

NATURAL RESOURCE COMMISSION ORDINANCE
Ordinance # 06-500-01

Article I. Purpose; Findings.

1.01. *Purpose.* The Little River Band of Ottawa Indians has determined that it is in the best interests of its members to regulate the wise utilization of natural resources within its jurisdiction in order to promote, honor and respect our traditional spiritual and physical relationship with the land and waters and resources on, above, below and within the land and waters.

1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians hereby finds that:

- a. the Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility to "...exercise the inherent powers of the Little River Band by establishing laws through the enactment of ordinances and adoption of resolutions not inconsistent with this Constitution:

1. to govern the conduct of members of the Little River Band and other persons within its jurisdiction;
2. to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members[.]” *Article IV, Section 7(a).*

Article II. Adoption; Amendment; Repeal; Severability.

2.01. *Adoption.* This Ordinance is adopted by resolution # 03-1001-313, which supersedes ordinance # 96-500-01.

- a. Amended by Resolution # 06-0830-601 which moved responsibility for hearing citations to Tribal Court.
- b. Amended by Resolution #11-0914-335, emergency amendments to reduce the number of commissioners to three (3).
- c. Amended by Resolution #12-0229-052, permanently adopting emergency amendments.
- d. Amended by Resolution 13-0821-251 to increase the number of commissioners to five (5).

2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.

2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Article III. Definitions.

3.01. *General.* For purposes of this Ordinance, certain terms are defined in this Article. The word “shall” is always mandatory and not merely advisory.

3.02. “*Commission*” shall mean the Natural Resource Commission as created in this Ordinance, with the powers and authority vested therein pursuant to this Ordinance.

3.03. “*Commissioner*” shall mean a member of the Natural Resource Commission.

Article IV. Natural Resource Commission

4.01. *Creation of Commission; General Authority.* There is hereby created the Natural Resource Commission, which shall consist of at least five (5) persons selected according to Commissions Ordinance, #04-150-01. The Commission is created for the purposes described in Article I of this Ordinance. The Commission is charged with the oversight and regulation of utilization of natural resources within its jurisdiction and shall exercise the powers and authorities described in this Ordinance or by separate ordinance.

4.02. *Membership.* The Natural Resource Commission shall consist of the persons appointed according to the Constitution and the Commissions Ordinance. A person is eligible to be appointed as a Commissioner if he or she:

- a. is 18 years of age or older;
- b. is a member of the Little River Band of Ottawa Indians;
- c. is not employed in the Conservation Department, or as an enforcement officer of the Tribe involved with enforcement of natural resource laws or regulations.

4.03. *Term of Office.* The term of office for members of the Natural Resource Commission shall be limited as follows.

- a. *Commissioners.* The term of office of a Commissioner shall be four years unless the Tribal Council authorizes a longer term to stagger terms of office to assure the stability of the Commission.
- b. *Officer.* The term of office for an officer shall be one year.
- c. There shall be no limit on the number of consecutive terms a Commissioner may serve.

4.04. *Removal.* In addition to the reasons for removal from office as set forth in the Commissions Ordinance, a member may be removed for the following additional reasons.

- a. Conviction of a felony in Tribal, State or Federal court during a term of office, unless such conviction stems from performance of a legal duty to the Tribe;
- b. Fraud, conspiracy to commit fraud or material misrepresentation or malfeasance in the performance of duties and responsibilities under this Ordinance.

Article V. Meetings of the Commission

5.01. *Public Informational Meetings.* The Commission shall have public informational meetings, to be held at large, centrally located facilities, at least one time per year at such dates, times and locations as may be designated, subject to the following requirements:

- a. The agendas of such meetings shall be informational in nature.
- b. The commission shall be required to form a quorum at such meetings.
- c. Substantial time shall be set aside at each such meeting to permit the membership the opportunity to provide input on any aspect or issue which is relevant to the purpose and authority of the Commission.
- d. Notice of such meetings shall be published in local periodicals wherever concentrations of members reside no later than two weeks prior to such meeting, such notice to set forth the place, date, time and duration of such meeting and the agenda for such meeting.
- e. Complete minutes of such meetings shall be taken and retained, and shall become a part of the legislative history of the Commission.

5.02. *Regular Meetings.* Regular meetings of the Commission shall be held once each month for the purpose of conducting the business of the Commission. Regular meetings will be subject to the following requirements:

- a. Notice of such meetings, including the date, time and location, shall be provided in the annual publication of meeting dates, or if changes to the location or time, shall be presented to each member of the Commission at least 14 days prior to the date of the meeting. Notice shall be deemed to be provided upon adoption of the annual publication of meeting dates, or if changes to location or time, if sent by telefax.
- b. Each Commissioner shall have a vote on all issues to be decided by the Commission.
- c. No official action may be taken by the Commission unless a quorum is present. A quorum of the Commission shall consist of an officer and at least one (1) other Commissioner.
- d. The conduct of Commission meetings shall be governed by Roberts Rules of Order.
- e. Complete minutes of such meetings shall be taken and retained, subject to the exception contained in section 5.01.

5.03. *Special Meetings.* Special meetings of the Commission shall be held as needed upon the directive of the Chairperson or any two Commissioners upon receipt of 24 hours notice in writing delivered to all members of the Commission. Notice shall be deemed to be provided upon being sent by telefax. All other provisions applicable to regular meetings shall apply to special meetings of the Commission.

5.04. *Conduct of Meetings.* Regular and special meetings shall be conducted pursuant to the following additional rules:

- a. It shall be the standard that all meetings of the Commission shall be open to all members of the Little River Band of Ottawa Indians; however, the Chairperson or a majority of the Commissioners present may direct all or a portion of a regular or special meeting to be closed to everyone except designated participants, when such closed meeting is necessary to deal with personnel issues or to discuss any matters deemed to require a closure.
- b. Minutes of all regular and special meetings of the Commission shall be transcribed, shall be kept on permanent file in the offices of the Commission, and shall be available for inspection by any member of the Little River Band of Ottawa Indians upon reasonable advance notice; provided, however, that as to any closed meeting or closed portion of a meeting, the minutes shall merely reflect that a closure took place.
- c. Minutes of all closed meetings or closed portions of meetings of the Commission shall be transcribed and shall be kept on permanent file in the confidential files of the Commission. Such minutes may be released only upon a majority vote of the Commission explicitly authorizing such release.

Article VI. Powers and Authorities of the Natural Resource Commission

6.01. *Primary Responsibilities.* The primary responsibility of the Commission shall be to implement the provisions of this Ordinance and all Ordinances governing commercial and subsistence fishing, hunting, trapping, gathering, and other activities pertaining to natural resources by any person on Tribal lands and to ensure the protection of the environment and resources within the Little River Band of Ottawa Indians' ancestral lands and waters through the development and adoption of regulations.

6.02. *Additional Powers.* The Commission shall have the following additional powers:

- a. To promulgate regulations for the purpose of implementing this Ordinance and any Ordinances regulating commercial and subsistence fishing, hunting, trapping and gathering activities by Tribal members or on Tribal lands which shall be approved by the

Tribal Council or in accordance with any Ordinance promulgated regarding adoption of regulations;

- b. To issue orders and directives not inconsistent with regulations adopted by the Commission, this Ordinance or Ordinances regulating commercial and subsistence fishing, hunting, trapping, gathering, and other activities pertaining to natural resources by persons on Tribal lands or waters;
- c. To review the impact of commercial and subsistence hunting, fishing, trapping, gathering, and other activities pertaining to natural resources having on the health and diversity of fish, wildlife and plant populations or other natural resources on Tribal lands, Manistee Reservation lands and waters, and throughout the Ceded Territory;
- d. To recommend to the Tribal Council, such Ordinances or amendments to Ordinances as may be required to better protect and manage the natural resources impacted on Tribal lands and waters, Manistee Reservation lands and waters, and lands and waters within the Ceded territory;
- e. To adopt, when deemed necessary by the Commission, such emergency regulations not to exceed 90 days in duration, including, but not limited to, restrictions on seasons, bag or creel limits, or method of harvest, as may be necessary to protect fish, wildlife and plant populations or other natural resources;
- f. To review lists and other reports regarding all persons to whom each type of license or permit has been issued;
- g. To review the numbers of each type of license or permit outstanding, with particular emphasis on commercial or special permits that may be outstanding, to determine if it is in the best interests of conservation to continue such permits;
- h. To suspend or revoke licenses, special permits, or other permits contemplated issued by the Conservation Department for fishing, hunting, trapping, gathering, and other activities under authority of this Ordinance or as set forth in regulations, as brought before the Commission by the Conservation Department either through an official representative or a Conservation Warden;
- i. To prepare and present to the Tribal Council a proposed budget requesting an appropriation of funds to permit the Commission to carry out the responsibilities of this Ordinance and all Ordinances governing commercial and subsistence fishing, hunting, trapping or gather of natural resources.

6.03. *Hearing Body.* The Natural Resource Commission shall act as the hearing body for the activities listed below in accordance with hearing procedures adopted by the Commission. All decisions of the Natural Resource Commission shall be issued in an order which clearly identifies the parties, issues, facts, rule or law and decision. Such order shall be adopted by majority vote and an original shall be presented to the affected party. Decisions of the Natural Resource Commission may be appealed to the Tribal Court on an appeal review of an administrative decision and not as an original hearing.

- a. Suspension, denial, revocation or other action regarding a license to hunt, fish, trap or gather unless otherwise assigned to another agency or the Tribal Court in Tribal law or approved Tribal regulation.

CERTIFICATION

I, Sandy Mezeske, Tribal Council Recorder, do hereby certify that this is a true and correct copy of the Natural Resource Commission Ordinance adopted by the Tribal Council on August 21, 2013.

Sandy Mezeske

[Seal]

