

WAGANAKISING ODAWAK STATUTE 2008-002
LAND AND RESERVATION

SECTION I: SHORT TITLE, PURPOSE AND DEFINITIONS

A. Short Title

This statute shall be entitled “The Land and Reservation.”

B. Purpose

The Land and Reservation Statute shall provide a process on how recommendation regarding land and reservation are ascertained, shall establish a Standing Committee of the Tribal Council with powers and authority, shall provide for the ability of the Committee to interact with the Judiciary and Executive on matters relating to land and reservation and shall define such powers and duties not explicitly enumerated in the LTBB Constitution related to land and reservation.

C. Definitions

As used in this Statute:

1. “Committee” shall mean “Tribal Council Land and Reservation Standing Committee”.
2. “LTBB” mean the Little Traverse Bay Bands of Odawa Indians or the Waganakising Odawa.
3. “Reservation” in accordance with Little Traverse Bay Bands of Odawa Indians Constitution, Article III, Section H, *means the lands within the boundaries of the reservations for the Little Traverse Bay Bands of Odawa Indians as set out in Art I, paragraphs third and fourth of the Treaty of 1855, 11 Stat. 621, plus any lands set out in Articles Second and Third of the Treaty of March 28, 1836, 7 Stat. 491, in the event that the 1836 reservation is determined to include lands which are not included within the*

1855 reservation, plus any lands outside of those boundaries which are now or in the future declared to be Little Traverse Bay Bands of Odawa Indians reservation by the U.S. Department of Interior.

SECTION II: DUTIES AND AUTHORITY OF THE TRIBAL COUNCIL

- A.** The Tribal Council has the following LTBB Constitutional powers regarding land and reservation:
- *Purchase, receive by gift, or otherwise acquire land, interests in land, personal property or other intangible assets which the Tribal Council may deem beneficial to the Little Traverse Bay Bands of Odawa Indians.*
 - *Request lands be placed in trust with the United States for the benefit of the Little Traverse Bay Bands of Odawa Indians when the Tribal Council deems this beneficial to the Tribe.*
 - *Approve land use plans and zoning of lands subject to the jurisdiction of the Little Traverse Bay Bands of Odawa Indians.*
 - *Approve leases for Tribally owned land and lands held in trust for the Little Traverse Bay Bands of Odawa Indians by the United States subject to the approval of the Secretary of the Interior if required by Federal law.*
 - *Approve all sales, or dispositions of Tribal lands, provided that such sale or disposition must also be approved by a majority vote by referendum, or by a quorum at an annual membership meeting.*
- B.** The Tribal Council shall create a standing committee of the Tribal Council to advise and make recommendations to the Tribal Council on matters related to above listed Constitutional land and reservation powers.
- C.** The Tribal Council may employ staff, legal counsel and/or consultants regarding the above listed Constitutional land and reservation powers.

SECTION III: CREATION OF THE COMMITTEE

- A. The Tribal Council hereby creates the Land and Reservation Standing Committee of the Tribal Council and its membership shall consist of three (3) Tribal Council members assigned by motion and majority vote at a regularly scheduled Tribal Council meeting.
- B. The Committee Chair shall be decided amongst the members of the Committee.

SECTION IV: DUTIES OF THE COMMITTEE

- A. The Committee shall develop policies, processes, and procedures to carry out its duties.
- B. The Committee shall develop a strategic plan for Land and Reservation that outlines the goals and objective for the next two to five years to be presented to Tribal Council for approval.
- C. The Committee shall hold meetings as necessary to carry out its authorized functions and duties and may hold executive sessions in accordance with the *Open Meetings Statute*.
- D. The Committee shall not obligate or encumber the Tribe in any manner.
- E. The Committee shall comply with approved meeting and hearing procedures which in the absence shall not impede progress of the committee;
- F. The Committee shall make recommendations and advise the Tribal Council on matters related to land and/or reservation.
- G. The Committee shall make known to the Tribal Council all Land and Reservation matters brought before it.
- H. Tribal Council shall approve or disapprove the recommendations of the Committee by a majority vote of Tribal Council.

- I. The Committee shall ensure that it maintains confidentiality involving land and reservation matters that may involve litigation, confidential business or legal matters, or other matters that raise significant privacy or confidentiality concerns.

SECTION V: AUTHORITY OF THE COMMITTEE

- A. The Committee may hold public hearings and solicit Tribal Citizen input on any and all matters within their authority and duties.
- B. The Committee shall have the authority to request documents and information related to land and reservation from the Judiciary and Executive Departments, Programs and staff; including legal counsel and consultants.

SECTION VI: COMPENSATION

Committee members and Tribal Council members shall be compensated in accordance with the Tribal Council's Stipend Policy for attendance at Land and Reservation meetings that are scheduled in advance and posted.

SECTION VII: 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, ordinances 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 this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

SECTION VIII: 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 January 6, 2008 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Melvin L. Kiogima	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Dexter McNamara	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Marvin Mulholland	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Shirley Oldman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Alice Yellowbank	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Gerald V. Chingwa	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Regina Gasco Bentley	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Beatrice A. Law	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Date: _____
Beatrice Law, 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: _____
Frank Ettawageshik, Tribal Chairperson