

Chapter 14. Odawa Construction Corporation

7.1401 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 Corporation Statute.”

(Source: WOS 2018-014, August 15, 2018, Section I)

7.1402 DEFINITIONS

A. “*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).

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

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

“*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 2018-014, August 15, 2018, Section II)

7.1403 CREATION OF THE ODAWA CONSTRUCTION CORPORATE CHARTER

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

(Source: WOS 2018-014, August 15, 2018, Section III)

7.1404 SCOPE OF ACTIVITIES

A. The Odawa Construction, Inc. is created as a tribally chartered corporation that promotes economic self-sufficiency and creates jobs through construction of tribally owned projects or local projects within the community.

B. The Odawa Construction, 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 2018-014, August 15, 2018, Section IV)

7.1405 MANAGEMENT, STRUCTURE AND FUNCTION

A. The Odawa Construction, Inc. shall have sole authority and responsibility for managing the Odawa Construction, Inc. and related construction projects, in accordance with the policies, Statutes, Resolutions, regulations as approved by Tribal Council.

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

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

(Source: WOS 2018-014, August 15, 2018, Section V)

7.1406 REPORTING TO TRIBAL COUNCIL

In order to regulate, the Odawa Construction, Inc. shall provide to Tribal Council a monthly report for the Corporation and all subsidiaries; and shall report quarterly at the regularly scheduled Tribal Council Meetings or such special meetings as requested by the Tribal Council, 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, Inc.;
- F. Monthly profit and loss statement of all non-gaming enterprises, joint ventures and investments.

(Source: WOS 2018-014, August 15, 2018, Section VI)

7.1407 FINANCING OF THE ODAWA CONSTRUCTION, INC. AND ACTIVITIES

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

(Source: WOS 2018-014, August 15, 2018, Section VII)

7.1408 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 2018-014, August 15, 2018, Section VIII)

7.1409 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 2018-014, August 15, 2018, Section IX)