

Chapter 51. Use of Legal for Purposes of Separation of Powers Questions

6.5101 PURPOSE

The purpose of this Statute is to set out the roles and functions of the Legal Counsel to resolve dispute between the Executive and Legislative branches regarding questions of Separation of Powers.

(Source: WOS 2014-009, September 8, 2014, Section I)

6.5102 DEFINITIONS

- A.** “Enjinaaknegeng” means the Legal Department as set forth in Waganakising Odawak Statute 2011-008, or as amended.
- B.** “Executive Services Attorney” means the attorney as set forth in Waganakising Odawak Statute 2012-007, or as amended.
- C.** “General Counsel” means the attorney as set forth in Waganakising Odawak Statute 2011-008, or as amended.
- D.** Legislative Services Attorney means the attorney as set forth in Waganakising Odawak Statute 2006-022, or as amended.

(Source: WOS 2014-009, September 8, 2014, Section II)

6.5103 SEPARATION OF POWERS QUESTIONS

In the event of a disagreement between the Executive and Legislative Branches on a question involving Separation of Powers, the Executive Services Attorney and Legislative Services Attorney will participate in informal efforts to come to an agreement on such questions.

- A.** The General Counsel works for the Tribe as a whole, therefore if the Executive and Legislative Branches continue to disagree after informal efforts are used to resolve the question involving Separation of Powers, then the Executive and Legislative Branches may jointly request a written nonbinding analysis from the General Counsel.

B. The Executive Services Attorney will represent the position of the Executive Branch in Tribal Court, and the Legislative Services Attorney will represent the position of the Legislative Branch in Tribal Court, provided that tribal sovereignty is expressly waived.

(Source: WOS 2014-009, September 8, 2014, Section III)

6.5104 SAVINGS CLAUSE

In the event that any section, subsection or phrase of this Statute is found by a court of competent jurisdiction to violate the Constitution or laws of the Little Traverse Bay Bands of Odawa Indians, such part 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 so long as the overall intent of the Statute remains intact.

(Source: WOS 2014-009, September 8, 2014, Section IV)

6.5105 EFFECTIVE DATE

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

(Source: WOS 2014-009, September 8, 2014, Section V)

6.5106 OTHER RELATED STATUTES

See Waganakising Odawak Statute 2006-22, Office of Legislative Services Attorney; Waganakising Odawak Statute 2012-007, Office of Executive Services Attorney; Waganakising Odawak Statute, 2011-008, Enjinaaknegeng.

(Source: WOS 2014-009, September 8, 2014, Section VI)