

WAGANAKISING ODAWAK STATUTE 2008-010

DISCLOSURE OF PUBLIC DOCUMENTS

SECTION I. PURPOSE

The Little Traverse Bay Bands of Odawa Indians Tribal Constitution, Article VII D (7) mandates disclosure of public documents, unless exempt by statute. This Statute provides for the exempted public documents from public disclosure.

SECTION II. DEFINITIONS

- A. "*Public Documents*" means all written or electronic documents unless exempt by applicable law.
- B. "*Tribe*" means the Little Traverse Bay Bands of Odawa Indians.

SECTION III. EXEMPT RECORDS FROM PUBLIC DISCLOSURE

A. Records that contain personal information affecting an individual privacy are exempt from disclosure. This exemption would include personnel and medical files and similar files that would constitute a clearly unwarranted invasion of personal privacy. This exemption does not include withholding information pertaining to the Tribal Citizen who is requesting the record except for the following:

- 1. Sealed adoption records within the Tribal Citizen's enrollment file that have been sealed under a court order.
- 2. Records covered by attorney client privilege.
- 3. Records specifically exempt by other Statutes.

B. The following records are exempt from public disclosure:

- 1. Records that contain confidential business or legal matters of the Tribe or a Tribal Citizen.
- 2. Records that raise significant privacy or confidentiality concerns for the Tribe or a Tribal Citizen.
- 3. Record within a pending investigation either before an administrative or judicial proceeding involving the Tribe or a Tribal Citizen.
- 4. Records that could impair a criminal investigation.

5. Records specifically exempt by other Statutes.

SECTION IV. REPEAL OF PREVIOUS LAW and REGULATIONS

This Statute repeals and replaces Waganakising Odawak Statute 2006-024 *Disclosure of Public Documents Act* and any other previously enacted laws or amendments, including any previously approved regulations.

SECTION VII. 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 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 VIII. EFFECTIVE DATE

Effective upon signature of the Executive or shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative vote of seven (7) members of the Tribal Council, override a veto by the Executive.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on September 7, 2008 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	X			
Melvin L. Kiogima	X			
Dexter McNamara	X			
Marvin Mulholland	X			
Shirley Oldman				X
Alice Yellowbank	X			
Gerald V. Chingwa	X			
Regina Gasco Bentley	X			
Beatrice A. Law	X			

Date: 9/9/08

Beatrice A. Law
Beatrice Law, Legislative Leader

Date: 9-7-08

Regina Gasco Bentley
Regina Gasco Bentley, Secretary

Received by the Executive Office on

9-11-08 by Lisa Lynn

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: 9-25-2008

Frank Ettawagesnik
Frank Ettawagesnik, Tribal Chairperson