

## Chapter 11. Ziibimijwang Incorporated Statute

### 7.1101 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) of the Tribal Constitution, the purpose of this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter of incorporation for non-profit purposes, 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 “Ziibimijwang, Inc. Statute.”

(Source: WOS 2014-005, Veto Override May 18, 2014, Section I)

### 7.1102 DEFINITIONS

**A. “Non-profit”** means any generated surplus revenues must be retained by the corporation for self-preservation, expansion, plans or services, and not submitted to the Tribe except for repayment of funds.

**B. “Organic”** means food, feed or fiber produced in a way that complies with at a minimum the USDA National Organic Program (NOP) Standards.

**C. “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).

**D. “Tribal Corporation”** means any for-profit businesses and non-profit organizations formed by the Tribal Council and wholly owned by the Tribe, in accordance with WOS 2003-07, or as amended.

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

- F.** “**Tribal Constitution**” means the Little Traverse Bay Bands of Odawa Indians Constitution as adopted by its membership on February 1, 2005.
- G.** “**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”.
- H.** “**Ziibimijwang**” means “*Place of the Flowing River*”.

(Source: WOS 2014-005, Veto Override May 18, 2014, Section II)

### **7.1103 CREATION OF ZIIBIMIJWANG, INC. CORPORATE CHARTER**

A tribally chartered corporation is authorized by this Statute and shall be named “*Ziibimijwang*”, Inc.” and shall be a self-sustaining non-profit entity and shall provide for the health and welfare of the Tribal Community through the use of sustainable farming with emphasis toward organic foods, providing for exercising treaty rights of hunting, fishing and gathering, agricultural activities, caring for livestock, and other activities that promote nutrition, fitness and wellbeing. The organization is recognized by the approval of the tribal corporation charter; Ziibimijwang, Inc., by Tribal Council.

(Source: WOS 2014-005, Veto Override May 18, 2014, Section III)

### **7.1104 SCOPE OF ACTIVITIES**

**A.** Ziibimijwang, Inc. is authorized to conduct activities on lands designated and approved by Tribal Council, including providing for the health and welfare of the Tribal Community through the use of sustainable farming with emphasis toward organic foods, providing for exercising treaty rights of hunting, fishing and gathering, agricultural activities, caring for livestock, and other activities that promote nutrition, fitness and wellbeing.

**B.** The Ziibimijwang, Inc. shall be assigned those assets as existed and are currently within any designated and approved lands, tangible and intangible properties, unless otherwise excluded by Tribal Council. Such assets shall be held by Ziibimijwang, Inc. on behalf of the Tribe. The assets assigned Tribal Council shall be independently managed by Ziibimijwang, Inc.

(Source: WOS 2014-005, Veto Override May 18, 2014, Section IV)

## **7.1105 COMPOSITION and ELIGIBILITY**

### **A. Composition**

1. The Board shall consist of five (5) to seven (7) persons, of which three (3) shall be LTBB Tribal Citizens, and who meet the eligibility requirements set out in subsection (B) of this section.
2. The Board members shall have a Chairperson, Treasurer and Secretary elected by the Board members, every two years.

### **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.
3. To be considered, a person should meet at least two of the following criteria:
  - i. High School Diploma or General Educational Development, (G.E.D.)
  - ii. Two years of secondary education in agriculture, natural resources, or other related field
  - iii. At least five (5) years of experience in one of the following: farming or gardening, providing for exercising treaty rights of hunting, fishing and gathering, agricultural activities, caring for livestock, and other activities that promote nutrition, fitness and wellbeing

- iv. Associate or Bachelor's degree in business, grantsmanship, accounting, marketing or other expertise that promotes the scope of activities.

(Source: WOS 2014-005, Veto Override May 18, 2014, Section V)

#### **7.1106 MANAGEMENT; STRUCTURE AND FUNCTION**

**A.** Ziibimijwang, Inc. shall have sole authority and responsibility for managing Ziibimijwang, Inc., in accordance with the policies, Statutes, Resolutions, regulations as approved by Tribal Council.

**B.** Ziibimijwang, Inc. shall abide by all tribal and federal laws and regulations as may be applicable.

**C.** It is the duty of Ziibimijwang, Inc. to monitor activities and provide guidance to the management use of sustainable farming with emphasis toward organic foods, providing for exercising treaty rights of hunting, fishing and gathering, agricultural activities, caring for livestock, and other activities that promote nutrition, fitness and wellbeing operations.

**D.** It is the duty of Ziibimijwang, Inc. to protect assets of the Tribe and to support Tribal Governmental Services and Programs and Tribal Citizens.

(Source: WOS 2014-005, Veto Override May 18, 2014, Section VI)

#### **7.1107 REPORTING TO TRIBAL COUNCIL**

In order to regulate, Ziibimijwang, Inc. shall report to the Tribal Council on the following information regarding Ziibimijwang, 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 status, including grants, records and statements;

C. Audits, whether internal or external;

D. Tribal Council may request reports regarding all aspects of Ziibimijwang, Inc.

(Source: WOS 2014-005, Veto Override May 18, 2014, Section VII)

#### **7.1108 FINANCING OF ZIIBIMIJWANG, INC. AND OTHER ACTIVITIES**

A. If funds are requested from the Tribe, Ziibimijwang, Inc. shall follow any laws, process or procedures in effect.

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

C. Any lease of property, tangible or intangible, shall have Tribal Council's approval.

(Source: WOS 2014-005, Veto Override May 18, 2014, Section VIII)

#### **7.1109 DISSOLUTION CLAUSE**

In the event that the board is no longer fulfilling the purpose of this Statute, the corporation may be dissolved by repealing this Statute.

(Source: WOS 2014-005, Veto Override May 18, 2014, Section IX)

#### **7.1110 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.

(Source: WOS 2014-005, Veto Override May 18, 2014, Section X)

## **7.1111 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.

(Source: WOS 2014-005, Veto Override May 18, 2014, Section XI)