

**WAGANAKISING ODAWAK STATUTE # 2011-012**  
**ODAWA FISHERY INCORPORATED STATUTE**

**SECTION I. PURPOSE AND TITLE**

**A. Purpose.** The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises powers of self-government over its Citizens and territory. In accordance with Article VII (D) (4), the purpose of this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter of incorporation for economic purpose, to provide for the management of the non-gaming, economic affairs and to delegate such management to a Tribally chartered corporation in accordance with Article VII (D) (24) and regulate such tribally chartered corporation activities in accordance with Article VII (D) (4).

**B. Short Title.** This Statute shall be known and cited as the “Odawa Fishery, Inc. Statute.”

**SECTION II. DEFINITIONS**

**A.** “*Non-gaming Economic Affairs*” means economic development enterprises and activities not related to the gaming commercial enterprises.

**B.** “*Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians*” means “*areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621*” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

**C.** “*Tribe*” or “*LTBB*” means the Little Traverse Bay Bands of Odawa Indians.

**D.** “*Tribal Constitution*” means the Little Traverse Bay Bands of Odawa Indians Constitution as adopted by its membership on February 1, 2005.

**E.** “*Tribal Council*” means the elected body of nine (9) Tribal Citizens of Little Traverse Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII. “Tribal Council”.

**SECTION III. CREATION OF THE ODAWA FISHERY, INC. CORPORATE CHARTER**

A tribally chartered corporation is authorized by this Statute and shall be named the "Odawa Fishery, Inc." The organization is recognized by the approval of the tribal corporation charter; "Odawa Fishery, Inc" by Tribal Council.

#### **SECTION IV. SCOPE OF ACTIVITIES**

**A.** The Odawa Fishery, Inc. is authorized to conduct enterprise activities at the following locations for the purpose of promoting treaty fishing rights:

1. 229 S. Huron Ave. Mackinaw City, Michigan 49701, formerly known as Bell's Fishery.
2. Other such properties, enterprises or activities as designated and approved by Tribal Council.

**B.** The Odawa Fishery, Inc. shall be assigned those assets as existed and are currently within the designated commercial sites including real property, tangible and intangible properties. Such assets shall be held by the Odawa Fishery, Inc. on behalf of the Tribe and shall be managed to provide long term revenue for Tribal governmental programs and activities. The assets assigned in this Statute shall be independently managed by the Odawa Fishery, Inc.

#### **SECTION V. COMPOSITION, ELIGIBILITY AND APPOINTMENT**

##### **A. Composition**

1. The Board shall consist of three (3) to five (5) persons who meet the eligibility requirements set out in subsection (B) of this section.
2. The Board members shall have a Chairperson and Secretary elected by the Board members, annually.

##### **B. Eligibility**

To serve on the Board a person must meet all of the following criteria:

1. A person must be at least eighteen years of age;
2. No person can serve on the Board within seven (7) years of completion of a sentence or probation upon being convicted of a felony in tribal, state or federal court, unless such conviction has been vacated or overturned.

6. To be considered, a person should meet one of the following desired criteria:
  - i. Three (3) years of business or financial management experience.
  - ii. Three (3) years of Natural Resources and/or fishing rights management experience.

## **SECTION V. MANAGEMENT; STRUCTURE AND FUNCTION**

- A. The Odawa Fishery, Inc. shall have sole authority and responsibility for managing the Odawa Fishery, Inc. and related enterprise, in accordance with the policies, Statutes, Resolutions, regulations as approved by Tribal Council.
- B. The Odawa Fishery, Inc. shall abide by all tribal and federal laws and regulations as may be applicable.
- C. It is the duty of the Odawa Fishery, Inc. to monitor activities and operations to provide guidance to the management of the operations.
- D. It is the duty of the Odawa Fishery, Inc. to protect assets of the Tribe and generate revenues to support Tribal Governmental Services and Programs.

## **SECTION VI. REPORTING TO TRIBAL COUNCIL**

In order to regulate, the Odawa Fishery, Inc. shall report to the Tribal Council on the following information regarding the Odawa Fishery, Inc. and at the regularly scheduled Tribal Council Meetings or such special meetings as requested by the Tribal Council, at least quarterly or as requested:

- A. Annual operating plan;
- B. Financial performance measures;
- C. Audits, whether internal or external;
- D. Financial records or statements;
- E. Tribal Council may request reports regarding all aspects of the Odawa Fishery, Inc.

**SECTION VII. FINANCING OF THE ODAWA FISHING, INC. AND ACTIVITIES**

**A.** The annual budget for the Odawa Fishery, Inc. shall be approved by Tribal Council in accordance with an approval process as designated by the Tribal Council.

**B.** Tribal Council approval is required for borrowing of funds. The Odawa Fishery, Inc. is not authorized to enter into financing approval without prior ratification by the Tribal Council.

**SECTION VIII. DISSOLUTION CLAUSE**

In the event that the property is no longer used to promote or benefit Odawa fishing rights, the corporation shall be dissolved.

**SECTION VIII. SAVING 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 IX. EFFECTIVE DATE**

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

**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 May 01, 2011 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
Marvin Mulholland				X
Belinda Bardwell	X			
Melvin L. Kiogima	X			
Gerald V. Chingwa	X			
Rita Shananaquet	X			
Aaron Otto	X			
John Bott	X			
Regina Gasco Bentley	X			
Julie Shananaquet	X	/		

Date: 5-11-11

Julie A. Shananaquet, Legislative Leader

Date: 5-11-11

Regina Gasco Bentley, Secretary

Received by the Executive Office on 5-11-11 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: 5-19-11

Ker Harrington, Tribal Chairperson