

**WAGANAKISING ODAWAK STATUTE # 2011-017**

**LTBB WAGANAKISING REPRESENTATIVE TO MICHIGAN ANISHNAABEG  
CULTURAL PRESERVATION AND REPATRIATION ALLIANCE (MACPRA) AND  
NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT  
(NAGPRA)**

**SECTION I. SHORT TITLE**

This Statute shall be entitled “MACPRA/NAGPRA Representative” Statute. This statute rescinds and replaces any and all previous Statutes, Resolution, Regulations and/or policies related to this subject matter.

**SECTION II. PURPOSE**

To provide authority and duties of the MACPRA/NAGPRA Representative in carrying out repatriation of Native American remains and cultural items and the coordination with the Gijigowi Bipskaabiimi Department, or its successor, for the receipt of such remains or items.

**SECTION III. DEFINITIONS**

- A. “Cultural”** means aspects of the Odawa history, spirituality, traditions, arts and crafts, values and mannerisms.
  
- B. “Cultural Proficiency”** means the knowledge, skills, and attitudes/beliefs that enable a person to work well with, respond effectively to, and be supportive of the Odawa Citizens and Community.
  
- C. “Department”** means the Gijigowi Bipskaabiimi Department or any successor

department.

**D.** “**MACPRA**” means the Michigan Anishnaabeg Cultural Preservation and Repatriation Alliance. An alliance of the Tribe of Michigan that defend and protect indigenous grave and traditional cultural properties.

**E.** “**NAGRPA**” means the Native American Graves Protection and Repatriation Act (as amended).

**F.** “**Remains**” means Tribal ancestral remains or Native American remains along with any funerary objects.

**G.** “**Representative**” means the person designated as the representative to MACPRA and authorized by NAGRPA on behalf of the Tribe.

**H.** “**Tribe**” means the Little Traverse Bay Bands of Odawa Indians or the Waganakising Odawa.

#### **SECTION IV. APPOINTMENT AND REMOVAL**

**A.** The Representative shall be nominated by the Executive and appointed by a majority vote of Tribal Council.

**B.** The Representative may be removed by  $\frac{3}{4}$  majority vote of those Tribal Council members who are eligible to vote.

#### **SECTION V. QUALIFICATIONS**

**A.** The Representative shall be a Tribal Citizen at least 18 years of age.

**B.** Must possess “Cultural Proficiency” and show working knowledge of Cultural understanding.

## **SECTION VI. DUTIES AND AUTHORITY OF THE REPRESENTATIVE**

**A.** The Representative shall advocate for the repatriation of Native Ancestral remains, cultural patrimony, sacred objects and the protection of traditional cultural properties and sacred sites.

**B.** The Representative shall be the Tribe’s representative to MACPRA as a voting member and may include approval of such activities as testifying, authorizing law-suits in the name of MACPRA, negotiating with governments or institutions, protection of lands, and other such activities in repatriating remains or protection of traditional cultural properties.

**C.** The Representative shall be the designated NAPRA representative of the Tribe.

**D.** The Representative may provide advice to Tribal Council on repatriation and protection of traditional cultural properties.

**E.** The Representative shall provide a report to the Tribal Council quarterly or as requested by Tribal Council.

**F.** The Representative may hold public hearings to gather information from the Tribal Community and Citizens.

**G.** The Representative may share information regarding repatriation of remains and protection of traditional cultural properties the Tribal Community and Citizens.

## **SECTION VII. DEPARTMENT COORDINATION**

- A.** The Department shall receive any remains and repatriated items and shall act as a repository for such objects that are repatriated to the Tribe.
- B.** The Representative will coordinate with the Department to ensure that the repatriation of Native Ancestral remains, cultural patrimony, sacred objects to tribe are handled in a culturally significant manner.
- C.** The Representative shall coordinate with the Department to ensure that traditional cultural properties and sacred sites are protected.

## **SECTION VIII. APPROPRIATIONS**

This Statute shall be funded by General Funds and a line item shall be designated in the Executive Budget for the funding of this Statute.

## **SECTION IX. REPEAL**

Any Statute, Resolution or Regulation, or portion therein, that is in conflict with this Statute is repealed upon the effective date of this Statute.

## **SECTION X. SEVERABILITY**

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Effective upon signature of the Executive or 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 September 11, 2011 at which a quorum was present, by a vote of 6 in favor, 1 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			
Vacant at time of vote	1			1

Date: 9/12/11  
 \_\_\_\_\_  
 Gerald V. Chingwa, Legislative Leader

Date: 9-11-11  
 \_\_\_\_\_  
 Regina Gasco Bentley, Secretary

Received by the Executive Office on 9-13-11 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: 9-26-11  
 \_\_\_\_\_  
 Dexter McNamara, Tribal Chairperson