

**Little River Band of Ottawa Indians
Tribal Council**

2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Resolution #19-0605-141

Approval of Amendments to Health 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, 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 Health Commission Ordinance #06-150-06, created the Health Commission and delegated to such Commission the authority to oversee the quality of the Tribe's health services; and

WHEREAS, the Health Commission reviewed the Health Commission By-Laws, has made the amendments necessary to be compliant with Tribal Law, and approved the revisions on May 20, 2019 by Health Commission Resolution #19-0520-001; and

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

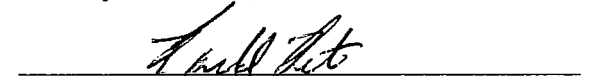
NOW THEREFORE IT IS RESOLVED, that the Tribal Council approves the amendments to the Health Commission By-Laws.

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 Session of the Little River Band of Ottawa Indians Tribal Council held on June 5, 2019, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



Gary Di Piazza, Tribal Council Recorder



Ronald Pete, Tribal Council Speaker

Attest:

Distribution: Council Records
Health Commission
Tribal Ogema
Legal Department

LITTLE RIVER BAND OF OTTAWA INDIANS

Health Commission By-Laws

Article I. Title; Authority; Purpose

1.01. *Title.* This entity shall be known as the “Little River Band of Ottawa Indians Health Commission,” and may be referred to as the “Health Commission.” The official addresses are:

Office: 2608 Government Center Drive
Manistee, MI 49660

1.02. *Authority.* The Health Commission was created by:

- a. Delegated authority in Article IV of the Health Commission Ordinance, # 06-150-06.
- b. Adoption of by-laws by Tribal Council resolution #19-0605-141 in accordance with Section 6 of the Commissions Ordinance, #04-150-01.

1.03. *Purpose.* As identified in the Health Commission Ordinance, the purpose of the Health Commission is to:

- a. Promote optimal provision of quality health services through the Tribal Health Department by policy recommendation to the Tribal Council based on Tribal community input;
- b. Develop policies that ensure an effective coordination with Federal, State, local, and private entities to make available health services for the Tribal members; and
- c. Address the comprehensive needs of the Band's members in an effective, efficient and culturally appropriate manner.

Article II. Commissioners

2.01. *Members.* The Commission may be composed of three voting members appointed by the Tribal Council. All appointments shall be for four years. At least one member of the Commission shall be an elder of the Tribe.

- a. *Qualifications for Appointment.* Any Tribal member or other person 21 years of age or older may be nominated for appointment to the Commission. A Commissioner may be a member or non-member of the Tribe, provided that no more than one (1) of the three (3) Commissioners may be a non-Tribal

member. Members must demonstrate interest in health issues and willingness to actively participate in committee activities, including meetings, community contacts, fundraising functions and other commission meetings.

- b. *Compatibility of Functions.* No person shall be barred from appointment to the Commission because they are health services beneficiaries, and such commissioner shall be entitled to fully participate in the manner established by the by-laws.
 - c. *Prohibition.* A person shall not be eligible to be appointed as a Commissioner if they are employed in the Health Department or Family Services Department.
 - d. *Terms of Office.* The term of office of a commissioner shall be four (4) years unless the Tribal Council authorizes a longer term to stagger terms of office to assure the stability of the Commission.
- 2.02. *Vacancy of Member.* An individual appointed to a Commission shall fill the term of the vacant office. Provided that, appointment to a vacancy for which a term of office has less than six months remaining, shall be appointed for the remainder of the vacant term and a full term thereafter.
- 2.03. *Officers.* The Housing Commission shall have the following officers who shall be elected by the members for a one-year term of office. No member may serve in two officer positions.
- a. *Chairperson.* This officer shall be responsible for:
 - 1. Calling all meetings.
 - 2. Presiding at all meetings.
 - 3. Managing and reporting on all finances of the entity, including review of budget of Commission.
 - 4. Reporting to the Tribal Council and other entities or persons as directed.
 - 5. Signing all correspondence and representing the Commission at all meetings with outside entities, unless by motion, the Housing Commission designates another member to act as a representative at a meeting with outside entities.
 - b. *Secretary.* This officer shall be responsible for:
 - 1. Maintaining all minutes, agendas, reports, and correspondence of the Housing Commission.
 - 2. Presiding at duly called meetings in the absence of the Chairperson.
 - 3. The records shall be maintained at the offices of the Housing Department.
- 2.04. *Resignations.* Resignation of a commissioner is effective upon submission and cannot extend longer than a thirty-day period once received by the Chairperson or

Secretary.

- 2.05. *Vacancy of Officers.* A vacancy created in an officer position shall be filled for the remainder of the vacant term and for one full term.

Article III. Duties and Responsibilities

3.01. Tribal Council has the following duties and responsibilities:

- a. Tribal Council will be responsible for financial requirements of all contracts and grants.
- b. Tribal Council will approve of the submission of all grants and proposals.
- c. Tribal Council will approve of the commission membership.
- d. Tribal Council has the authority to remove Tribal Health Commission members for activities in section 3.04(g) of this document.
- e. Tribal Council shall designate one of the members of council to serve as a liaison between the council and the Health Commission.

3.02. Tribal Staff Liaison has the following duties and responsibilities:

- a. The Health Director shall serve as staff liaison to the Health Commission.
- b. The Staff Liaison will be responsible for reporting to the Health Commission with concerns of the operations of the Health Department programs that need input or direction from the commission.
- c. The Staff Liaison will provide a monthly report to the commission.
- d. If the Staff Liaison receives information indicating the commission or a efforts shall be made to address the matter informally with the commission/member. Should the attempt fail the Health Director may address the Tribal Council. The Tribal Council may require changes in the conduct of the commission or may remove the offending member. The Tribal Council decision will be final.

3.03. Tribal Health Commission has the following duties and responsibilities:

- a. The Tribal Health Commission reports to the Tribal Council.
- b. The Health Commission's primary responsibility is to ensure that the

development of the Health Dept. programs and policies meets the need of the direct input from the Tribal Membership for the purpose of making recommendations to the Tribal Council, Health Director regarding the planning and delivery of health services and the Tribe's policies.

- c. The Health Commission will be responsible for reviewing and assisting in the preparation of the Tribe's comprehensive health plan.
- d. The Health Commission will quarterly review the program budgets and statistical services reports for health services programs administered by the health dept.
- e. The Health Commission may assist the tribal Health Director with conceptualized, promoting and procuring funding for Tribal Health Services.
- f. Prohibited Activities: The Health Commission is prohibited from the following:
 - 1. Attempting to directly supervise or direct the activities of the staff of the Health Dept.
 - 2. Influencing or attempting to influence, established Health Dept. policies and procedures to cause benefit to any person, program or agency who would not otherwise be so benefited.
 - 3. Participating in any action of the Health Commission which would constitute a conflict of interest under the Tribe's Personal Policies and Procedures.
- g. Removal of Health Commission Member: Any health commissioner may be removed by the Tribal Council for any of the following:
 - 1. Engaging in prohibited act as defined under Section 3.04(g) above or failure to meet other requirements of these by-laws; or
 - 2. Three consecutive absences from the Health Commission meetings without prior notification and without delegating his/her proxy to another member as provided in these by-laws. A member shall be given a written warning following his/her 2nd absence; or
 - 3. Commission of acts or omissions which are clearly contrary to the best interests of the Health Commission, or which are clearly contrary to stated goals and objectives established by the Tribal Council; or
 - 4. Actions or omissions which would be grounds for removal of Tribal

officials under the Tribe's Constitution, including the unauthorized disclosure of confidential client information or information which is proprietary to the Tribe; or

5. Any recommendation for removal of any member of the Health Commission which is initiated by a member of the commission or by majority vote of the commission will be in writing to the Tribal Council.

Article IV. Health Commission Meetings

- 4.01. *Quorum.* To constitute a quorum, there must be at least two commissioners present. Quorum must be necessary for the Health Commission to approve any decision or recommendation. There must be at least two members present at a meeting to be official.
- 4.02. *Regular Meetings.* The Commission shall meet at least once a month. Commission members shall give at least one (1) hour notice to Chairperson if not able to attend. Each Commission meeting shall be open to the membership; however the Commission may close session if necessary to protect the client.
- 4.03. *Special Meetings.* The Chairperson or Health Director may call a special meeting with seventy-two (72) hours-notice to each to each member.
- 4.04. *Voting.* Each commissioner has only one vote.

Article V. Employees; Liaison.

- 5.01. *Employees.* This commission does not have the power to engage employees, nor the power to enter into contracts.
- 5.02. *Liaison.* The responsibilities of the liaisons between the commission and the Tribal Council, and/or the regulated area are covered above in Article III and as follows:
 - a. *Commission.* The liaison from the commission is 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. *Tribal Council.* The Tribal Council liaison shall be responsible for identifying a contact number and office location at which the commission may leave documents, messages, requests, and other like information. The Tribal Council liaison may attend meetings, but is not required to do so. The Tribal Council liaison may attend all closed sessions of a commission subject to the discretion of the Commission.
 - c. *Regulated Area.* The Health Director shall identify a contact person to which

correspondence, requests, and other like material shall be sent.

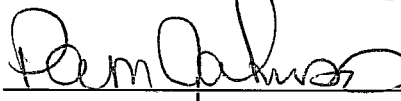
- d. *Tribal Council Liaisons May Temporarily Serve As Commissioners To Achieve Quorum.* A Tribal Council liaison for a Commission may temporarily serve as a voting Commissioner if the Commission By-Laws require another member to achieve quorum. The Tribal Council liaison will have the full authority of a Commissioner from the time a Commission meeting is called to order until the same meeting has been adjourned. The liaison serving as a temporary member must have passed the same background check requirements that a seated Commissioner on the Commission must pass in order to serve as a temporary Commissioner.

Article VI. Amendment; Repeal.

- 6.01. *Amendment.* These By-Laws shall be reviewed on an annual basis by the Health Commission for amendments. All amendments must be presented at least one meeting prior to action and must be adopted by a two-thirds vote of the members present. Amendments are final when presented and approved by the Tribal Council through a resolution created and submitted by the commission.
- 6.02. *Repeal.* These by-laws may be repealed by the presentation of a request to the Tribal Council by the commission in the form of a resolution containing the reasons a repeal of these by-laws are 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 creating Ordinance or by adoption of a resolution calling for the repeal of the commission's by-laws.

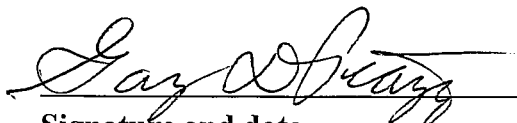
Certification

I, Pamela Johnson, as Chairperson of the Health Commission do hereby certify that the Health Commission adopted these by-laws at a duly called meeting.

 5/20/19

Signature and date

I, Gary Di Piazza, as Tribal Council Recorder do hereby certify that the Tribal Council, at meeting called on June 5, 2019, adopted these by-laws by Resolution #19-0605-141.

 6-5-19

Signature and date