

**WAGANAKISING ODAWAK STATUTE 2002-005**  
**COMMISSIONS, BOARDS AND COMMITTEES**

**SECTION I. SHORT TITLE, DEFINITIONS AND PURPOSE**

**A. Short Title**

This Statute shall be entitled “The Commissions, Boards and Committees Statute.” It is a revision of Waganakising Odawak Statute 1998012 of September 28, 1998, which was repealed by Waganakising Odawak Statute 2000-08 of June 4, 2000. This statute shall comply with all provisions of the Little Traverse Bay Bands of Odawa Indians Constitution.

**B. Definitions**

As used in this Statute:

1. “LTBB”: The Little Traverse Bay Bands of Odawa Indians.
2. “Commissions” means commissions, boards and committees unless otherwise stated.
3. “Constitutional Commission”: A tribal commission mandated in the LTBB Constitution.
4. “Council Commission”: A commission created by the Tribal Council.
5. “Program Commission”: A tribal commission mandated by various federal or state grants or contracts.
6. “Ad Hoc Committee”: Committees authorized by Tribal Council for a special, singular purpose that dissolve upon completion of its assigned mission.
7. “Staff Members”: LTBB Employees.

**C. Purpose**

The purpose of this Statute is to provide uniform provisions that apply to all Tribal Commissions. Except as specifically stated, this Statute shall not be construed to apply to the Tribal Council. This statute shall not override specific statutory provisions in Commission statutes unless explicitly noted.

**D. Tribal Council authority.** Commissions may be created by the Tribal Council pursuant to its powers and duties under the LTBB Constitution, and serve in an advisory capacity to the Tribal Council.

## **SECTION II. CREATION OF TRIBAL COMMISSIONS**

**A.** All Commissions shall be created by Tribal Council action:

1. Constitutional commissions are those expressly mandated by language in the LTBB Constitution.
2. Council commissions shall be authorized by Tribal Council statute.
3. Program commissions shall be authorized by Tribal Council resolution.
4. Ad Hoc committees shall be authorized by Tribal Council resolution.

## **SECTION III. DURATION OF TRIBAL COMMISSIONS**

**A.** Constitutional commissions shall be permanent in nature.

**B.** Council Commissions shall exist for the time specified by Tribal Council statute, or if no time is specified a Commission shall exist until extinguished by future statute.

**C.** Program commissions shall terminate upon expiration of the underlying program's grant or contract.

**D.** Ad Hoc committees shall terminate upon completion of their specific task, or a time certain, as detailed in the Tribal Council resolution creating the Ad Hoc committee.

#### **SECTION IV. AUTHORITY OF COMMISSIONS**

- A.** Commissions are authorized to:
1. gather and/or disseminate information,
  2. promulgate rules for the field for which the commission was created,
  3. carry out the responsibilities with which a particular commission is charged,
  4. issue, suspend or revoke licenses statutorily delegated to be under their authority, and
  5. make recommendations to the Tribal Council to assist the Council in carrying out its Constitutional mandates.
- B.** Commissions are also authorized, subject to ratification by the Tribal Council, to:
1. retain by contract such independent contractors, professional services and whatever other services may be necessary to carry out the dictates of commission requirements, and
  2. enter into contracts of all types with agencies of Federal, State, local or other Tribal governments, and with private parties, including individuals, partnerships, corporations or other enterprises.

#### **SECTION V. MEETINGS OF COMMISSIONS**

- A.** Constitutional commissions shall meet according to the terms of the Constitution.
- B.** Council Commissions shall meet according to their authorizing statute.
- C.** Program Commissions shall meet as required by the program to assist the staff in carrying out its program mandate.
- D.** Ad Hoc committees shall meet as needed to achieve the goals and objectives as outlined in the Tribal Council resolution creating the Ad Hoc committee.

#### **SECTION VI. COMPOSITION OF TRIBAL COMMISSIONS**

- A.** Constitutional Commissions and Council Commissions shall be composed of not less than three (3) or more than five (5) members unless the Tribal Council makes a special determination otherwise. This Section VI reduces the number of persons on the Enrollment

Commission (Waganakising Odawak Statute 1999014), the Economic Development Commission (Waganakising Odawak Statute 1996007), the Housing Commission (Waganakising Odawak Statute 1998009), and the Health Commission (Waganakising Odawak Statute 1997004), from seven (7) to five (5). Provided, all current commission members shall complete their terms unless they voluntarily resign earlier.

1. Members shall be appointed by the Tribal Council to a prescribed term or to fill the remaining time of a vacant prescribed term.
  2. The Tribal Council and/or commission members may solicit members to serve on commissions, including postings in the LTBB newsletter and by posting in tribal buildings.
  3. All appointed members shall take an oath of office administered by the Tribal Court
- B.** Program commissions shall be of a size prescribed in the program's grant or contract.
1. Members shall be appointed by the Tribal Council.
- C.** Ad Hoc committees shall be of a size that is needed to complete the purpose for which it was created.
- D.** It shall be the responsibility of all commission chairpersons to keep a record of commission members' terms: date appointed, time to recruit for vacancy, date appointment ends.
- E.** In making commission appointments after the effective date of this Statute, commissioners shall serve on no more than two commissions simultaneously.
- F.** Tribal Council members are ex-officio members of all Tribal Commissions and Committees, except the Election Board may exclude Council members when it deems appropriate because of addressing specific matters pertaining to upcoming elections, and the Child Welfare Commission may exclude Council members when addressing matters involving

specific families or individuals.

#### **SECTION VII. RULES OF PROCEDURES, NOTICE**

- A.** Commissions shall adopt rules of procedures for the conduct of their business subject to the approval of the Tribal Council unless such rules are contained within the statute or resolution that created the commission.
- B.** Notice requirements for commission meetings shall comport with “notification of meeting” requirements of LTBB then in place.
- C.** Commissions shall submit at a minimum quarterly reports to the Tribal Council.
- D.** Unless otherwise specified in a commission’s statute, a quorum shall consist of a simple majority of the number of commissioners notwithstanding vacancies. A meeting may not be called to order without a quorum present and no official business may be conducted absent a quorum.

#### **SECTION VIII. RECOMMENDATIONS, PROPOSED LEGISLATION**

- A.** Proposed legislation shall originate with or be referred to the appropriate commission which shall discuss the proposed legislation in open meeting.
- B.** The commission shall then make written recommendations to the Tribal Council. Any commission member who disagrees with the recommendations may make a written minority report to the Tribal Council, outlining their opposition to the commission’s recommendations.

#### **SECTION IX. OPEN MEETINGS, COMMISSION RECORDS**

- A.** Commission meetings shall be open to the membership except in cases involving Indian Child Welfare matters, matters of confidentiality as defined by Tribal statute, personnel matters, and legal matters.
- B.** Commission records shall be open to the membership except in cases involving Indian Child Welfare matters, matters of confidentiality as defined by Tribal statute, personnel matters,

and legal matters.

#### **SECTION X. APPLICATION OF INDIAN CIVIL RIGHTS ACT OF 1968**

Tribal commissions shall comply with the provisions of the Indian Civil Rights Act of 1968, 25 U.S.C. §§ 1301-1303.

#### **SECTION XI. COMPENSATION, STIPENDS**

**A.** Commission members who attend any conference, training, meeting or hearing directly related to their duties or attend any event where their attendance is required may be compensated with Tribal Council approval.

**B.** Commission members, including Tribal Council members appointed to commissions, shall receive a stipend for attendance at commission meetings subject to the availability of funds per the commission's approved budget..

**C.** Ad Hoc Committee members may receive stipends if authorized by the Tribal Council resolution creating the Ad Hoc Committee.

**D.** Commission members must be in attendance for at least seventy-five percent (75%) of the meeting in order to receive a stipend unless forced to leave due to inclement weather or personal or family emergency. Any commissioner who attends a properly noticed meeting at which the agenda items are properly addressed shall be eligible for a stipend, mileage, and expenses, even if no official action can be taken due to lack of a quorum.

#### **SECTION XII. STAFF PARTICIPATION**

**A.** Staff members may serve on commissions and be compensated by stipend if that commission is not directly related to their employment, does not interfere with their work, and does not meet during scheduled work hours. If a commission meets during scheduled working hours and the staff member wishes to attend, the staff member must utilize vacation time upon prior approval of the individual's supervisor.

**SECTION XIII. TRIBAL PREFERENCE**

In appointing commission members, preference shall be given first to tribal members; second to Native American Community members; third to Native Americans; fourth to other persons; unless otherwise mandated by the Tribal law or program regulations.

**SECTION XIV. NEPOTISM**

This Section XIV repeals and replaces Section III of Waganakising Odawak Statute 2000-10 of July 22, 2001.

**A.** Two or more members of the same immediate family shall not serve on the same commission at the same time. Further, when a commission is formed to address issues that pertain to a specific administrative department, a person shall not serve on such commission if the department director is an immediate family member. 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 XV. 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, 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 XVI. EFFECTIVE DATE**

Upon Enactment.

**Certification**

sister-in-law, child, step-child. or a person whose relationship with the tribal member is similar to that of persons who are related by blood or marriage.

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 XV. 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, 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.

**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 September 8, 2002 at which a quorum was present, by a vote of six (6) in favor, one (1) opposed, zero (0) abstentions, and zero (0) absent as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u>  x  </u>	_____	_____	_____
Gerald Chingwa	<u>  x  </u>	_____	_____	_____
Fred Harrington	<u>  x  </u>	_____	_____	_____
Beatrice Law	<u>  x  </u>	_____	_____	_____
Rita Shananaquet	<u>  x  </u>	_____	_____	_____
Janet Shomin	_____	<u>  x  </u>	_____	_____
Alice Yellowbank	<u>  x  </u>	_____	_____	_____

Date: 9/13/02

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Gerald Chingwa, Tribal Chairman, 0

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Fred Harrington, Tribal Secretary