Waganakising Odawak Statute # 2025-004
EXCLUSION

SECTION I. PURPOSE

The Little Traverse Bay Bands of Odawa Indians hereby declares that the power to exclude is an inherent and essential part of Tribal sovereignty, and indispensable to the Tribe's autonomy and self-governance. Further, it is a natural right of the Citizens of this Tribe, through their Tribal leaders to exercise the power of exclusion to protect and safeguard their natural, economic and cultural resources, and to protect the health, safety and welfare of Tribal citizens.

SECTION II. AUTHORITY

This statute is enacted pursuant to Article VII, Section D.5 of the Constitution of the Little Traverse Bay Bands of Odawa Indians, which recognizes the Tribe's inherent right to exclude persons and other parties from Tribal lands.

SECTION III. DEFINITIONS

For purposes of this statute:

A. "**Exclusion**" means a formal limitation or prohibition on a person's or entity's presence and activities on Tribal lands.

B. "**Indian**" means any person who qualifies as an "Indian" under 25 U.S.C. § 1301.

C. "**LTBB,**" "**Tribe**" or "**Tribal**" means the Little Traverse Bay Bands of Odawa Indians.

D. "**Non-Citizen**" means any person who is not a Citizen of the Little Traverse Bay Bands of Odawa Indians and any entity that is not at least majority-owned by the Tribe.

E. "**Respondent**" means the Non-Citizen that is the subject of Exclusion Proceedings.

F. "**Tribal Council**" means the Tribal Council of the Little Traverse Bay Bands of Odawa Indians.

G. **"Tribal Court"** means the Tribal Court of the Little Traverse Bay Bands of Odawa Indians.

H. **"Tribal Lands"** means all land that is held in trust by the United States government for the benefit of the Tribe.

SECTION IV. WHO MAY BE EXCLUDED

Any Non-Citizen may be excluded from Tribal Lands.

SECTION V. GROUNDS FOR EXCLUSION

The Tribe shall have a right to exclude a Non-Citizen for any of the following reasons:

A. Conviction of a felony under Federal, State or Tribal law.

B. Gross misconduct detrimental to the sovereign interests of the Tribe, the well-being of a Tribal Citizen or the economic interests of a majority-owned Tribal entity.

C. Conduct that threatens the political integrity, economic security or the health and welfare of the Tribe occurring within the jurisdiction of the Tribe.

D. Willfully interfering with treaty fishing rights or the exercise of LTBB's cultural and traditional practices.

SECTION VI. PETITION FOR EXCLUSION

A. **Who May Petition.** The following persons may initiate exclusion proceedings by submitting a petition to the Legislative Office:

1. Tribal Chairperson.
2. Tribal Vice-Chairperson.
3. Tribal Council Members, on their own behalf or at the request of a Tribal Citizen.

B. **Contents of Petition.** A petition shall include:

1. The name of the Respondent;
2. The specific grounds for exclusion under Section V;
3. The factual basis for the request; and
4. The signature of the Petitioner.

C. Scheduling. Upon receipt of a petition for exclusion, the Legislative Office shall schedule a time for Tribal Council to consider the petition at the next regularly scheduled Tribal Council meeting or, if urgent and authorized, at a special or emergency session.

D. Petition Review. Tribal Council must consider the petition in open session unless a reason for closed session exists under the Open Meetings Statute. Tribal Council may solicit input from or invite the participation of any person having information pertinent to the petition.

E. Decision Timeframe. Unless at least five (5) Tribal Councilors vote to extend the consideration period, a petition for exclusion shall be deemed denied if an exclusion order is not issued within thirty (30) calendar days of the date of the meeting in which it is considered.

SECTION VII. EXCLUSION ORDERS

A. Exclusion Determination. Tribal Council may, by the affirmative vote of seven (7) members of Tribal Council, order the exclusion of a Respondent. An Exclusion Order shall contain:

1. The Respondent's name;
2. The grounds for exclusion;
3. The term of the Respondent's exclusion; and
4. Any additional information Tribal Council deems appropriate.

B. Executive Review. Tribal Council shall provide the Tribal Chairperson with notice and a copy of its Exclusion Order on the same day in which a vote authorizing such order is taken. Within three (3) business days, the Tribal Chairperson (or their designee if the Tribal Chairperson is unavailable) shall notify Tribal Council that they concur, concur with conditions and/or recommendations, or dissent.

C. Final Decision. Tribal Council may, by the affirmative vote of seven (7) members of Tribal Council, amend or withdraw its proposed Exclusion Order in response to the Tribal Chairperson's feedback.

D. Notice to Excluded Party. Tribal Council shall provide an excluded Respondent with a copy of its final decision by First Class mail with a courtesy copy via email. If the Respondent's address and email address are unknown, Tribal Council may provide notice by any alternative means that is reasonably likely to reach the Respondent.

E. Judicial Review. A Respondent shall have the right to appeal an Exclusion Order in Tribal Court only; however, the Tribal Court's jurisdiction shall be strictly limited to ensuring that the Exclusion Order does not violate Respondent's federally protected rights. If the Tribal Court determines that such a violation exists, it may modify the Exclusion Order as necessary to comply with federal law. The Tribe expressly reserves its sovereign immunity and shall not be liable for claims of loss, damage or injury resulting from exclusions.

F. Modification of Exclusion Orders. Tribal Council may, by the affirmative vote of seven (7) members of Tribal Council, amend or withdraw any existing Exclusion Order.

SECTION VIII. ENFORCEMENT OF EXCLUSION ORDERS

A. Non-Citizen Indians. Any non-Citizen Indian present on Tribal lands in violation of an exclusion order shall be guilty of criminal trespass and subject to immediate arrest by Tribal law enforcement officers.

B. Non-Citizen, Non-Indians. Any non-Indian, non-Citizen present on Tribal lands in violation of an exclusion order shall be immediately removed from Tribal land by Tribal law enforcement officers. In addition, such non-Citizen shall be fined up to treble the maximum amount allowed under LTBB's criminal laws if the non-Citizen were an Indian convicted of criminal trespass.

SECTION X. EXCLUSION REGISTRY

Tribal Court shall maintain and publish on its website a registry of all non-Citizens who have been excluded under this statute. For each excluded non-Citizen, the registry shall contain:

A. The non-Citizen's name.

B. A recent photograph of the non-Citizen.

C. The basis for the non-Citizen's exclusion.

D. The date of the exclusion order.

E. The termination date, if any, of the exclusion.

The Tribal Court may remove the non-Citizen from the registry upon receipt of proof of death or formal dissolution of an entity.

SECTION XI. LIBERAL CONSTRUCTION

This statute shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

SECTION XII. 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 or laws of LTBB, 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 XIII. EFFECTIVE DATE

This statute shall be effective upon the signature of the Executive, or 30 days from Tribal Council approval, or if the Executive vetoes the legislation, then upon the date on which Tribal Council overrides the veto.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on January 9, 2025 at which a quorum was present, by a vote of 6 in favor, 2 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima				X
Tamara Munson	X			
William Ortiz	X			
Aaron Otto	X			
Melissa Pamp	X			
Jordan Shananaquet	X			
Leroy Shomin	X			
Emily Proctor		X		
Marcella Reyes		X		

Date: 01-10-2025 Marcella R. Reyes

Marcella Reyes, Legislative Leader

Date: 01-10-2025 Emily Proctor

Emily Proctor, Tribal Council Secretary

Received by the Executive Office on 01-10-25 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: 02-10-25 Regina Gasco

Regina Gasco, Tribal Chairperson

Received from the Executive on 02.10.2025 by Linda K Soke