

## WAGANAKISING ODAWAK STATUTE 1996001

### RESOLUTIONS AND REGULATIONS PROCEDURES

#### SECTION I: PURPOSE

This Resolutions and Regulations Procedures Statute is enacted to set standard procedures for the adoption, certification and compilation of Tribal Council Resolutions, and the promulgation, certification, and compilation of Regulations for Tribal Commissions and Agencies.

#### SECTION II: RESOLUTIONS

**A. Procedure for adoption.** Resolutions are used to authorize specified activity by the Tribal Council or a person that the Council designates by resolution to act on its behalf, or to make an official pronouncement of the Council's position on a particular issue. A resolution may be offered by motion by any member of the Council. The Chairman shall call for support. If supported by another Council member, the Chairman shall call for discussion and a vote. Resolutions shall be adopted by a simple majority of a quorum of the Council present at a meeting. The Council may adopt a resolution as written, or verbally state a resolution by motion. A resolution offered verbally shall be reduced to writing and certified as described in this Section II. B.

**B. Certification.** Proof of adoption of a resolution of the Tribal Council shall be by written certification signed by both the Tribal Chairman and the Tribal Secretary. The certification shall state at a minimum the date of adoption, that a quorum of the Council was present, and a roll call record of the vote. Provided, if the resolution authorizes the Tribal Chairman to take certain action, it shall be certified only by the Tribal Secretary. In the case of a resolution acted upon before reduced to writing, it shall be the duty of the Tribal Chairman and Secretary to ensure that the written resolution accurately states the resolution verbally adopted by the Council.

**C. Number of Copies.** The Tribal Chairman and Secretary shall at a minimum execute certifications on four (4) duplicate original copies of the resolutions, and as many others as may be required for grant submissions or other purposes.

**D. Compilation.** All resolutions of the Little Traverse Bay Bands of Odawa Indians shall be compiled in chronological order in a book entitled "Resolutions of the Little Traverse Bay Bands of Odawa Indians" which shall consist of as many volumes as necessary. The Tribe shall maintain three identical copies of the resolutions book. One shall be kept in the Tribal office. One shall be kept at the home of the Tribal Secretary. One shall be kept at the office of the Tribal attorney. As soon as possible after certification under this Section II B, one of the original certified copies shall be placed at the end of each of the official copies of the resolutions book. The fourth original certified copy shall be placed in the Tribal files.

**E. Numbering.** Resolutions of the Little Traverse Bay Bands of Odawa Indian shall be identified an eight (8) digit number. The first six (6) digits will be the date of adoption (mmddyy.). The last two (2) digits will specify the order in which resolutions are adopted on a given date. For example, the first resolution adopted on January 7, 1996 will be Resolution 01079601.

**F. Tribal Seal.** The Tribal Seal, once approved by the Tribal Council, shall be affixed to resolutions when certified.

### **SECTION III: REGULATIONS**

**A. General.** Regulations are promulgated to set out rules and procedures for carrying on executive functions of government, such as regulation of fishing and hunting by the Natural Resources Commission, or regulation of security by the Gaming Regulatory Commission. The Tribal Council may decide by statute to: 1. Wholly delegate authority for promulgating regulations to a Tribal commission or agency to govern that agency's area of authority; 2.

Delegate authority for promulgating regulations to a Tribal commission or agency but reserve approval power; or 3. Delegate to itself the duty to promulgate regulations for a certain subject matter.

**B. Promulgation by a Tribal Commission or Agency.** When a Tribal commission or agency is delegated the authority to promulgate its own regulations, whether or not Council approval is required, the following procedure shall be followed: At least thirty (30) days before the agency considers approving regulations, it shall make available the draft of the regulations to be considered available in the Tribal office for review by Tribal members. Notice of the date, time and place of a meeting where the regulations will be considered shall be posted in the Tribal office at least thirty (30) days prior to such meeting. The Tribal Council and Tribal Commissions shall develop reasonable methods and procedures to provide notice to Tribal members of pending actions. Before passing regulations the agency shall allow any members of the Tribe present at the meeting to comment on the proposed regulations. A Tribal commission may enact regulations by a simple majority of a quorum of the commissioners present at a meeting. If Tribal Council approval is required by statute, then the commission shall present the regulations to the Council at the first Council meeting following the commission's passage of the regulations. As soon as practicable after presented the Council, the Council shall vote to approve or disapprove the regulations. Regulations are approved by a simple majority of a quorum of the Council. If the Council does not act on the regulations by the fourth meeting after they are presented, the regulations are deemed approved.

**C. Regulations adopted by Council.** In cases where the Council has reserved for itself the authority to promulgate regulations, the regulations shall be introduced and adopted following the same procedures as statutes under the Legislative Procedures Statute.

**D. Compilation.** Regulations promulgated by the Council and Tribal commissions shall be compiled and kept current in a volume (s) entitled "Little Traverse Bay Bands Regulations." Identical copies of the Little Traverse Bay Bands Regulations shall be kept at the Tribal office, the

home of the Tribal Secretary and the office of the Tribal attorney.

E. **Tribal Seal.** The Tribal Seal, once approved by the Tribal Council, shall be affixed to regulations when certified.

**Certification**

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Resolutions and Regulations Procedures 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 February 18, 1996, at which a quorum was present, by a vote of 7 in favor, 0 opposed and 0 abstentions as recorded by this roll call.

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

Date: 2-18-1996

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Frank Ettawageshik, Tribal Chairman

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Barry Laughlin, Tribal Secretary