

RESOLUTION # _____
TRIBAL COUNCIL OVERSIGHT OF GOVERNMENTAL OPERATIONS

WHEREAS, the Tribal Council of the Little Traverse Bay Bands of Odawa Indians is the body elected under the interim Tribal Constitution vested with the Powers enumerated in Article VII of the Constitution, including the power to act as the legislative body for the Tribe, and that under Article II (1) of the bylaws section of the Constitution, the Tribal Chairperson shall “perform all duties consistent with the office as chief executive officer of the bands, and exercise any other lawful authority delegated the chairperson by the Bands Council”;

WHEREAS, to aid in carrying out its duties and powers the Tribal Council has hired a Tribal administrator and set up various administrative departments including Enrollment, Health and Human Services, Accounting, Education, Law Enforcement, Planning, Natural Resources and Housing;

WHEREAS, to operate LTBB’s gaming enterprise, the Tribal Council has statutorily created the Gaming Regulatory Commission and Gaming Administration and delegated such authority as stated in the respective statutes;

WHEREAS, it is the duty of the Tribal Council acting as a whole in its official capacity at properly called meetings to ultimately oversee the administration of Tribal government through the receipt and review of departmental reports, approval of grants and contracts, etc.

WHEREAS, between Tribal Council meetings it is the duty of the Tribal Chairman as chief executive officer to ultimately oversee Tribal administrative operations to the extent necessary to protect Tribal interests. However, Tribal governmental administrative operations will generally be handled by the Tribal administrator and Department heads on a day-to-day basis;

THEREFORE BE IT RESOLVED THAT Tribal Council members are not authorized or empowered to individually oversee or supervise the activities of Tribal Administration, Departments and economic enterprises between Council meetings unless explicitly instructed to do so by formal action of the Tribal Council;

FURTHER RESOLVED THAT Tribal Council members, including all officers, except the Chairman to the extent necessary to carry out his constitutional duties as chief executive officer, are not authorized between Council meetings to obtain any personnel or financial information from any administrative department or economic enterprise that would not normally be available to any LTBB member. The Tribal Council as a whole shall request all written financial and administrative reports from LTBB departments and economic enterprises needed for all Council members to fulfill his/her constitutional duties.

FURTHER RESOLVED THAT in the event that any member of the Tribal Council has reasonable cause to believe that any Commission, Department or economic enterprise, or individual member therein, has acted in violation of any applicable law, written directive of the Tribal Council, or in a negligent fashion that threatens the Tribe, the Councilor may present his/her concerns to the Tribal Council at a regular or special meeting, or through such emergency communications as may be expressly permitted under tribal statute. If the Tribal council finds that reasonable cause exists to suspect such wrongdoing, it may be motion appoint an independent investigator to gather information on the allegations or take such other action, as it deems appropriate. Such investigator may include, but not be limited to, an auditor, attorney, or person with law enforcement expertise, as the situation demands. If the allegations include alleged violation of any applicable criminal laws, such allegations shall also be reported to the LTBB Police Department and/or Tribal prosecutor.

FINALLY RESOLVED THAT Councilors who act in violation of this resolution are not within the scope of their authority, and therefore not protected by their governmental immunity as members of the Tribal Council.

Certification