

**WAGANAKISING ODAWAK STATUTE 1997005
REMOVAL OF COMMISSIONERS AND NEPOTISM**

SECTION I: SHORT TITLE AND PURPOSE

A. Short Title. This Statute may be cited as the "Commissioner Removal and Nepotism Act."

B. Purpose. This Act sets out standard procedures for the removal of members of commissions of the Tribe, and rules regarding nepotism. This Act shall apply to all commissions of the Tribe unless otherwise specified in a specific commission statute.

SECTION II: REMOVAL OF COMMISSIONERS

A. Removal. Members of Tribal Commissions shall not be removed during their terms of office except for misconduct, or neglect of duties, including violation of any provision of their Commission Statute or other applicable Tribal law. The procedure for removal shall be as follows:

1. In the event the Tribal Council has cause to suspect that a member of a Tribal Commission may be subject to removal for one or more of the reasons specified in this section, or upon receipt of a petition signed by at least twenty five (25) members of the Little Traverse Bay Bands of Odawa Indians alleging the same, or receipt of a petition by two members of the commission involved alleging the same, the Chairperson of the Little Traverse Bay Bands of Odawa Indians shall call a special meeting of the Tribal Council to deal with a request to remove the member.

2. In the event the Tribal Council determines that a sufficient number of valid signatures are affixed to the petition and that the charges set forth in the petition, if

verified, constitute grounds for removal of the commissioner from his or her appointed position, the Tribal Council shall set a date for hearing the charges on the petition and shall provide notice to the member of the commission whose removal is being sought.

3. Notice to the member whose removal is being sought shall be served no later than two (2) weeks (14 days including week-days and holidays) prior to the date set for the hearing. The notice shall include the date, time and location of the hearing, a full and complete copy of a statement of the Tribal Council or the petition seeking removal, and a copy of the rules to be followed during the hearing. Upon good cause shown, the Tribal Council may postpone the hearing to a later date. Notice shall also advise the recipient of the availability of Tribal Council subpoena power to require the presence of any witness or the production of any document which the recipient deems necessary in order to attempt to defend against the charges contained in the petition.

4. The Tribal Council shall also provide copies of the notice to the other members of the commission and to each member of the Little Traverse Bay Bands of Odawa Indians who signed the petition, advising each of them of the opportunity to appear and to present evidence, either in support of the charges against the member of the commission whose removal is sought or in support of the defense of such member. Any person who has properly signed such petition shall have the ability to request the Tribal Council to issue a subpoena to require the presence of witnesses or production of documents deemed necessary to support the charges contained in the petition.

5. The Tribal Council shall preside at the hearing of the charges contained in any such petition and shall allow as much time as necessary for the testimony of witnesses and presentation of evidence in support of the charges, as much time as necessary for the testimony of witnesses and presentation of evidence to refute the charges, and such time as the Tribal Council deems appropriate for summary statements and arguments. At any time, the Tribal Council may recess the hearing until a later time certain within thirty (30)

days. At the request of the member whose removal is at issue, the hearing may be held in closed session. The Tribal Council also may elect to receive in closed session any evidence, the public disclosure of which might compromise any on-going law-enforcement investigation or other vital interest of the Tribe.

6. Upon the conclusion of the presentation of evidence and of summary statements and arguments, the Tribal Council shall deliberate in closed session and shall either dismiss the petition or shall remove the member charged in the petition from the commission, upon such findings of fact as may be appropriate. The decision of the Tribal Council shall be final, unless challenged in the Tribal Court. The Tribal Court may only modify such decision upon finding(s) that it was reached in violation of the procedures or standards set out in this Statute or would constitute a violation of the Indian Civil Rights Act, 25 U.S.C. §1302.

SECTION III: NEPOTISM AND CONFLICT OF INTEREST

A. Two or more members of the same immediate family shall not serve on the same commission at the same time. For purposes of this section immediate family means husband, wife, son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother, mother-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, child, step-child.

B. No commission member may participate in making any decision that involves a personal or financial interest of the commissioner or a member of his or her immediate family unless such interest is held in common with the Tribe and its members.

SECTION IV: 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, or laws of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, 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.

Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Removal of Commissioner and Nepotism Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on April 20, 1997 at which a quorum was present, by a vote of 4 in favor, 0 opposed, and 0 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u>X</u>	_____	_____	_____
Patricia Dyer-Deckrow	_____	_____	_____	<u>X</u>
Frank Ettawageshik	<u>X</u>	_____	_____	_____
Barry Laughlin	_____	_____	_____	<u>X</u>
Shirley Oldman	<u>X</u>	_____	_____	_____
Janet Shomin	_____	_____	_____	<u>X</u>
Alice Yellowbank	<u>X</u>	_____	_____	_____

Date: 4-20-97

Frank Ettawageshik, Tribal Chairman

Barry Laughlin, Tribal Secretary