



WAGANAKISING ODAWAK
LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
LEGISLATIVE BRANCH
7500 ODAWA CIRCLE
HARBOR SPRINGS, MI 49740



EFFECTIVE DATE

According to LTBB Constitution – Article VII, (D) 1. They (Statutes and Resolutions) shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission.

Therefore, the Executive did not sign and failed to expressly veto the following Statute: RECALL of an OFFICIAL and LEAVE of ABSENCE within 30 days from submission to the Executive Branch thus it is deemed enacted on February 01, 2013 per LTBB Constitution. Said Statute is further designated as WOS # 2013-001 RECALL of an OFFICIAL and LEAVE of ABSENCE.

Date: 02/04/13

Michael Smith

Michael Smith

Administrative Assistant
Legislative Branch/Tribal Council
Little Traverse Bay Bands of Odawa Indians
7500 Odawa Circle
Harbor Springs, MI 49740

WAGANAKISING ODAWAK STATUTE # 2013-001
RECALL of an OFFICIAL and LEAVE of ABSENCE

SECTION I. PURPOSE

The purpose of this Statute is to provide for paid leave of absence in the case of a recall of an Official in accordance with this Statute.

SECTION II. DEFINITIONS

- A. **“Leave of Absence”** means a temporary suspension of the Official’s duties and authority.

- B. **“Official”** means Tribal Chair, Vice Chair and/or Tribal Council members

SECTION III. CONSTITUTIONAL RECALL ELECTION and LEAVE OF ABSENCE

- A. The Tribal Chair, Vice Chair and Tribal Council members may be subject to recall in accordance with the Constitution.

- B. The Official against whom a recall petition has been filed shall continue to perform the duties of his or her office until the preliminary non-certified results are posted by the Election Board.

- C. If the preliminary non-certified results show that the elected official subject to the recall was not successful in the recalling of the Official, then the Official shall continue to perform the duties of his or her office

D. If the preliminary non-certified results show that the elected Official subject to the recall was successful in the recalling of the Official, then the Official shall be placed on paid leave of absence until the Election Board certifies the election results.

E. Upon the results of the certified election, if the recall election is not successful in the recalling of the Official, then the Official shall resume to perform the duties of his or her office

F. Upon the results of the certified election, if the recall election is successful in the recalling of the Official, then any and all paid leave of absence shall cease.

SECTION IV. IMPLICATIONS OF LEAVE OF ABSENCE

A. The Official on paid leave of absence shall receive his or her compensations as set forth by Tribal Statute.

B. The Official on paid leave of absence shall have all duties, authority and privileges associated with the Official's position suspended. Such suspension shall including barred access to confidential information, Tribal records, properties and equipment associated with the position.

SECTION V. SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

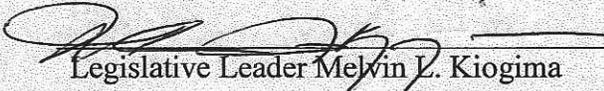
SECTION VI. EFFECTIVE DATE

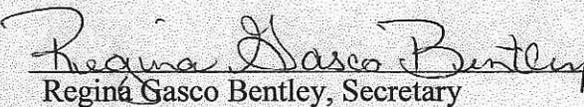
Effective upon the signature of the Executive or 30 days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

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 December 16, 2012 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Belinda Bardwell				X
Bill A. Denemy	X			
Kevin Gasco	X			
John Keshick	X			
Aaron Otto		X		
Winnay Wemigwase		X		
John Bott	X			
Regina Gasco Bentley	X			
Melvin L. Kiogima	X			

Date: 12/18/12 
 Legislative Leader Melvin L. Kiogima

Date: 12-16-12 
 Regina Gasco Bentley, Secretary

Received by the Executive Office on 1-3-13 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: _____
 Dexter McNamara, Tribal Chairperson