

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL COUNCIL RESOLUTION # 020506-01

Amendment to Tribal Council Code of Conduct and Ethics

WHEREAS the Waganakising Odawak, known as the Little Traverse Bay Bands of Odawa Indians, is a nation of citizens with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected legislative body of the Tribe;

WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council enacted a Code of Conduct and Ethics;

WHEREAS each Tribal Council member has taken an oath to uphold Tribal law. Tribal Council exists to serve the LTBB citizens giving Tribal Council a recognized duty to act within the highest of ethical conduct at all times.

WHEREAS there are situations which were not addressed in the Code of Ethics which the Tribal Council now recognizes need to be addressed.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council adopts the following amendments to the “Tribal Council Code of Conduct and Ethics:”

IV. CONDUCT

1. Tribal Council members shall at all times conduct themselves in an honest and upright manner, with regard for the great responsibility they bear as Tribal Council members. Tribal Council members shall remain objective in the performance of their duties and shall act with the best interest of all Tribal citizens in mind. Tribal Council members shall not accept privileges or benefits, other than those granted by the Tribe through official action, which may affect a Tribal Council member’s ability to remain objective in the performance of his or her duties.

2. **Nepotism.** Tribal Council members shall not vote on any Motion, Tribal Resolution, or Tribal Council Resolution in which directly involves an immediate family member as defined in article III, § 12 of this Code.

VI. ABUSE OF POWER

1. No Tribal Council member shall knowingly or intentionally seek to in any manner benefit from the profits of any contract, job, work, or service for the Tribe, or accept any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally from any person, firm, or corporation having dealings with the Tribe.
2. No Tribal Council member shall knowingly or intentionally seek to use his or her official influence to assist any person for a fee or other compensation other than the compensation that is provided by law. The performance of usual and customary constituent services without additional compensation does not constitute the use of prestige of office for private gain.
3. No Tribal Council member shall knowingly and independently use his or her position on Tribal Council to access information, documents, or other materials which are not available to Tribal citizens generally, unless such access is available in common to all Tribal Council members, or unless such access is necessitated by said Tribal Council member's position on Tribal Council, or position in a Tribal Council committee or commission.

X. ETHICS VIOLATIONS; ETHICS HEARINGS; PENALTIES AND CONSEQUENCES

1. **a)** Ethics Hearings shall be conducted in conformance with hearing procedures adopted by Tribal Council Resolution for Ethics Hearings.
Any Tribal Council member who is found by the Ethics Committee to have knowingly and intentionally violated any of the provisions of the Code may be subject to censure and/or a fine as determined by a two-thirds (2/3) majority vote of sitting Tribal Council members eligible to vote.

XI. ETHICS COMMITTEE

1. **Formation.** A Tribal Council Ethics Committee ("Ethics Committee") shall be empanelled whenever the requirements for bringing an allegation that a Tribal Council member has violated this Code meets the requirements set out in article X, § 5 of this Code.
2. **Duration.** The Ethics Committee shall be an ad-hoc committee.
3. **Composition.** The Ethics Committee shall be composed of five (5) Tribal Council members.
4. **Selection.** The members of the Ethics Committee shall be selected at random by the Legislative Office Manager.
 - a) The Tribal Councilor facing the allegation(s) at issue shall not be eligible to serve on the Ethics Committee.

- b) The names of eligible Tribal Council members shall be written on slips of paper and placed into a box, bowl or other suitable container.
- c) The Legislative Office Manager shall then do a blind draw of five (5) slips from the container, one slip at a time.
- d) The first individual drawn shall be the panel chair. The panel chair shall be responsible for conducting the Ethics Hearing and reporting the findings and recommendation of the Ethics Committee to the full Tribal Council.

FURTHER RESOLVED that existing article XI of the Tribal Council Code of Conduct and Ethics, titled APPLICABILITY, be renumbered to article XII; and that existing article XII of the Tribal Council Code of Conduct and Ethics, titled EFFECTIVE DATE, be renumbered to article XIII.

CERTIFICATION

As Tribal Council Secretary, I certify that this Tribal Council Resolution 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 February 5, 2006 at which a quorum was present, by a vote of 7 in favor, 1 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

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

Date: _____

Melvin L. Kiogima, Secretary

Date: _____

Beatrice A. Law, Legislative Leader