

**WAGANAKISING ODAWAK RULE
CONSTITUTIONALLY MANDATED RULES and PROCEDURES
DISCLOSURE OF PUBLIC DOCUMENTS**

SECTION I. PURPOSE

These Rules are to establish the rules and procedures to provide access for review by any Tribal Citizen of the records of Little Traverse Bay Bands of Odawa Indians as mandated by the Tribal Constitution, Article VII D (7).

SECTION II. DEFINITIONS

- A. “*Appropriate Authority*” means the person who possesses the authority to make the decision within the government branch or division, department, agencies, entity, enterprise or office.
- B. “*Public Documents*” means all written or electronic documents unless exempt by applicable law.
- C. “*Tribe*” means the Little Traverse Bay Bands of Odawa Indians.

SECTION III. CONSTITUTIONAL AUTHORITY

According to the Tribal Constitution, Article VII D (7):

The Tribal Council shall have the power to:

Shall establish rules and procedures to provide access for review by any Tribal member or his/her authorized representative, who is a Tribal member, of the records of the Little Traverse Bay Bands of Odawa Indians. Such review shall be conducted during normal office hours, in accordance with the rules and procedures established by the Tribal Council, and not inconsistent with any other provision of this Constitution. All Tribal records are subject to this review by the membership unless specifically excluded by this Constitution or applicable law.

SECTION IV. ACCESS FOR REVIEW

- A. The authorized authorities within the following governmental divisions shall make available for review all public documents, unless exempt by applicable law:
 - 1. Executive
 - 2. Legislative

3. Judiciary
4. Prosecutor
5. Election Board

B. Any request for review of documents must be made by a Tribal Citizen or an authorized representative. Such authorized representative must also be a Tribal Citizen and have a signed notarized statement of authority.

SECTION V. PROCEDURES FOR REVIEW

A. Request for review may be made in person or by a written request. If the request is made in person the appropriate authority may request proof of Tribal Citizenship. All written request must be accompanied by a copy of the requesting Tribal Citizen's Tribal Identification card.

B. Each request must be specific in nature as to what documents are being requested for review.

C. Requests for review may be limited to normal office hours. Such office hours shall be posted by the appropriate authority.

D. Whenever possible the appropriate authority shall make the documents available immediately for review, or as soon as possible thereafter.

E. If copies are requested, the appropriate authority may charge a reasonable fee for cost of copies. Labor cost may be assessed if such requests are extensive. Such cost shall be determined and made known to the Tribal Citizen prior to the incurrence of cost.

SECTION VI. VIOLATIONS; HEARINGS; AND CONSEQUENCES

A. Any Tribal Citizen, who claims that an appropriate authority has violated the Rules and Procedures of Disclosure of Public Documents, shall submit a signed notarized written statement that shall include the following:

1. The date of the request for reviewing documents;
2. A statement of what specific documents were requested;
3. The name and response of the appropriate authority regarding the request;

4. A clear and concise statement of the alleged actions and facts;
- B. The complaint must be filed with the Legislative Office within 30 days of the alleged violation.
 - C. The Legislative Office upon receipt of a complaint shall forward it to the Tribal Council for a hearing.
 - D. The Tribal Council will make a determination if the record should or should not be disclosed and shall direct the appropriate authority on the same.
 - E. If the Tribal Council finds that the authorized authority blatantly disregarded these Rules and Procedures, Tribal Council retains the authority to recommend discipline to the appropriate authorities for violations of these Rules and Procedures.

SECTION VII.SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of these Rules and Procedures is found by a court of competent jurisdiction to violate the Constitution, laws 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 these Rules and Procedures, the entirety of the balance of these Rule and Procedures remain in full and binding force and effect.

SECTION VIII. EFFECTIVE DATE

Effective upon the enactment of Waganakising Odawak Statute for the Non-Disclosure of Public Documents.