



**Little River Band of Ottawa Indians
Tribal Council**
2608 Government Center Dr.
Manistee, MI 49660

Resolution 22-0316-043

Resolution Approving Binojeeuk Commission 2022 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 Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band 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 and to delegate to those commission the power to manage the affairs of the Little River Band; and

WHEREAS, the Tribal Council did by Ordinance #98-900-01 create the Binojeeuk Commission to be a regulatory body and delegated to that Commission specified powers to protect and promote the welfare of Tribal children and families; and

WHEREAS, the Binojeeuk Commission reviewed and amended, and approved revisions to the Binojeeuk Commission By-Laws on March 4, 2022, by the Binojeeuk Commission Resolution #BC-22-0304-01; and

WHEREAS, the Binojeeuk Commission By-Laws are now being forwarded to Tribal Council for placement on their agenda for approval; and

WHEREAS, the By-laws are amended to change the day of regularly scheduled meetings to the first and third Friday of the month as well as amendments to correct the language to reflect the language as found in the Children's Protection Code.

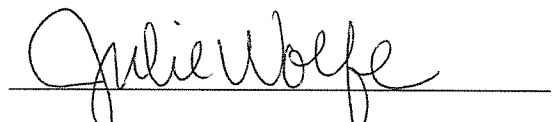
NOW THEREFORE IT IS RESOLVED, that the Tribal Council approves and authorizes the Binojeeuk Commission's By-Laws.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on March 16, 2022, via ZOOM and the Little River Band of Ottawa Indians Government Center with a quorum being present for such vote.



Pam Johnson, Acting Tribal Council Recorder



Julie Wolfe, Acting Tribal Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Binojeeuk Commission
ULD



Gaa Ching Ziibi Daawaa Anishinaabek
LITTLE RIVER BAND OF OTTAWA INDIANS
2608 Government Center Drive
Manistee, MI 49660

BINOJEEUK COMMISSION

BY-LAWS

Article I. Title; Authority; Purpose.

- 1.01. *Title.* This entity shall be officially known as the Binojeeuk Commission and may be referred to in the short form as "Binojeeuk." The official office and mailing address is 2608 Government Center Drive, Manistee, Michigan, 49660.
- 1.02. *Authority.* The Binojeeuk Commission is created by the Children's Protection Code, Ordinance #98-900-01, Section 5, and the adoption of these By-Laws by:
- a. Tribal Council Resolution #02-0529-07, *Adoption of Binojeeuk Commission By-Laws;*
 - b. Tribal Council Resolution #02-0619-05, *Amendment to Binojeeuk Commission By-Laws to Allow for Attendance at Meeting by a Commissioner By Phone Conference.*
 - c. Tribal Council Resolution #10-0616-182, *Approval of Binojeeuk Commission By-Laws.*
 - d. Tribal Council Resolution #16-1026-327, *Amendment to Binojeeuk Commission By-Laws to change the term of office from two (2) years to four (4) years and to fix grammatical errors and typos.*
 - e. Tribal Council Resolution #18-1219-374, *Amendment to Binojeeuk Commission By-laws to add licensing and monitoring of childcare facilities under duties and responsibilities, update compensation procedures, and fix grammatical errors, typos, and formatting.*
 - f. Tribal Council Resolution #20-0930-275, *Amendments to Binojeeuk Commission By-Laws to change the regularly scheduled meeting to the first and third Tuesday of the month.*
 - g. Tribal Council Resolution # 22-0316-043, *Amendments to Binojeeuk Commission By-Laws to change the regularly scheduled meeting to the first and third Friday of the month.*

- 1.03. *Purpose.* The Binojeeuk Commission is created to provide for the welfare, care, and protection of the Indian children and families of the Little River Band, to provide for the safety of tribal children and to preserve family unity, to provide and follow procedures for intervention in state court proceedings regarding Indian children, to provide and follow procedures for the transfer of jurisdiction over Indian children from state to Tribal court(s), and to exercise this Tribe's rights and responsibilities under the Indian Child Welfare Act of 1978.

Article II. Members.

- 2.01. *Members.* The Binojeeuk Commission shall have five (5) members who are Tribal members and have reached the age of twenty-one (21).
- 2.02. *Term of Office.* The term of office for a member of the Binojeeuk Commission shall be for four (4) years unless the Tribal Council authorizes a longer term to stagger terms of office to assure the stability of the Commission.
- 2.03. *Officers.* The members of the Binojeeuk Commission shall select one (1) member to serve as Chairperson and one (1) member to serve as Secretary of the Commission. No member may serve in two (2) officer positions. A vacancy created in an officer position shall be filled for the remainder of the vacant term.
- a. *Chairperson.* This officer shall be responsible for:
1. Calling and presiding at all Binojeeuk Commission meetings;
 2. Managing and reporting on all finances of the Binojeeuk Commission to the Tribal government;
 3. Reporting to the Tribal Council or others as directed by Tribal Council; and
 4. Signing all correspondence and representing the entity at all meetings with outside entities, unless by motion, the Binojeeuk Commission designates another member to act as a representative at a meeting with outside entities.
- b. *Secretary.* This officer is responsible for:
1. Maintaining all minutes, agendas, reports, and correspondence of the Binojeeuk Commission; and
 2. Presiding at official meetings of the Binojeeuk Commission in the absence of the Chairperson.

Article III. Duties and Responsibilities.

- 3.01. The Binojeeuk Commission shall act under the authority expressly delegated to it by the Tribal Council in the Children's Protection Code, Ordinance #98-900-01 or in other enactments by the Tribal Council. The Binojeeuk Commission shall have the following duties:
- a. Advise the Tribal Council and the Tribal Court on child welfare matters and recommend policies and procedures for implementing federal and Tribal child welfare law;
 - b. Monitor child welfare proceedings involving Tribal members in state or Tribal courts;
 - c. Be advised of pending state court proceedings as provided in the Indian Child Welfare Act and make recommendations regarding intervention in such proceedings and transfer of jurisdiction from state court to Tribal Court;
 - d. Conduct informal conferences with a child and the child's parent(s), guardian, or custodian as provided in the Children's Protection Code to discuss alternatives to formal court jurisdiction for resolving concerns about the proper care and supervision of a child;
 - e. Make recommendations to authorize the filing of a child-in-need-of-care petitions in the Tribal Court pursuant to the Children's Protection Code;
 - f. Make recommendations to the Tribal Family Services workers, placement agency workers, and the Tribal Prosecutor regarding the care, custody, and supervision of Tribal children under court jurisdiction, including recommendations as to the case plan, guardianship, and termination of parental rights;
 - g. License and monitor group, shelter, foster, and adoptive homes, child placement agencies;
 - h. License and monitor childcare facilities and issue Child Care Providers Licenses;
 - i. Monitor Little River Band of Ottawa Indians children who reside in foster, adoptive, or group homes through child placement agencies; and
 - j. Engage in further activities necessary to protect and improve the welfare of the children of the Little River Band of Ottawa Indians.

Article IV. Meetings.

- 4.01 *Meetings.* The Binojeeuk Commission shall meet at least twice per month at a location designated in the monthly agenda. The Binojeeuk Commission may only conduct formal meetings for action on the Reservation of the Little River Band of Ottawa Indians. Meetings shall by default take place on the first and third Friday of the month, unless otherwise noticed and meeting dates are subject to change due to holidays, government closures, or quorum.
- 4.02 *Special Meetings.* The Chairperson may call special meetings by giving at least twenty-four (24) hours' notice to all members. Such notice shall be in writing where possible, provided that, the Chairperson or Secretary may telephone all members and follow up with written notice when prior written notice is not feasible. Members may attend special or emergency meetings by telephone. Special meetings may be called for the purpose of:
- a. Conducting business that, if delayed until such time as a regular meeting is held, it would be detrimental to the health, safety, or welfare of the Tribe, its members, or the purposes of the Binojeeuk Commission; or
 - b. Conducting hearings regarding matters, including, but not limited to, permits and license issuance or revocation, or for the purposes of hearing matters, related to citations and or other orders of the Binojeeuk Commission.
- 4.03 *Quorum.* A quorum for formal business shall consist of at least one officer and one other member of the Binojeeuk Commission.
- 4.04 *Agenda.* Every meeting shall be conducted in accordance with an agenda. The Binojeeuk Commission may, by majority vote, accept additional items for the agenda, at the time of the meeting, which were not given prior notice. Each agenda shall contain the following sections, and any other sections as may be necessary to clearly identify the business to be conducted:
- a. Optional opening prayer or moment of silence;
 - b. General Business;
 - 1. Call to order and time of call;
 - 2. Roll call of members present;
 - 3. Approval of agenda; and
 - 4. Approval of available open session minutes.
 - c. Public comment;

- d. Updates and Reports;
- e. Closed session;
 - 1. Approval of available closed session minutes;
 - 2. Closed hearings, if any; and
 - 3. Contracts, litigation or personnel matters.
- f. Return to open session;
- g. Agenda items for next meeting; and
- h. Adjournment.

4.05 *Minutes.* The minutes shall be drafted to clearly identify:

- a. The date and time the meeting was called to order;
- b. The members present;
- c. Adoption of the agenda, and any amendments;
- d. Any action taken regarding each agenda item; and
- e. The date and time the meeting was concluded, and the manner in which it was concluded (i.e., loss of quorum, completed, etc.).

4.06 *Compensation.* Commissioners shall be compensated in an amount set by Tribal Council resolution.

Article V. Employees; Liaison.

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

5.02. *Liaison.*

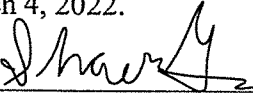
- a. The Tribal Council shall assign as a liaison a Council Member to provide communication between the Council and the Binojeeuk Commission.
- b. The Chairperson shall act as a liaison to Tribal Council to provide communication to departments as necessary and Tribal Council at work sessions, public meetings, or otherwise. The Binojeeuk Commission may select a member other than the chairperson to act as liaison by majority vote.

Article VI. Amendment; Repeal.

- 6.01. *Amendment.* These bylaws shall be reviewed on an annual basis by the Binojeeuk Commission for amendment and reauthorization. All amendments must be presented at least one meeting per prior to action and must be adopted by a two-thirds vote of the members present. Amendments are final when presented to and approved by the Tribal Council by resolution.
- 6.02. *Repeal.* These By-Laws may be repealed by the presentation of a request to the Tribal Council by the Binojeeuk Commission in the form of a resolution containing the reasons a repeal of the By-Laws is necessary. The Commission must approve the repealing resolution by a two-thirds vote of the members present. Further, the Tribal Council may unilaterally repeal these By-Laws by amendment to the Children's Protection Code or by adoption of a resolution calling for the repeal of the Binojeeuk Commission's By-Laws.

CERTIFICATION

I, Shawna Gonzales, as Chairperson of the Binojeeuk Commission, do hereby certify that the Binojeeuk Commission adopted these By-laws at a regular meeting held on March 4, 2022.




Shawna Gonzalez, Chairperson

3-17-2022

Date

I, Pam Johnson, Tribal Council Recorder do hereby certify that the Tribal Council, approved these By-Laws by the adoption of Tribal Council Resolution #22-0316-043.



Pam Johnson, Acting Tribal Council
Recorder

3/16/2022

Date