COMMISSIONS ORDINANCE
Ordinance # 04-150-01

Section 1. Purpose and Findings
1.01. *Purpose.* The purpose of this Ordinance is to create commissions that regulate within a subject or activity to assist the Tribal Council in its legislative responsibilities.
1.02. *Findings.* the Tribal Council finds that,

a. The Constitution allows for the creation of regulatory commissions; and
b. There is a need for the creation of regulatory commissions with specific delegations of authority to develop expertise to regulate complex and technical activities.

Section 2. Adoption, Repeal, Severability
2.01. *Adoption.* This Ordinance is adopted by the Tribal Council by Resolution # 01-1107-04.

a. This Ordinance is re-authorized and amended by resolution # 04-1020-416.
b. Resolution #05-0622-283 - Emergency amendments prohibiting appointment of Tribal government employees.
c. Resolution #05-0914-456 - Final for permanent adoption.
d. Resolution #09-0107-03 – Emergency amendments allowing for Tribal Council to set stipend amounts and limits to stipends by Resolution.
e. Resolution #09-0304-___ - Permanent Adoption of emergency amendments.
f. Resolution #10-0928__ - Adoption of amendments to allow employees to attend meetings during regular shifts and to eliminate the prohibition on Tribal employees sitting on commissions.

2.02. *Amendment.* This Ordinance may be amended from time to time as set forth in the Administrative Procedures Act – Ordinance #04-100-07 or in other procedures adopted by the Tribal Council.
2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
2.04. *Superseding Existing Actions Creating Commissions.* If any provision of this Ordinance or its application conflicts with any provision of an Ordinance or by-laws creating a commission, this Ordinance shall govern.

Section 3. Definitions
3.01. *Definitions.* For purposes of this Ordinance, certain terms are defined in this Section. The word "shall" is always mandatory and not merely advisory.
3.02. *"By-laws"* means an organizational document created and approved by a commission, and approved through adoption of a resolution by the Tribal Council.
3.03. *"Commission"* means an entity of the Tribe created under Article IV, section 7(f) of the Constitution, delegated authority and responsibility to regulate in a specific subject matter, including the power to develop rules and regulations in accordance with processes and procedures set forth by the Tribal Council.
3.04. *"Creating Ordinance"* means the ordinance which creates a commission and defines the delegated authorities and responsibilities.
3.05. *"Regulated Area"*means the activity within the Tribal jurisdiction over which a commission has been delegated regulatory authority.
3.06. "Employee" means any employee of the Tribal Government or any Tribal Enterprise, including employees that are hired and/or working on a temporary and/or part-time basis.

Section 4. General

4.01. *Entities.* Commissions shall be created and governed by the direction and requirements set forth in this Ordinance.

4.02. *Exceptions.* Commissions may be created with exceptions to the requirements in this Ordinance, provided that, any exceptions shall be specifically noted in this Ordinance.

4.03. *Implementation.* The authority and actions of all commissions shall be implemented by Tribal Council resolution approving and adopting by-laws for the commission.

4.04. *Authority.* A commission is created by the Tribal Council under the authority granted in Article IV, Section 7(f) of the Constitution. A commission is delegated limited legislative authority and must act at all times in accordance with the Constitution, laws and regulations of the Tribe.

4.05. *Meeting Location.* All commissions shall meet in a pre-determined location on property owned by the Tribe or within the Tribe's jurisdiction which shall be clearly identified in a Commission's published meeting schedule.

Section 5. Commissions in General

5.01. *Commissions.* Commissions are created to regulate and manage within a subject matter or activity.

a. *Membership.* A commission has at least five commissioners who shall be appointed by the Ogema and approved by the Tribal Council.

b. *Authority.* A commission shall be granted sufficient legislative authority to allow the commission to create regulations to govern in the subject matter jurisdiction.

5.02. *Commissions; Creation.* Commissions are created by adoption of an Ordinance which sets forth the legislative requirements, direction, limitations, restrictions or other directions regarding a subject matter. Upon adoption of an Ordinance, the commissioners shall be identified and directed to develop and present by-laws.

Section 6. By-Laws

6.01. *Creation Documents.* All commissions shall have two creation documents – an Ordinance and by-laws. Unless otherwise authorized by creation documents, proxy voting shall not be allowed in by-laws.

6.02. *Commission By-Laws.* All commissions shall have by-laws that contain at least the following minimum elements, in the order set out in this section. There may be other elements within by-laws, provided that, all by-laws are subject to the limitations of the creating Ordinance and any conflict with the creating Ordinance or this Ordinance shall be resolved in favor of this Ordinance first, and the creating Ordinance second.

a. *Article I - Title, Authority, Purpose.*

1. *Title.* The first Article in the by-laws shall contain a section which identifies the official title of the commission, as well as any short title the commission may be known by. In addition, the official address of the commission shall be included – both mail and office if the addresses are different.

2. *Authority.* The first Article in the by-laws shall contain a section which identifies the creating Ordinance, and specific sections therein delegating authority, as well as the resolution adopting the by-laws and reference to any resolutions adopting amendments thereto.

3. *Purpose.* Finally, the first Article in the by-laws shall contain a section which sets forth the specific purpose for the creation of the commission.

b. *Article II - Commissioners.* This Article shall set forth the number of commissioners, the

qualifications to be a commissioner, the length of the term of office, whether there are officers, and other pertinent information related to the qualifications to be a commissioner.

1. Commissions shall identify a Chairperson, or other similarly named executive officer, and a Secretary, or other similarly named recorder.

2. The Chairperson shall be identified as responsible to receive and review the budget and expenditures of the Commission with the Tribal Council Liaison on behalf of the commission.

3. The duties of the Chairperson and Secretary shall be clearly identified in this Article.

c. *Article III - Duties and Responsibilities.* This Article shall set forth the specific responsibilities of the commission. The duties and responsibilities may be as set forth in the creating Ordinance, or may be listed in any other manner which may clarify these activities.

d. *Article IV - Meetings.* This Article shall set forth the number of regular meetings per month, whether, and how, special meetings may be called, the required quorum for the commission, and how minutes and records will be kept. Provided that, all quorums must require at least one officer to be present, all special meetings must require the Chairperson to call a special meeting, and notice must be given to every commissioner by an officer. The commission shall establish and submit to Tribal Council the regular meeting schedule no later than the last meeting prior to the end of the calendar year for the next calendar year. Such schedule shall be posted upon adoption by Tribal Council in the Little River Health Center, Little River Tribal Office, Little River Band Community Center, and the Little River Band Downtown Office Building, and one original shall be included in the January report to the Tribal Council.

e. *Article V - Employees; Liaison.*

1. *Employees.* This Article shall identify whether the commission has the power to engage employees and enter into contracts. A commission shall have authority to employ individuals if authorized to do so under its creating ordinance. All such employment shall be in accordance with Tribal employment policies. Employees of Commissions are employees of the Tribe, provided that, the supervisor of employees of Commissions shall in all cases be the Chairperson of the commission. In the alternative, this Article shall state that the commission does not have the power to employ individuals.

2. *Liaison.* This Article shall identify the responsibilities of the liaisons between the commission and the Tribal Council, and/or the regulated area.

A. *Commission.* The by-laws shall state that 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 by-laws shall also identify that the regulated area shall identify a contact person to which correspondence, requests, and other like material shall be sent.

f. *Last Article - Amendment; Repeal.* This Article shall be the last Article in the by-laws and shall contain the following sections.

Section #.01. Amendment. These by-laws shall be reviewed on an annual basis by the [Commission name] 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.

Section #.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

g. *Certification.* At the end of all by-laws, the following certification shall be added.

I, [name], as Chairperson of the [name of commission] do hereby certify that the [name of commission] adopted these by-laws at a duly called meeting. Signature and date I, [name], as Tribal Council Recorder do hereby certify that the Tribal Council, at meeting called on [date], adopted these by-laws. Signature and date

Section 7. Membership

7.01. *General.* Commissioners shall be appointed as set out in this Section. Terms of commissioners shall begin on September 21 and end on September 20 at midnight, regardless of when appointed or sworn into office. A commissioner shall be officially appointed when presented by the Tribal Ogema and approved by the Tribal Council. A commissioner shall have the authority of office when the oath of office is taken as set forth in Section 10.

7.02. *Ineligibility.* Individuals who are employed, or become employed, in any capacity in the area regulated by a commission shall be ineligible to serve on that commission or be appointed to that commission.

7.03. *Employees.* An employee of the Tribal Government or any Tribal Entity sitting on a commission that meets during his/her regular shift of employment shall have the written authorization from his or her Director, Manager or Supervisor to attend such meetings. A copy of the signed authorization along with a copy of the person's work schedule and Commission meeting schedule shall be provided to the Ogema; Tribal Council Recorder; Human Resources Director; and the Chairperson and Secretary of the Commission. It shall be the duty of the Chairperson and Secretary of the Commission to ensure that all requirements of Article IX of this Ordinance are met.

7.04. *Hold-over Policy.* There is recognized a policy of the Tribe that a commissioner shall serve in his or her position upon appointment and until the end of the term. Provided that, a commissioner shall continue to serve in his or her capacity as a commissioner after the completion of a term, and for no longer than 90 days, to allow for a new commissioner to be appointed and sworn in. In which case, commissioners shall serve with all the powers of a commissioner until such time as a replacement is sworn in, or for 90 days, whichever is shorter. Provided further that, a commissioner whose term is concluded, and who is subsequently denied re-appointment, shall not continue in a hold-over capacity and the term shall be concluded upon the adoption of a motion by Tribal Council to deny re-appointment.

7.05. *Term of Office - Vacancies.* Any 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 of office thereafter.

7.06. *Commission Membership.* All commissioners shall be chosen as set forth in this section.

a. *Number and Term of Office.* Commissions shall have five commissioners or seven commissioners, but in all cases shall state a specific number of commissioners. Commissioners shall serve four year terms, provided that the Tribal Council may authorize longer terms.

b. *Posting.* Vacancies on a commission shall be posted in the tribal newspaper, or other notice provided to the membership, at least thirty days prior to submission of a recommendation to Tribal Council by the Ogema.

c. Application Process. Applicants for Commission vacancies shall submit a letter of interest and any other required information to the Office of the Ogema which identifies his/her qualifications

and experience in the regulated field. Within five (5) days from the date of receipt of a letter of interest, the Office of the Ogema shall mail an acknowledgement letter to the applicant, with a copy to the Tribal Council Recorder and Chairperson of the commission applied to, that includes the date the applications materials were received and identifies any other information required to process the application.

d. *Recommendation to Tribal Council.* The Ogema shall submit to Tribal Council a nominee for approval. The recommendation shall contain the following information.

1. Name of individual.
2. Name of commission and identification of qualifications for the commission to which the individual is being nominated.
3. Identification of the term of office which shall include the start date as well as the term ending date. If applicable, there shall also be identified that this nomination fills a vacant term, and whether that term is affected by section 7.04, and the affect, if any.
4. Copies of the following documents.
   A. Application or other resource utilized by the Ogema to review the qualifications and determine that the individual should be nominated.
   B. Copy of notice of vacancy which shall include the date on which it was posted.
5. Applicants for vacant positions on the Gaming Commission or other Tribal Gaming Regulatory Agency shall submit to a full and complete background investigation, which shall be conducted by the Regulatory Agency. The results of that investigation shall be provided to Tribal Council in a closed session meeting for review prior to approving or denying the appointment.
6. Applicants for vacant positions on any other commission that requires a background investigation shall submit to a full and complete investigation, which shall be conducted by the Tribe's Department of Public Safety. The results of that investigation shall be provided to Tribal Council in a closed session meeting for review prior to approving or denying the appointment.

e. *Interview by Tribal Council.* The Tribal Council may request the nominee to participate in an interview. Such request shall be by motion, and the nominee shall be notified by letter of the date and time of the interview. The Tribal Council shall identify the questions to be asked of the nominee and approve them prior to the interview. Such questions shall be asked by the Tribal Council Speaker, or other representative nominated by the Tribal Council.

f. *Acceptance of Recommendation.* If the nominee is approved by the Tribal Council, a motion substantially similar to that set out below shall be made.

Motion, or move, to approve the appointment of [name] to [commission name] for the term of office beginning on [date] and ending on [date] and all authorities of office as a commissioner shall commence upon swearing in by the Tribal Court. *(if necessary)* Provided that, this term of office is affected by section 7.04 of the Commissions and Committees Ordinance and this appointment is for – either – the remainder of a prior term and a full term; or – the remainder of a vacant term of office.

g. *Non-Acceptance of Recommendation.* The Tribal Council shall forward a notice to the Ogema

in the event the recommendation is not accepted by the Tribal Council. Such notice may include the reasons why the recommendation is unacceptable with sufficient specificity so as to allow the Ogema to provide corrected information, or make a new recommendation.

7.07. *Resignation.* A commissioner may resign by submitting, in writing, a document which states that the commissioner is resigning from the commission by submitting such document to the Chairperson or Secretary of the commission. Letters of resignation shall be forwarded to the Ogema by the Chairperson or Secretary of the commission upon receipt. No resignation shall allow the commissioner to resign on a date longer than 30 days after the letter of resignation is submitted. Letters of resignation are effective upon submission and may not be withdrawn once submitted. Provided that the Ogema, at the request of the commissioner, may request that the Tribal Council approve the recommendation of the Ogema to allow the commissioner to withdraw the letter of resignation. In which event, the commissioner shall not recommence his or her duties until a new oath of office is given by the Tribal Court.

7.08. *Removal - by Commission.* A commissioner may be removed by a commission as set forth in this section.

a. *Cause for Removal.* The following action, and inaction as may be applicable, may be cause for removal.

1. Failure to attend at least three meetings during a six month period.
2. Unethical behavior in conjunction with the activities of the commission –
   A. which reflect on the qualifications to be a commissioner; or
   B. which reflect negatively on the commission or its duties and responsibilities.
3. After appointment, an action, activity or other change in circumstance which would have made a commissioner ineligible to be appointed after he or she is appointed.
4. Neglect of duties and responsibilities as provided in the by-laws or as directed by the commission.
5. Specific causes for removal as may be set forth in the creating ordinance.

b. *Commission Hearing and Determination.* The commission shall provide notice to the commissioner subject to removal at least seven days prior to the meeting at which the removal hearing will be conducted. The commission shall allow hearings to be rescheduled at the request of the commissioner subject to removal to allow for witnesses or other evidence to be made available. The commission shall allow the commissioner subject to removal representation of his or her choice at his or her expense. Further, the commission shall allow all commissioners, as well as the commissioner subject to removal, or his or her representative, to question any or all witnesses called to present testimony.

1. *Notice.* The notice presented to the commissioner subject to removal must contain the name and address of the commissioner, date sent, date removal hearing will be scheduled, and identification of the reasons for removal, including any witnesses or copies of any evidence.
2. *Decision.* The commission shall issue a decision within 14 calendar days of the completion of the hearing in the form of a resolution. Such resolution shall identify in the Whereas sections the date of the hearing, commissioners present, whether the commissioner subject to removal appeared, a statement of facts relied upon, and the reasons for removal. Further, the resolution shall contain in the Resolved section(s) the decision of the commission.

c. *Removal Determination Resolution.* The removal resolution, whether to remove or not, shall be approved by the commission by majority vote and be submitted to the commissioner subject to removal and the Ogema and Tribal Council.

d. *Appeal.* The commissioner subject to removal may appeal a decision by the commission to remove him or her to the Tribal Council. Such appeal shall be in writing and delivered within 7 calendar days of the approval of the removal resolution by the commission to the Tribal Council Recorder. The appeal request must state why he or she is appealing and any evidence or testimony which may support the appeal. The Tribal Council shall review the appeal and the removal resolution as set forth in the Removal Rules and Procedures Ordinance, Ordinance # 01-100-07.

7.09. *Removal - by Tribal Council.* A commissioner may be removed by the Tribal Council as set forth in this section.

a. *Cause for Removal.* The following action, and inaction as may be applicable, may be cause for removal.

1. Unethical behavior in conjunction with the activities of the commission –

A. which reflect on the qualifications to be a commissioner; or

B. which reflect negatively on the commission or its duties and responsibilities.

2. After appointment, an action, activity or other change in circumstance which would have made a commissioner ineligible to be appointed after he or she is appointed.

3. Neglect of duties and responsibilities as provided in the by-laws or as directed by the commission.

4. Specific causes for removal as may be set forth in the creating ordinance.

b. *Tribal Council Hearing and Determination.* The Tribal Council, through the Councilor liaison shall provide notice to the commissioner subject to removal at least seven days prior to the meeting at which the removal hearing will be conducted. The Tribal Council may allow hearings to be rescheduled at the request of the commissioner subject to removal to allow for witnesses or other evidence to be made available. The Tribal Council may allow the commissioner subject to removal representation of his or her choice at his or her expense. Further, the Tribal Council may allow all Councilors, and the commissioner subject to removal, or his or her representative, to question any or all witnesses called to present testimony. The Tribal Council is not required to provide notice to a commission of, nor required to allow participation of a commission in, action taken under this section.

1. *Notice.* The notice presented to the commissioner subject to removal must contain the name and address of the commissioner subject to removal, date sent, date removal hearing will be scheduled, and identification of the reasons for removal, including any witnesses or copies of any evidence.

2. *Decision.* The Tribal Council shall issue a decision within 14 calendar days of the completion of the hearing in the form of a resolution. Such resolution shall identify in the Whereas sections the date of the hearing, whether the commissioner subject to removal appeared, a statement of facts relied upon, and the reasons for removal. Further, the resolution shall contain in the Resolved section(s) the decision of the Tribal Council.

c. *Removal Determination Resolution.* The removal resolution, whether to remove or not, shall be approved by the Tribal Council by majority vote and be submitted to the commissioner subject to removal.

d. *Appeal.* There is no appeal of a decision of the Tribal Council taken under this section.

Section 8. Records of Entities

8.01. *General.* Commissions shall keep minutes and make reports as set forth in this Section. No commission may be authorized to maintain less then the required minutes and records, or provide less

than the number of reports set forth herein. After establishment of a centralized commission record-keeping system by the Tribal Council Recorder, all records shall be maintained by the Tribal Council.

8.02. *Records.* Commissions shall maintain records in an orderly fashion, and where applicable, in a confidential manner. All records are the property of the Tribe and shall be surrendered upon conclusion of the commission's activities. Records are also considered public documents, provided that confidential records pertaining to contracts, litigation, personnel, or personal matters shall remain confidential and non-public documents. Commissions with confidential documents must maintain a document organization that either separates or clearly identifies confidential documents not for public review, and must note within the main body of the records where confidential documents have been sealed or removed.

8.03. *Minutes.* Commissions shall maintain minutes which identify the commissioners present, guests, the date, beginning and ending time, and place of the present meeting, and the date time and place of the next regular meeting. Further, minutes shall contain each motion acted upon, and the roll call vote. Minutes shall also contain the body of any resolution adopted, and the roll call vote regarding that resolution. Commissions may determine whether minutes should contain summaries or abstracts of the discussion which took place. All commissions shall record each meeting and maintain such recording for one year. Minutes shall be signed by the Secretary, or Chairperson in the absence of the Secretary.

8.04. *Reports.* Commissions shall file a written report with the Tribal Council once per month at a meeting to be designated by the Tribal Council. Failure to submit a report may result in stipends being withheld in accordance with Article IX of this Ordinance. Such designated meeting shall be included in the resolution adopting the Tribal Council meeting schedule. Reports shall include the following information with the designated titles, and any other information that the commission may determine to be necessary.

a. *Name, Purpose, Officers.* A paragraph which identifies the name of the commission, a summary of the purpose of the commission, and the officers of the commission. The full commission may be identified.

b. *Activities During Past Month.* This paragraph shall contain information regarding important or significant activities during the past month. This should be explanatory, rather than a listing of meetings, hearings, etc.

c. *Concerns; Requests.* This paragraph shall identify any concerns that have been identified during the past month, and may include, by way of example and not limitation – amendments to creating documents, processes reviewed or monitored, amount or limitations on authority, etc. In addition, this paragraph shall contain a subsection which identifies any specific requests the commission may have of the Tribal Council. These requests should be clearly stated so as to identify the action needed, and any necessary follow-up from that action.

d. *Attachments.* There shall be listed in this paragraph the attachments to the report.

1. A list of every meeting, whether regular or special, that was held during the past month and whether or not the minutes are attached.
2. The report shall include an original of open and closed minutes from all meetings that have been approved since the prior report.
3. The report shall include all resolutions that have been adopted since the last report.

8.05. *Motions; Resolutions.* Commissions shall take official action by either motion or resolution. Motions shall be clearly stated and take effect upon adoption, whether or not the minutes have been approved. Resolutions shall be numbered consecutively with the following system – [initials of commission]-[year]-[resolution number] – and certified by the secretary of the commission in the following manner. I.e. GC-2004-34 means the 34th resolution adopted by the Gaming Commission in

2004.

Certification

I, [name], as Secretary of [name of commission] do hereby certify that this resolution was adopted on [date] by a vote of_ for,_ opposed, and_ abstaining. This resolution has not been amended or rescinded in any way.
Signature/Title

Section 9. Stipends; Salary; Travel

9.01. *General.* All stipends or salaries shall be authorized as set forth herein. Provided that, commissions may request adjustments to stipends or salaries by resolution.

9.02. *Stipends.* Commissioners are required to participate in all meetings and activities. To offset the costs of such participation, stipends are paid to commissioners. A stipend is intended to cover the costs of attendance, mileage to and from a meeting, meals, and other related expenses to attend a meeting.

a. Employees Sitting on Commissions. An employee sitting on a commission that meets during his/her regular shift of employment shall receive his/her regular salary for the meeting period in lieu of any stipend. Employees must comply with all of the requirements set forth in this Section and Section 7.03 of this Ordinance in order to receive payment.

b. *Commissions.* Commissioners not subject to 9.02(a) above shall be paid a stipend in an amount to be set by Tribal Council Resolution which shall also include the maximum number of monthly stipends allowed. The Tribal Council may approve, by resolution, that additional meetings may be held by the commission for each month. Any proposed resolution shall clearly describe the circumstances which require additional meeting(s).

9.03. *Salary.* The Tribal Council may determine that a commission's activities are sufficiently frequent that the commissioners should receive a salary in lieu of a stipend. A commission authorized to receive a salary shall be considered full time commissioners and shall be expected to keep regular office hours related to the activities being regulated. Salaries shall be set by resolution of the Tribal Council on an annual basis. The payment of a salary does not identify that the commissioner is an employee of the Tribe, nor does it make a commissioner eligible for benefits, cost of living increases, merit increases, personal or vacation time, holiday pay, health insurance, retirement plan or other benefits related to employment with the Tribe. A commissioner on salary is paid a specific sum each week, and may take no more that five consecutive days away from work, no more than twice per year, with the approval of the commission. Such time off shall be compensated time off.

9.04. *Payment of Stipend; Payment of Salary.* To receive a stipend or salary, a commission must submit the following form to the Tribal Council Recorder's office. Failure to timely submit paperwork will result in the payment being made the next check run as that schedule is set by the Accounting Department.

a. *Stipends.* Commissions must submit a form to the Tribal Council Recorder which identifies the date of the meeting, each commissioner present, and the amount of the stipend to be paid to each commissioner which shall be signed by the Chairperson and Secretary, or other two officers of the commission.

b. *Form of Stipend Request.* The form shall be as follows.

c. Employees. Employees subject to Sections 7.03 and 9.02(a) above shall clearly indicate on the Stipend Request Form that they are not eligible to receive a stipend.

[Name of Commission]
[Date of Meeting]

Members Present at Meeting
1.5.
2. 6.
3. 7.
4.

The stipend for this Commission is $_ and is paid from budget/line #_____.

Meeting - Beginning time _____Ending time _____

Certification

By the officers signatures below, this commission certifies that the meeting identified above took place and the members listed were present and that the stipend should be paid to the members present.

Signature/DateSignature/Date

9.05. *Failure to Comply with Requirements – Resolutions, Minutes, Reporting.* A commission which does not maintain resolutions and minutes in accordance with sections 8.02, 8.03 and 8.05, or fails to report as required in section 8.04, at the discretion of the Tribal Council, may have stipends and/or salary withheld until such time as the commission complies with Section 9. Upon compliance, the Tribal Council shall release the payment of stipends and/or salary to the commission. Such action by the Tribal Council shall be in the form of a resolution which clearly states the reasons for which the commission has been found to be in noncompliance, and what steps can be taken to come into compliance. Such resolution may set reasonable deadlines for action. Upon adoption of the resolution, an original shall be forwarded to the Chairperson of the commission, and a copy shall be forwarded to the Accounting Department as notice to hold requests for the payment of stipends and/or salary.

9.06. *Commission Related Travel.* Commissioners who are authorized to travel on behalf of their commission are subject to the requirements of the Tribe's regulations regarding travel. Stipend payments may be attached to recover un-reimbursable pre-paid travel expenses if travel is cancelled, or un-reimbursed travel advances for which travel reports and close-out documents are not properly returned, or where the Tribe is not reimbursed for excess travel advance costs.

Section 10. Oath of Office

10.01. *General.* All commissioners shall take an oath of office. No authority to act as a commissioner shall be conferred until the oath is taken by the commissioner. The Tribal Court shall give all oaths of office and cause to be delivered to the individual two signed copies of the oath. One of the signed originals shall be presented to the Ogema.

10.02. *Commissions.* The oath of office for commissions shall be in the format identified below.

[Name of Commission]
Oath of Office

I, [name], being duly appointed by the Ogema and my nomination approved by the Tribal Council, do hereby solemnly swear and affirm to uphold the Constitution and laws of the Little River Band of Ottawa Indians and to carry out my responsibilities as a member of [name of commission] with the utmost care and professionalism and in accordance with the by-laws and directives of the [name of commission].

Signed and sworn before me this_ day of__, 2001,Term Begins:
Term Ends:

MemberTribal Court Judge

10.03. *Confidentiality.* Upon appointment, and at the first meeting of the commission during which the new commissioner is present, the commission shall require a confidentiality statement to be signed and filed with the commission's records. Such confidentiality statement shall include the records of the commission, and the limits or requirements for accessing confidential records.
10.04. *Conflict of Interest.* Upon appointment, and at the first meeting of the commission during which the new commissioner is present, the commission shall require a conflict of interest statement to be signed and filed with the commission's records. Such conflict of interest statement shall identify what is a conflict of interest and the processes by which a commissioner must notify the commission that a conflict of interest has evolved.

Section 11. Conflict of Interest
11.01. *General.* The Little River Band of Ottawa Indians encourages all members to participate in the governmental activities of the Tribe, especially as members of commissions. However, it is also recognized that some members may have conflicts of interest arising out of personal or economic relationships that should be avoided so as to maintain a high degree of public trust in the governmental decisions and activities.
11.02. *Conflict of Interest; Defined.* A conflict of interest is defined as a reasonable foreseeability that any personal or economic interest of a commissioner will be affected in any materially different manner from the interests of the general public, by any decision, enactment, agreement, award or other official action or function of any commission of the Tribe. It is the intention of the Tribe that commissioners should disclose potential conflicts of interest as soon as possible and as set forth in this Section.

a. "Economic interest" means an interest held by a person, or member of the commissioner's immediate family, or a business in which the person, or members of the commissioner's immediate family, has a direct or indirect ownership amounting to 20% or more of such business, which is:

1. Any ownership, income, investment, security, or other beneficial interest in a business; or
2. Any employment or prospective employment for which negotiations have already begun.

b. "Immediate family" means spouse, parents, grandparents, children, and persons living within the household, regardless of relationship.

11.03. *Disclosure.* All commissioners shall be required to file a conflict of interest disclosure form on an

annual basis on or before August 1. The disclosure form shall be filed with the Ogema.

11.04. *Confidentiality of Disclosure.* The disclosure form shall be maintained in a confidential manner and shall not be subject to release except as set forth herein. Disclosure forms shall be maintained for a four year period, after which such forms may be properly disposed of.

a. *Commission.* The Ogema, or Tribal Council, upon review of the disclosure form, shall forward a notice of conflict of interest to the commissioner, and the commission, for correction.

b. *Written Request.* The commissioner may request in writing a copy of a filed disclosure form.

11.05. *Information Required to be Disclosed.* The following information shall be disclosed and included in the disclosure form. Provided that, the Tribal Council may require additional information that is reasonably related to identifying potential conflicts of interest.

a. Name and residence address of commissioner and names and relationship to the commissioner of every person residing at that address.

b. Name and address of every business in which the commissioner, has an economic interest or is employed.

c. Identification of every public office held by the commissioner.

d. A description of the goods and services provided by every business or employer listed in subsection (b).

e. Location and description of all real property, in which the commissioner, and/or every person listed in subsection (a), held any legal title or leasehold, business site, investment or other beneficial interest currently and during the preceding disclosure period, excluding the primary personal residence. In the alternative, a statement that the commission to which the commissioner is appointed does not manage, buy, sell or otherwise have an interest in acquiring, managing, buying, or selling real property.

f. A statement that every commissioner is required to notify the commission that he or she has received or given a gift or loan that exceeds $100.00 to any person with which the commission has or may do business.

g. A statement at the end which reads substantially similar to that set out herein.

I,_____, as a member of [commission name] do hereby certify that the information above is true and correct and that failure to accurately and clearly identify any and all requested information may result in my removal from the [commission name]. Further, I agree that in the event a conflict of interest is identified, that I have five business days, or a reasonable time approved by the [commission name] to correct such conflict of interest or be

CERTIFICATION

I, Janine M. Sam, Tribal Council Recorder, do hereby certify that this is a true and correct copy of the Commissions Ord adopted by the Tribal Council on Sept 29, 2010.

Janine

[Seal]