

## Chapter 13. Odawa Construction Administration Holding Corporation

### 7.1301 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 Construction Administration Corporation Statute.”

(Source: WOS 2018-009, July 2, 2018, Section I)

### 7.1302 DEFINITIONS

**A. “Gaming Commercial Enterprises”** means the Odawa Casino Resort and ancillary enterprises and activities, including the Odawa Casino Resort, related hotel and restaurant services, of the Tribe located in Petoskey, Michigan, wherein the Tribe operates Class II and Class III gaming to generate governmental revenue for the Tribe pursuant to the Indian Gaming Regulatory Act.

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

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

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

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

(Source: WOS 2018-009, July 2, 2018, Section II)

### **7.1303 CREATION OF THE ODAWA CONSTRUCTION ADMINISTRATION, INC. CORPORATE CHARTER**

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

(Source: WOS 2018-009, July 2, 2018, Section III)

### **7.1304 SCOPE OF ACTIVITIES**

**A.** The Odawa Construction Administration, Inc. is created as a general purpose holding company that promotes economic self-sufficiency through governmental contracts and other contracts in the area of Construction and creates jobs through its non-gaming enterprises, joint ventures and investments.

**B.** The Odawa Construction Administration, Inc. is authorized to create operating subsidiaries in accordance with tribal law, provided that they have prior approval by Tribal Council.

**C.** The Corporation will provide Tribal Council an annual report and audited financial statements.

**D.** The Corporation will submit an annual development plan to the Tribal Council for approval.

(Source: WOS 2018-009, July 2, 2018, Section IV)

### **7.1305 MANAGEMENT; STRUCTURE AND FUNCTION**

**A.** The Odawa Construction Administration, Inc. shall have sole authority and responsibility for managing the Odawa Construction Administration, Inc. and related non-gaming enterprise, in accordance with the policies, Statutes, Resolutions, regulations as approved by Tribal Council.

**B.** The Odawa Construction Administration, Inc. shall abide by all tribal and federal laws and regulations as may be applicable.

**C.** It is the duty of the Odawa Construction Administration, Inc. to protect assets of the Tribe and generate revenues.

(Source: WOS 2018-009, July 2, 2018, Section V)

### **7.1306 REPORTING TO TRIBAL COUNCIL**

In order to regulate, the Odawa Construction Administration, Inc. shall provide to Tribal Council a monthly profit and loss statement for the Corporation and all subsidiaries; and shall report at the regularly scheduled Tribal Council Meetings or such special meetings as requested by the Tribal Council, at least quarterly or as requested the following:

**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 Construction Administration, Inc.

**F.** Profit and loss statement of all non-gaming enterprises, joint ventures and investments.

(Source: WOS 2018-009, July 2, 2018, Section VI)

### **7.1307 FINANCING OF THE ODAWA CONSTRUCTION ADMINISTRATION, INC. AND ACTIVITIES**

**A.** The annual budget for the Odawa Construction Administration, 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 Construction Administration, Inc. is not authorized to enter into financing approval without prior ratification by the Tribal Council.

(Source: WOS 2018-009, July 2, 2018, Section VII)

### **7.1308 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 2018-009, July 2, 2018, Section VIII)

### **7.1309 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 2018-009, July 2, 2018, Section IX)