

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS**  
**7500 Odawa Circle**  
**Harbor Springs, MI 49740**

**RESOLUTION # 091105-02**  
Interim Functioning of Legal Department

**WHEREAS** on this date, September 11, 2005, the first Tribal Council, Chairperson and Vice-Chairperson under the Constitution of the Little Traverse Bay Bands of Odawa Indians adopted by the membership on February 1, 2005 (“Constitution” capitalized) were sworn in;

**WHEREAS** the Constitution vests the legislative functions of government in the Tribal Council under Article VII, and the executive functions of government in the Chairperson and Vice-Chairperson under Article VIII. These are separate branches of government;

**WHEREAS** under the interim constitution that Tribal government operated under prior to the swearing in of newly elected officers on this date, the chairperson was a voting member of the tribal council and there was no separation between the executive and legislative branches of government;

**WHEREAS** since there was not a separation of legislative and executive functions under the interim constitution, the attorneys in the Legal Department received their direction from, and reported to, both the tribal chairman and the tribal council;

**WHEREAS** the Tribal Council intends to develop a statute that will set out how the Legal Department is to function under the Constitution given the separation of executive and legislative branches now in effect;

**WHEREAS** the Legal Department is in the midst of addressing numerous ongoing issues which it must continue working on uninterrupted to protect the interests of the Tribe and its members;

**THEREFORE BE IT RESOLVED** that until enactment of a statute addressing functioning of the Legal Department under the Constitution, the Legal Department will continue to represent the interests of the Tribe and its members through consultation with both the Tribal Council and the Tribal Chairperson, and the Executive and Legislative Branches waive any and all potential conflicts resulting from Legal Department communication and representation;

**FURTHER RESOLVED** that the Legal Department is directed to work with the Legislative Leader and Tribal Chairman to develop a draft statute within 90 days setting out who it reports to and how it functions under the Constitution.

### CERTIFICATION

As Tribal Council Secretary, I certify that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held September 11, 2005 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Beatrice Law	x			
Alice Yellowbank	x			
Dexter McNamara	x			
Fred Harrington, Jr.	x			
Rita Shananaquet	x			
Regina Bentley	x			
Melvin L. Kiogima	x			
Mary Roberts	x			
Shirley Oldman	x			

Date: September 11, 2005

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Melvin L. Kiogima, Secretary

Pursuant to Article VII, Section D, Subsection 1. of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: September 11, 2005

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Frank Ettawageshik, Tribal Chairperson