

WAKANAKISING ODAWAK STATUTE # 2012-009
DEPARTMENT OF HUMAN SERVICES

SECTION I. PURPOSE

The purpose of the Statute is to establish a Little Traverse Bay Bands of Odawa Indians (LTBB) governmental Executive department entitled “Department of Human Services” that shall work with families in a way that is characteristic of the LTBB inherent cultural traditions, customs, and values and address the well-being and protection of LTBB children, adults, families, communities and the Tribe.

SECTION II. DEFINITIONS

- A.** “Constitution” or “Tribal Constitution” means the Constitution of the Little Traverse Bay Bands of Odawa Indians as adopted on February 1, 2005, and any amendments thereto.
- B.** “Executive Branch” means the Branch identified in Article VIII of the Tribal Constitution.
- C.** “LTBB” or “Tribe” means the Little Traverse Bay Bands of Odawa Indians.
- D.** “Tribal Council” or “Council” means the elected body of the Little Traverse Bay Bands of Odawa Indians to carry out legislative powers under Article VII of the Constitution.

SECTION III. CREATION OF THE OFFICE

- A.** Pursuant to Article VII of the Tribal Constitution the Legislative Branch approves the creation or dissolution of Executive divisions or departments to promote and protect the peace, health, safety, education, and general welfare, including but not limited to cultural and natural resources, of the Little Traverse Bay Bands of Odawa Indians and its members.
- B.** The Tribal Council hereby creates and establishes the Department of Human Services within the Executive Branch.

SECTION IV. AUTHORITY AND DUTIES

The Department of Human Services shall:

- A.** Provide a high level of social well-being essential to the improvement of the quality of life within the Tribe by providing programs that emphasize prevention and preservation of the family.
- B.** Act as the outreach center that oversees resources administered through the Department so Tribal Citizens can make decisions and choices affecting their present and future economic and social stability. Provide for effective communication and dissemination of Tribal information to the Tribal community regarding Departmental services.
- C.** Promote family unity and well-being through protection of LTBB children, adults, families, communities and the Tribe.

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- D. Collaborate, consult and negotiate with tribal, state and federal agencies for the purpose of promoting the wellbeing of all Tribal Citizens and citizens from other tribes including issues surrounding any child and adult welfare.
- E. Have responsibility for investigating Indian child welfare and adult welfare matters, including interaction with state, federal and other tribal human services agencies.
- F. Work with appropriate officials and departments to draft petitions for the protection of children and adults.
- G. In conjunction with the Child Welfare Commission, determine appropriate placement recommendations to the Presenting Office and Court for child welfare matters.
- H. Determine appropriate placement recommendations for adult welfare matters.
- I. Maintain appropriate documentation and records according to applicable laws.
- J. Provide direct services to clients in need via effective and documented case management as well as link them to other available resources.
- K. When implementing services to a minor child, the child's family will have an opportunity to be involved in decisions affecting services for that child.

SECTION V. INTERNAL ORGANIZATION

- A. The Department of Human Services shall consist of such divisions, branches, and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its annual goals and objectives.
- B. The Department shall employ staff professionals and support personnel and/or contract with professional service firms as determined by the Director and consistent with

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the laws of LTBB. Such staff professionals and support personnel and/or professional firms shall meet minimal background standards for employment.

C. The Department shall maintain a current organizational chart. The organizational chart shall accompany its annual budget submission and any supplemental funding requests in accordance with the LTBB *Budget Formulation Process*.

D. The Department Director shall be a full-time employee and paid compensation commensurate with his or her skills, education, experience, and responsibilities and within the standards of compensation established by LTBB.

1. The Director shall be responsible for operating within the annually appropriated budget for the Department.

2. The Director may not serve as an ex officio member of any LTBB commissions, committees or boards.

E. The Department shall work with the Child Welfare Commission in accordance with the Child Welfare Commission and Child Protection Statutes. The Child Welfare Commission shall be consulted during the development of the Department's annual goals and objectives and issues that involve child protection and welfare.

F. Annual Report:

The Department of Human Services shall prepare a final written annual report within thirty (30) calendar days of the end of each fiscal year. It will report on the activities of the Department, achievement of the goals and objectives for the previous fiscal year, and the impact, if any, of fiscal constraints on its current goals and

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objectives. The Report shall be submitted to the Executive who shall provide it to Tribal Council within thirty (30) calendar days of receipt.

SECTION VI. STAFFING

Any current employees for the Human Services Department shall remain and be used to implement this Statute.

SECTION VII. APPROPRIATIONS AUTHORIZED

Any current appropriations for the Human Services Department, as appropriate, shall be used to implement this Statute and the Executive shall present Tribal Council with future annual budget requests necessary to implement this Statute.

SECTION VIII. REGULATIONS

Regulations and/or policies promulgated to implement this Statute shall follow the Administrative Procedures Act.

SECTION IX. 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 X. 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 August 5, 2012 at which a quorum was present, by a vote of 5 in favor, 0 opposed, 0 abstentions, and 4 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Belinda Bardwell	X			
Bill A. Denemy				X
Kevin Gasco	X			
John Keshick				X
Aaron Otto				X
Winnay Wemigwase				X
John Bott	X			
Regina Gasco Bentley	X			
Melvin L. Kiogima	X			

Date: 8/4/12 _____
 Legislative Leader Melvin L. Kiogima

Date: 8-5-12 _____
 Regina Gasco Bentley, Secretary

Received by the Executive Office on 8-7-12 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: 8-31-12 _____
 Dexter McNamara, Tribal Chairperson

