

Memo

To: Board of Directors
From: Ryan Mills, General Counsel
Date: August 27, 2026
Re: Constitution Implementation 18-Month Timeline

FOR PUBLIC RELEASE

Introduction

The proposed timeline is based on the 18-month time-line for code adoption as directed in the draft amendments to the constitution.

This memo outlines what the Legal Department has identified as Day 0 and Day 1 items that should or need to change immediately. This is meant as a guide and is the Legal Department's best recommendation to assist the Board of Directors to decide what to prioritize. **Day 1** refers to the day the Tribe has the letter from the BIA that their new constitution is in effect.

Day 0

As previously discussed, one of the biggest changes on the horizon is an independent judicial branch. As the three separate branches have immediate authority under the new constitution on **Day 1**, the codes governing the Trial Court, the Supreme Court, and codes affecting Court process, jurisdiction, and citizen rights should be ready to go prior to **Day 1**. The Tribe should work to enact the codes now and start building out its independent court system.

Day 0 Codes:

- Chapter 36; Juvenile Code
- Chapter 61; Barring Individuals from Tribal Lands (Legal Working on Revisions, this power is with Ogemaa in new constitution)
- Chapter 70; Criminal Procedure (Legal Working on Revisions)
- Chapter 71; Criminal offenses (TLOA revisions in draft, other revisions in progress)
- Chapter 80; Tribal Court (Legal Working on Revisions)
- Chapter 81; Civil jurisdiction and procedure (Legal Working on Revisions)
- Chapter 82; Appeals (Legal Working on Revisions)
- Chapter 83; Evictions and Foreclosures
- Chapter 84; Civil remedies and Forfeiture

Day 0 Processes:

- Board Adopts the Transition Resolution to ensure stability and mandate the 18-month code adoption/revision timeline.
 - o Transition Resolution incorporates the 18-month timeline found in this memo
- Place appointments on the Court of Appeals to fill any vacancies.
- Determine what differences in benefits received for Elected positions vs Team Members
- Create and factor Associate Judge position for posting.

Day 1

Article XIV provides that, once the amended Constitution is ratified and approved by the Secretary of the Interior, it becomes controlling as of its legally established effective date. At that point, the Legislative, Executive, and Judicial Branches are lawfully established and each may exercise the powers expressly granted to it by the Constitution. No branch must wait for the entire Tribal Code to be rewritten before exercising a power that the Constitution directly assigns to that branch.

Day 1 Action Items:

- Code Drafting under the adopted 18-month timeline
 - o Adopt any Day 0 Codes that are still outstanding;
 - o Draft an Alternative Dispute Resolution (ADR) Code/Peacemaking Code to mandate the Legislative (and Authorities) and Executive Branch have to utilize ADR before filing suit.
- Elect a Speaker of the Tribal Council (Legislative Branch);
- Authorities (Until codes changes)
 - o Ogemaa (Chair) no longer sits on the Authorities
 - o Speaker of the Tribal Council chairs the Authorities
- Post the Associate Judge position for the Trial Code to recruit and appoint
- Supreme Court
 - o Managed by the Chief Judge (Justice) as appointed during Day 0 until 2028 Election
 - o Hire a part time Supreme Court Clerk to manage the operations and budget.
 - Post job modeled after the Magistrate position.
 - Continue with current Court Administrator to facilitate both courts in the interim.
 - o Continue with two attorney justices (Chief and Associate) and one non-tribal Justice (current community elder). All other Judges are reserve justices.
- Freedom of Information requests move from Board Administrative Office (Tribal Council) to the Chairman's Office (Ogemaa)
- Ogemaa allow the governmental executives and departments to freely come in front of Tribal Council to explain resolutions etc until the legislative process code is adopted.

Day 1 Processes:

- Governmental Executives are directly supervised by the Ogemaa.
 - o Ogemaa office to handle leave slips etc.
- Authority Executives are supervised by their respective governing bodies
 - o Speaker to handle leave slips etc.
- Timecard/Payroll entries for Key (executive) Employees
 - o Handled by the Board Office in the interim (Tribal Council) until new process is in place.
- Tribal Council Meetings to follow new 10-day notice timeline
- Resolution Process
 - o Tribal Council must send all approved resolution to Ogemaa within 5 days of enactment;
 - o Ogemaa signs or vetoes within 10 days of receiving the reso.
 - o 25 day maximum for resolutions to take effect.
 - o Ogemaa final signature on all governmental RIS before it goes to Tribal Council?
 - We can keep current process in place. Executives, Directors, and Attorney's sign RIS and present to Tribal Council as tribe currently does.
- Budget Office separated out from all branches to provide independent eye on entire tribal wide budgets.
 - o Can be done with a resolution authorizing it be independent and authorizing it be memorialized in code by a date certain.

Phased Approach/Transition Provisions¹

Article XIV – Adoption of the amendments to the Constitution mandates that Tribal Council amend and enact all necessary laws to be in conformance with the newly amended constitution within eighteen (18) months of its ratification with the Removal Code and the FOIA Code to be enacted within six (6) months. Thirty-one (31) codes are flagged as priority codes which equates to enacting about two (2) codes per month. We have tweaked this timeline to move up the codes that most affect the court system

The following are anticipated timelines based on the 18 months in the draft amendments to the constitution². This is meant as maximum timeline for the specified codes:

¹ It is anticipated that the current legal department will take the bulk of this workload on while the Tribal Council creates the structure necessary and eventually hires its own legal counsel.

² These timelines are based on the Tribal Council working directly with the In-House Legal Department to workshop and amend the codes. If the Tribal Council wishes to bring in other entities (Tribal Court, Court of Appeals, Committees) or hire a law firm or legal consultant it is recommended to do this early on in the process so as to maximize efficiency and stay within the 18-month timeline.

- I. First Three-Months (0-90 days)
 - a. Finalize all Day 0 codes
 - i. Chapter 36; Juvenile Code
 - ii. Chapter 61; Barring Individuals from Tribal Lands
 - iii. Chapter 70; Criminal Procedure
 - iv. Chapter 71; Criminal offenses
 - v. Chapter 80; Tribal Court
 - vi. Chapter 81; Civil jurisdiction and procedure
 - vii. Chapter 82; Appeals
 - viii. Chapter 83; Evictions and Foreclosures
 - ix. Chapter 84; Civil remedies and Forfeiture
 - b. Chapter 14; Parliamentary Rules → Legislative Process
 - a. Office Management and Budget Code **New**
- II. Next Three-Months (90-180 days)
 - a. Chapter 10; Elections
 - b. Chapter 12; Referendum
 - c. Chapter 15: Tribal Freedom of Information Ordinance
 - d. Chapter 16; Removal from Office
 - e. Chapter 44; Waiver of Tribal Immunities
 - f. Alternative Dispute Resolution Code **New**
- III. Next Three-Months (180-270 days)
 - a. Whistleblower Code **New**
 - b. Ethics Code/Code of Conduct/Conflicts of Interest Code **New**
 - c. Administrative Hearing Code **New**
 - d. Appointments Code **New**
 - e. Employment Rights Code **New**
- IV. Next Three-Months (270-360 days)
 - a. Chapter 90; Housing Authority
 - b. Chapter 93 Enterprise Authority
 - c. Chapter 94 Gaming Authority Charter
 - d. Chapter 62; Tribal Environmental Protection Authority
 - e. Health Authority Code **New**
- V. Next Three-Months (360-450 days)
 - a. Chapter 11; Membership
 - b. Chapter 22 Conservation Committee
 - c. Chapter 41; Liquor Control
 - d. Chapter 43; Tax

VI. Final Three-Months (450-540 days)

- a. Other codes or code provisions that may arise as needed upon the analysis of how the separation is proceeding
- b. General Code cleanup for terms, format, etc to be in line with new amended Constitution language

Conclusion

The Constitution and the separation of powers take effect once approval is complete; the eighteen-month period applies to conforming legislation, not to the existence or authority of the three branches. The Tribal Council must relinquish supervision of governmental executives while continuing to exercise its legislative powers. At the same time, current executives, departmental budgets, and established operating authority should remain in place to prevent disruption, and Kewadin and Enterprise should remain under the Tribal Council until their governing laws are amended. This approach gives immediate effect to the Constitution while preserving the stability necessary for a smooth transition.

Day 0 items that can be decided and voted on before the separation will help in a smoother more orderly transition. Understanding that this may not be feasible, if the Sault Tribe focuses efforts to stand up the Day 1 items immediately and mandates by law that the tribe follow the 18-month code implementation time-line the Tribe should find itself poised well for the new government structure by election season in 2028.