

**WAGANAKISING ODAWAK STATUTE 2000-14
OPEN MEETINGS**

SECTION I. PURPOSE

The purpose of this Statute is to implement the open meeting provisions of Bylaw Article I of the interim Constitution and Bylaws, and to set standards and procedures for executive sessions when necessary to protect the interests of the Tribe and allow the Tribal Council to effectively perform its duties under Article VII of the interim Constitution and Bylaws.

SECTION II. REGULAR AND SPECIAL MEETINGS, EMERGENCY ACTION

A. With the exception of emergency action described in subsection (B), all official action of the Tribal Council must take place at regular and special meetings properly called under Bylaw Article I of the interim Constitution and Bylaws.

B. In situations where vital interests of the Tribe require immediate emergency action prior to a regular or special meeting, such action can be taken by phone poll or teleconference call for the limited purpose of addressing a matter for which the Tribe will suffer severe damage. In such situations, the Tribal Secretary or designee must certify that more than one attempt was made to contact each Tribal Council member by any practical means including telephone, fax, e-mail or in person. The action taken must be ratified at the next regular meeting of the Tribal Council, and the minutes must state the reason such emergency action was necessary.

SECTION III. OPEN MEETINGS; EXECUTIVE SESSIONS

A. Pursuant to Bylaw Article I, Section 3 of the interim Constitution and Bylaws, all regular and special meetings are open to all LTBB members. The Tribal Council may by motion exclude non-LTBB members from all or part of a regular or special meeting.

B. When necessary to protect the interests of the Tribe and fulfill its responsibilities under Article VII of the interim Constitution and Bylaws the Tribal Council may, by motion and majority vote of a quorum, go into executive session during a regular or special meeting. Such motion shall state the reason for going into executive session, which can only include one or more of the following:

1. Pending litigation, negotiation, and other legal matters for which the interests of the Tribe could be damaged if publicly discussed;
2. Land purchases and other sensitive economic matters for which the interests of the Tribe could be damaged if publicly discussed;

3. Matters which involve questioned and sensitive activity of specific individual employees, commissioners, or Council members. General personnel policy issues are not to be the subject of executive sessions.

C. The Tribal Council shall not discuss anything in executive session beyond the scope of the matters under subsections (B)(1),(2) or (3) for which the executive session was called. Tribal Council shall return to open session immediately upon completion of executive session discussions. Any action considered in executive session that can be taken in open session without harming Tribal interests shall be taken after the Tribal Council returns to open session.

SECTION IV. EFFECTIVE DATE

This Statute takes effect immediately upon enactment.

SECTION V. 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 or ordinances of or governing 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 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 October 22, 2000, at which a quorum was present, by a vote of seven (7) in favor, zero (0) opposed, and zero (0) abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u> x </u>	_____	_____	_____
Gerald Chingwa	<u> x </u>	_____	_____	_____
Dorothy Gasco	<u> x </u>	_____	_____	_____
Janet Shomin	<u> x </u>	_____	_____	_____
Rita Shananaquet	<u> x </u>	_____	_____	_____
Susan Wysocki	<u> x </u>	_____	_____	_____
Alice Yellowbank	<u> x </u>	_____	_____	_____

Date: 10/26/00

Gerald Chingwa, Tribal Chairman

Dorothy Gasco, Tribal Secretary