may be requested to leave by consensus of Tribal Council.

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

I. 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:

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 Open Meetings of the Tribal Council Statute

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.

**CERTIFICATION**

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on August 8, 2010 at which a quorum was present, by a vote of 8 in favor, 1 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Marvin Mulholland	<u>X</u>	_____	_____	_____
Belinda Bardwell	<u>X</u>	_____	_____	_____
Melvin L. Kiogima	<u>X</u>	_____	_____	_____
Gerald V. Chingwa	<u>X</u>	_____	_____	_____
Rita Shananaquet	<u>X</u>	_____	_____	_____
Aaron Otto	_____	<u>X</u>	_____	_____
John Bott	<u>X</u>	_____	_____	_____
Regina Gasco Bentley	<u>X</u>	_____	_____	_____
Julie Shananaquet	<u>X</u>	_____	_____	_____

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Julie A. Shananaquet, Legislative Leader

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Regina Gasco Bentley, Secretary

Received by the Executive Office on \_\_\_\_\_ by \_\_\_\_\_

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: \_\_\_\_\_  
 \_\_\_\_\_  
 Ken Harrington, Tribal Chairperson