

WAGANAKISING ODAWAK STATUTE 2009-025  
DISCLOSURE OF PUBLIC DOCUMENTS

SECTION I.           PURPOSE

This Statute mandates disclosure of public documents and provides for the certain exempted public documents from public disclosure regarding the records of Little Traverse Bay Bands of Odawa Indians as mandated by the Tribal Constitution, Article VII D (7).

SECTION II. REPEAL OF PREVIOUS LAW and REGULATIONS

This Statute repeals and replaces Waganakising Odawak Statute 2008-010 *Disclosure of Public Documents* and Waganakising Odawak Statute 2006-024 *Disclosure of Public Documents Act* and any other previously enacted laws, amendments, approved rules or regulations.

SECTION III.         DEFINITIONS

- A.     “*Appropriate Authority*” means the person who possesses the authority to make the decision within the government branch or division, department, agencies, entity, enterprise or office.
  
- B.     “*Authorized Representative*” means a Tribal Citizen who holds a signed notarized statement of authority on behalf of another Tribal Citizen.
  
- C.     “*Public Documents*” means all written or electronic documents unless exempt by applicable law.
  
- D.     “*Tribe*” means the Little Traverse Bay Bands of Odawa Indians.

SECTION IV. DOCUMENTS EXEMPT FROM PUBLIC DISCLOSURE

- A.     All documents are considered public and must be disclosed unless exempt by Statute.

B. Documents that contain personal information affecting an individual's privacy are exempt from disclosure. This exemption would include personnel and medical records and similar records that constitute a clearly unwarranted invasion of personal privacy. This exemption does not include withholding information pertaining to the Tribal Citizen who is requesting the record except for the following:

1. Sealed adoption records within the Tribal Citizen's enrollment file that have been sealed under a court order.
2. Records covered by attorney client privilege.
3. Records specifically exempt by other Statutes.

B. The following records are exempt from public disclosure:

1. Records that contain confidential business or legal matter to the Tribe or a Tribal Citizen.
2. Records that rise significant privacy or confidentiality concerns for the tribe or a Tribal Citizen.
3. Records within a pending investigation either before an administrative or judicial proceeding involving the Tribe or a Tribal Citizen.
4. Records that could impair a criminal investigation.
5. Records specifically exempt by other statutes.

## SECTION V. ACCESS FOR REVIEW

A. The appropriate authorities within the following governmental divisions shall make available for review all public documents, unless exempt by applicable law:

1. Executive
2. Legislative

3. Judiciary
4. Prosecutor
5. Election Board

B. All branches of government shall release public documents to any Tribal Citizen making a request in accordance with approved regulations.

1. Public documents shall include but not be limited to:
  - a. all budgets approved by Tribal Council,
  - b. all documents supporting budgets, budget modifications and all documents used in budget formulations,
  - c. reports, memos, emails, letters and other written material in the possession of any branch of government that is not classified as a document identified with restrictions in this ACT.

C. Any request for review of documents must be made by a Tribal Citizen or an authorized representative.

## SECTION VI. REVIEW OF DOCUMENTS

A. Request for review may be made in person or in writing and must be accompanied with a copy of a Tribal identification card.

B. Each request must be specific in nature as to what documents are being requested for review.

C. Requests for review may be limited to normal office hours. Such office hours shall be posted by the appropriate authority.

D. Whenever possible the appropriate authority shall make the documents available immediately for review, or as soon as possible thereafter.

E. If copies are requested, the appropriate authority may charge a reasonable fee for cost of copies. Such cost shall be determined and made known to the Tribal Citizen prior to the incurrence of cost.

## SECTION VII. REQUIRED REGULATIONS

- A. The Tribal Executive shall develop regulations to implement this Statute establishing:
1. A method for defining classifications of documents as but not limited to public, confidential, undisclosed, legal, enterprise proprietary, and personnel.
  2. A method for marking, controlling, keeping and releasing confidential document.
  3. A schedule for reasonable cost for release of documents.

## SECTION VIII. VIOLATIONS and HEARINGS

A Tribal Citizen, who claims that an appropriate authority has violated this Statute, must submit a complaint for a hearing to the Tribal Court within 30 days of the alleged violation.

## SECTION IX. SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of Disclosure of Public Documents Statute is found by a court of competent jurisdiction to violate the Constitution, laws 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 these Rules and Procedures, the entirety of the balance of these Rule and Procedures remain in full and binding force and effect.

## SECTION X. EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever 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 August 9, 2009 at which a quorum was present, by a vote of 6 in favor, 1 opposed, 0 abstentions, and 2 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.		X		
Melvin L. Kiogima	X			
Dexter McNamara	X			
Marvin Mulholland	X			
Rita Shananaquet				X
Alice Yellowbank				X
Gerald V. Chingwa	X			
Regina Gasco Bentley	X			
Beatrice A. Law	X			

Date: 8/9/09   
 Beatrice Law, Legislative Leader

Date: 8-9-09   
 Regina Gasco Bentley, Secretary

Received by the Executive Office on 8/10/09 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: 8-21-2009   
 Frank Ettawageshik, Tribal Chairperson