



Little River Band of Ottawa Indians
TRIBAL COUNCIL
375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 03-1105-369

Adoption of Natural Resource Commission By-Laws

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1795 Treaty of Greenville (7 Stat. 49), the 1821 Treaty of Chicago (7 Stat. 218), 1836 Treaty of Washington (7 Stat. 491), and the 1855 Treaty of Detroit (11 Stat. 621), with the United States, all as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribal Council is authorized, pursuant to the Tribal Constitution, Article IV, Section 7(f), to create regulatory commissions; and

WHEREAS, the Tribal Council, in 1996, created the Natural Resource Commission by adopting the Natural Resource Commission Ordinance, # 96-500-01, and delegated authority and responsibility to the Commission to carry out actions as set forth in that Ordinance; and

WHEREAS, the Tribal Council reaffirmed the existence of the Natural Resource Commission with the adoption, by Resolution # 03-1001-313, of the revised Natural Resource Commission Ordinance, # 03-500-01,

WHEREAS, the Tribal Council adopted the Commissions Ordinance, # 01-0100-06, that sets forth standards of conduct and process of Tribal Commission entities, including the requirement to adopt and submit by-laws; and

WHEREAS, Resolution # 03-1001-313, independently required the Natural Resource Commission to forward by-laws for Tribal Council approval; and

WHEREAS, the Natural Resource Commission, on October 29, 2003, approved their revised by-laws for submission to the Tribal Council; and


WHEREAS, the Tribal Council Liaison has reviewed the by-laws and recommends approval;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts the Natural Resource Commission by-laws in accordance with Section 6 of the Commissions Ordinance for immediate implementation.

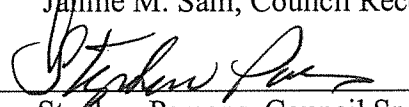
CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on November 5, 2003, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.

Attest:



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Distribution:

**LITTLE RIVER BAND OF OTTAWA INDIANS
NATURAL RESOURCE COMMISSION**

By-Laws

Article 1. Commission Title; Authority; Purpose

- 1.01. *Title.* This entity shall be known as the "Little River Band of Ottawa Indians Natural Resource Commission," and may be referred to by the short title of "Natural Resource Commission." The official office and mailing address of the Commission is:

375 River Street
Manistee, MI 49660

- 1.02. *Authority.* The Natural Resource Commission was created by:

- a. Authority delegated in Article 4 of the Natural Resource Commission Ordinance, Ordinance # 03-500-01, as adopted October 1, 2003, by Tribal Council Resolution # 03-1001-313.

- b. Adoption of the Commission by-laws by the Tribal Council, Resolution # 03-1105-369

- 1.03. *Purpose.* The purpose of the Natural Resource Commission is:

- a. To honor, promote, and maintain the Tribe's traditional physical and spiritual relationship to the natural environment, and its Tribal members' traditional use of the resources within the lands reserved by the Tribe's ancestors and the territory ceded in the 1836 Treaty of Washington;
- b. To regulate the wise utilization of natural resources within the Tribe's jurisdiction in a way that respects the Aníshinaábe traditional spiritual and physical relationship with the land and waters, and resources on, above, below, and within the land and waters;
- c. To exercise the powers and authorities described in the Natural Resource Ordinance or by separate ordinance(s);

Article 2. Commissioners.

- 2.01. *Membership.* The Natural Resource Commission shall have 5 persons, selected according to the Commissions Ordinance, # 01-100-06; and who shall be enrolled members of the Tribe; 18 years of age or older; and not currently employed either by the Tribe's Conservation Department, or as an enforcement officer of the Tribe engaged in the enforcement of the Tribe's natural resources laws.

- 2.02. *Consulting Member.* The Cultural Preservation Committee is authorized to delegate a consulting member to assist the Natural Resource Commission in its considerations and deliberations of natural resources issues. The Committee delegate shall not be a voting member of the Commission.

- 2.03. *Term of Office as Commissioner.* The term of appointed office for a Natural Resource Commissioner shall be 4 years.

- 2.04. *Causes for Removal of Commissioner.* In addition to those causes for removal established in the Commissions Ordinance, § 7.06, the Commission may seek the removal of a Commissioner who:

- a. Fails to attend 3 consecutive regularly scheduled meetings of the Commission without prior notification to the Commission.
- b. Exhibits unprofessional conduct that causes a negative reflection on the Commission.

2.05 *Officers.* The Natural Resource Commission shall have the following officers, which shall be elected by motion of the Commission members for a 1-year term of elected office

a. *General.*

1. No Commissioner shall serve in 2 officer positions.
2. There shall be no prohibition against successive terms of Office.
3. A vacancy created in an officer position shall be filled by majority vote of the Commissioners for the remainder of the vacant term.
4. The Commissioners shall be specially notified of any impending election of Officers.

b. *Chairperson.* The Chairperson shall have the following responsibilities:

1. To call all meetings to order, and to preside at all meetings.
2. To signature all correspondence, subject to approval by motion of the Commission; providing that, in an emergency, the Chairperson may signature correspondence and submit the correspondence to the Commission for ratification at the next regular Commission meeting.
3. To represent the Commission at all meetings with outside entities, unless, by motion, the Commission designates another Commissioner to act as a representative. Such representation shall include, but is not limited to, attendance at monthly Tribal Council meetings, attendance at CORA meetings and other interTribal meetings, and contacting Tribal members or other parties in regards to issues or pending matters before the Commission
4. To oversee the preparation and submission of the monthly report to the Tribal Council.
5. To oversee the preparation and submission of the Commission's annual budget to the Tribal Council.
6. To manage and report on the finances of the Commission.
7. To oversee the preparation of the Commission's annual meeting Resolution.

b. *Vice Chairperson.* The Vice-Chairperson shall have the following responsibilities:

1. To carry out the Chairperson's duties in the absence of the Chairperson.
2. To oversee the notification of the Commissioners of meeting date changes, as needed.
3. To pick up mail on a weekly basis for the Commission.
4. To oversee the submission of the stipend sheets for the Commission.
5. To oversee the drafting of correspondence, upon approval of the Commission, by motion, for signature by the Chairperson.
6. To oversee the preparation of meeting notices and notice to the Commissioners.
7. To oversee the posting of meeting schedule notices.
8. To act as Acting Chairperson, upon resignation of the Chairperson, until elections of Commission officers are held at the next available meeting.

Article 3. Commission Duties and Responsibilities. The Natural Resource Commission shall have the following specific duties and responsibilities:

- a. 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;
- b. To implement the provisions of the Natural Resource Commissions Ordinance, # 03-500-01, and all ordinances governing commercial and subsistence fishing, hunting, trapping, gathering, and other activities pertaining to natural resources by any person on Tribal lands;
- c. To issue orders and directives not inconsistent with a) the Natural Resource Commission Ordinance; b) regulations adopted by the Commission; and c) other Tribal Ordinances regulating commercial and subsistence fishing, hunting, trapping, gathering, and other activities; pertaining to natural resources by persons on Tribal lands or waters;
- d. To review the impact that commercial and subsistence hunting, fishing, trapping, gathering, and other activities pertaining to natural resources have 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;
- e. 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;
- f. To adopt, when deemed necessary by the Commission, such emergency regulations, not to exceed 90 days in duration, as may be necessary to protect fish, wildlife and plant populations, or other natural resources;
- g. To review lists and other reports regarding all persons to whom each type of Tribal license or Tribal permit has been issued;
- h. To review the numbers of each type of Tribal license or Tribal permit outstanding to determine if it is in the best interests of conservation to continue such permits;
- 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 gathering of natural resources;
- j. To act as the hearing body and to issue decisions and orders for suspension, denial, revocation, or other action regarding a license or permit to hunt, fish, trap, or gather, in accordance with hearing procedures adopted by the Commission;
- k. To act as the hearing body and to issue decisions and orders for issuance of a fine for violation of Tribal Ordinances or Natural Resource Commission regulations, in accordance with hearing procedures adopted by the Commission;
- l. To act as the hearing body and to issue decisions and orders for issuance of rules or regulations alleged to be unconstitutional, vague, beyond the scope or authority of the Commission, or for other like reasons, in accordance with hearing procedures adopted by the Commission.
- m. To suspend or revoke licenses or permits issued by the Conservation Department, for fishing, hunting, trapping, gathering, and other activities, as set forth in Natural Resource Commission regulations;
- n. To recommend policies and procedures to the Tribal Council for authorizing access to or

use of Tribal lands by non-Tribal members for hunting, fishing, and gathering purposes.

- o. To develop regulations governing the issuance of camping permits on designated campsites to Tribal members; and to develop proposals for regulations to identify and designate additional campsites on Tribal lands; procedures for ordering the temporary or permanent closure of designated campsites to protect Tribal resources.

Article 4. Commission Meetings.

4.01. Regular Meetings.

- a. The Natural Resource Commission shall have 1 regular meeting per month.
- b. The Commission shall establish its regular meeting schedule for the next calendar year no later than the last meeting before the end of the current calendar year.
- c. Upon adoption, the meeting schedule shall be posted at the Little River Health Center, Little River Tribal Office, Little River Band Community Center, and the Little River Band Downtown Office Building, and at other such public places as the Commission deems appropriate. The meeting schedule also shall be published on the Tribe's intranet and in the Tribe's next available newsletter.
- d. The meeting place shall be at the LRB Conservation Department Building, 150 Brick Yard Rd., Manistee MI 49660, unless notification is provided to the public at least 24 hours before a meeting and the change is posted, as required in section 4.01.c.

4.02. Special Meetings.

- a. Special meetings may be called as needed.
- b. The Chairperson, or any 2 Commissioners, may call a special meeting on 24 hours notice to the Commissioners.
- c. A special meeting may be called by giving 24 hours written, telefax, or e-mail notice to all Commission members. Notice also may be provided by telephone to all Commissioners with follow-up by written notice at the earliest possible time.

4.03. Public Informational Meeting. The Natural Resource Commission shall have at least 1 annual public informational meeting that shall be convened and governed pursuant to the requirements of the Natural Resource Commissions Ordinance.

4.04. Quorum. The Commission must have 1 officer and 2 other Commissioners present to make a quorum at meetings.

4.05. Agenda.

- a. Every meeting of the Natural Resource Commission shall be conducted in accordance with an agenda that, if time permits, has been delivered before the meeting by hand, mail, fax, e-mail, or other transmission method, to each Commissioner.
- b. At the time of the meeting, the Commission may, by motion, accept additional items for the agenda, with the exception of the election of officers, which items were not given prior notice on the agenda provided to the Commissioners.
- c. At the time of the meeting, the Commission, by motion, may move items inside the established meeting agenda.
- d. Each agenda shall be drafted to identify clearly the following:
 - 1. Opening prayer
 - 2. General Business

- i. Call To Order and time of call
- ii. Roll Call of Commissioners present
- iii. Approval of agenda
- iv. Approval of available open session minutes
- v. ~~Public comment~~
- 3. Conservation Department Update
 - i. Continuing business
 - ii. New business
- 4. Law Enforcement Update
- 5. Legal Department Update
 - i. Continuing business
 - ii. New business
- 6. Closed session
 - i. Approval of available closed session minutes
 - ii. Litigation update
- 7. Return to open session
- 8. Other business
- 9. Agenda items for next meeting
- 10. Adjournment

4.06. *Open and closed meeting sessions.*

- a. Commission business shall be conducted in open session; provided that, the Commission, by proper motion, may move that a topic under discussion be discussed in closed session.
- b. All matters involving the imposition of fines for violation of Tribal Ordinances or regulations; or licensure and permit applications, denials, suspensions, or revocations, or any other appropriate matters involving a hearing by the Commission, shall be conducted in open, public session.
- c. Records of the Commission shall be considered public documents, provided that confidential records pertaining to contracts, litigation, personnel, or personal matters shall remain confidential and non-public documents, and shall be discussed in closed session.
- d. No persons, other than Commissioners, shall attend closed sessions of the Commission, except upon proper motion of the Commission; provided that, legal counsel to the Commission may be permitted to remain in closed session unless excused by motion of the Commission.

4.07. *Minutes.*

- a. Commission minutes shall be drafted in such a fashion so as to clearly identify:
 - 1. date, time, and place the Commission meeting or hearing was called to order;
 - 2. Commissioners and guests present, and whether a Commission Officer is/is not present;
 - 3. adoption of the agenda, and any amendments thereto;
 - 4. action taken regarding each agenda item;
 - 5. date and time the meeting was concluded, and the manner in which it was concluded, i.e. loss of quorum, completed, etc.;

6. dates of any minutes approved;
7. time each Commissioner arrives and departs the meeting.
8. date, time, and place of the next regular meeting

- b. The Commission, upon properly adopted motion, may forward open session meeting minutes to the Tribal Council.
 - c. The Commission shall retain closed session meeting minutes in a locked filing cabinet.
 - d. The closed session meeting minutes shall not be disclosed to any person or entity, with the exception of allowing access of the information pursuant to the applicable provisions of the Budget and Appropriations Ordinance, # 01-100-04.
- 4.08. *Stipend; Attendance.* A Natural Resource Commissioner shall be entitled to a stipend only if the Commissioner is in attendance for at least half of a Commission meeting, unless otherwise determined by motion of the Commissioners present.

Article 5. Employees; Liaison

5.01. *Employees.* The Natural Resource Commission does not have the power to employ individuals.

5.02. *Liaison.*

- a. The Natural Resource Commission shall choose a liaison from among its Commission members who shall be responsible for interacting with the Tribal Council liaison to bring issues to the Tribal Council, and to bring issues from the Tribal Council to the Commission.
- b. The Conservation Department shall identify a contact person to whom the Commission shall forward correspondence, requests, and other like materials.

Article 6. Travel and Training

- 6.01. Any travel requested by a Commissioner shall be presented to the Commission for approval by motion at least 30 days, when possible, before the date of departure.
- 6.02. Any Commissioner attending training shall complete an evaluation form to be presented to the Commission at the next available meeting for review, or as soon thereafter as possible.

Article 7. Amendment; Repeal

7.01. *Amendment.*

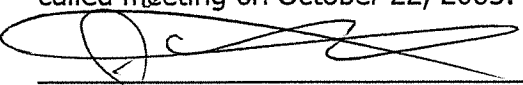
- a. The Commission shall review its by-laws for amendments on an annual basis.
- b. Amendments must be presented at least 1 meeting before scheduled action by the Commission, and must be adopted by a majority vote of the Commissioners present.
- c. Amendments shall be final after presentation to and approved by the Tribal Council, pursuant to a Resolution approved and submitted by the Commission.

7.02. *Repeal.*

- a. These by-laws may be repealed by the presentation of a Resolution to the Tribal Council by the Commission containing the reasons a repeal of these by-laws is necessary.
- b. The Commission must approve the repealing Resolution by a majority vote of the Commissioners present.
- c. The Tribal Council unilaterally may repeal these by-laws by amendment to the creating Ordinance, or by adoption of a Resolution calling for the repeal of the Commission's By-laws.

CERTIFICATION

I, Niigaan Gachwid (Jimmie Mitchell) as Chairperson of the Natural Resource Commission, do hereby certify that the Natural Resource Commission adopted these By-laws at a duly called meeting on October 22, 2003.


Signature

10-30-03
Date

I, Janine Sam, as Tribal Council Recorder, do hereby certify that the Tribal Council, at a meeting called on Nov 5, 2003, adopted these By-laws.


Signature

Nov 7, 03
Date