



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 08-0611-174

Adoption of Natural Resources Commission By-Laws

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. '1300k et seq.); and

WHEREAS, the Tribe adopted a 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 Tribal Council is authorized under Article IV, Section 7(a) of the Constitution 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 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, on September 14, 2005, which requires that Commissions adopt and Tribal Council approve Commission by-laws; and

WHEREAS, the Tribal Council established the Little River Band Natural Resources Commission ("Natural Resources Commission") and adopted the Natural Resources Ordinance #04-200-01; and;

WHEREAS, the Natural Resources Commission received a memorandum from the Tribal Council Speaker instructing that it submit by-laws and any subsequent amendments to said by-laws to Tribal Council for approval; and

WHEREAS, the Natural Resources Commission met on April 23, 2008 to discuss the required by-laws as directed Tribal Council; and

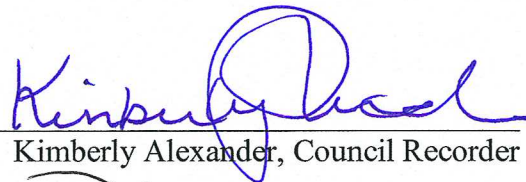
WHEREAS, the Natural Resources Commission approved and adopted the by-laws on April 23, 2008; and

WHEREAS, The Tribal Council has reviewed the by-laws and recommends approval.

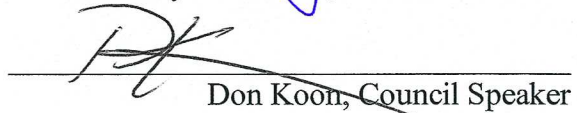
NOW THEREFORE IT IS RESOLVED THAT the Little River Band of Ottawa Indians Tribal Council hereby adopts the Natural Resources Commission By-Laws which were approved by the Natural Resources Commission on April 23, 2008.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a regular meeting of the of the Little River Band of Ottawa Indians Tribal Council held on June 11, 2008 at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Kimberly Alexander, Council Recorder



Don Koon, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Natural Resources Commission

**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 and renamed # 06-500-01 as adopted by Tribal Council.

b. Adoption of the Commission by-laws by the Tribal Council, Resolution # 08-0611-174

- 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 they 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 Anishinaabe 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, #04-150-01; and who shall be enrolled members of the Tribe; 18 years of age or older; and not currently employed either by the Tribe's Natural Resource 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 following consulting members are from Departments, Commissions and/or Committees from the Little River Band of Ottawa Indians. They are authorized to delegate a consulting member to assist the Natural Resource Commission in

its considerations and deliberations of natural resource issues. The issues may be but not limited to: identifying land use, regulations governing the use of the natural resource. The delegate shall not be a voting member of the Commission.

- a. The Natural Resource Department.
- b. The Historical Preservation Department and/or Cultural Preservation Committee are also authorized to assist when using Anishinaabemowin in the development of regulations.
- c. The Planning Department.

2.03. *Term of Office Commissioner.* The term of appointed office for a Natural Resource Commissioner shall be 4 years. In accordance with Commission Ordinance # 04-150-01 terms shall begin on September 21 and end on September 20 at midnight, regardless of when appointed or sworn into office.

2.04. *Causes for Removal of Commissioner.* In addition to those causes for removal established in 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. Election of officers to be held the first Wednesday of October.

a. *General.*

- 1. No Commissioner shall serve in 2 officer positions.
- 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 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 sign all correspondence, subject to approval by motion of the Commission; providing that, 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, 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 relevant to ratifying amendments or addendums to the Tribe's Natural Resource Code.
 4. To oversee the submission of the monthly report to the Tribal Council.
 5. To oversee the submission of the Commission's annual budget to the Tribal Council.
 6. To manage and report on the finances of the Commission.
 7. In the absence of the Secretary the chair shall appoint another Commissioner the duty of the minutes and agenda.
- c. *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 posting of meeting schedule notices.
 6. To act as Acting Chairperson, upon resignation of the Chairperson, until elections of Commission officers are held at the next available meeting.
- d. *Secretary.* The Secretary shall have the following responsibilities:
1. To oversee the preparation of the agenda.
 2. To oversee the preparation of the minutes.

3. To oversee the preparation of the monthly report to the Tribal Council, upon approval of the Commission, by motion, for signature by the Chairperson.
4. To oversee the preparation of the commission's annual meeting Resolution, upon approval of the Commission, by motion, for signature by the Chairperson.
5. Keep a list of current commissioners; appointment dates, officer's seat and year appointed, addresses, and contact number.
6. Keep a copy of the regular meeting schedule for the next calendar year.
7. To oversee the drafting of correspondence, upon approval of the Commission, by motion, for signature by the Chairperson.

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 and;
- b. To implement the provisions of the Natural Resource Commissions 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;
- 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 lands and waters;
- 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 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 regulations.
- l. To recommend policies and procedures to the Tribal Council for authorizing to or use of Tribal lands by non- Tribal members for hunting, fishing, and gathering purposes.
- m. 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; 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 4 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 Natural Resource 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, which items were not given prior notice on the agenda provided to the Commissioners. With the exception of the election of officers.
- 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
 - 3. Public comment

4. Law Enforcement Update
 - i. Continuing business
 - ii. New business
5. Natural Resource Department Update
 - i. Continuing business
 - ii. New business
6. Legal Department Update
 - i. Continuing business
 - ii. New business
7. Regulations
 - i. Continuing business
 - ii. New business
8. Closed session
 - i. Approval of available closed session minutes
 - ii. Litigation update
9. Return to open session
10. Public comment
11. Agenda items for next meeting
12. 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. 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.
- c. 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, complete, 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

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 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 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 January 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, Virgil Johnson as Chairperson of Natural Resource Commission, do hereby certify that the Natural Resource Commission approved, by motion, these By-laws at a duly called meeting on April 23, 2008.

Virgil Johnson
Signature

11 Jun 08
Date

I, Kim Alexander, as Tribal Council, at a meeting called on June 11, 2008, 2008, adopted these By-laws.

Kim Alexander
Signature

Jun 11-08
Date