

WAGANAKISING ODAWAK STATUTE 2006-007

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 repealing and replacing Waganakising Odawak Statute 2002-05. 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”: Commissions, boards and committees which are created by statute, except as otherwise specified in this Statute.
3. “Constitutional Commission”: A tribal commission mandated in the LTBB Constitution, which shall officially be known as a board.
5. “Program Commission”: A Tribal commission mandated by various federal or state grants or contracts.
6. “Ad Hoc Committee”: Committees created by Tribal Council for a special, singular purpose that dissolve upon completion of its assigned task or purpose.
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 or Election Board. This statute shall not override specific statutory provisions in Commission statutes unless explicitly noted.

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D. Tribal Council. Commissions may be created by the Tribal Council pursuant to article VII, § D(16) of the Constitution.

E. Tribal Chairperson. As per article VIII, § C(3), (5) of the Constitution, Commissions shall be overseen by the Tribal Chairperson.

SECTION II. CREATION OF TRIBAL COMMISSIONS

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

- 1.** Commissions shall be created or established by statute.
- 2.** Program commissions shall be created or established by Tribal Resolution.
- 3.** Ad Hoc committees shall be created or established by Tribal Resolution.

SECTION III. DURATION OF TRIBAL COMMISSIONS

A. Constitutional commissions shall be permanent in nature.

B. Commissions shall exist for the time specified by 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 Resolution creating the Ad Hoc committee.

SECTION IV. AUTHORITY OF COMMISSIONS

A. Commissions are authorized to:

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1. Gather and/or disseminate information;
2. Carry out the responsibilities with which a particular commission is charged;
3. Issue, suspend or revoke licenses statutorily delegated to be under their authority;
and
4. Make recommendations to the Tribal Chairperson which shall then report the Commission's recommendations to the Tribal Council.

SECTION V. MEETINGS OF COMMISSIONS

- A. Constitutional commissions shall meet according to the terms of the Constitution.
- B. Commissions shall meet no more than twice (2) monthly, unless otherwise authorized by the statute creating the Commission.
- 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 Resolution creating the Ad Hoc committee.

SECTION VI. PHONE POLLS

- A. 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 Commission Secretary or designee must certify that more than one attempt was made to contact each Commission 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 Commission, and the minutes must state the reason such emergency action was necessary.

SECTION VII. COMPOSITION OF TRIBAL COMMISSIONS

- A. Constitutional Commissions, Committees and Boards shall be composed of three (3) or not more than five (5) members unless the Constitution or the statute creating the Commission provide otherwise. All current Commission members shall complete their terms unless they voluntarily resign earlier.

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1. **Commission** 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 Executive may solicit citizens to serve on Commissions.
 3. All appointed Commission 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.

SECTION VIII. RULES OF PROCEDURES, NOTICE

- A.** Commissions shall adopt rules of procedures for the conduct of their business subject to the approval of the Tribal Chairperson 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 a quarterly report to the Tribal Chairperson.

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D. Stipends cannot be paid to Commission members if that body has failed to send draft minutes with the stipend request from the same meeting, to the Executive Department as well as posting any meeting minutes on the Tribal website and in government buildings. Matters of confidentiality as defined by Tribal or Federal law, such as confidential personnel or legal matters must be removed from the posted minutes.

E. 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 IX. RECOMMENDATIONS, PROPOSED LEGISLATION

A. Proposed legislation shall originate with or be referred to the appropriate Commission which shall discuss the proposed legislation in an open meeting.

B. The Commission shall then make written recommendations to the Executive which shall report the recommendations to the Tribal Council. Any Commission member who disagrees with the recommendations may make a written minority report outlining their opposition to the Commission's recommendations to the Tribal Chairperson which shall report the minority report to the Tribal Council.

SECTION X. OPEN MEETINGS, COMMISSION RECORDS

A. Commission meetings shall be open to citizens 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 citizens except in cases involving Indian Child Welfare matters, matters of confidentiality as defined by Tribal statute, personnel matters, and legal matters.

SECTION XI. APPLICATION OF INDIAN CIVIL RIGHTS ACT OF 1968

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

SECTION XII. 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 for attendance so long as there are funds available in the Commission's budget.
- B.** Commission members shall receive a stipend for attendance at commission meetings subject to the availability of funds.
- C.** Ad Hoc Committee members may receive stipends if authorized by the Tribal Resolution creating the Ad Hoc Committee.
- D.** Any Commission member who attends a properly noticed meeting shall be eligible for a stipend, mileage, and expenses, even if no official action can be taken due to lack of a quorum.

SECTION XIII. 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 PTO (personal time off), or flextime upon prior approval of the individual's supervisor.

SECTION XIV. TRIBAL PREFERENCE

In appointing Commission members only tribal citizens shall be appointed to Commissions and Constitutional Commissions.

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SECTION XV. 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 Executive department, a person shall not serve as Commission Chairperson if the department director, assistant director, co-director, Tribal Chairperson or Vice-Chairperson 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, son-in-law, daughter-in-law, sister, step-sister, sister-in-law, child, step-child, Grandfather, Grandmother.

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 citizens.

SECTION XVI. 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 VI. EFFECTIVE DATE

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

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CERTIFICATION

As the Legislative Leader and Tribal Council Secretary, we 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 May 21, 2006 at which a quorum was present, by a vote of 6 in favor, 1 opposed, 1 abstentions, 1 absent as recorded by this roll call:

| | In Favor | Opposed | Abstained | Absent |
|----------------------|----------|---------|-----------|--------|
| Regina Gasco Bentley | X | | | |
| Fred Harrington, Jr. | X | | | |
| Dexter McNamara | X | | | |
| Mary Roberts | X | | | |
| Rita Shananaquet | | | X | |
| Alice Yellowbank | | X | | |
| Shirley Oldman | | | | X |
| Melvin L. Kiogima | X | | | |
| Beatrice A. Law | X | | | |

Date: _____

 Beatrice A. Law, Legislative Leader

Date: _____

 Melvin L. Kiogima, Secretary

Received by the Executive Office on _____ 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: _____

 Frank Ettawageshik, Tribal Chairperson