

**WAGANAKISING ODAWAK STATUTE 2010-007**  
**LEGAL AND LEGISLATIVE COMMITTEE**

**SECTION I:           SHORT TITLE, PURPOSE AND DEFINITIONS**

**A.     Short Title**

This statute shall be entitled “The Legal and Legislative Committee.”

**B.     Purpose**

The Legal and Legislative Committee Statute shall provide a process on how recommendation regarding legal and legislative matters are ascertained, shall establish a Standing Committee of the Tribal Council with powers and authority, shall provide for the ability of the Committee to interact with the Judiciary, Executive and Prosecutor on matters relating to legal and legislative and shall define such powers and duties not explicitly enumerated in the LTBB Constitution related to legal and legislative.

**C.     Definitions**

As used in this Statute:

1.     “Committee” shall mean “Tribal Council Legal and Legislative Standing Committee”.
  
2.     “LTBB” mean the Little Traverse Bay Bands of Odawa Indians or the Waganakising Odawa.

## SECTION II: DUTIES AND AUTHORITY

A. The Tribal Council has the following LTBB Constitutional powers regarding legal and legislative matters:

1. *Approve the filing of lawsuits in the name of the Tribe as proposed by the Executive, provided, the Tribal Council may approve the filing of a lawsuit in the name of the Tribe without Executive concurrence by an affirmative vote of six (6) members of the Tribal Council.*
2. *Employee legal counsel.*
3. *Approve negotiations with any other governments, businesses or individuals by a majority vote of the Tribal Council.*
4. *Make laws not inconsistent with this Constitution, including statutes and resolutions necessary to exercise Tribal jurisdiction, including civil and criminal authority and the regulation of commerce, and send them to the Executive for signature. They shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative vote of seven (7) members of the Tribal Council, override a veto by the Executive.*
5. *Submit any proposed or any enacted statute to a vote of registered Tribal voters at a referendum election.*
6. *Provide by law for the jurisdiction of the Little Traverse Bay Bands of Odawa Indians over Indian Child Welfare matters and all other domestic relations matters.*
7. *Approve nominations from the Tribal Chair for the Judicial positions and the Tribal Prosecutor.*

**B.** The Tribal Council may delegate any or all of the above matters to the Legal and Legislative Committee and any additional duties, including the following:

1. Review of current laws or proposed statutes.
2. Determining Statutory needs of other branches of government.
3. Working with Tribal Citizens to assist with proposed statutes.
4. Providing articles and information to Tribal Citizens.
5. Any other matter as directed by Tribal Council.

**C.** The Legal and Legislative Committee shall advise and make recommendations to the Tribal Council on all matters that are either delegated or requested.

**D.** The Tribal Council may employ staff, legal counsel and/or consultants to assist the Committee in their duties.

**E.** The Committee shall develop policies, processes, and procedures to carry out its duties.

**F.** The Committee shall develop a strategic plan for Legal and Legislative that outlines the goals and objective for the next two to five years to be presented to Tribal Council for approval.

**G.** The Committee shall hold meetings as necessary to carry out its authorized functions and duties and may hold executive sessions in accordance with the *Open Meetings Statute*.

**H.** The Committee shall receive and review Tribal Court decisions and other court documents that may impact either legal or Legislative matters.

**I.** The Committee shall comply with approved meeting and hearing procedures which in the absence shall not impede progress of the committee;

Legal and Legislative Committee Statute

**J.** The Committee shall make recommendations and advise the Tribal Council on matters related to legal and/or legislation.

**K.** The Committee shall make known to the Tribal Council all Legal and Legislative matters brought before it.

**L.** Tribal Council shall approve or disapprove the recommendations of the Committee by a majority vote of Tribal Council.

**M.** The Committee shall ensure that it maintains confidentiality involving legal and legislative matters that may involve litigation, confidential business or legal matters, or other matters that raise significant privacy or confidentiality concerns.

**SECTION III: CREATION OF THE COMMITTEE**

**A.** The Tribal Council hereby creates the Legal and Legislative Standing Committee of the Tribal Council and its membership shall consist of three (3) Tribal Council members assigned by motion and majority vote at a regularly scheduled Tribal Council meeting.

**B.** The Committee Chair shall be decided amongst the members of the Committee.

**SECTION IV: AUTHORITY OF THE COMMITTEE**

**A.** The Committee may hold public hearings and solicit Tribal Citizen input on any and all matters within their authority and duties.

**B.** The Committee shall have the authority to request documents and information related to legal and legislative matters from the Tribal Prosecutor, Judiciary and Executive Departments, Programs and staff; including legal counsel and consultants.

Legal and Legislative Committee

## **SECTION V: COMPENSATION**

Committee members and Tribal Council members shall be compensated in accordance with the Tribal Council's Stipend Policy for attendance at Legal and Legislative meetings that are scheduled in advance and posted.

## **SECTION VI: SAVINGS CLAUSE**

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

## **SECTION VII: EFFECTIVE DATE**

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

**CERTIFICATION**

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 27, 2010 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 3 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Marvin Mulholland	X			
Belinda Bardwell				X
Melvin L. Kiogima	X			
Gerald V. Chingwa	X			
Rita Shananaquet				X
Aaron Otto	X			
John Bott	X			
Regina Gasco Bentley	X			
Julie Shananaquet		1		X

Date: 6/28/10

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Julie A. Shananaquet, Legislative Leader

Date: 6-28-10

\_\_\_\_\_  
Regina Gasco Bentley, Secretary

Received by the Executive Office on 6-30-10 by \_\_\_\_\_

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: 7.26.10

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Ken Harrington, Tribal Chairperson

Legal and Legislative Committee

