

**Little River Band of Ottawa Indians
Tribal Council
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288**

Resolution #18-0905-262

Approval of Amendments to Natural Resources 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 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(f) of the Constitution to create by ordinance regulatory commissions or subordinate organizations and to delegate to such organizations the power to manage the affairs and enterprises of the Little River Band; and

WHEREAS, the Tribal Council adopted the Commissions Ordinance, #04-100-06 and Section 6.01 of the Commissions Ordinance states that all Commissions shall have two creation documents – an Ordinance and By-Laws; and

WHEREAS, Section 6.02 (f) of the Commissions Ordinance mandates that By-Laws be reviewed on an annual basis by the Commission for amendments; and

WHEREAS, the Tribal Council has, pursuant to the Natural Resources Commission Ordinance #06-500-01, created the Natural Resources Commission and delegated to such Commission the authority to oversee and regulate the utilization of natural resources within the Tribe's jurisdiction; and

WHEREAS, the Natural Resources Commission reviewed the Natural Resources Commission By-Laws, has made the amendments necessary to be compliant with Tribal Law, and approved the revisions on August 20, 2018, by Natural Resources Commission Resolution #NRC-2018-0820-04; and

WHEREAS, the amended Natural Resources Commission By-Laws are now being forwarded to Tribal Council for placement on their agenda for approval.

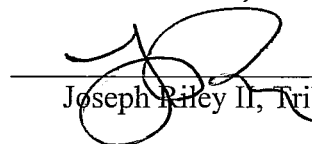
NOW THEREFORE IT IS RESOLVED, that the Tribal Council approves the amendments to the Natural Resources Commission By-Laws.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on September 5, 2018, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



Sandra Lewis, Tribal Council Recorder



Joseph Riley II, Tribal Council Speaker

Attest:

Distribution: Council Records Tribal Ogema Legal Department

LITTLE RIVER BAND OF OTTAWA INDIANS
Natural Resource Commission

By-Laws

Article 1. 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 2608 Government Center Drive, Manistee, MI 49660.

1.02. Authority. The Natural Resource Commission is created by:

- a. The authority of the Tribal Council to create regulatory commissions or subordinate organizations and to delegate to such organizations the power to manage the affairs and enterprises of the Little River Band of Ottawa Indians, conferred by Article IV, Section 7(f) of the Constitution of the Little River Band of Ottawa Indians; and
- b. Article IV of the Natural Resource Commission Ordinance, Ordinance #06-500-01, as adopted by Tribal Council.

1.03. Purpose. The purposes of the Natural Resource Commission are:

- a. To honor, promote, and maintain the Tribe’s traditional physical and spiritual relationship to the natural environment, and its Tribal Members’ traditional, subsistence and commercial uses of the resources within the lands reserved by the Tribe’s ancestors and the territory ceded in the 1836 Treaty of Washington; and
- b. To regulate the wise utilization of natural resources within the Tribe’s jurisdiction in a way that respects the Anishinaabe traditional spiritual and physical relationship with the land and waters and the resources they contain; and
- c. To exercise the powers and authorities described in the Natural Resource Commission Ordinance or other ordinances adopted by Tribal Council related to the regulation, use or preservation of the Tribe’s land and natural resources.

Article 2. Commissioners.

2.01. Membership. The Natural Resource Commission shall have up to five (5) members, selected according to the Commissions Ordinance, #04-150-01. Commissioners must meet the following requirements:

- a. Be at least 18 years of age;

- b. Be an enrolled Tribal Member;
- c. Not be currently employed by either the Tribe's Natural Resources Department or as a Tribal enforcement officer engaged in the enforcement of the Tribe's natural resources laws.

2.02. *Consulting Members.* The Natural Resources Department, the Historical Preservation Department and / or Cultural Preservation Committee and the Planning Department shall delegate consulting members to join the Natural Resources Commission in a non-voting capacity on request of the Commission. The Commission may request consulting members for discussion on various issues, such as land use, Anishinaabe traditions or regulations governing the use of natural resources.

2.03. *Terms of Office.* The term of appointed office for a Natural Resource commissioner shall be four (4) years. In accordance with Section 7.01 of the Commissions Ordinance, Ordinance #04-150-01, terms shall begin on September 21 and end of September 20 at midnight, regardless of when the commissioner was appointed or sworn into office.

2.04. *Causes for Removal of a commissioner.* In addition to those causes for removal established in Section 7.08 of the Commissions Ordinance, the Commission may seek the removal of a commissioner who:

- a. Fails to attend three (3) consecutive regularly scheduled meetings of the commission without prior notification to the commission; or
- 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 for a one-year term of office. The Commission shall elect officers annually at its first regularly scheduled meeting in December.

a. *General.*

- 1. No commissioner shall serve simultaneously in two (2) officer positions, unless an officer is acting in another's absence as provided below.
- 2. There shall be no prohibition against successive terms in Office.
- 3. A vacancy created in an officer position shall be filled by majority vote of the Commissioners for the remainder of the one-year 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 sign all official documents of the Commission. In an emergency, the chairperson may sign 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 Tribal Council or the Chairperson designates another commissioner to act as a representative at a given meeting. Such representation shall include, but is not limited to, attendance at monthly Tribal Council meetings or work sessions, attendance at CORA meetings and other intertribal meetings relevant to the Tribe's natural resources laws or regulations;
 4. To ensure the submission of the monthly report to Tribal Council
 5. To ensure the submission of the commission's annual budget to the Tribal Council;
 6. To manage and report on the finances of the commission to the Tribal Council or Tribal Ogema;
 7. To appoint another commissioner to the duty of the minutes and the agenda in the absence of the Recorder.
- c. *Recorder.* The Recorder shall have the following responsibilities:
1. To carry out the chairperson's duties in his or her temporary absence;
 2. To be as acting chairperson, upon permanent absence of the chairperson, Until election of a new chairperson at the next available meeting.
 3. To oversee the preparation of the agenda;
 4. To oversee the preparation of the minutes;
 5. To ensure notification to the commissioners of meeting date changes, as needed;
 6. To pick up mail for the Commission as needed;
 7. To ensure the submission of stipend sheets for the Commission;
 8. To ensure the posting of meeting schedule notices.

9. To oversee the preparation of the monthly report to the Tribal Council, upon approval of the Commission, by motion, for signature by the Chairperson.
10. To oversee the preparation of the commission's annual meeting schedule and resolution for signature by the chairperson, upon approval of the Commission, by motion;
11. To keep a list of current commissioners and their appointment dates; of officer's seats and year elected, and contact information including addresses, telephone numbers and email addresses.
12. To keep a copy of the regular meeting schedule for the next calendar year.
13. To oversee the drafting of correspondence for signature by the Chairperson upon approval of the Commission by motion.

Article 3. Commission Duties and Responsibilities.

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

- a. To ensure the protection of the environment and natural resources within the Little River Band of Ottawa Indians' ancestral lands and waters through the development and adoption of regulations and;
- b. To implement the provisions of the Natural Resource Commission Ordinance, #06-500-01, and all ordinances governing commercial and subsistence fishing, hunting, trapping, gathering and other activities pertaining to natural resources by any person on Tribal lands and Ceded Territory
- c. To issue orders and directives regulating commercial and subsistence fishing, hunting, trapping, gathering and other activities pertaining to natural resources by persons on Tribal lands or waters or within the Ceded Territory that are not inconsistent with Tribal law;
- 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, within Tribal lands and 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 within Tribal lands and the Ceded Territory;

- f. To adopt such emergency regulations, not to exceed 90 days in duration, as may be deemed necessary by the commission to protect fish, wildlife and plant populations, or other natural resources;
- g. To review lists or other reports regarding all persons to whom each type of Tribal license or Tribal permit has been issued;
- h. To review and approve applications for special use and special trespass permits and interview the applicant for a special use or special trespass permit;
- i. To review and approve forms and applications from the Tribal Natural Resources Department for use by Tribal Members and other members of the public;
- j. To review the numbers of each type of Tribal license or Tribal permit outstanding and to determine if it is in the best interests of conservation to continue such permits;
- k. 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 Tribal laws governing commercial and subsistence fishing, hunting, trapping, or gathering of natural resources;
- l. To act as the hearing body and to issue decisions and orders to suspend, deny, revoke or take other action regarding a license or permit to hunt, fish, trap, or gather, in accordance with hearing procedures in the Natural Resource Commission Ordinance or adopted by the Commission;
- m. To suspend or revoke licenses or permits issued by the Natural Resource Department for fishing, hunting, trapping, gathering and other activities, as set forth in Natural Resource Commission Ordinance or regulations adopted by the Commission;
- n. To recommend policies and procedures to the Tribal Council for authorizing the use of Tribal lands by non-Tribal members for hunting, fishing gathering, or camping purposes.
- n. To develop camping regulations and regulations for the issuance of camping permits and to develop regulations to identify and designate additional campsites on Tribal lands; and
- o. To develop regulations or procedures for ordering the temporary or permanent closure of designated campsites by the Commission to protect Tribal resources and to implement those procedures when deemed necessary.

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 meetings schedule for the next calendar year no later than the last meeting before the end of the current calendar year. Upon adoption, the meeting schedule shall be posted at Tribal properties and on the Tribal website or social media page(s). The meeting schedule also shall be published in the Tribe's next available newsletter and submitted to Tribal Council with the Commission's yearly January report.
- c. The meeting place shall be at the Natural Resource Building Ground level or other location as directed by the Tribal Council. The meeting location shall be posted with the meeting schedule and monthly agenda.

4.02. Special Meetings.

- a. Special meetings may be called as needed to conduct business or convene hearings that, if delayed, would be detrimental to the health, safety or welfare of the Tribe, its members or the regulated activity.
- b. The chairperson or any two (2) commissioners may call a special meeting on 24 hours' notice to the commissioners and the public. Notice also may be provided by telephone to commissioners with follow-up by written notice at the earliest possible time. Written notice may be delivered by hand, fax, e-mail or text messaging;

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

4.04. Quorum and Attendance. The Commission must have one (1) officer and two (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 delivered before the meeting by hand, mail, fax, e-mail or other transmission method, to each commissioner and posted for the public.
- b. At the time of the meeting, the commission may, by motion, accept additional items for the agenda which were not given prior notice, with the exception of the election of officers.

- c. At the time of the meeting, the commission, by motion, may move items within the established meeting agenda.
- d. Each agenda shall be drafted to clearly identify 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;
 - 3. Law Enforcement Update
 - i. Continuing business
 - ii. New business
 - 4. Natural Resource Department Update
 - i. Continuing business
 - ii. New business
 - 5. Legal Department Update
 - i. Continuing business
 - ii. New business
 - 6. Regulations
 - i. Continuing business
 - ii. New business
 - 7. Public comment
 - 8. Hearings, if any.

9. Closed session - for items pertaining to contracts, litigation, personnel or hearings on request of the Tribal Member subject to the hearing
 - i. Approval of available closed session minutes
 - ii. Closed hearings, if any
 - iii. Litigation update
10. Return to open session
11. Agenda items for next meeting
12. Adjournment

4.06. *Open and closed meeting sessions.*

- a. Commission business shall be conducted in open session; however, the commission by proper motion may move that a topic under discussion be discussed in closed session.
- b. Records of the Commission shall be considered public documents; however, confidential records pertaining to contracts, litigation, personnel, or hearings on the request of the Tribal Member subject to the hearing shall remain confidential and non-public documents, and shall be discussed in closed session.
- c. No persons, other than commissioners, shall attend closed sessions of the Commission, except upon proper motion of the Commission. Legal counsel may be permitted to remain in closed session unless excused by motion of the Commission.

4.07. *Minutes.*

- a. Commission minutes shall be drafted to clearly identify:
 1. The date, time and place the commission meeting or hearing was called to order;
 2. The names of commissioners and guests present, and whether a commissioner is not present;
 3. Adoption of the agenda, and any amendments;
 4. Any action taken regarding each agenda item;

5. Meeting Minutes are the detailed notes that serves as an official record of the meeting;
6. The date and time the meeting was concluded and the manner in which it was concluded (i.e., loss of quorum, complete, etc.);
6. The date(s) of any minutes approved;
7. The time a commissioner arrives or departs the meeting if the commissioner arrives late or leaves early; and
8. The date, time and place of the next regular meeting.

4.08. *Stipend; Attendance.* Commissioners may attend by telephone or by real-time electronic remote access with audio and visual technology. A 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 remaining commissioners present. Tribal Council may overrule the commission's motion to grant a stipend to a commissioner under this subsection.

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 Department shall identify a liaison to whom the commission shall forward correspondence, requests and other like material. The liaison shall be responsible for ensuring the delivery of Department reports or other information to the commission.
- b. The Tribal Council shall assign as a liaison a Council Member to provide communication between the Council and the commission.
- c. The commission chairperson shall act as a liaison to Tribal Council to provide communication to the Department and Tribal Council at work sessions, public meetings or otherwise. The commission may select a commissioner other than the chairperson to act as liaison by majority vote.

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 the review, or as soon thereafter as possible.

Article 7. Amendment; Repeal.

7.01. Amendment.

- a. The commission shall review its by-laws by the end of each year for amendments and re-authorization.
- b. Amendments must be presented at least one (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 approval by Tribal Council resolution.

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 why a repeal of these by-laws is necessary.
- b. The commission must approve the resolution requesting repeal by a majority vote of the commissioners present.
- c. The Tribal Council may unilaterally repeal these by-laws by amendment to the creating ordinance, or by adoption of a resolution repealing these by-laws.

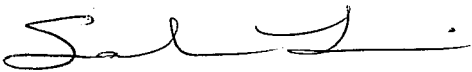
CERTIFICATION

I, Boo Battice, as Chairperson of the Natural Resource Commission, do hereby certify that the Natural Resource Commission adopted these By-Laws at a regular meeting.


Boo Battice

August 20, 2018
Date

I, Sandra Lewis, Tribal Council Recorder do hereby certify that the Tribal Council, approved these By-Laws by the adoption of Tribal Council Resolution #18-0905-262.


Sandra Lewis

September 5, 2018
Date