

**WAGANAKISING ODAWAK STATUTE 2018-014**  
**ODAWA CONSTRUCTION CORPORATION**

**SECTION I. PURPOSE AND TITLE**

**A. Purpose.** The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises powers of self-government over its Citizens and territory. In accordance with Article VII (D) (4), the purpose of this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter of incorporation for economic purpose, to provide for the management of the non-gaming, economic affairs and to delegate such management to a Tribally chartered corporation in accordance with Article VII (D) (24) and regulate such tribally chartered corporation activities in accordance with Article VII (D) (4).

**B. Short Title.** This Statute shall be known and cited as the “Odawa Construction Corporation Statute.”

**SECTION II. DEFINITIONS**

**A.** “*Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians*” means “*areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.*” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

**B.** “*Tribe*” or “*LTBB*” means the Little Traverse Bay Bands of Odawa Indians.

**C.** “*Tribal Constitution*” means the Little Traverse Bay Bands of Odawa Indians Constitution as adopted by its membership on February 1, 2005.

**D.** “*Tribal Council*” means the elected body of nine (9) Tribal members of Little Traverse Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII. “Tribal Council”.

**SECTION III. CREATION OF THE ODAWA CONSTRUCTION CORPORATE CHARTER**

A tribally chartered corporation is authorized by this Statute and shall be named the “Odawa Construction, Inc.” The organization is recognized by the approval of the tribal corporation charter; “Odawa Construction, Inc.” by Tribal Council.

**SECTION IV. SCOPE OF ACTIVITIES**

**A.** The Odawa Construction, Inc. is created as a tribally chartered corporation that promotes economic self-sufficiency and creates jobs through construction of tribally owned projects or local projects within the community.

**B.** The Odawa Construction, Inc. is authorized to create operating subsidiaries in accordance with tribal law, provided that they have prior approval by Tribal Council.

**C.** The Corporation will provide Tribal Council an annual report and audited financial statements.

**D.** The Corporation will submit an annual development plan to the Tribal Council for approval.

**SECTION V. MANAGEMENT, STRUCTURE AND FUNCTION**

**A.** The Odawa Construction, Inc. shall have sole authority and responsibility for managing the Odawa Construction, Inc. and related construction projects, in accordance with the policies, Statutes, Resolutions, regulations as approved by Tribal Council.

**B.** The Odawa Construction, Inc. shall abide by all tribal and federal laws and regulations as may be applicable.

**C.** It is the duty of the Odawa Construction, Inc. to protect assets of the Tribe and generate revenues and jobs.

## **SECTION VI. REPORTING TO TRIBAL COUNCIL**

In order to regulate, the Odawa Construction, Inc. shall provide to Tribal Council a monthly report for the Corporation and all subsidiaries; and shall report quarterly at the regularly scheduled Tribal Council Meetings or such special meetings as requested by the Tribal Council, or as requested the following:

- A.** Annual operating plan;
- B.** Financial performance measures;
- C.** Audits, whether internal or external;
- D.** Financial records or statements;
- E.** Tribal Council may request reports regarding all aspects of the Odawa Construction, Inc.;
- F.** Monthly profit and loss statement of all non-gaming enterprises, joint ventures and investments.

## **SECTION VII. FINANCING OF THE ODAWA CONSTRUCTION, INC. AND ACTIVITIES**

- A.** The annual budget for the Odawa Construction, Inc. shall be approved by Tribal Council in accordance with an approval process as designated by the Tribal Council.
- B.** Tribal Council approval is required for borrowing of funds. The Odawa Construction, Inc. is not authorized to enter into financing approval without prior ratification by the Tribal Council.

## **SECTION VIII. SAVING 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 IX. EFFECTIVE DATE**

Effective upon signature of the Executive or thirty (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 adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on July 12, 2018 at which a quorum was present, by a vote of 5 in favor, 0 opposed, 0 abstentions, and 3 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Bernard	_____	_____	_____	X
David Harrington	_____	_____	_____	X
Dexter McNamara	X	_____	_____	_____
Emily Proctor	_____	_____	_____	X
Julie Shananaquet	X	_____	_____	_____
Shanna Wemigwase	X	_____	_____	_____
Marcella R. Reyes	X	_____	_____	_____
Tamara Kiogima	X	_____	_____	_____
Fred Harrington, Jr.	X	_____	_____	_____

Date: 07-16-18 \_\_\_\_\_  
 Legislative Leader, Fred Harrington, Jr.

Date: 07-12-18 \_\_\_\_\_  
 Tribal Council Secretary, Tamara Kiogima

Received by the Executive Office on 07-16-18 \_\_\_\_\_ 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: \_\_\_\_\_ Enacted w/o Executive Signature 081518  
 Regina Gasco Bentley, Tribal Chairperson